

**William Browder Written Testimony**  
**Tom Lantos Human Rights Commission**  
**12<sup>th</sup> September 2016**

Dear Chairman Jim McGovern and Members of the Committee,

Thank you for the opportunity to share my personal experience with Interpol, which highlights how nations abuse their membership in Interpol for political purposes. I'm here today because I could be considered the poster child for such abuses, based on my experience with the Russian government.

As many of you know, in 2009 my lawyer, Sergei Magnitsky, was murdered by the Putin regime after uncovering a massive Russian government corruption scheme. Because of the complete impunity in Russia I set out on a long course to get justice for Sergei outside of Russia, which eventually led to the passage of a landmark piece of legislation in the US Congress: the 2012 Sergei Magnitsky Rule of Law Accountability Act, also known as the Magnitsky Act. This legislation enraged the Russian government to such a degree that just a few months after the Magnitsky Act was signed into law, Sergei Magnitsky himself was posthumously put on trial, in the first ever trial against a dead man in the history of Russia. I was put on trial in absentia as his co-defendant.

Thus began my first introduction to Interpol. In May 2013, while the posthumous trial was still ongoing, Russia sent a formal request to Interpol to issue an "All Points Bulletin," to locate me, with a view to having me arrested and extradited back to Russia.

In theory, Interpol should not allow this type of thing to happen. Under Article 3 of Interpol's constitution, "it is strictly forbidden for the Organisation to undertake any intervention or activities of a political, military, religious or racial character."

I appealed against the request through Interpol's Commission for the Control of Files, an independent body which is responsible for processing Interpol requests and ensuring that they comply with the Organisation's regulations. Based on the press coverage of my story they immediately took notice. They reviewed my case, and shortly thereafter issued a public statement stating that Russia's request to locate me was politically motivated, and therefore illegitimate under Article 3 of Interpol's constitution. Interpol announced that they would cancel the request and inform all 190 of their members to delete all information on me from their system.

So far, so good. In fact, such was the success of Interpol's intervention that shortly thereafter the General Secretary of Interpol, an American named Ron Noble, wrote an editorial for the Telegraph newspaper in the UK, using my case as an example of how Interpol was a robust organisation with a system that makes the world a safer place.<sup>1</sup>

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<sup>1</sup><http://www.telegraph.co.uk/news/uknews/law-and-order/10082582/Interpol-makes-the-world-a-safer-place.html>

Unfortunately, none of this seemed to make an impression on the Russian government. The posthumous trial against Sergei and me in absentia concluded in July 2013, and we were both found guilty. I was sentenced to nine years in a Russian prison. Following that conviction, and based on exactly the same narrative they had used before, the Russian government once again applied to Interpol, this time requesting a Red Notice to have me arrested at any border crossing in the world.

To Interpol's credit, they responded very quickly without any intervention needed from my side. Once again, they stated that the case against me was politically motivated and illegitimate, and therefore Interpol would not issue a Red Notice for my arrest.

One would have thought that this would be the end of the story, but unfortunately it was only the beginning of the Russian government's escalation against me.

In the fall of 2013, the Russian prosecutor's office sent a delegation to the Interpol headquarters with the specific mission of having a Red Notice issued for me, which was followed by another formal request for a Red Notice in the spring of 2014. President Putin even invited Ron Noble to visit his dacha in Russia to discuss the Bill Browder case. The Russian government hoped that this would solve the problem, but in January 2015 the Interpol Commission for the Control of Files rejected Russia's third request for a Red Notice against me.

Difficult though it may be to believe, the story is still not over.

In April this year, the Russian prosecutor's office announced that they were seeking a fourth Red Notice for me. This time they have modified the charges against me in the hope that they can slip my case through the cracks in Interpol.

I am lucky that in my case Interpol has thus far refused to succumb to Russia's numerous requests. However, I should point out that it is not just luck on my side. As a former hedge fund manager I am fortunate to have the resources to hire good lawyers, I have extensive contacts with the press, and most importantly, I have a story that is known worldwide. Most people are not so fortunate. If you are an environmental or human rights activist, or a human rights lawyer working in a repressive regime, the chances are slim that you will have the resources at your disposal to be able to fight off such a determined onslaught by a powerful State.

Rather than representing how Interpol can work, my story more importantly highlights how governments can abuse Interpol for political purposes. Russia is one of the worst abusers of Interpol, but it certainly isn't the only one - all sorts of non-democratic regimes around the world try to export their political persecution internationally through Interpol notices. Interpol currently has over 60,000 Red Notices in its databases, with no procedure to evaluate Red Notices when they are issued, and no distinction in place between Red Notices from different countries. Interpol's systems are so opaque that many people are unaware that they have notices issued for them, and it is completely immune from judicial review. In short, there are no consequences for countries that abuse Interpol, and no options of legal recourse for victims of Interpol abuse.

As Interpol's largest funder, the United States needs to initiate the conversation with Interpol about how to create consequences for the countries that abuse it. How many times does a country have to be caught abusing Interpol before action is taken?

In my estimation, one way to tackle this issue is the creation of a two-tier system at Interpol, which distinguishes between countries who do not cheat, such as the United States and many countries in Western Europe, and countries which are known to abuse Interpol, such as Russia, Venezuela and Iran. While notices issued by the former group of "honest Interpol users" can be processed immediately, notices issued by countries in the second tier should be deemed to be incorrect until they have been processed by an objective, independent panel, to ensure that they comply with Interpol's constitution.

By preventing oppressive regimes from using Interpol as a proxy for their political persecution, this simple system could help save hundreds of lives.