

# Key Goals for the U.S. at the 2019 Meeting of the Interpol General Assembly

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## KEY TAKEAWAYS

The 2019 meeting of the Interpol General Assembly is a vital opportunity for Interpol, and its democratic member nations, to put necessary reforms in motion.

The U.S. should prioritize forming a democratic caucus to elect representatives from democratic nations and to counter the authoritarian abuses in Interpol.

It is essential that the U.S. and other democracies play a leading role in revising Interpol's rules to strengthen them against this politicized abuse.

The 88th annual meeting of the Interpol General Assembly will take place this October in Santiago, Chile. Interpol, an international organization of police and law enforcement organizations, has in recent years been heavily criticized for failing to live up to the requirement imposed by its constitution that it focus exclusively on ordinary crime and avoid becoming an instrument of political oppression for autocratic regimes.

The bipartisan Transnational Repression Accountability and Prevention (TRAP) Act of 2019, the subject of a recent hearing by the U.S. Commission on Security and Cooperation in Europe, commonly known as the U.S. Helsinki Commission, demonstrates the concern with which U.S. lawmakers view the politicization of Interpol.<sup>1</sup> The Trump Administration should take its cue from the TRAP Act and advocate measures at the 2019 General Assembly meeting that will roll back

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the politicization of Interpol, and ensure that it does not continue to lose credibility in ways that damage both Interpol itself and the interests of the U.S. law enforcement community.

## What Interpol Is, What It Is Not

Media portrayals of Interpol often depict it as an international police force that investigates crimes, issues international arrest warrants, and has armed agents around the world that pursue and arrest criminals. Every part of this depiction is incorrect. Interpol is better understood as a sophisticated bulletin board on which its member nations can post “wanted” notices and other information. At the request of a member nation, Interpol can publish a Red Notice, which notifies other member nations that an individual is wanted by the nation that made the request. Like all of Interpol’s activities, Red Notices can only concern ordinary crimes, such as murder or robbery, and must have no political, military, racial, or religious character.

## The Politicization of Interpol

In 2018, Interpol published 13,516 Red Notices.<sup>2</sup> It also transmitted a substantial number of diffusions, a different kind of Interpol alert that can contain the same information as a Red Notice. While most of these notices and diffusions attract no controversy, the past decade has seen a dramatic rise in concern that autocratic regimes, such as Russia and Turkey, are using Interpol to harass their political opponents.

The consequences of being named in a Red Notice, or diffusion, can include arrest, cancellation of visa, deportation, loss of access to the financial system, and the reputational effects of being publicly accused of being an international criminal. These consequences make Interpol an ideal instrument of harassment.

In March 2017, a report from the Parliamentary Assembly of the Council of Europe found that “Red Notices can cause serious human rights violations when they are abused...by oppressive regimes in order to persecute their opponents even beyond their borders.”<sup>3</sup> In the past year, major newspapers have expressed their concern about Interpol abuse, with *The Wall Street Journal* describing the need to fix “Interpol’s dictator problem” and *The New York Times* analyzing “How Strongmen Turned Interpol Into Their Personal Weapon.”<sup>4</sup>

## Key Next Steps for the United States at the 2019 Interpol General Assembly Meeting

The General Assembly is Interpol's supreme authority. Like the U.N. General Assembly, it operates on a "one-nation, one-vote" rule, although Interpol has no equivalent of the U.N. Security Council. In practice, however, Interpol has, since its re-founding after World War II, been dominated by France, the United Kingdom, and the United States. This dominance is fading and, as it fades, Interpol is being politicized by autocratic regimes. At the General Assembly meeting, in order to challenge the rise of the autocrats, the U.S. and other democracies must:

**Back the Election of Candidates from Democratic Nations.** Interpol's 13-member Executive Committee is composed of a president, four vice presidents, and eight delegates, all from different countries and representing Interpol's four regions: Africa, the Americas, Asia, and Europe. In 2019, the General Assembly will elect a new vice president from Europe to replace Alexander Prokopchuk of Russia.

Prokopchuk is unfit to hold office in Interpol. As the former head of Russia's National Central Bureau, the national office that controls communications with Interpol, he bears a direct personal responsibility for Russia's abuse of Interpol. The fact that at the 2018 General Assembly meeting he lost a campaign to become Interpol's president by the relatively narrow margin of 101 votes to 61 votes is a telling sign that many member nations of Interpol are uninterested in upholding its constitutionally mandated standards.<sup>5</sup>

Prokopchuk should be replaced by a representative from a democracy: Currently, only four of the 13 members of the Executive Committee are from democratic nations. The U.S., in cooperation with other democracies, should take the lead in forming a democratic caucus within Interpol to support a democratic candidate to replace Prokopchuk.

The Commission for the Control of Interpol's Files (CCF) is another vital Interpol organization. The CCF, Interpol's appellate body, is elected by the General Assembly and is divided into two chambers, which collectively have seven separate members. Only two of these members are from clearly democratic nations—France and Finland. The U.S. should lead the democratic caucus in nominating suitable democratic replacements as the terms of current CCF members end and should campaign vigorously and in coordination with the caucus for its chosen candidates. By the same token, the caucus should apply pressure to ensure that all significant vacancies in Interpol's General Secretariat are filled by candidates from democratic nations.

**Oppose Interpol Funding Sources that Lack Transparency.** One of Interpol's major funders is the Interpol Foundation for a Safer World. The foundation's funding comes disproportionately, if not exclusively, from the United Arab Emirates, whose support of the foundation is openly acknowledged by Interpol.<sup>6</sup> Funding sources like this reduce the ability of Interpol's member nations to control it, pose a risk that Interpol will become enmeshed in corruption, and create the possibility of improper influence on Interpol's activities. The U.S. should press for the termination of Interpol's relationship with the foundation, full and public transparency on all sources of past and present Interpol income, and a reduction in peripheral activities sufficient to allow Interpol to live exclusively within its nationally provided means.

**Back the Admission of Responsible Candidate Nations.** In 2017, the Interpol General Assembly made the foolish decision to admit the Palestinian Authority (PA). Since its admission, the PA has lived down to its reputation and repeatedly sought to politicize Interpol, which is precisely what it proclaimed it would do both before and after it was admitted.<sup>7</sup> The U.S. should publicly spell out the abuses that the PA has praised and attempted to perpetrate, and should propose a resolution at the 2019 General Assembly expelling the PA from Interpol. The U.S. will likely lose this vote, but it should start to build the record against the PA and make it clear that the U.S. was right to oppose the PA's admission as a member of Interpol.

The U.S. has for several years sought to secure Kosovo's admission to Interpol.<sup>8</sup> The standard for admission to Interpol should be clear and simple: Only those nations that can live up to the requirements of Interpol membership in practice should be admitted. If Kosovo does not currently meet those standards, the U.S. should not support its membership and should instead work with it to improve its law enforcement and judicial systems.

In 2016, the U.S. passed a law requiring the State Department to develop a plan to obtain observer status for Taiwan in Interpol. This goal was insufficiently ambitious: The U.S. should instead seek Taiwan's full membership in Interpol. In Santiago, the U.S. should request a General Assembly vote on whether Taiwan should receive observer status as an interim step toward this goal. The U.S. will likely lose this vote, too, but the request—like the bipartisan letter supporting the creation of a cooperation agreement between Taiwan's police authorities and Interpol led by Representative John Curtis (R-UT), which received 47 signatures—will demonstrate that the U.S. is serious about seeking an upgraded status within Interpol for Taiwanese authorities.<sup>9</sup>

### **Play a Leading Role in the Pending Revision of Interpol's Rules.**

While Interpol's standards and requirements are set fundamentally by its constitution, its day-to-day conduct is largely governed by its subsidiary rules, including its Rules on the Processing of Data (RPD). The RPD went into force in 2012 and have been amended several times since. In March 2019, Interpol launched a Working Group on the Processing of Information to "lay the groundwork for its review of the RPD over the coming years." According to Interpol, the purpose of this review, which will report on its progress at the General Assembly meeting, is to ensure that the RPD "meet countries' needs and keep pace with developments...such as big data technologies."<sup>10</sup> The U.S. should ensure that it, and other democracies, are represented in this Working Group, and that any revisions to the RPD do not create or legitimate new opportunities to abuse Interpol for political purposes.

**Press for the Publication of Comprehensive Interpretations of Interpol's Constitution.** The key parts of Interpol's constitution are Article 2, which requires Interpol to operate within the Universal Declaration of Human Rights, and Article 3, which requires it to avoid involvement in political, racial, religious, or military matters. Both of these provisions are short and obscure. In 2013, Interpol published a "Repository of Practice" on the application of Article 3, and in 2014, it was mandated to publish a similar guide to Article 2, which has not yet appeared.

The U.S. should propose a General Assembly resolution that mandates the updating of the Article 3 Repository of Practice and the publication of its Article 2 counterpart by the 2020 General Assembly meeting. The Article 3 Repository, in particular, should be updated to include a statement of policy on how Interpol deals with all aspects of requests for action against individuals who were or are refugees<sup>11</sup> and to incorporate the decision excerpts published by the CCF. The Repository should also explain how Article 3 applies to Red Notices published against the victim of the illegal takeover of a business or a private dispute if the victim was not actively involved in politics.<sup>12</sup>

**Propose a Working Group to Revise the CCF Statute.** The CCF's structure and functioning was updated in 2017. By and large, these changes were well-considered. But experience has revealed a number of defects or deficiencies in the new CCF statute and the CCF itself:

- The 2017 statute rolled back the ability of individuals pleading their case to the CCF to access relevant information held in Interpol-maintained databases.<sup>13</sup> These changes should be reversed, and an individual should have the unconditional right of access if the

complainant can prove that he or she may have been the victim of an unlawful prosecution that led to the publication of a Red Notice.

- The CCF has taken the position that it cannot provide relief under its refugee policy for an individual named in a Red Notice if the individual has become a citizen of the nation that gave him or her asylum. This position should be changed: Individuals who were refugees at the time of the publication of the Red Notice should be eligible for relief under the refugee policy, regardless of how their status changes later.
- The CCF is supposed to publish decision excerpts and, in its annual report, statistics on its work for the past year. But to date, the CCF has published only 14 decision excerpts, nine in 2017 and five in 2018, and its statistics are notoriously variable in both format and content, making them of limited use to analysts.<sup>14</sup> The CCF should be mandated to publish a decision excerpt for every case on which it renders a decision and should be required to publish precise information, by country responsible for the violation, of all the Red Notices and diffusions it has withdrawn as non-compliant with Interpol's rule.

**Politicized Red Notices and Diffusions.** Interpol's member nations are responsible for not making politicized requests or taking politicized actions through Interpol. Interpol itself cannot prevent autocratic nations from making requests for politicized Red Notices—it can only refuse to publish them. Interpol's rules make it clear that, if a nation persistently makes requests that seek to break those rules, its access to Interpol's systems can be suspended.<sup>15</sup> Unless nations face consequences for abusing the privileges of belonging to Interpol, it will ultimately be impossible to protect Interpol—and innocent people—from exploitation.

The U.S. should work in advance with democratic nations to propose a General Assembly resolution affirming that Interpol has the power and the responsibility to suspend the access of abusive nations and directing Interpol's General Secretariat to carry out a factual study (to be published at the 2020 General Assembly meeting) on which nations have submitted the most requests, and the highest proportion of requests, that it rejected as abusive.

## What the U.S. Should Do

The 2019 General Assembly meeting is a vital opportunity for Interpol, and its democratic member nations, to put modest but meaningful reforms,

such as those described above, in motion. The 2018 meeting focused on the struggle to prevent the election of Alexander Prokopchuk as president of Interpol and did not take up a meaningful reform agenda. As a result, most of the issues that were pending before that meeting are still alive today.<sup>16</sup>

Next year, the opportunities for reform will be more limited because, at the 2020 meeting, Interpol will elect a new president from the Americas. It is crucial that this new president come from a democratic nation. The U.S. should cooperate with other democracies in arriving at an agreed candidate well in advance of the 2020 meeting. The U.S. can expect the autocracies to make a strong bid to claim Interpol's presidency—and defeating that bid, not reforming the organization, will have to be the top priority for the U.S. in 2020.

The presence of Prokopchuk at the 2019 meeting is telling evidence that the U.S. needs to take the lead against the politicized abuse of Interpol. If the U.S. began to sanction foreign government officials—such as Prokopchuk—who are responsible for abusive requests through mechanisms such as the Magnitsky Act, this could have a significant deterrent effect, especially if other democratic nations applied similar sanctions. But right now, the most comprehensive legislative pathway to ensuring that the U.S. acts against the politicized abuse of Interpol is the TRAP Act. Its introduction, in particular its finding that Russia and other autocratic Interpol member nations have abused Interpol for “political and other unlawful motives,” is compelling evidence that the necessary work to end this abuse has only begun.

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