118th CONGRESS
*2nd* Session

Printed for the use of the
Commission on Security and Cooperation in Europe

# Countering Authoritarian Abuse Of INTERPOL

**OCTOBER 29, 2024**

**Briefing of the**
**Commission on Security and Cooperation in Europe**

**Washington: 2025**

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## ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe [OSCE].

The membership of the OSCE has expanded to 57 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <www.osce.org>.

## ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is an independent U.S. Government commission created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <www.csce.gov>.

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# Countering Authoritarian Abuse of INTERPOL

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**October 29, 2024**

**Commission on Security and Cooperation in Europe**
**Washington, DC**

The briefing was held from 2:03 p.m. to 3:19 p.m., Room 2118, Rayburn House Office Building, Everett Price, Senior Policy Advisor, Commission on Security and Cooperation in Europe, presiding.

Mr. PRICE: Good afternoon, ladies and gentlemen. My name is Everett Price. I am a senior policy advisor at the U.S. Helsinki Commission. On behalf of Chairman Joe Wilson, Co-Chairman Ben Cardin, I would like to welcome you to this Helsinki Commission briefing on, ″Countering Authoritarian Abuse of INTERPOL.″

INTERPOL is the world's largest law enforcement coordination network, featuring 196 member countries. In effect, INTERPOL provides a way for the world's law enforcement agencies to share information and communicate to fight crime. Many have heard of INTERPOL's Red Notices, one of a number of color-coded notices and other bulletins that law enforcement agencies can distribute using INTERPOL's global communications network. In conducting its work, INTERPOL is bound by two key provisions of its constitution: Article Two, which requires the organization to act in the spirit of the Universal Declaration of Human Rights; and, Article Three, which bars INTERPOL from facilitating law enforcement requests of a political, military, religious, or racial character.

Sadly, we know that INTERPOL member countries for years now have been violating these provisions and abusing the organization's resources to circulate politically motivated or otherwise fraudulent notices. These notices constitute a form of transnational repression since they enable a government to harass, intimidate, and possibly apprehend political dissidents, journalists, activists, and common citizens and their families virtually anywhere in the world, including here in the United States.

To combat this troubling phenomenon, the Helsinki Commission led the introduction and passage of the Transnational Repression Accountability and Prevention Act, or TRAP Act in 2021. The law required the executive branch to file periodic reports on INTERPOL abuse and U.S. efforts to stem this abuse by enacting domestic safeguards and promoting reforms at INTERPOL headquarters. For the first time, it legally prohibited U.S. agencies from extraditing individuals solely based on INTERPOL communications.

Another important legacy of the TRAP Act, lesser-known though, was the role that it played behind the scenes in creating the transnational repression reporting that was featured in the State Department's annual Human Rights Report every year since 2019.

Although the law has borne some fruit, the Helsinki Commission has been concerned that U.S. agencies are not adequately implementing its provisions. Our leadership earlier this year sent a letter to the U.S. State Department and Department of Justice insisting that they address shortcomings in their periodic reports.

The State Department subsequently responded and has committed to improving its submissions, beginning with the fifth iteration of the report sometime next year.

As we approach the three-year anniversary of the TRAP Act, we are joined by this distinguished panel of experts to take stock of what the law has accomplished, where implementation has fallen short, and what remains to be done here in Washington, at INTERPOL's headquarters in Lyon, France, and elsewhere, to counter authoritarian abuse of INTERPOL.

This is a particularly appropriate time to be convening this discussion, as INTERPOL next week will hold its 92nd General Assembly meeting in Glasgow where it will elect a new Secretary General and nine members of the organization's Executive Committee. The outcome of these elections will have significant implications for INTERPOL's trajectory in responding to politically motivated abuses.

Without further ado, I want to introduce our distinguished panelists. We will go in order from my right to my further right, I guess. [LAUGHS.]

We will begin with Dr. Ted Bromund, founder of Bromund Expert Witness Services. Dr. Bromund holds a Ph.D. in history from Yale University. He taught history and international relations at Yale from 1999 to 2008. From 2008 to 2024 he was senior research fellow in the Margaret Thatcher Center for Freedom at the Heritage Foundation. He is now the founder and sole proprietor of Bromund Expert Witness Services, which provides strategic advice and expert witness reports and cases of INTERPOL abuse, and the policy director of The Pursuit, an NGO focused on opposing transnational repression.

Following Dr. Bromund, we will hear from Mr. Magri—Charlie Magri. Charlie Magri is a French lawyer specializing in INTERPOL-related legal matters. From 2017 to 2023, he served as a legal officer at the Secretariat of the Commission for the Control of INTERPOL's Files. In this role, he processed requests from individuals seeking the deletion of their data from INTERPOL's files, which gave an in-depth knowledge of the CCF's jurisprudence and INTERPOL's decision-making processes. He now brings his expertise to Otherside, the law firm he founded to challenge unjust INTERPOL notices and defend individual rights.

Finally, we will hear from Ms. Sandra Grossman. Ms. Grossman is a founding partner of Grossman, Young, and Hammond, LLC, a full-service immigration and international human rights law firm operating in Bethesda, Maryland. She is an active member of the American Immigration Lawyers Association and is the recipient of AILA's Edith Lowenstein Memorial Award for Excellence in Advancing the Practice of Immigration Law. She publishes and speaks frequently on transnational repression and autocratic abuse of INTERPOL.

As you can see, we are in auspicious company here and accompanied by spectacular, world-class experts on INTERPOL abuse to walk us through this troubling phenomenon

and appropriate responses. Without further ado, I will turn it to Dr. Bromund to kick us off with his opening remarks.

Mr. BROMUND: Thank you very much, Everett. I am honored to appear before the Commission today to make this statement on how the United States, by fulfilling that the provisions of the TRAP Act, can improve its responses to transnational repression committed through the INTERPOL system.

While the TRAP provisions have not fulfilled the hopes of their supporters, I do credit it with some successes. TRAP has brought awareness to the problem of INTERPOL abuse. It is because of TRAP, and the Commission's dedication, that the U.S. has the opportunity to establish leadership in this vital area. Moreover, since TRAP was adopted U.S. officials have taken leading positions at INTERPOL institutions, such as the Commission for the Control of INTERPOL's Files, and the CCF. This is INTERPOL's appellate body. I want to pay tribute to these U.S. officials who have brought a new level of professionalism to INTERPOL. Finally, I welcome the effort by the United Kingdom, backed by the United States and our Five Eyes allies, to suspend Russia from INTERPOL after its second invasion of Ukraine in 2022. This effort, while unsuccessful, was in line with provisions in the TRAP Act.

I am sorry to say that most of the news about TRAP is less good. The TRAP provisions are contained in section 6503[c] of Public Law 117–81. These provisions center, first, on requiring support for INTERPOL reforms and, second, mandating the publication of TRAP reports by the Departments of Justice and State. The voice vote and influence provisions of TRAP have, in practice, been disappointing. INTERPOL's reports have not improved. The CCF and the Notices and Diffusions Task Force remain underfunded. INTERPOL is currently led by a President under investigation for torture. This is not the reformed INTERPOL that U.S. leadership, guided by TRAP, was supposed to produce.

Then there are the TRAP reports. The responsible departments have published a number of TRAP reports, with the first report in August 2022 being the most substantial. Unfortunately, all of these reports fall short of the requirements under U.S. law. The TRAP reports, inter alia, are supposed to, ″provide an assessment of the CCF's March 2017 operating rules and any shortcomings the U.S. believes should be addressed″. The reports do not address the CCF's operating rules or describe any shortcomings. The reports are supposed to describe how, ″INTERPOL reviews and addresses cases in which a member country has abused or misused the Red Notice or Red Diffusion mechanisms for overtly political purposes″. The reports fail to describe how INTERPOL addresses cases of abuse.

The reports are supposed to provide, ″a description of any incidents in which the Department of Justice assesses that U.S. courts and executive departments or agencies have relied on INTERPOL communications″. The report refuses to do any of this and simply passes the buck to the Department of Homeland Security. The reports are supposed to, ″describe how the U.S. monitors in response to likely instances of abuse of INTERPOL″. The report provides no information on how abuse affecting individuals who are not U.S. government officials is detected and combated. The reports are supposed to provide, ″a strategy for improving interagency coordination,″ on INTERPOL abuse. The report says nothing about improving coordination.

Most egregiously of all, while the TRAP provisions require the report to provide, ″a list of countries that the attorney general on the secretary determined have repeatedly abused and misused the Red Notice and Red Diffusion mechanisms for political purposes,″

the report bluntly and simply refuses to follow the law. Instead, the report states that, ″The Department of Justice believes such listings could lead to retaliation against the United States and its international law enforcement efforts and may also diminish the effectiveness of INTERPOL's law enforcement work with member countries″. I find that failure to follow the clear written word of the law to be utterly unacceptable.

The report's most important contention is located on its first page, which states that although instances of INTERPOL abuse still occur, this particular form of transnational repression seems to have receded since INTERPOL implemented reforms in 2016 and 2017. The report provides no evidence to support this contention, and in fact all available evidence refutes this contention. The Department of State's own country reports do not show that INTERPOL abuse has receded. The country reports show that INTERPOL abuse is probably stable. Data from the CCF also contradicts the TRAP reports. In 2015, the CCF deleted 63 instances of noncompliance—in other words, abuse—of information. In 2022, it made 296 such deletions. By this measure, INTERPOL abuse has not declined. It has increased.

Or consider the data from the Notices and Diffusions Task Force. In 2019, the task force rejected about five percent of requested Red Notices and wanted person diffusions. In 2023, it rejected almost seven percent. True, the number of rejections based explicitly on Articles Two and Three of the INTERPOL Constitution has declined, but nations can avoid being condemned on these grounds simply by not replying to the task force's request for information. As a result, while the number of explicit Article Two or Three rejections from the task force has gone down, rejections for lack of cooperation have grown significantly.

The bottom line is that attempted abuse, like actual abuse, is certainly not decreasing. By any measure, it is either stable or increasing. The TRAP reports emphasize that the reforms introduced in 2016 and 2017 were valuable. I agree that these reforms were valuable. The reforms have not solved the problem of INTERPOL abuse. There are several reasons for this. INTERPOL abuse evolves constantly. The number of abusive member states in INTERPOL is increasing. The institutions that seek to address abuse inside INTERPOL are under-resourced, and INTERPOL appears to be more interested in expanding organizationally than it is in ensuring that its existing functions are properly funded.

Following the law is not optional. TRAP reports must abide by the requirements of U.S. law. However, the purpose of that law was not to compel the production of a report, it was to lead to reforms in INTERPOL—reforms that the U.S. was supposed to take the lead in advancing. The Department of Justice has explicitly acknowledged its belief that reporting publicly on INTERPOL abuse will reduce the effectiveness of INTERPOL as a tool for U.S. law enforcement. It is therefore, perhaps no surprise that the TRAP reports failed to fulfill many of the requirements of U.S. law and blandly ignore all available data on INTERPOL abuse.

Ms. Grossman and Mr. Magri will advance recommendations for INTERPOL reform, and I associate myself with their recommendations. In my written submission to the Commission, I advance my own recommendations. My core recommendation is simple: Both INTERPOL and the departments behind the TRAP report should remember that the greatest danger to INTERPOL rests not in the timely exposure of abuse, but in minimizing abuse until that abuse leads to a legal, political, and financial crisis that gravely damages both INTERPOL's legitimacy and its effectiveness. Thank you very much.

Mr. PRICE: Thank you, Dr. Bromund. I really appreciate that, and we hope that we can dig into more of your recommendations in the question-and-answer session.

Mr. Magri.

Mr. MAGRI: Good afternoon, everyone. Thank you for giving me the opportunity to speak today about a very important topic, the politically motivated abuse of INTERPOL channels. Imagine being targeted not for any crime you committed, but because of your political beliefs. Now, imagine some governments using a global policing system to restrict movements, damage your reputation, or even lead to your wrongful arrest. This is the reality for many victims of INTERPOL misuse. Today, I will outline the reforms INTERPOL has adopted to address these issues and explore additional steps that INTERPOL and its member countries can take to prevent such abuses.

Since 2015, INTERPOL has implemented several important reforms to help prevent the misuse of its systems. First, in 2016 INTERPOL established the Notices and Diffusion Task Force, the NDTF. This task force ensures that all incoming Red Notices and wanted person diffusions are reviewed prior to the their publication by the general secretariat. This review helps prevent the circulation of at least some noncompliance notices or politically motivated notices. Second, in 2017 INTERPOL adopted is refugee policy, generally prohibiting the issuance of Red Notices against refugees. Third, the power of CCF was increased in 2017. The CCF's decision became binding, meaning that if a notice or a diffusion is found non-compliant by the CCF, INTERPOL must remove it. Statutory timeframes were also introduced to ensure timely decisions and improve the CCF's ability to protect individual rights.

These reforms were important and valuable, for sure. They have not fully addressed the issue of INTERPOL abuse. While the TRAP report acknowledged that INTERPOL reforms were an important step forward in addressing politically motivated misuse, relying only on those past reforms misses the ongoing challenges. Recent INTERPOL statistics show that just over six percent of Red Notices and diffusion published in 2023 were refused or canceled by the general secretariat due to non-compliance. At first glance, this seems positive, but as stated in the TRAP report, the misuse has become more sophisticated. Countries now field Red Notices based on charges of fraud or financial offenses that appear legitimate but are politically motivated.

A clear sign that misuse is still happening is the high rate of noncompliance reported by the CCF. Between 2017 and 2022, approximately 70 percent of the notices and diffusions reviewed by the CCF were found to be non-compliant. Even after the reforms, 70 percent. According to the last CCF annual report, most noncompliant cases still involve violation of Article Two and Article Three of INTERPOL's Constitution. If the reforms had been fully effective, we would expect this number to have decreased. This showed that while reforms have made a difference, they have not fully solved the problem. The question is, what else can be done to stop politically motivated abuse of INTERPOL?

In my opinion, I focus on three levels. The first level is at the member country level. The quality of the data submitted is crucial. The National Central Bureaus, so the [NCBs,] are responsible for ensuring the accuracy and the legality of the data they submit. NCBs should be the first safeguard against abuse, acting as the initial filter to ensure that all data complies with INTERPOL's rules. Well-trained NCBs are less likely to misuse the system. That is why member countries should invest more in training, on overseeing the NCBs to prevent abuse.

Second, when it comes to the—when it comes to the general secretariat, it is important to note that the Notices and Diffusions Task Force plays a crucial role in reviewing Red Notices and diffusions. While there is room for improvement in how these reviews are conducted, I want to focus on something that can truly help reduce politically motivated abuse. It is transparency. The TRAP provisions highlight the importance of both qualitative and quantitative data in addressing INTERPOL misuse. It calls for the U.S. to push INTERPOL to publish detailed statistics on Red Notices and diffusion requests, including how many are rejected and why.

While INTERPOL has started publishing some data since 2022, it remains insufficient. The lack of breakdown by country makes it impossible to track patterns of misuse by specific member countries, which is essential for identifying politically motivated abuse. Without detailed country-specific data, the statistics offer only a shallow view and fail to create real accountability. This is not about shaming countries. It is about fostering accountability and ensuring transparency.

Finally, as the TRAP reports confirm, the CCF remains a critical safeguard. It is flooded with requests right now. In 2022, requests to the CCF increase by 37 percent—37 percent, with over 2,500 cases annually. These cases are becoming more complex. The CCF operates with a small team of just 15 people. Despite statutory timeframes meant to ensure timely decisions, it can still take years for the CCF to reach one due to its caseload. Raising concern about its ability to provide an effective remedy. To address this, I think it is essential to allocate more resources to the CCF, specifically increasing the number of lawyers to handle deletion requests will reduce backlogs, allow faster case resolutions, and ultimately improve transparency by facilitating the publication of more anonymized decisions by the CCF.

While important reforms have been made, the fight against the misuse of INTERPOL is far from over. Challenges remain particularly in ensuring transparency and accountability to prevent politically motivated abuse. Without them, we will likely continue to be affected, and reform is not a one-time event. It is an ongoing process, and with transparency, accountability, and persistent efforts, INTERPOL can continue to be a force for protection and not persecution. Thank you.

Mr. PRICE: Thank you very much, Mr. Magri. I love the themes of transparency and accountability. I hope we can dig into that a little bit more in the question and answer as well. I was also remiss in not extending a particular note of appreciation to you for traveling all the way from France for this briefing. It means a lot to us to have your expertise represented here.

Speaking of more expertise, Ms. Grossman, over to you.

Ms. GROSSMAN: Thank you so much, Mr. Price.

I am honored to appear before the Commission again, this time to discuss the TRAP provisions' unfulfilled potential and what can be done to achieve it. When the TRAP provisions were passed, Representative Wilson expressed hope that it would stop INTERPOL abuse and prevent the U.S. from furthering the use of INTERPOL for unlawful purposes. Unfortunately, nearly three years later these hopes for the TRAP provisions remain unmet, affecting the lives and individual human rights of many people. That is why this meeting is so important. The U.S. agencies responsible for monitoring and curbing INTERPOL abuse are failing to recognize and effectively report on this type of

transnational repression. I will start by sharing a few examples and then making some recommendations.

First, our client, a citizen of Lebanon, filed an arbitration claim against Armenia over an investment dispute. He filed the claim with the International Center for the Settlement of Investment Disputes, or ICSID, which is located here in Washington, D.C. The U.S. has been a party to ICSID since 1966. Months before the parties were scheduled for a hearing, Armenia requested, and INTERPOL issued, a politically motivated Red Notice against him. Shortly after, the Department of State revoked our client's visa.

As a result, the client—the key witness in high-stakes arbitration—was denied his right to testify in person before ICSID. Because of the war in the Middle East, he was also unable to travel anywhere to meet with his legal team. Our hope is that the CCF will soon delete the Red Notice as politically motivated. Nevertheless, due to Armenia's unlawful actions—made much worse by the Department of State's revocation of his visa—our client and his U.S. citizen children, as well as his wife, are trapped in the ongoing conflict in Lebanon, with bombs falling around their house as we speak.

In a second similar case, our client filed an arbitration claim against another European nation. Immediately after filing, within a day, a nonsensical Red Notice was issued against him. This caused significant delays in his application for U.S. citizenship, as well as it posed tremendous challenges for the arbitral dispute. In June of this year, the CCF finally deleted the Red Notice, finding that, though our client is not a politician, there was a, ″substantial political dimension in the general context of the case,″ indicating that our client held, ″politically relevant status due to his arbitral dispute.″

A third case involves Jessica Barahona-Martinez, an LGBTQ woman who fled El Salvador because she was subjected to persecution from police. Upon arrival to the United States, she applied for asylum. Then, because of a Red Notice based on a bogus charge of extortion amounting to less than $30, ICE detained her, and an immigration judge denied bond. She was held in ICE custody for six years and separated from her three children. This was the case, even though she was twice granted asylum by a U.S. immigration judge. Even after the TRAP provisions were adopted and the CCF deleted the Red Notice, attorneys for ICE refused to agree to terminate removal proceedings.

Jessica is now finally out of detention and an asylee, hopefully on her way to becoming a U.S. citizen, but Jessica's story shows how TRAP is failing to protect many other people, including asylum seekers from all over the world. ICE continues to arrest asylum applicants and place them in deportation proceedings. Right before this testimony, I was made aware of a similar case involving another citizen of El Salvador, a citizen of Kazakhstan who has been fighting his case for over a decade, as well as numerous Chinese, Venezuelan, and Turkish cases.

We also cannot leave out an increasing number of illegitimate Red Notice requests by Mexico. Numerous cases now handled by my firm show a similar pattern—private litigants in business disputes obtain warrants and Red Notices through graft and corruption to pressure their opponents. Mexico then makes a request for the notice to INTERPOL and sends a communication to U.S. immigration authorities. [DOS], Department of State, seemingly automatically revokes the visas and global entry of persons both in and out of the United States, leaving them without a viable immigration status, subject to U.S. immigration detention, and protracted deportation proceedings. Again, all based on the unsupported allegations of a Red Notice.

These examples demonstrate a pattern that both INTERPOL's Notices and Diffusions Task Force and U.S. agencies seem to misunderstand. Politically motivated INTERPOL abuse does not only occur when the targets of Red Notices are politicians, dissidents, or journalists. Those are the obvious cases. States also engage in INTERPOL abuse in relation to ordinary citizens who are either the victims of corruption or because they have challenged government action in some way, including through arbitration proceedings. In many of these cases, the criminal allegations contained in the Red Notice are not overtly political. They appear to be ordinary law crimes, and often financial crimes. Neither the NDTF nor U.S. agencies have the information to identify these cooperation requests as politically motivated. As a result, lives are ruined, visas are revoked, rights are abrogated, and asylum is delayed, and sometimes denied.

The following reforms are needed to successfully implement the TRAP provisions' important goals. First, adopt a true, ″whole of government,″ approach, and require interagency communication between Department of State, Department of Justice, and the various subagencies of the Department of Homeland Security, including USCIS, CBP, and ICE, to effectively monitor and report on Red Notice abuse. Require Department of State and Department of Justice to publicly issue statistics on the number, location, and outcome of INTERPOL cases. Third, task the U.S. National Central Bureau, or NCB, with a more proactive role to guard against bogus INTERPOL communications that INTERPOL and the NDTF might have missed.

Fourth, the Department of State specifically, develop training and adopt a policy for inclusion in the Foreign Affairs Manual preventing consular officers from revoking visas based on an unsupported Red Notice alone. For the Department of Justice and the Department of Homeland Security, more emphasis is needed on how U.S. agencies play a role in perpetrating INTERPOL abuse through deportation proceedings, not extradition. Require training for DHS Office of Chief Counsel as well as Department of Justice immigration attorneys on how to assess the validity of a Red Notice. Finally, and critically, instruct the Department of Justice to coordinate with the Department of Homeland Security to ensure that targets of Red Notices, especially those who have applied for asylum and protection here in the United States and are accused of nonviolent crimes, are not arrested and are allowed to continue to handle their asylum cases affirmatively before USCIS.

Adopting these recommendations would signal a real commitment to fighting transnational repression, one that moves beyond intention to real progress. Thank you.

Mr. PRICE: Thank you, Ms. Grossman. That was an extremely important testimony. I have to say, I always enjoy—just as we did in our first hearing on this topic—concluding the opening statements with your testimony because I think you bring us back to the core of this issue, which are the people's lives that are affected by this. I think this discussion will enter into a lot of technical details and statistics, and that sort of thing. Really the reason why we are here, the reason why we care about these things, and the reason why we want to take these recommendations seriously, is because of the people that are on the receiving end of these abusive notices. I think it is also an important reminder that you give us that it is not always just the usual suspects of authoritarian countries that are responsible for these abusive notices, but others as well. This is a pretty broad problem that spans a lot of different types of regimes and a lot of different types of abuse.

If I may just stick with you for one second. Well, before I go there, let me just say that you have provided us with—you have provided us with even more recommendations

here in your testimony, as have you, Dr. Bromund. I want to unpack those a little bit here in a second. Just to reassure you and our audience, all of that will be made available on our website and entered into the congressional record as well, so that can be a resource for others going forward.

Ms. Grossman, just to go back to what you were discussing in terms of the ways that this affects people here in the United States who are the subjects of immigration enforcement decisions and otherwise, how does this even happen? I mean, if you could describe it for us a little bit, of your understanding of how these abusive notices get promulgated, how they wind up in our system, how CBP, ICE, others, reference these in order to inform their enforcement actions? Are they breaking existing rules? When these things are called back by INTERPOL, when they are, are they deleted from our systems? Or are we continuing to reference bad notices going forward?

Ms. GROSSMAN: Thank you for the question. I think a critical point to understand for those of us monitoring INTERPOL abuse is a point that I made in my testimony, which is that this often occurs through deportation proceedings. At least, that is what we are seeing in our practice. ICE officers, which fall under the Department of Homeland Security, have broad discretion to arrest noncitizens in the United States. These are civil enforcement actions. The pattern that we see often is an individual will apply for asylum, and they will not even know that they have a Red Notice against them. They may apply affirmatively, for example, in a non-adversarial proceeding before the U.S. Citizenship and Immigration Services.

When they apply for asylum, after they submit their application there is a vetting process that is gone through by U.S. law enforcement agencies, including DHS. The person can then be apprehended pursuant to an enforcement action by ICE, Immigration and Customs Enforcement. They may show up at the individual's house. They may show up at an asylum interview, though that happens, in my experience, less frequently, although it happens. They may show up at their place of work. What will happen is the ICE officer will issue them a notice to appear, which is a charging document requiring them to appear for removal or deportation proceedings before an administrative court, which is part of the Department of Justice.

The individual then loses their opportunity to continue to apply for their asylum case affirmatively. Instead, they have to apply as defense to deportation. In that case, it can take two years, five years, ten years for their asylum case to be heard, because of the backlogs in the immigration courts. Then often the individual may be arrested by ICE, and then you are looking at taxpayer expense issues. We are paying for these individuals to be detained by ICE. In Jessica's case, for years. After they are detained, they are often denied bond by immigration judges who do not understand that the existence of a Red Notice actually reduces flight risk, because the person cannot go anywhere. Yet, you see ICE attorneys making arguments that the person is a flight risk.

Now, I can understand it in cases where there are serious violent crime allegations. It seems to be happening in cases involving financial crimes and, as we saw in Jessica's case, an extortion attempt. We saw a case last week in our office involving a gentleman from El Salvador that was accused of making Twitter, or X, statements against the president of El Salvador, who was detained by ICE. This was last week, or 10 days ago, and so that is what happens. You end up, because of a civil enforcement action, in protracted deportation proceedings. Now, that is one way, very briefly.

The second way is for people who are outside of the United States whose visas get revoked. Here, the Department of State has broad discretion also to revoke visas. There is no right to a visa. The issue is they are not giving individuals an opportunity to respond, to have an interview, to discuss the allegations against them.

Mr. PRICE: These agencies, like ICE and the State, are they under any obligation to do their own due diligence when they log into their computers, and they see a Red Notice pulled up against an individual? Do they check with the NCB? Do they check with the State Department or any other agencies to verify the credibility of this information? Or do they just plunge forward?

Ms. GROSSMAN: Well, with ICE I will say, one positive development that maybe was brought about because of the increased attention on INTERPOL abuse is that ICE issued a directive—I think it was in October of 2023—basically providing additional guidance to their officers that they should take a more nuanced approach on Red Notice cases. That is been—that was very welcomed in the advocacy community. Unfortunately, we have not seen the same repeated with the Department of State or other agencies. They are supposed to be taking a more nuanced approach. I think in some cases they are.

They are instructed to give an opportunity to the person that is being arrested to provide additional context about their Red Notice. We have not seen that. We have not seen that that is happening. I imagine it takes some time for the guidance to filter through to the field officers, but that is there. This is where my—the other recommendation that I made comes in, which is it is my understanding that these agencies do go back to the U.S. NCB and confirm the Red Notice. That is where the U.S. NCB could really make a difference and act more as a safeguard against additional enforcement actions, provide more context, look at the case more carefully.

I think we all recognize that all of these agencies are doing their job. They have limited resources. There are—there are certain steps that they can take to really safeguard against making the impact of the Red Notice even worse.

Mr. PRICE: Okay. That is very helpful. Dr. Bromund, let us get back to your treasure trove of recommendations as well. Are their others that you would like to put on the table here for us to consider?

Mr. BROMUND: Yes, I would certainly endorse all the recommendations made by Mr. Magri and Ms. Grossman, and I have a number of others I would add. The first and most obvious one is that U.S. executive agencies should follow the law and implement the TRAP provisions as they already exist. Second, I will just emphasize this again, it is central—it is of central importance that the U.S. National Central Bureau, the NCB—which is the organization in the U.S. government that is charged with handling communications to and from INTERPOL—it is essential that they take a position of being less about solely sending and receiving communications and more about intervening in the INTERPOL system when they see abuse.

This is entirely within INTERPOL's rules. The NCBs around the world are really supposed to be the first line of defense against INTERPOL abuse. I would like to see the U.S. NCB create a position of a public ombudsman who would be charged with collecting evidence on INTERPOL abuse and protesting that abuse to INTERPOL, thereby giving the NCB a more proactive role in opposing INTERPOL abuse instead of simply being a post office where messages are sent and received. Third, I would require regular public

reporting by the executive branch to Congress on the number, the location, and the outcome of INTERPOL cases that are circulating in DHS, Department of State, and DOJ.

Fourth, I would mandate that ICE be required to disclose promptly to respondents whenever an INTERPOL communication plays any role at any point in an enforcement action. Right now, even these new ICE guidelines that Ms. Grossman referred to, ICE has placed upon itself the requirement to provide the underlying documentation—that is an arrest warrant from, let us say, El Salvador. They are not required, even by these new directives, to actually provide the Red Notice, or blue notice, or wanted person diffusion. That should always be provided in every case of an enforcement action.

I would now also mandate that ICE, before making use of any INTERPOL communication to initiate or guide any enforcement action, be required to present that INTERPOL communication to the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor for its review of the potential abusive nature of this communication. I would also ask that the U.S. support an increase in INTERPOL dues, with the funds to be dedicated to expanding the Notices and Diffusion Task Force and turning the CCF into a full-time review body. Right now, the CCF meets four times a year for one week for each meeting. Now I know that there are very hardworking and dedicated staff who work well beyond those time periods, but the fact of the matter is that the CCF is a part-time body. It should become a full-time body and therefore be able to make headway in clearing some of this enormous backlog.

I would recommend that the U.S. oppose the development of new INTERPOL initiatives that do not adequately preclude the possibility of abuse. There are a number of these. I will just mention one. INTERPOL is relatively close to introducing a silver notice, which would be dedicated supposedly to fighting financial crime. This is a wide-open goal for abuse. As Ms. Grossman has pointed out, a lot of INTERPOL abuse cases now center on allegations of broadly financial fraud—tax fraud, contract disputes and so on. A silver notice based on financial crime will accomplish one thing, all the abuse in the Red Notice system will rush immediately to the silver notice system. There will be a lot more of it, because abusive regimes love to accuse individuals of financial crime because it is so easy to make an accusation and so hard to disprove.

Finally, I would recommend that the CCF return to its former practice of providing a breakdown by nation of the origin of its cases. The CCF used to do this in 2017, and even though the data was very partial, it was very revealing. The nation that produced the most CCF cases was always Russia. That should not be a surprise to anyone. The CCF should return to that practice and publish more data on the origin of cases and the percentage of cases coming from each country that are actually found to be abusive.

Mr. PRICE: Thank you. I want to stay on that last point for a second, because this is something that was explicitly called for in the TRAP Act, as you mentioned, something that our administration has deferred from doing, and it is a perennial conversation within this community about the effect of naming and shaming and the possible dangers, especially as we hear from our executive branch colleagues, of doing so. Yet, for both you and Mr. Magri, we have heard about the importance of transparency and accountability specifically, and from Ms. Grossman too, of course. I would like to give you all the opportunity to share your views on why this is important. Maybe you could also help us to understand, are there really dangers to naming and shaming. How would you weigh those against the benefits?

Mr. BROMUND: I am unpersuaded by the argument that revealing who abuses INTERPOL is bad for the system, for a number of reasons. First, all of this abuse is against INTERPOL's rules, and we should be taking every effort to try to oppose it.

Secondly, the idea that is advanced by the DOJ in the TRAP reports is that if the United States or other INTERPOL member nations exposes that Russia, for example, is committing a good deal of INTERPOL abuse, that Russia will stop cooperating with U.S. law enforcement. Well, I have profound concerns about the desirability of the U.S. cooperating with Russian law enforcement under any conditions whatsoever. I am not particularly bothered by the idea that exposing abuse in the INTERPOL system will prevent U.S. law enforcement from cooperating with the Russians, or a number of other systemic INTERPOL abusers.

Finally, and I will return to this point which I made in my testimony earlier, the real risk to INTERPOL is not in the exposure of abuse. It is allowing that abuse to fester until some individual who has been horrifically abused finds a way to make a legal challenge within the European system of justice that places INTERPOL at legal liability for its failure to uphold its rules. Or, until INTERPOL is responsible for allowing the abuse of a U.S. citizen who is both palpably innocent and extremely publicly appealing, whereupon the Congress of the United States is quite likely to hold a hearing and explain to the Department of Justice and the Department of State and INTERPOL that they should have done a much better job of screening their systems for abuse.

Those are the real risks to INTERPOL going forward, not exposing abuse. It is the prospect of a legal remedy or a political remedy to INTERPOL abuse that lie entirely outside of INTERPOL's ability to control, and could affect its effectiveness, its reputation, or perhaps even its existence.

Mr. MAGRI: Yes, I just want to add that I think there is a difference between publishing a list of countries abusing INTERPOL mechanism and just publishing detailed statistics with a breakdown by country, with the number of the Red Notices request or the wanted person diffusion request, and the number of consideration by the general secretariat. I think there is a huge difference, because when you are just publishing neutral statistics, you are not shaming countries. It is just accountability. This is not of countries abusing INTERPOL mechanism. This is only a list of statistics. I will advocate more to have detailed statistics with a breakdown by country, rather than publishing a list of obvious countries violating INTERPOL's rules.

Mr. PRICE: Go ahead.

Ms. GROSSMAN: I will just add that I think the question about increased transparency is a question of priorities, right? INTERPOL is mandate—it has a neutrality mandate. Article Three requires it not to be involved in cases that are predominantly military, religious, or political in nature. If that is—if that is the mandate of INTERPOL, then transparency can only help nations and INTERPOL itself to meet that mandate. A more transparent INTERPOL, a more transparent CCF, will also assist U.S. agencies, and agencies in other countries, who are processing Red Notices that look to be facially legitimate. Threfore, why should they question them, right? That is the issue that we see so frequently.

I also think, people that who are advocating for the deletion of Red Notices before the Commission, would be greatly assisted by more information from the commission. The Commission's decisions are heavily redacted. I understand that is needed sometimes to

protect the privacy of individuals, but there are other places where it would be helpful to protect individual rights to have more information. Again, it is a question of priorities, and to me it seems clear that human rights and protecting fundamental human rights should be the priority.

Mr. PRICE: Thank you. Mr. Magri, I think you added an important nuance to my question, which is that it is not just a naming and shaming exercise. This is an objective question. This is a question of—and all of you hit this point as well—this is important for the institution to continue to exist and live up to its own mandate and constitution. Thank you for that.

I wanted to talk a little bit about the statistics that have come up a few times in your presentations. It strikes me sometimes when I look at these statistics that this is just—and when I speak of statistics, I mean the number of abusive notices that are being detected and rejected by the CCF or by the Notice and Diffusion Task Force as well. It strikes me that this is really only capturing the universe of abusive notices that are being detected. My question is, what are we missing? Do you have a sense of the scale of what is going undetected? Is there a way of approaching that? I understand that it is unknowable in some regard, necessarily. Yet, are there sort of proxy statistics or ways that we can conceptualize what might be missed? I was struck in particular by the statistic that you shared, that 70 percent of what goes before the CCF is found ultimately to be abusive.

Mr. MAGRI: That is a really good and complicated question. I think that is that more and more applicants are aware of the existence of the CCF. That is why there is are more and more requests presented before the CCF. I think that 37 percent of the increase in the number of Red Notices—of the requests presented before the CCF is a number lighting that more and more applicants are aware of the CCF. What is missing, the number of noncompliance cases? That is really complicated to answer, honestly. It is quite impossible to just say that it is in between that number and that number. I do not know, I will say that it is in between 6 percent—because this is the number of the NDTF—and between 70 percent—because this is the number of the CCF. There is somewhere an in-between number, but I cannot answer that question. It is impossible. It is impossible to have detailed statistics on that. I do not know.

Mr. PRICE: Anyone who wants to hazard a response? [LAUGHS.]

Ms. GROSSMAN: Well, I do not have all the answers, but I will say this: We can tell a little bit more about what we are missing by looking at the backlogs before the CCF. By the CCF's own statute and rules and procedures, they are supposed to make a decision on a request for access within about four months, and a request for deletion within nine months. For requests for access, right now it is taking more like six months. For requests for deletions, it is taking more like a year and a half. If you have a request for a revision of a decision that the CCF has already made, we had one case that took two and a half years. That gives us some insight into how many cases are pending, and the fact that the Commission is severely backlogged.

The other thing that we are missing, and I have been focused more on what is happening with agencies in the U.S., is we are missing statistics. We are not getting statistics from Department of Homeland Security, from Department of Justice, or from the Department of State about how many of these cases are circulating through our system. Why not?

Mr. BROMUND: It is worth talking just briefly about the Notices and Diffusions Task Force and their initial screening process. A request for, let us say, a Red Notice comes into INTERPOL. It goes to the Notices and Diffusions Task Force. Under INTERPOL's rules, INTERPOL is mandated to assume that all information received from a member state is accurate and relevant, unless INTERPOL can—knows otherwise. Translating that into sort of more layperson language, the INTERPOL system assumes that the state is right, and the individual is justly accused. That is the beginning assumption of INTERPOL. That is not an arbitrary assumption. It is explicitly written into INTERPOL rules.

The system begins with the assumption that the state is right. The NDTF then looks at the Red Notice and tries to figure out if there is a reason to override that assumption that the state is correct. It has a couple of things it can look at. It can look for information in the INTERPOL system. Well, all information in the INTERPOL system comes from member states. INTERPOL is not the CIA. It is not MI6. It does not have independent intelligence collection sources. It is very unlikely there will be anything in INTERPOL's files that provide the basis for rejecting a Red Notice. It could happen, but it is unlikely.

Secondly, INTERPOL or the NDTF does a Google search. Go to Mr. Google and see what you find on the individual named in the Red Notice. Now, if the individual is William Browder, or Gary Kasparov, you will find reams of information about these individuals online. INTERPOL is highly unlikely to publish a Red Notice on any of these individuals. If the person is not a public figure, does not appear in any easily reachable source, there is no reason for INTERPOL to reject that request. The presumption of state rightness applies. The Red Notice will be published.

Third, the NDTF can look at the technical aspects of the Red Notice. We all could go into this at great length. This is where I think the NDTF sometimes falls down on the job. I have seen Red Notices, and in fact, with permission, I have published a redacted Red Notice, where the Red Notice was clearly technically deficient. My concern is that the belief, under the rules, that the state should be presumed to be accurate, plus a certain amount of time pressure, leads the NDTF to approve a number of Red Notices, probably a substantial number judging by the workload of the CCF, that it should never have approved.

I think we should not just fall into the trap of saying that INTERPOL is incompetent or malicious. I do not believe either of those things is true. Their rules are structured in such a way that it is difficult for them to make the right decisions. They lack information. Sometimes, I think, they do not do a very good job of following their own requirements.

Mr. PRICE: Thank you. It is all very illuminating, on a very difficult question to answer, as you mentioned. I should have mentioned this earlier, but there will be an opportunity for members of the audience to also come up to the mic and ask a question. I am going to continue to use the prerogative of the moderator here to ask another one or two questions, but then I will look for contributions from the audience as well.

I wanted to ask about—I referenced this in the opening—the upcoming General Assembly meeting that will be held in Glasgow starting next week to elect a new Secretary General and Executive Committee for the organization. I was wondering if you could comment on what the impact—kind of what outcomes do you expect from those elections, what will the impact be on this kind of human rights focus that we would like the organization to take, and what the likely outcome is to be?

Mr. MAGRI: Thank you for that question too. The upcoming Secretary General and Executive Committee election are obviously crucial for shaping the INTERPOL approach to human rights. My opinion is that Valdecy Urquiza's appointment as Secretary General offers both potential changes. His focus on—and this is my understanding—on keeping INTERPOL as a technical platform free from political influence is, of course, encouraging. The real test will be how that vision will be translated into action. His background in international law enforcement, it gives him to improve the filtering mechanism of the NDTF, which have been historically prone to abuse.

Regarding the Executive Committee election, the Executive Committee also plays a key role in setting INTERPOL priorities. The new member focused on transparency, especially in publishing some data on abuses or corrective measures adopted, which could greatly enhance INTERPOL responses to human rights concerns.

Mr. BROMUND: I would like to see INTERPOL adopt a human rights-centered approach, but we should recognize that INTERPOL is an organization that is almost exclusively run by and for policemen. It is unlikely that under the leadership of any Secretary General that INTERPOL will move as far towards a human rights-centered approach as I might wish. I want to give the incoming Secretary General Valdecy Urquiza of Brazil, who has been nominated by the Executive Committee and will almost certainly be confirmed by the general assembly at the meeting in Glasgow, a fair chance.

I do, however, have some concerns. Mr. Urquiza ran in his public remarks before being selected by the Executive Committee on the argument that INTERPOL should be separated from politics. Now that sounds good, and I fully endorse that approach. In his remarks, Mr. Urquiza appeared to argue that politics are when one member nation, let us say the United States or the United Kingdom, leads a campaign to suspend another member nation, like Russia, from INTERPOL. That is political, under some definitions of the term. A non-political approach is allowing absolutely everyone to stay in INTERPOL and not separating the sheep from the goats. I am much less happy with that understanding of the term ″political.″

I would say that, regardless of what Mr. Urquiza believes or does not believe, he will not be an unconstrained actor. INTERPOL has staff contracts. Staff cannot turn over rapidly. Many officials in INTERPOL are seconded by member nations. INTERPOL has a budget that is set in advance which must be followed. It cannot be easily varied. Ultimately, the Executive Committee is responsible for ensuring that the Secretary General follows through on the votes of the general assembly. There are many constraints in the way of any Secretary General to do good things or less good things.

I would have preferred it if an incoming Secretary General took a strong stand, not against, as Mr. Urquiza has said, the politicization of INTERPOL per se, but had taken his stand on the rules and the constitution of INTERPOL should be upheld fairly and without favor against all INTERPOL member nations. That is not political. That is being apolitical. If he has that understanding, then I think that his actions are likely to be extremely satisfactory.

Mr. PRICE: Does anybody else want to comment on that before I turn to the audience? Sure. Now, if anybody wants to raise their hand or just go ahead and proceed to the microphone with a question, you are free to do so. Or I will continue to abuse my prerogative here as moderator to ask questions. [LAUGHS.] Yes, go ahead, Paul.

QUESTION: Cool. All right. Well, thank you very much. Terrific, terrific panel.

I mean it—you know, it seems to me that there is two separate issues, mostly, that one has to tackle. That is how the United States handles Red Notices and, of course, what happens in Lyon—basically, you know, kind of like what happens institutionally at INTERPOL. I mean, I think we—you know, our leadership—I am, by the way, Paul Massaro, the staff director of the Helsinki Commission. Our leadership tried to do—tried to look at both of these things. Obviously, we cannot legislate what happens in Lyon. We can look at how the United States takes a position.

It kind of alarms me, I guess, Dr. Bromund, you know, what you say about the incoming SG, and kind of his positions. Because we have heard this before in other international organizations, a sort of promise not to be political meaning a promise not to hold those who abuse these organizations to account, essentially, is what that very often means. I guess I wonder what is the appropriate U.S. posture within INTERPOL? What should the United States delegation there be doing? Should the USA be—I mean, should we be pushing harder for the suspension of other states? Should suspension really be on the table? I mean, you know, obviously, I guess, I come from this mostly from the position of ″yes.″ I am certainly interested in what, you know, our experts think.

Mr. BROMUND: Thank you, Mr. Massaro. A pleasure to see you.

There are a number of points of view on this. I will offer mine. I believe that unless and until an INTERPOL member state is suspended for persistent, flagrant, and gross abuse, that abuse will continue because it is cheap, easy, and very effective. I think INTERPOL needs to establish deterrent power by showing that it will suspend a member state, which will reduce the incentive for other member states to commit similar kinds of abuse. That does not seem to be on INTERPOL's agenda. It was certainly not under the agenda of the outgoing Secretary General, Jürgen Stock, who said repeatedly and publicly that there was no suspension provisions contained in the INTERPOL constitution. Mr. Stock was correct about that. Those provisions are contained in INTERPOL's rules on the processing of data, a fact that he never added publicly.

It is very clear to me that INTERPOL really does not want to suspend member states. What should the United States be doing about this? I would love to see the U.S. cooperating more visibly and more obviously with fellow democracies inside INTERPOL. It is worth bearing in mind that we, together with our democratic allies, pay well over half of INTERPOL's budget. The United States in particular pays 20 percent of INTERPOL's budget. I would love to see a more cohesive democratic approach inside INTERPOL offering a relatively few very well-qualified—and by no means always American—candidates for the Executive Committee, for the CCF, where U.S. leadership has been outstanding.

That, in and of itself, is not going to solve the problem. We certainly have the financial clout, we certainly have individuals with more than sufficient ability and competence, as do many of our democratic allies, to take a much stronger leadership position inside INTERPOL. That will not lead to us winning every battle, but the CCF is a much better body than it was a few years ago. That owes very significantly to U.S. leadership on this. We can make a difference with our Democratic friends when we want to. I think we should want to. We should coordinate a little bit more to make sure that that happens.

Mr. PRICE: Does anybody else want to comment on that? I thank Paul for the question. You anticipated something that I wanted to conclude, which is the role of the United States within the organization. I think that is super important. Paul and I worked very

closely together in making the TRAP Act come into reality, with the support of so many important experts from outside Congress.

I guess I will ask one more question that is kind of near and dear to my heart, because it is what initially put me on the path of learning about authoritarian abuse of INTERPOL. Which is, the abuse of the little-known but very important Stolen and Lost Travel Documents Database. I came at this from the perspective of a policy advisor who was responsible for covering Turkey. Turkey was abusing this database extensively in the wake of the attempted coup in 2016, in which it used the database to fraudulently assert that a bunch of Gulenists, other opposition or dissidents to the current government in Turkey, had stolen or lost—or had their travel documents lost. This would essentially freeze their ability to travel either outside of Turkey or, once they got outside of Turkey, they would be stuck in other countries without the ability to travel onward.

I think there is a lot of press attention that is given to the Red Notices and the other colored Notices. The Stolen and Lost Travel Documents Database I think does not get enough attention. I wanted to just ask anyone who wants to comment on that, kind of, what is the role of the database? Is there a way to prevent its abuse, especially at the scale that we saw following 2016 by Turkey in particular, but certainly by other member countries of INTERPOL?

Mr. MAGRI: Thank you for that question. The SLTD database was originally meant to track lost or stolen passports, and travel documents, which has expanded to include invalid and revoked travel documents. There are limited safeguards in place for the SLTD database, unlike Red Notices, which make it easier to misuse. As you said, some governments have been accused of falsely reporting dissidents' passports as stolen, revoked, or invalid. I think the problem with the SLTD database is the fact that—the lack of detailed information provided for each entry makes it difficult to establish a proper oversight mechanism, leading to the potential for misuse.

To address these issues, I think INTERPOL should introduce clear rules for entering data into the SLTD database. I think that these rules should be explicitly included in the INTERPOL rules on the processing of data. For example, before a passport can be revoked and recorded as such in the SLTD database, I think that a court decision should be required to ensure that there are legal grounds, and it is not only based on political motivation. Furthermore, while pre-compliance checks on every single entry may be challenging due to the vast amounts of data recorded each day in this database, I think that INTERPOL should consider establishing some sort of—some sort of review mechanism to at least perform basic checks on data. I think including such measures will significantly reduce the misuse of this database.

Mr. PRICE: Go ahead.

Mr. BROMUND: Mr. Magri raises an important point there at the end about the vast amounts of data. I agree entirely with all the reform recommendations. This is a challenging issue for INTERPOL to deal with. It illustrates that INTERPOL abuse is like a balloon. You squeeze it in one place, and the abuse tends to go somewhere else. The Red Notice system is by no means perfect, but I think we can certainly say that some important reforms have been made. They are not sufficient, but they are real. That has tended to squeeze the abuse into blue notices, into wanted person diffusions, into the passport system. As Mr. Magri said in his opening remarks, the process of reform is not a one-off. Regimes are very clever, and people are very inventive. If you make it harder for them

to abuse the Red Notice system, they will start abusing the stolen and lost travel documents database. Which is precisely what they have done.

My larger concern about this—the amount of data that INTERPOL is pulling in is that we have been talking all this time about INTERPOL as largely a kind of a post box, a messaging function. Red Notices go from one place out to other places. That is true. INTERPOL is also transforming itself into a collector of very large amounts of nationally provided data and developing analytical capacities to process that data and return the so-called compliant—that is, the non-abusive results—back to the member states. The latest changes in INTERPOL's rules on the processing of data allow INTERPOL explicitly to take in large amounts of data that are subject to no compliance checks whatsoever, process at all, and then, before they spit the results back, they are supposed to figure out which ones are the compliant ones and which are uncompliant, and just do not send the compliant ones back.

I guarantee that if INTERPOL continues to go down this route, the next frontier for INTERPOL abuse will be using INTERPOL to plow through terabyte after terabyte of data and then just hoping INTERPOL kicks back, or ensuring that they kick back by manipulating the data, the people that you want to target, and recognizing. The INTERPOL will not be able to effectively police these enormous databases that it is collecting. This is the problem with the travel documents database, except a lot bigger. I really encourage INTERPOL and the U.S. to keep on following up on the abuse story, because as long as there are abusive regimes out there, and as long as INTERPOL keeps on coming up with new notices, new databases, and new processes, abuse will continue. It will keep on changing in its form, not its seriousness.

Mr. PRICE: I think that is a great note to end on. I think this panel has absolutely accomplished the goal that we set out for ourselves, which was to take stock of where this issue stands three years since the enactment of the TRAP Act and to plot some ideas for where we should take this effort going forward. As I mentioned earlier, your written testimonies are full of tremendous ideas for further reform that we will be taking into consideration here at the Helsinki Commission and we hope that others can also benefit from those documents as a resource.

I want to just offer my sincere thanks to each of you for all the effort and thought that you have put into your presentations today. Mr. Magri, for the many miles that you have traveled here. To our audience for their attentive engagement and participation in this event. With that, I will conclude the briefing. Thank you.

[Whereupon, at 3:19 p.m., the briefing ended.]

## APPENDIX

PREPARED STATEMENT OF DR. THEODORE R. BROMUND

Chairman Wilson, Co-Chairman Cardin, and Members of the Commission, my name is Theodore R. Bromund. I have studied and written on issues related to INTERPOL and the abuse of the INTERPOL system for over a decade as a policy analyst and have served regularly as an expert witness in U.S. and foreign courts in cases of INTERPOL abuse.

I am honored to appear before the Commission to make this statement on how the U.S., by fulfilling the TRAP provisions, can improve its responses to transnational repression committed through the INTERPOL system.

While TRAP has not fulfilled the hopes of its supporters, I credit it with some successes. For all the deficiencies in TRAP's implementation, no other nation has a law like it. TRAP has brought awareness to the problem of INTERPOL abuse. It is because of TRAP, and the Commission's dedication, that the U.S. has the opportunity to establish its leadership in this important area.

Moreover, since TRAP was adopted, the U.S. has taken important positions in INTERPOL institutions such as the Commission for the Control of INTERPOL's Files [CCF], INTERPOL's appellate body. I pay tribute to these U.S. officials, who have brought a new level of professionalism to INTERPOL.

Finally, I welcome the effort by the United Kingdom, backed by the U.S. and our Five Eyes allies, to suspend Russia from INTERPOL after its second invasion of Ukraine in 2022. This effort, while unsuccessful, was in line with TRAP Sec. 6503[b][3].

Yet, most of the news about TRAP is less good. The TRAP provisions are contained in Sec. 6503[c] of Public Law 117–81. These provisions center on requiring support for INTERPOL reforms and mandating the publication of TRAP reports by the departments of Justice and State.

The "voice, vote, and influence" provisions of TRAP have in practice been disappointing. INTERPOL's reports have not improved. The CCF and the Notices and Diffusions Task Force remain underfunded. INTERPOL is led by a President under investigation for torture. This is not the reformed INTERPOL that U.S. leadership, guided by TRAP, was supposed to produce.

Then there are the TRAP reports. The responsible departments have published three TRAP reports. The first Report, in August 2022, is the most substantive; the latter two reports [from April and December 2023] largely reiterate the conclusions of the first. Unfortunately, all three reports fall short of the requirements under Public Law 117–81.

The TRAP reports, *inter alia,* are supposed to:

- Provide "an assessment of the CCF's March 2017 Operating Rules, and any shortcomings the United States believes should be addressed." The reports do not assess the CCF's Operating Rules or describe any shortcomings.
- Describe how "INTERPOL reviews and addresses cases in which a member country has abused or misused the Red Notice and Red Diffusion mechanisms for overtly political purposes." The reports do not describe how INTERPOL addresses cases of abuse.

- Provide a "description of any incidents in which the Department of Justice assesses that United States courts and executive department or agencies have relied on INTERPOL communications . . . ." The report passes the buck to the Department of Homeland Security.
- Describe "how the United States monitors and response to likely instances of abuse of INTERPOL . . . ." The report provides no information on how abuse affecting individual who are not U.S. Government officials is detected and combatted.
- Provide a "strategy for improving interagency coordination" on INTERPOL abuse. The report says nothing about "improving" coordination.

Most egregiously, while Sec. 6503[c][2][A] requires the report to provide a "list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the Red Notice and Red Diffusion mechanisms for political purposes," the report refuses to follow the law.

Instead it states that "the Department of Justice believes such listings could lead to retaliation against the United States and its international law enforcement efforts and may also diminish the effectiveness of INTERPOL's law enforcement work with member countries."

The report's most important contention is located on its first page, which states that "although instances of INTERPOL misuse still occur, this particular form of transnational repression seems to have receded since INTERPOL implemented reforms in 2016 and 2017." The reports from 2023 repeat this contention.

The reports provide no evidence to support this contention. In fact, all available evidence refutes this contention.

The Department of State annually publishes Country Reports on Human Rights Practices, which since the reports published in 2019 have under various headings assessed the "Misuse of International Law Enforcement Tools," including in particular INTERPOL.

In the 2019 Reports, the Department of State stated that 9 nations had abused INTERPOL in 2018. In the 2023 Reports, the Department of State stated that 8 nations [Rwanda, the PRC, Belarus, Russia, Turkey, Bangladesh, Nicaragua, and Venezuela] had abused INTERPOL in 2022.

The Country Reports do not show INTERPOL abuse has receded. They show that INTERPOL abuse is stable. In short, Department of State's own Country Reports contradict the TRAP reports of which the Department is a co-author.

Data from INTERPOL also contradict the TRAP reports. In 2015, the CCF made 63 deletions of non-compliant [i.e. abusive] information. In 2022, the last year for which information is available, it made 296 such deletions. By this measure, INTERPOL abuse has not declined: It has increased.

Notices and Diffusions Task Force data also contradicts the TRAP reports. In 2019, the Task Force rejected 5.02 percent of requested Red Notices and Wanted Person Diffusions. In 2023, it rejected 6.76 percent.

True, the number of rejections based on Articles 2 or 3 of the INTERPOL Constitution has declined. However, this decline is not significant. Nations can avoid being condemned on these grounds simply by not replying to Task Force requests for information. As a result, rejections for lack of cooperation have grown significantly.

The 2022 TRAP report even undercuts its own case by observing that "in the absence of open source information on the situation, or information from other INTERPOL member countries, it can be difficult for NDTF as well as the other member countries to distinguish legitimate notices or diffusions from those based on political motives."

That is correct—but if INTERPOL itself has systemic difficulty distinguishing legitimate from illegitimate notices, no one can be confident that abuse has declined.

The bottom line is that attempted abuse, like actual abuse, is certainly not decreasing. By every measure, it is either stable or increasing.

The TRAP reports emphasize the reforms INTERPOL introduced in 2016 and 2017. I agree that these reforms were valuable. However, the reforms have not solved the problem of INTERPOL abuse.

There are several reasons for this. INTERPOL abuse evolves constantly, the number of abusive member states in INTERPOL is increasing, the institutions that seek to address abuse inside INTERPOL are under-resourced, and INTERPOL appears to be more interested in expanding organizationally than it is in ensuring that its existing functions are properly funded.

Following the law is not optional: TRAP reports must abide by the requirements of Public Law 117–81. However, the purpose of that law was not simply to compel the production of a good report. It was to lead to reforms to INTERPOL, reforms that the U.S. was supposed to take the lead in advancing.

The Department of Justice acknowledges its belief that reporting publicly on INTERPOL abuse will reduce the effectiveness of INTERPOL as a tool for U.S. law enforcement. It is therefore no surprise that the TRAP reports fail to fulfill most of the requirements of Sec. 6503[c] and blandly ignore all available data on INTERPOL abuse.

I recommend that the U.S. take the following steps:

- Implement the TRAP provisions as contained in Public Law 117–81.
- Create in the U.S. National Central Bureau [NCB], the agency responsible for U.S. communications with INTERPOL, a position for a public ombudsman charged with collecting evidence of INTERPOL abuse and protesting it to INTERPOL, thereby giving the NCB a more proactive role in opposing INTERPOL abuse.
- Require regular public reporting by the executive branch to Congress on the number, location, and outcome of INTERPOL cases circulating in DHS, DOS, and DOJ data bases.
- Mandate that ICE be required to disclose promptly to respondents whenever an INTERPOL communication played a role at any point in an enforcement action.
- Mandate that ICE, before making any use of an INTERPOL communication to initiate or guide an enforcement action, be required to present the communication to the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor for its review.
- Support an increase in INTERPOL dues, with the funds to be dedicated to expanding the Notices and Diffusions Task Force and turning the CCF into a full-time review body.
- Oppose the development of new INTERPOL initiatives that do not adequately preclude the possibility of abuse.
- Press the CCF to return to its former practice of publishing a breakdown by nation of the origin of its cases, a practice it abandoned in 2017.

However, my core recommendation is simple: Both INTERPOL and the departments behind the TRAP reports should remember that the greatest danger to INTERPOL rests not in the timely exposure of abuse, but in minimizing abuse until that abuse leads to a legal, political, and financial crisis that gravely damages both INTERPOL's legitimacy and its effectiveness.

PREPARED STATEMENT OF MR. CHARLIE MAGRI

THE SPREAD OF TRANSNATIONAL REPRESSION VIA INTERNATIONAL LAW ENFORCEMENT COORDINATION

## Introduction: Addressing Politically Motivated Abuse Of INTERPOL

Chairman Wilson, Co-Chairman Cardin, and Members of the Commission thank you for the opportunity to speak today about the critical issue of politically motivated abuse of INTERPOL's channels and what more can be done by both INTERPOL and its member countries to address this problem.

I am Charlie Magri, a French-qualified lawyer and the founder of Otherside, a law firm dedicated to challenging unjust INTERPOL notices. I served as a Legal Officer at the Secretariat to the Commission for the Control of INTERPOL's Files [CCF] from 2017 to 2023, where I handled requests for data deletion and gained deep experience with INTERPOL's legal framework.

Imagine being targeted not for any crime you committed, but because of your political beliefs. Now, imagine that same government using a global policing system to restrict your movement, damage your reputation, or even lead to your wrongful arrest. This continues to be the reality for many victims of INTERPOL misuse.

Today, I will outline the reforms INTERPOL has introduced to address these issues and provide recommendations for additional steps INTERPOL and its member countries can take to prevent such abuses going forward.

## Key Reforms Implemented By INTERPOL

Since 2015, INTERPOL has implemented several important reforms to help prevent the misuse of its systems.

First, in 2016, INTERPOL established the Notices and Diffusions Task Force [NDTF]. This task force ensures that all incoming Red Notices and Wanted Person Diffusions are reviewed for compliance prior to their authorization by the General Secretariat. This review helps prevent the circulation of some non-compliant or politically motivated Notices and Diffusions.

Second, in 2017, INTERPOL adopted its Refugee Policy, which was meant to prohibit the issuance of Red Notices and Wanted Person Diffusions against refugees. This was a first crucial step in protecting already vulnerable people from further persecution through INTERPOL.

Third, the powers of the CCF were increased in 2017. The CCF's decisions became binding, meaning that if a Notice or Diffusion is found non-compliant, INTERPOL must remove it. Statutory timeframes were also introduced to ensure timely decisions and improve the CCF's ability to protect individual rights.

Last, in 2022, the NDTF was reorganized into a single body with more resources. It now operates using a regional system, adding language and geopolitical expertise to improve the review of Red Notices and Wanted Person Diffusions.

These reforms were important and valuable, but they have not fully addressed the issue of INTERPOL abuse by State actors.

## Evaluating The Sufficiency Of The Reforms

While the TRAP reports acknowledge that INTERPOL's 2016–2017 reforms were a significant step forward in addressing politically motivated misuse, relying solely on these reforms as evidence of success overlooks persistent challenges.

Recent INTERPOL statistics show that just over 6 percent of Red Notices and Wanted Person Diffusions published in 2023 were refused or canceled by the General Secretariat due to non-compliance. On the surface, this seems positive, particularly given that the number of rejections based on Articles 2 or 3 of INTERPOL's Constitution—prohibiting involvement in political, military, racial, or religious matters—appears to have declined. However, as highlighted in the TRAP reports, misuse has become more sophisticated, with countries now filing Red Notices based on charges of fraud or financial offenses that appear legitimate but are politically motivated.

A clear indication that misuse persists is the high rate of non-compliance reported by the CCF. Between 2017 and 2022, approximately 70 percent of the Notices and Diffusions reviewed by the CCF were found to be non-compliant, even after the reforms. According to the CCF's most recent annual report, although formal statistics on the specific grounds for its decisions are not maintained, the CCF's experience suggests that Articles 2 and 3 of INTERPOL's Constitution remain the most common basis for its findings of non-compliance.

If the reforms had been fully effective, we would expect these non-compliance rates to have decreased. This indicates that while the reforms have made some impact, they have not fully solved the problem.

## Areas For Improvement

What else can be done to stop politically motivated abuse of INTERPOL? Efforts should focus on three levels: Member Countries, the General Secretariat, and the CCF.

*Ensuring Member Country Accountability*

First, at the Member Country level, the quality of data submitted is crucial. National Central Bureaus [NCBs] bear the responsibility for ensuring the accuracy and legality of the data they provide to INTERPOL. NCBs should be the first safeguard against politically motivated abuse, acting as the initial filter to ensure that all data complies with INTERPOL's rules.

Before requesting a Red Notice, NCBs must verify that their data adheres to these rules and is free from any political motives or inaccuracies. Well-trained and properly supervised NCBs are less likely to misuse the system, which is why Member Countries must invest in rigorous training and oversight of their NCBs.

*The Critical Importance of Transparency and Statistical Reporting*

Second, when it comes to the General Secretariat, it is important to note that the Notices and Diffusions Task Force plays a crucial role in reviewing Red Notices and Wanted Person Diffusions. While there is room for improvement in how these reviews are conducted, I want to focus on something that can truly help reduce politically motivated abuse—transparency.

The TRAP provisions highlight the importance of both qualitative and quantitative data in addressing INTERPOL misuse. It calls for the U.S. to push INTERPOL to publish detailed statistics on Red Notice and Diffusion requests, including how many are rejected and why.

While INTERPOL has started publishing some data since 2022, it remains insufficient. The absence of a country-specific breakdown makes it impossible to identify patterns of misuse by individual member countries—an essential step in addressing politically motivated abuse.

Without detailed country-level data, the statistics offer only a superficial view, lacking the depth needed for true accountability. This is not about shaming countries, but about promoting transparency and responsibility.

Until 2017, the CCF reported statistics showing which countries were behind the cases it reviewed, with Russia consistently at the top, raising concerns about misuse. Since 2017, however, this data has not been disclosed. Restoring this practice would help identify trends and prevent further politically motivated abuse.

*Enhancing the Resources of the CCF*

Finally, as the TRAP reports confirm, the CCF remains a critical safeguard, but it is overwhelmed with requests. In 2022, requests to the CCF increased by 37 percent, with over 2,500 cases annually. These cases are becoming more complex, but the CCF operates with a small team of just 15 people. Despite statutory timeframes meant to ensure timely decisions, it can still take years for the CCF to reach one due to its heavy caseload, raising concerns about its ability to provide an effective remedy.

To address this, it is essential to allocate more resources, both in terms of budget and staffing. Specifically, increasing the number of lawyers to handle deletion requests would reduce backlogs, allow for faster case resolutions, and ultimately improve transparency by facilitating the publication of more anonymized decisions. These decisions are crucial for understanding the CCF's jurisprudence, offering valuable insight into how the Commission interprets and applies INTERPOL's legal frameworks.

**Conclusion: Continuing The Fight Against INTERPOL Misuse**

While important reforms have been made, the fight against the misuse of INTERPOL is far from over. Challenges remain, particularly in ensuring transparency and accountability to prevent politically motivated abuse. Without these safeguards, real lives will continue to be affected.

Reform is not a one-time event—it is an ongoing process. With transparency, accountability, and persistent effort, INTERPOL can continue to be a force for protection, not persecution.

## Prepared Statement Of Ms. Sandra A. Grossman, Esq.

### How U.S. Agencies Are Treating Abusive Red Notices And Steps That Can Be Taken To Protect Victims

*Introduction: An Unfulfilled Promise*

Chairman Wilson, Co-Chairman Cardin, and Members of the Commission, my name is Sandra Grossman. I have over 20 years of experience as an attorney practicing U.S. immigration law and filing requests for deletion of Red Notices before INTERPOL. I am a founding partner of Grossman, Young, and Hammond, an internationally recognized immigration and human rights law firm, and a member of the American Immigration Lawyers Association [AILA].[1] I am honored to appear before the Commission again, this time, to discuss the TRAP provision's unfulfilled potential and what can be done to achieve it.

When the TRAP provisions were passed, Representative Wilson expressed hope that it would stop INTERPOL abuse—specifically, the use of INTERPOL by criminals "to target those who oppose them"—and prevent the U.S. from furthering the use of INTERPOL for unlawful purposes. Unfortunately, nearly three years later, these hopes for the TRAP provisions remain unmet. INTERPOL continues to fall substantially short of its Constitution and Rules, and the U.S. agencies responsible for monitoring and curbing INTERPOL abuse are failing to effectively and accurately report on this type of transnational repression. They are also failing to recognize how their agencies are playing a role in facilitating transnational repression.

*U.S. Agencies' Involvement in Perpetrating INTERPOL Abuse by Foreign Regimes*

Let me begin by sharing a few examples. In the first two cases, squarely under the jurisdiction of this Commission, I will explain how U.S. agencies unwittingly supported abusive efforts in violation of broader U.S. treaty obligations. In the next examples, I will highlight how Immigration and Customs Enforcement [ICE], Immigration Judges [IJs] for the Department of Justice [DOJ], and attorneys for the Department of Homeland Security [DHS], continue to treat Red Notices as conclusive evidence of criminality.[2]

First, our client "X", a citizen of Lebanon, filed an arbitration claim over an investment dispute before the International Centre for the Settlement of Investment Disputes [ICSID] against the Republic of Armenia. Months before the parties were scheduled for a hearing before ICSID, Armenia requested, and INTERPOL, issued a meritless Red Notice against him. Shortly thereafter, the Department of State, via the U.S. Consulate in Beirut, revoked X's visa. As a result, he, the key witness in the arbitration, was denied his right to testify before ICSID in Washington, DC. Because of the war in the Middle East, he was also unable to meet with his lawyers. Our hope is that the Commission for the Control of INTERPOL's FILES [CCF] will soon delete the Red Notice as politically motivated. Nevertheless, due to Armenia's unlawful actions, and DOS's revocation of his visa, X and his U.S. citizen children, as well as his wife, are trapped in the ongoing conflict in Lebanon, with bombs falling around their home as we speak.

Similarly, "Y", now a U.S. citizen, filed an arbitration claim before ICSID against a European nation. Days after the ICSID Tribunal accepted his claim, that country sought, and INTERPOL published a nonsensical and retaliatory Red Notice against him. INTERPOL also issued Red Notices for three of Y's witnesses, also preventing them from traveling to the arbitral tribunal to testify in person. Because of the Red Notice, the US Citizenship and Immigration Service [USCIS] required our client to provide extensive analysis and documentation explaining why the existence of the Notice did not bar his naturalization. This led to extensive delays in his application for citizenship. He was also prevented from traveling to visit his father, who was sick with cancer, again, because of the Red Notice.

In June of this year, in response to my firm's request, the CCF deleted the Red Notice, finding that none of the alleged illicit acts ascribed to our client corresponded to a criminal act. It also harshly reprimanded the National Central Bureau [NCB] for providing "misleading" statements to the ICSID Tribunal and confirmed the Nation's failure to adhere to INTERPOL's rules of accuracy in the Red Notice. The CCF found a "substantial political dimension in the general context of the case," indicating Y held a "politically relevant status due to his arbitral dispute" with the Nation in question.

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[1] For further questions, please contact Sandra Grossman at *SGrossman@GrossmanYoung.Com* at *www.GrossmanYoung.Com.*

[2] INTERPOL abuse plays out through deportation or removal proceedings initiated by Immigration and Customs Enforcement in the context of civil removal proceedings before the Executive Office of Immigration Review [EOIR], a DOJ sub-agency.

Although the eventual outcome for Y was positive, he incurred substantial additional and unnecessary personal, reputational, and financial burdens because of the Red Notice and U.S. Government agencies' subsequent reactions.

A third case involves Jessica Barahona-Martinez an LGBTQ woman who fled El Salvador because she was subjected to persecution from police due to her sexual orientation. Upon arrival, she applied for asylum. Then, because of a Red Notice based on a bogus charge of extortion in an amount of less than US $30, ICE detained her, and an Immigration Judge denied the bond. She was held in ICE custody for 6 years, separated from her three children, even though an Immigration Judge twice granted her asylum. ICE attorneys continuously held her and appealed the decisions, all because of the Red Notice.

Even after the TRAP provisions were adopted and the CCF expeditiously deleted the Red Notice, ICE refused to release Jessica or join in a motion to reopen her removal proceedings. Jessica is now finally an asylee, but not until after suffering 6 years of detention and family separation. Jessica's story shows how TRAP is failing to protect people like Jessica, and how ICE and DOJ are perpetuating the negative effects of meritless Red Notices.

Finally, we cannot leave out an increasing number of persecutory Red Notice requests by Mexico. Numerous cases handled by my Firm show a similar pattern: Private litigants in business disputes obtain arrest warrants, and subsequently, Red Notices through corruption, to pressure their opponents. Mexico then makes a request for the notice to INTERPOL and sends a communication to U.S. immigration authorities. DOS seemingly automatically revokes the visas and Global Entry of persons both in and out of the United States, leaving them without a viable visa status, and subject to U.S. immigration detention and protracted deportation proceedings. Again, all based on the unsupported allegations of a Red Notice.

*What is the Problem and What is the Solution?*

These examples demonstrate a pattern that both INTERPOL's Notices and Diffusions Task Force [NDTF] and US agencies fail to understand: politically motivated INTERPOL abuse does not occur only when the targets of Red Notices are politicians, dissidents, or journalists. States also engage in INTERPOL abuse in relation to ordinary citizens who are either the victims of corruption or because they have challenged government action in other ways, including through arbitration proceedings. These examples meet the "politically predominant" requirements for deletion of a Red Notice, and often result in a CCF decision to delete the information. Yet, as my colleagues testified, the NDTF simply does not have the information to identify the case as politically motivated. Neither does the Department of State, the Department of Justice, or other agencies.

Surprisingly, despite what we in the advocacy community are seeing every day, the Joint DOS/DOJ Assessment Reports [the "Trap Reports"] for 2022 and 2023 fail to document a single instance in which U.S. courts, departments, or agencies relied on INTERPOL communications in contravention of existing law or policy. The 2022 Report instead shifts responsibility for providing information about enforcement actions to DHS and summarily states that DOJ will not arrest someone due to the existence of a Red Notice alone, despite numerous cases, as outlined above, where DOJ does exactly that.[3] There is no mention of DOS involvement in instances of INTERPOL abuse.

The following reforms are needed to successfully implement the TRAP provision's important goals:

*Recommendations for both the Department of State and the Department of Justice*

- Adopt a true "whole-of-government" approach and require regular interagency communication between DOS/DOJ and between the various subagencies of DHS, including USCIS, CBP, and ICE to monitor and report on Red Notice cases. Require DOS/DOJ to report on DHS enforcement actions in the Joint Reports.
- Require DOS/DOJ to publicly issue statistics on the number, location, and outcome of INTERPOL cases circulating in DHS, DOS, and DOJ data bases.
- Regularly and meaningfully convene stakeholders, including victims of transnational repression, their attorneys, and advocacy groups, to provide information on INTERPOL abuse for inclusion in joint reports.
- Task the U.S. National Central Bureau [NCB], which is co-managed by DOS and DOJ, with a more proactive role to guard against bogus INTERPOL communications that INTERPOL may have missed.

[3] While the DOJ/DOS Reports for 2023 reports State that the agencies have met with "targeted community members and civil society groups," more information is needed about how these meetings were organized and whether they were publicized. I was not aware of them.

*Recommendations for the Department of State*

- Adopt a policy, to be included in the Foreign Affairs Manual, preventing Consular Officers [COs] from revoking visas based on a Red Notice or other INTERPOL communication, alone. Require COs to inform the individual of the existence of the Red Notice and allow them an opportunity to respond and present any evidence or arguments as to why the Red Notice is persecutory or illegitimate, before revoking their visas.
- Establish and develop mandatory training for consular officers and embassy staff worldwide. As part of this training, DOS is recommended to:
  - o Share a list of countries known to abuse INTERPOL. Train officers to heavily scrutinize cases involving Red Notices and other INTERPOL communications from those countries. Provide stakeholders with an opportunity to comment and contribute to the training materials.
  - o Share examples of problematic fact patterns to teach officers how to identify signs of persecutory Red Notices.
  - o Monitor and share examples of visa revocations publicly and in the Joint Reports.

*Recommendations for the Department of Justice and the Department of Homeland Security*

Persecutory and illegitimate Red Notices continue to present a problem in asylum cases and bond hearings, which fall under the jurisdiction of the DOJ's administrative immigration courts. The TRAP Provision, on the other hand, focuses on banning extraditions based on Red Notices. More emphasis is needed on how US agencies play a role in perpetrating TNR and INTERPOL abuse through deportation proceedings, not through extradition. Under Federal immigration laws, an individual is barred from obtaining asylum when "there are serious reasons" to believe that they "committed a serious nonpolitical crime" before arriving in the United States. Most Circuit Courts interpret the standard as equivalent to probable cause, which cannot be established through the existence of a Red Notice alone. Nevertheless, DHS continues to make the argument that INTERPOL Red Notices are sufficient to meet the standard. This violates DOJ's policy. In bond cases, Red Notices are improperly used as evidence of flight risk and criminality. Bond is denied, or set at a prohibitive cost, resulting in protracted detention.

RECOMMENDATIONS:

- Provide training for DHS Office of Chief Counsel attorneys on how to assess a Red Notice's validity and determine its relevance. Require training and provide guidance for IJs and the BIA on how to properly weigh a Red Notice in bond and asylum cases.
- Instruct DOJ to coordinate with DHS to ensure that targets of Red Notices, especially those who have applied for asylum and are accused of non-violent crimes, are not arrested and/or are allowed to continue to handle their asylum case in non-adversarial proceedings affirmatively before USCIS.
- Inform IJs and ICE attorneys that a person who is the target of a Red Notice is less likely to abscond, precisely because the Red Notice keeps them from traveling outside the United States.

**Conclusion**

Bare assertions that the DOJ does not arrest individuals based on Red Notices alone, failing to properly document and understand DOS's role in further transnational repression, and "kicking the can" to DHS to produce its own report and statistics on enforcement actions, violate both the spirit and purpose of the TRAP provisions. Adopting the recommendations made here, along with continued efforts by this Commission to document INTERPOL abuse and hold DOS and DOJ accountable to the TRAP Provisions, would signal a real commitment to fighting transnational repression, one that moves beyond intention to progress.

*The United States Helsinki Commission, an independent federal agency, by law monitors and encourages progress in implementing provisions of the Helsinki Accords.*

*The Commission, created in 1976, is composed of nine Senators, nine Representatives and one official each from the Department of State, Defense and Commerce.*

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