

26 November 2013

Baroness Catherine Ashton  
EU High Representative for Foreign Affairs

Ms Viviane Reding  
Vice-President of the European Commission

Ms Cecilia Malmström  
EU Home Affairs Commissioner

European Commission  
1049 Brussels

**Political abuse of INTERPOL's Systems**

**Dear High Representative, Commissioners,**

Following the publication today of Fair Trials International's report – *Strengthening respect for human rights, Strengthening INTERPOL* – we write to draw your attention to the problems which the report highlights and their particular relevance for the European Institutions, and to urge you to take action to address our concerns.

**Abuse of INTERPOL's systems**

The report shows how INTERPOL – the world's largest police cooperation organisation and a key asset in the fight against serious crime – is being abused for political purposes. In particular, its system of 'wanted person' alerts is being misused by countries such as Russia, Belarus, Turkey and Iran to target political exiles, many of them refugees living in the European Union. Despite INTERPOL's commitment to human rights and neutrality, its review mechanisms are not rigorous enough to prevent this. This issue should be a key concern to the European Union, for several reasons (as demonstrated by the cases described in the attached document):

1. The vulnerability of INTERPOL's systems to political abuse leaves refugees recognised in one Member State at risk of repeated arrest in other Member States, undermining the concept of an area of freedom, security and justice. Further, when a Member State is considering an asylum application in accordance with the minimum standards prescribed by the EU asylum *acquis*, it may rely upon the existence of a politically-motivated INTERPOL Red Notice, not realising it to

be so, to exclude the applicant on the basis that there are 'serious reasons for considering' that they have committed a serious crime.

2. It undermines the effectiveness of the European Union's external action against countries, such as Belarus, which misuse the criminal justice process for political purposes if those countries can use INTERPOL's systems to target those who have escaped such persecution within the European Union.
3. The risk of arrest causes those concerned to refrain from travelling, producing *de facto* limitations on their freedom of movement within the European Union. Further, the retention of information on INTERPOL's files – in cases which amount to political abuse and cannot be classed as legitimate law enforcement activity – and the publication of 'Red Notices' against individuals on INTERPOL's website interferes with individuals' privacy protected by the Charter.
4. Despite this, there is no effective remedy available to those affected. The process for making requests and/or complaints relating to information on INTERPOL's files is plainly not compliant with basic standards identified by the Court of Justice and the European Court of Human Rights.
5. Cooperation between Europol and INTERPOL may lead Europol to process information which has been obtained in breach of human rights by INTERPOL members whose justice systems do not respect international standards, and it is unclear what steps Europol has taken to guard against this risk. In addition, there is a risk that Member States could circumvent the stronger subject access rights in the proposed Europol regulation by exchanging information through INTERPOL, where countries retain greater rights to refuse individuals access to their information.

#### **Call for action**

We recognise that Member States value the services provided by INTERPOL. However, these benefits are currently undermined by the waste of resources produced by the arrest, detention, and processing of extradition requests against refugees who will ultimately not be extradited. In light of the unjustified financial and human cost resulting from unchecked abuses of INTERPOL's systems, we urge the Commission to take the following measures within the frame of the European Union's existing competences:

1. Establish a working group of experts to examine in more detail the issue of political abuse of INTERPOL targeted at those residing in the European Union, with a view to developing all of the initiatives enumerated below.
2. Seek further information from INTERPOL as to the standards it applies when determining whether prosecutions are politically-motivated, and the significance it attaches to EU and other asylum grants.
3. Encourage INTERPOL to treat asylum grants by EU Member States as giving rise to a presumption of removal of information relating to the relevant person from INTERPOL's files, since other Member States could no longer extradite such persons (see, in this connection, the Report of the LIBE Committee in its report of 19 July 2012, paragraph 59).

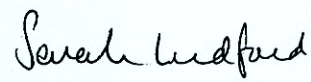
4. Issue guidelines as to considerations that Member States should have regard to when they encounter a person subject to a Red Notice, in particular with a view to ensuring that due regard is had to the fact that a person is recognised as a refugee when a decision is made, in accordance with national law, whether to arrest the person or not.
5. Inform INTERPOL that those recognised as refugees in one Member State should not be extradited from other Member States insofar as all Member States are bound by the common rules prohibiting the *refoulement* of refugees, and that any alerts concerning EU-recognised refugees should therefore be deleted in order to protect those concerned.
6. Seek further information from Europol regarding the extent of information-sharing between Europol and INTERPOL, and ensure that the need for caution in this regard is reflected in the negotiations of the proposed Europol regulation.

We hope that you agree that reasonable steps should be taken to prevent and address abuses of INTERPOL's system and that you will take action within the competence of the EU to protect the free movement of persons within the EU and the system of international protection established by the *asylum acquis*.


Yours sincerely,



**Barbara Lochbihler**



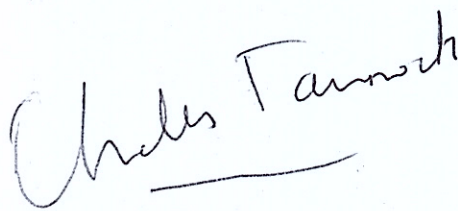
**Sarah Ludford**



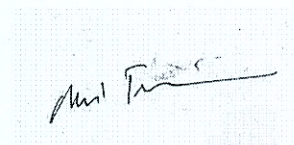
**Kristiina Ojula**



**Judith Sargentini**



**Charles Tannock**



**Rui Tavares**