



**Lantos Commission Briefing:
Allegations of Misuse of the INTERPOL Red Notice Process**

Date: Monday, September 12, 2016 - 3:00pm

Location: 2200 Rayburn House Office Building, 9-12-2016

Remarks by Dr. Katrina Lantos Swett

I want to thank my fellow witnesses for their powerful and compelling testimony. My colleagues and the panel have done an outstanding job both laying out the problem and sharing their own harrowing experiences as victims of a deeply flawed Red Notice system. I want also, to commend the Lantos Commission and its Chairs for convening this important briefing.

The great American political leader Adlai Stevenson once said, “Solutions begin by telling the truth,” and the truth is that authoritarian regimes around the world are manipulating the Red Notice system to demonize, harass, persecute, and hound their political opponents or those whose wealth and property they covet. This is an outrage. It is a profound offense against the rule of law, against fundamental human rights, and frankly against the legitimacy of international standards of justice and law.

Through a combination of false presumptions, lack of transparency and accountability, bureaucratic inertia, resistance to far-reaching reform, and reprehensibly cavalier attitude toward the victims of Red Notice abuse, INTERPOL has allowed itself in the words of one writer to become “weaponized by rogue regimes.”

This is unacceptable and inexcusable. We, all of us, recognize that INTERPOL plays an important role in aiding legitimate global law enforcement efforts. No one disputes that. But neither does the value and legitimacy of much of INTERPOL’s work, in any way absolve them of responsibility for their glaring failures in this area. If I may offer an analogy; In the past year we have become aware of an outrageous scandal involving the Volkswagen Auto company. It has come to light that the company was cheating on emission tests, falsely portraying its vehicles as meeting high emission standards, when in fact, they were failing those standards by huge margins.

Now our reaction was not to say “Oh Volkswagen has made millions of great cars over the years so let’s not be too critical of the fact that they cheated on some emission tests and let’s just encourage them to try and figure it out. On the contrary, citizens, consumers, and governments were outraged, and as well they should have been. The president of the company lost his job. Volkswagen has moved to recall millions of cheated vehicles, publicly apologized and

voluntarily offered to compensate customers, and continues to face potential fines and lawsuits amounting to billions of dollars.

Now the analogy may not be perfect. We are not today accusing INTERPOL of cheating per se, but it is undeniable that potentially many thousands of people have been unjustly “cheated” out of their liberty, their right to due process, their freedom to travel, and their property as consequence of INTERPOL’s willingness to accede to the Red Notice demands of authoritarian governments. And the harm those individuals suffer is far greater than that of higher emissions in their cars. Targeted individuals face arrest, imprisonment, potentially life threatening extradition into the hands of their avowed enemies, and being frozen out of financial institutions. The harm they face is concrete and it is extremely serious.

Finally, I would argue that INTERPOL has failed to live up to Article #3 of its own constitution, which forbids it from undertaking any intervention or activity of a political character. (Also military, religious and racial). A significant percent of the Red Notice requests from undemocratic countries are certainly political in character. Significant, far-reaching reform is needed, and I believe the Congress and hearings such as the one we are having today play a beneficial role in pushing such reforms forward.

Reforms

1. Evaluate Member-States’ Rule of Law – Perhaps the most important reform that must be undertaken is to abandon INTERPOL’s false assumption of equal legitimacy for notice requests from democratic and anti-democratic countries. One idea for consideration would be a tiered classification system based on credible, independent indexes such as Freedom House’s annual Freedom in the World Report. That would evaluate member countries based on their respect for rule of law norms. Such classifications would provide a basis for differing levels of scrutiny and review for Red Notice requests.
2. Greater Transparency – Another area for reform has to do with the opacity of the current system. Targets of Red Notices have no right to meet with INTERPOL to discuss Red Notice requests. There are no hearings – targets have no chance to know what the charges against them are and to confront them.
3. Shine the Light – We must all bring greater light and publicity to this intolerable situation. This is where the United States Congress can play an important role.

Many NGO’s have lobbied for change. The OSCE has passed resolutions condemning this abuse, but if the Congress of the United States weighs in that could carry real weight, particularly given the outsized share of the financial burden of INTERPOL that is paid by the United States.

INTERPOL has considerable legitimacy and credibility, not only in International law enforcement circles, but in the public consciousness. As long as it continues to allow this abuse, this weaponization of the Red Notice system by corrupt and authoritarian regimes, it does not deserve this credibility. It must prove it is worthy of our support and respect by moving to decisively enact far-reaching and effective reforms.