



## **TURKEY'S ABUSE OF INTERPOL:**

# How Erdoğan Weaponized the International Criminal Police Organization for Transnational Repression

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## **ABOUT STOCKHOLM CENTER FOR FREEDOM**

Stockholm Center for Freedom (SCF) is a non-profit advocacy organization that promotes the rule of law, democracy and human rights with a special focus on Turkey.

Committed to serving as a reference source by providing a broader picture of rights violations in Turkey, SCF monitors daily developments, documents individual cases of the infringement of fundamental rights and publishes comprehensive reports on human rights issues.

SCF is a member of the Alliance Against Genocide, an international coalition working to exert pressure on the UN, regional organizations and national governments to act on early warning signs and take action to prevent genocide.

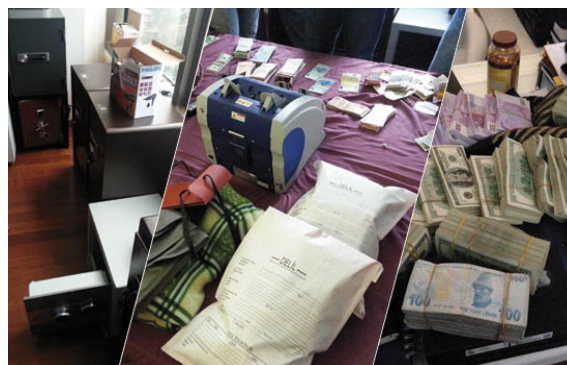


## 1. INTRODUCTION

Since a coup attempt in July 2016, the Turkish government has been carrying out a remarkable campaign of transnational repression against its critics abroad. From spying through diplomatic missions and pro-government diaspora organizations to denial of consular services and outright intimidation and illegal renditions, Turkish President Recep Tayyip Erdoğan's long arm has reached tens of thousands of Turkish citizens abroad.

In fact, Turkey has become number one among countries that have conducted renditions from host states.<sup>1</sup> According to official statements by its interior ministry, Turkey has sent 800 extradition requests to 105 countries in the last four years, and more than 110 alleged members of Gülen movement have been brought back to Turkey as part of the government's global campaign.<sup>2</sup>

President Erdoğan has been targeting followers of the Gülen movement, a faith-based group inspired by Turkish cleric Fethullah Gülen, since the corruption investigations of December 17-25, 2013, which implicated then-Prime Minister Erdoğan, his family members and his inner circle.



Safes, cash and bill counters found in the homes of the suspects during the corruption investigations of December 17-25, 2013.

Dismissing the investigations as a Gülenist coup and conspiracy against his government, Erdoğan designated the movement as a terrorist organization and began to target its members. He locked up thousands including many prosecutors, judges and police officers involved in the investigation as well as journalists who reported on them.

Erdoğan intensified the crackdown on the movement following a coup attempt on July 15, 2016 that he accused Gülen of masterminding. The crackdown also targeted political opponents of the government, Kurdish activists and human rights defenders, among others. Gülen and the movement strongly deny involvement in the abortive putsch or any terrorist activity.

Numerous court documents revealed that Turkish diplomatic

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<sup>1</sup> Turkey has done illegal renditions from more countries in past 6 years than any other country, says Freedom House official, Stockholm Center for Freedom, January 15, 2021, <https://stockholmcf.org/turkey-has-done-illegal-renditions-from-more-countries-in-past-6-years-than-any-other-country-says-freedom-house-official/>

<sup>2</sup> Out of sight but not out of reach: the global scale and scope of transnational repression, Freedom House, February 2021, [https://freedomhouse.org/sites/default/files/2021-02/Complete\\_FH\\_TransnationalRepressionReport2021\\_rev020221.pdf](https://freedomhouse.org/sites/default/files/2021-02/Complete_FH_TransnationalRepressionReport2021_rev020221.pdf)

<sup>3</sup> Human rights in Turkey: 2020 in review, Stockholm Center for Freedom, February 2021, <https://stockholmcf.org/human-rights-in-turkey-2020-in-review/>



Muhammet Furkan Sökmen, a Turkish teacher living in Myanmar, was forcibly returned to Turkey in 2017.

missions around the world systematically spied on individuals allegedly linked to the Gülen movement. Documented cases include the United States, Switzerland, the Netherlands, Indonesia, Australia, Senegal, Tanzania, Argentina, Bulgaria, Norway, Georgia, Sweden, North Macedonia, New Zealand, South Korea and the United Kingdom.<sup>3</sup>

Foreign Minister Mevlüt Çavuşoğlu himself acknowledges systematic spying on government critics on foreign soil by Turkish diplomatic missions.

In a February 2020 interview Çavuşoğlu said Turkish diplomats have officially been instructed by the government to conduct such activities abroad.<sup>4</sup>

As part of its widespread campaign, the Turkish government also manipulated and abused the International Criminal Police Organization

(INTERPOL), an inter-governmental organization set up for cooperation among member states' law enforcement agencies to share and access data on crimes and criminals.

Available case studies, reports and interviews with organizations working in the field show that Turkey uses the organization to harass, detain and seek the extradition of political exiles, dissidents, human rights defenders, civil society activists and journalists critical of the government in clear violation of international human rights standards.

Turkey abuses INTERPOL in various ways. The International Notice System, such as Red Notices<sup>5</sup> and diffusions<sup>6</sup>, are used to target political opponents who have committed no crime other than being critical of President Erdoğan's government.

The Turkish government also manipulates the organization's Stolen and Lost Travel Documents Database (SLTD) by filing tens of thousands of cases for critics and opponents who, in many instances, are not even aware that their passports have been invalidated. In several cases some of these people were stranded at international airports or put in detention before they were released or, in the worst cases, were

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<sup>4</sup> Erdoğan's top diplomat Çavuşoğlu confirms systematic spying on Turkish government critics on foreign soil, Nordic Monitor, March 2, 2020, <https://nordicmonitor.com/2020/02/erdogans-top-diplomat-cavusoglu-confirms-systematic-spying-on-turkish-government-critics-on-foreign-soil/>

<sup>5</sup> A Red Notice is "a request to locate and provisionally arrest an individual pending extradition," according to INTERPOL's official website, February 2, 2021, <https://www.interpol.int/How-we-work/Notices/Red-Notices>

<sup>6</sup> Similar to a notice, a diffusion is issued for the same purposes as notices but is sent directly by a member country or an international entity to the countries of their choice. Diffusions are also recorded in INTERPOL's databases.



Turkish Foreign Minister Mevlüt Çavuşoğlu

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handed over to Turkish operatives and ended up languishing in Turkish prisons without being tried or convicted.

The Erdoğan government also filed hundreds of information requests on foreign companies through INTERPOL, alleging the involvement of well-known foreign brands in funding terrorism without reasonable grounds to warrant such requests.

Turkey's abusive practices reached such a level that it caused an uproar. Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media Harlem Désir urged Secretary-General of INTERPOL Jürgen Stock to have the international police organization carefully review Turkey's requests demanding the arrest of government critics living abroad.

“INTERPOL needs to carefully consider each case involving individuals, and in particular journalists, actively engaged in the public debate on Turkey, before deciding about any further action,” he said. “INTERPOL must not be misused by any State to stifle freedom of expression<sup>7</sup>.”

Several EU leaders, including German Chancellor Angela Merkel<sup>8</sup>, Germany's then-Foreign Minister Sigmar Gabriel, Parliamentary Assembly of the Council of Europe (PACE) Rapporteur Bern Fabritius and members of European United Left-Nordic Green Left (GUE/NGL) in the European Parliament condemned the misuse of INTERPOL Red Notices by Turkey against government critics abroad<sup>9</sup>.

Speaking to BuzzFeed on condition of anonymity to discuss sensitive diplomatic subjects, a senior Belgian law enforcement official said, “... the majority of the questionable requests we get in the EU are from Turkey.”

“Since the [July 2016] coup attempt, we have seen hundreds of requests for extradition generated by Ankara for people who couldn't possibly have been involved in the coup itself beyond being political critics of the current regime,” the official added. “Many EU countries are ignoring

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<sup>7</sup> OSCE Representative on Freedom of the Media urges Interpol to carefully consider arrest warrant requests from Turkey, Vienna, August 23, 2017, <https://www.osce.org/fom/336406>

<sup>8</sup> German Chancellor Merkel says Turkey abuses Interpol warrants, SCF, August, 20, 2017, <https://stockholmcf.org/german-chancellor-merkel-says-turkey-abuses-interpol-warrants/>

<sup>9</sup> OSCE urges Interpol to carefully consider red notice requests from Turkey, SCF, August 24, 2017, <https://stockholmcf.org/osce-urges-interpol-to-carefully-consider-red-notice-requests-from-turkey/>

<sup>10</sup> A New Russian leader wouldn't be the only problem Interpol is facing, BuzzFeed, November 20, 2018, <https://www.buzzfeednews.com/article/mitchprothero/turkey-russia-abuse-interpol-alerts-dubai>

these requests, which has been an underlying source of tension with the Turkish authorities. Many of the diplomatic spats that we have seen between Turkey and, say, the Germans and the Dutch can be linked to this anger by the Turks that we don't arrest their critics."<sup>10</sup>

The Turkish government's abusive practices reportedly created resentment in the INTERPOL Secretariat, too. Out of concern for the integrity and credibility of the system, the organization at some point suspended the access privileges of the Turkish police to file cases via the organization's mechanisms.

Building upon the findings of a 2017 report, this study purports to shed light on such abusive practices by providing information on how INTERPOL mechanisms work and the way Turkey misused them in various cases. It ends with policy proposals aimed at preventing future abuse of the system by autocratic regimes to target their opponents.

The Turkish government must be held responsible for abusing the INTERPOL system to commit human rights violations. It is encouraging to see that the organization's General Secretariat took considerable steps in safeguarding the rights of innocent people and chose not to look the other way when the Turkish government went after some critics without credible evidence or solid standing in the case. Although in some cases the INTERPOL sys-

tem might have helped the Turkish government whisk critics away from other countries, these remain in the minority.

In view of the deepening human rights crisis in the country and the lack of an independent and impartial judiciary, INTERPOL must exercise extreme caution in processing further requests from Turkey. The organization needs to ensure that Turkey complies with safeguards in place to protect the system and must discourage the Turkish government from abusing procedures to harass legitimate critics on fabricated charges.



Turgay Karaman and İhsan Aslan were detained by Malaysian officials in Kuala Lumpur and deported to Turkey on May 11, 2017.

## 2. THE INTERPOL SYSTEM AND TRANSNATIONAL REPRESSION

Transnational repression refers to the targeting of political opponents in exile and diasporas by governments. It involves a variety of tactics, including assassinations, renditions, spyware and intimidation of exiles' family members who have stayed behind.<sup>11</sup>

<sup>11</sup> Cooley, A. (2019). The International Dimensions of the New Transnational Repression (Tools of Transnational Repression) [Written Testimony]. Commission on Security and Cooperation in Europe. Schenkan, N. et al Special Report 2020: Perspectives on "Everyday" Transnational Repression in an Age of Globalization, <https://freedomhouse.org/report/special-report/2020/perspectives-everyday-transnational-repression-age-globalization>



With unreasonably minimal accountability yet possessing a high degree of discretion and power, INTERPOL mechanisms are highly susceptible to abuse for transnational repression. Authoritarian regimes worldwide take advantage of INTERPOL Red Notices and diffusions – which are not necessarily valid proof of criminal charges – to harass, detain and seek the extradition of political exiles by manipulating law enforcement authorities in democratic states.<sup>12</sup>

It is often impossible for individuals to challenge abusive Red Notices and diffusions. To begin with, it is hard for a person to know if s/he is wanted on an INTERPOL notice. Most become aware of such notices after they are arrested or stopped at a border. Even after they learn about notices, a lack of transparency for individual applications and due process at INTERPOL makes it extremely difficult for exiles to protect themselves. The organization does not have the authority to provide individuals access to the information about them in its database without the consent of the requesting government.<sup>13</sup>

Autocrats are in fact already aware that the justice systems in most democratic countries will prevent extradition. The abuse of INTERPOL is really more about harassment of dissidents in democratic states.<sup>14</sup>

Merely placing these individuals on an INTERPOL list affects their ability to travel freely, normalize their immigration status, open bank accounts, rent property and find work. This way, repression is expanded overseas by raising the cost of dissent even for those with the option of fleeing abroad.<sup>15</sup>

Although INTERPOL's constitution and internal rules provide some protection for exposed exiles, continued abuse of the organization's tools indicates that its oversight process is inept in preventing the circulation of unwarranted, unfounded diffusion messages. Therefore, democratic authorities, judges and governments alike need to take a more serious and responsible attitude towards Red Notices in order to avoid complicity in the abuse of the system.

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<sup>12</sup> Calcara, G. Balancing International Police Cooperation: INTERPOL and the Undesirable Trade-off Between Rights of Individuals and Global Security. *Liverpool Law Rev* (2020).

<sup>13</sup> Can US Legislation Halt INTERPOL Abuse by Central Asian Autocrats?, *The Diplomat*, September 13, 2019, <https://thediplomat.com/2019/09/can-us-legislation-halt-interpol-abuse-by-central-asian-autocrats/>

<sup>14</sup> Lemon, E. (2019). Weaponizing INTERPOL. *Journal of Democracy*, (2), 15-29.

<sup>15</sup> Weaponizing Interpol, Edward Lemon, April 2019, *Journal of Democracy*.

### 3. TRANSNATIONAL REPRESSION OF ERDOĞAN CRITICS

Extraterritorial acts of repression include but are not limited to coercive acts against political exiles by security services and their agents, including assassination attempts, disappearances and forced abductions and renditions back to the home country.

Transnational repression includes:

- Active monitoring, infiltration and disruption of diaspora and exile communities abroad;
- Harassment and intimidation of an exiled political opponent's family members in the home state in order to deter political activities abroad;
- Restricting overseas travel and professional activities; and
- Cooperation between the security services of a host and sending country to deny exiles due process and/or bypass legal proceedings that would determine eligibility for political asylum.

President Erdoğan in fact publicly made clear his plan to crack down on opponents anywhere in the world. In a statement in September 2016 he said, "No country or region around the world will ever be a safe haven for FETÖ [a derogatory acronym used by the Turkish government to refer to the Gülen movement, and its militants]." <sup>16</sup> Erdoğan has persistently threatened those

who have been forced to leave the country due to persecution, and at public rallies broadcast live and attended by tens of thousands of his diehard fans, he vowed to hunt down Gülen movement supporters and kill them.



Turkish President Recep Tayyip Erdoğan

In a speech delivered at his palace on October 19, 2017, Erdoğan said: "We will never leave alone those who fled abroad; we will chase them until they are punished as they deserve. Those who betrayed Turkey and the Turkish nation will not be comfortable for the rest of their lives whether in Turkey or abroad." <sup>17</sup>

According to reports released by the Commission for the Control of INTERPOL's Files (CCF), which monitors the organization's internal activities, not only has Turkey consistently been in the top 10 countries for which INTERPOL received outside requests (including complaints and requests for access or review of existing files), but the number of individuals petitioning the organization about cases that originated in

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<sup>16</sup> Erdogan's long arms: abductions in Turkey and abroad, AST, September 8, 2020 <https://silencedturkey.org/erdogans-long-arms-abductions-in-turkey-and-abroad?fbclid=IwAR0-kTfha6dywRy-tZelmzTQqNfqiNQnwqfODdsHsNeTtxt3zIIHd2kMbE3zY>

<sup>17</sup> Erdoğan's long arms: the case of Norway, SCF, December 2017 [https://stockholmcf.org/wp-content/uploads/2017/12/Erdogans-Long-ArmThe-Case-Of-Norway\\_15.12.2017pdf.pdf](https://stockholmcf.org/wp-content/uploads/2017/12/Erdogans-Long-ArmThe-Case-Of-Norway_15.12.2017pdf.pdf)

Turkey has also skyrocketed.

Turkey's misuse of INTERPOL began in earnest after the coup attempt to topple President Erdoğan in July 2016. Though it is far from the only nation to take advantage of INTERPOL's rapid dissemination of information and relaxation of oversight -- Russia and China are also notorious in this regard -- Turkey is arguably INTERPOL's most prolific abuser.<sup>19</sup>

In early July 2017 the Hürriyet Daily News, citing BBC Turkish, reported<sup>20</sup> that Turkey tried to put 60,000 individuals on the INTERPOL wanted list, accusing them of affiliation with the Gülen movement. There does not seem to be any historical precedent for a country attempting to put as many individuals on the INTERPOL wanted list regarding a single event as Turkey did. Sixty thousand is a figure more than quadruple the total number of such notices actually issued worldwide in 2016<sup>21</sup>. Before 2016, Turkey never generated more than 10 CCF cases a year, but in 2016, it produced 47.

However, alleging an issue of trust because of the high number, INTERPOL suspended Turkey's access to the list of wanted persons<sup>22</sup> and revoked its right to enter new records.

Although INTERPOL did not take into account the list, Erdoğan continued his relentless witch-hunt of dissidents. In another speech he said: "They are the elements of dissension within us, like cancer cells. A comprehensive cleanup is required so that not the slightest trace of them is left behind. And that's what we are doing right now. ... Those who fled abroad should never feel safe. ... We are currently working on a new initiative. We are calling on those who went [abroad] to return. A deadline will be given to them. If they don't return, we will do whatever is needed. Indeed, the children of this country should return and tell whatever they know to the relevant authorities. If they don't, they'll pay for it. At any rate, we won't support them as our citizens. ... We will take due action when they are apprehended."<sup>23</sup>

At a joint press conference with Kosovar President Hashim Thaçi in Ankara on December 29, 2016, Erdoğan said: "Our crackdown on them both at home and abroad is under way and will continue in the future. Wherever they flee, we will be hot on the heels of the heads and militants of terrorist organizations." Speaking at a rally in the Black Sea province of Zonguldak on April 4, 2017, Erdoğan said: "We are purging every Gülenist in the army, in the

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<sup>19</sup> Turkey may be world's most prolific abuser of Interpol Red Notices, Claire Sadar, April 27, 2019, <https://ahval-news.com/interpol/turkey-may-be-worlds-most-prolific-abuser-interpol-red-notice>

<sup>20</sup> Interpol denies reports of Turkey's removal from database after listing 60,000 'wanted' Gülenist names, Hurriyet Daily News, July 5, 2017, <https://www.hurriyetcailynews.com/interpol-denies-reports-of-turkeys-removal-from-database-after-listing-60000-wanted-gulenist-names-115135>

<sup>21</sup> Jago Russell, Turkey's War on Dissent Goes Global, Foreign Policy, May 1, 2018.

<sup>22</sup> FETÖ takes advantage of Interpol's decision, Yeni Şafak, July 5, 2017, <https://www.yenisafak.com/en/gundem/feto-takes-advantage-of-interpols-decision-2748646>

police and in state institutions. And we will continue cleansing [these organizations of] them because we will eradicate this cancer from the body of this country and state. They will not enjoy the right to life. ... Our fight against them will continue until the end. We won't leave them merely wounded.”<sup>24</sup>

These quotes are only a small part of what Erdoğan has long been voicing in his campaign of fear that vilifies opponents and critics. This has led to physical attacks on the lives and properties of critics abroad, calls for boycotts of their businesses, death threats and punishment of their relatives back in Turkey. He uses every opportunity to exert pressure on ambassadors and employs similar propaganda with the heads of state and government he meets.

In a speech delivered on March 8, 2017 Interior Minister Süleyman Soylu revealed that the government was plotting to do something abroad to critics from the Gülen movement, saying: “They think they can go and flee to Germany. ... One day, these FETÖ terrorists may be shocked to see where they are located, you know. I'm telling you from here; it is not that easy. ... Both the security and the strategy of this country [Turkey] have now changed. We won't leave those who betrayed Turkey alone wherever they may be

around the world.”<sup>25</sup>



İbrahim Kalın

İbrahim Kalın, the spokesperson for the presidency, admitted that Turkey's national intelligence agency MİT has been pursuing participants of the Gülen movement who sought asylum in other countries. “In general, MİT is in contact with various countries about people who are abroad as fugitives and have requested asylum. We demand that they be captured and extradited to Turkey,” Kalın stated at a press conference on August 17, 2017.<sup>26</sup>

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<sup>23</sup> Erdoğan's long arm in Europe: the case of the Netherlands, SCF, February 2017 [https://stockholmcf.org/wp-content/uploads/2017/02/Erdogan%E2%80%99s\\_long\\_arm-in\\_Europa.The\\_case\\_of\\_the\\_Netherlands\\_27.02.2017.pdf](https://stockholmcf.org/wp-content/uploads/2017/02/Erdogan%E2%80%99s_long_arm-in_Europa.The_case_of_the_Netherlands_27.02.2017.pdf)

<sup>24</sup> Erdoğan's long arm: the case of Senegal, SCF [https://stockholmcf.org/wp-content/uploads/2018/12/Erdogans-long-arm-the-case-of-Senegal\\_dec\\_2018.pdf](https://stockholmcf.org/wp-content/uploads/2018/12/Erdogans-long-arm-the-case-of-Senegal_dec_2018.pdf)

<sup>25</sup> ibid.





## 4. INTERPOL'S COMMUNICATION AND COOPERATION SYSTEM

### 4.1. The Structure and Rules of INTERPOL

INTERPOL works to prevent and fight crime through enhanced cooperation and innovation on police and security matters, including counterterrorism, cybercrime, counternarcotics and transnational organized crime. INTERPOL, the world's largest international police organization with 194 member states, must act in accordance with its own constitution, which was adopted in 1956. Article 2 of the constitution states that the organization aims "[t]o ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the *Universal Declaration of Human Rights*."<sup>27</sup> As such, INTERPOL is obligated to operate

under international human rights laws.

Moreover, Article 3 forbids INTERPOL from undertaking any intervention or activity of a political, military, religious or racial character.<sup>28</sup>

The primary objectives of Article 3 can be defined as follows:

- (a) to ensure the independence and neutrality of INTERPOL as an international organization;
- (b) to reflect international extradition laws;
- (c) to protect individuals from persecution,<sup>29</sup> meant to safeguard the alert system from being abused for political purposes.<sup>30</sup>

Therefore, Turkey's abuse of the INTERPOL system in politically motivated cases that target specific social groups like the Gülen movement or ethnic groups such as the Kurds amounts, first and foremost, to the violation of the core principles of the INTERPOL constitution. The Erdoğan government is not only using INTERPOL as an instrument of persecution but is also trying to manipulate INTERPOL procedures to perpetrate human rights violations. As a result, the independence and neutrality of the organization are very much at risk with the specious warrants the Turkish government has issued for its political opponents.

<sup>26</sup> *ibid.*

<sup>27</sup> The constitution of ICPO-INTERPOL, <https://www.interpol.int/en/content/download/590/file/Constitution%20of%20the%20ICPO-INTERPOL-EN.pdf>

<sup>28</sup> *ibid.*

<sup>29</sup> Repository of Practice: Application of Article 3 of INTERPOL's constitution in the context of the processing of information via INTERPOL's channels, <https://www.interpol.int/content/download/12626/file/article-3-ENG-february-2013.pdf>

<sup>30</sup> Cooley, A. (2019). The International Dimensions of the New Transnational Repression (Tools of Transnational Repression) [Written Testimony]. Commission on Security and Cooperation in Europe.



Interpol notices, source: [interpol.int](http://interpol.int)

## 4.2. The INTERPOL Notice System

INTERPOL's International Notice System allows police in member states to share critical crime-related information. Police can use notices to alert law enforcement in other countries of potential threats or to ask for assistance in solving crimes.<sup>31</sup>

The notice system allows member countries and authorized international organizations to circulate notices concerning individuals wanted for a serious crime, missing persons, unidentified bodies, pos-

sible threats, prison escapes and criminal modi operandi.<sup>32</sup> There are eight types of notices issued by INTERPOL: Red, Yellow, Blue, Purple, Black, Green, Orange and INTERPOL-UN Security Council Special Notices.<sup>33</sup>

For the present purposes, the Red Notice is of particular interest.<sup>34</sup> It is the most important and effective notice, requesting the location and provisional arrest of a person wanted by a national jurisdiction or an international tribunal with a view to his or her extradition. It is issued by the INTERPOL General Secretariat

<sup>31</sup> "Abusive use of the Interpol system: the need for more stringent legal safeguards," report by Parliamentary Assembly of the Council of Europe, March 29, 2017, <https://pace.coe.int/en/files/23524/html>

<sup>32</sup> See for further details on the notice system: Savino, M., (2011), 'Global Administrative Law Meets Soft Powers: The Uncomfortable Case of Interpol Red Notices.' *New York University Journal of International Law and Politics*, 43: 263-336.

<sup>33</sup> About Notices, INTERPOL, <https://www.interpol.int/en/How-we-work/Notices/About-Notices#:~:text=INTERPOL%20Notices%20are%20international%20requests,to%20all%20our%20member%20countries>

<sup>34</sup> INTERPOL Rules on the Processing of Data, Article 82, <https://rm.coe.int/interpol-s-rules-on-the-processing-of-data/168073ce01>

<sup>35</sup> "Notices," INTERPOL website, February 08, 2021, <https://www.interpol.int/INTERPOL-expertise/Notices>

at the request of a member country or an international tribunal based on a valid national arrest warrant.

Red Notices are issued for individuals sought for prosecution or to serve a sentence.<sup>35</sup> INTERPOL cannot compel any member country to arrest an individual who is the subject of a Red Notice. Each member country decides for itself what legal value to give a Red Notice within their borders.

The Red Notice gives high international visibility to cases when targeted people are flagged to border officials, making the travel and movement of suspects difficult. At the same time, however, if not used properly or if used in politically motivated cases, Red Notices may have negative ramifications as far as fundamental rights are concerned, such as the right to liberty, the right to freedom of movement and the right to a fair trial.

A Blue Notice is used to collect additional information about a person, such as identity, location or activities, in relation to a crime. In addition to notices, INTERPOL also maintains a database of Stolen and Lost Travel Documents (SLTD),<sup>36</sup> which enables INTERPOL National

Central Bureaus (NCBs) and other authorized law enforcement entities and personnel – such as immigration and border control officers – to ascertain the validity of a travel document (passport, identity document, visa). Details of stolen and lost passports are submitted directly to the STLD database by INTERPOL NCBs and law enforcement agencies via INTERPOL's secure communication system. Only the country that issued a document can add it to the database.<sup>37</sup>

In addition to notices, member states also use diffusions, which are similar to notices but sent directly by a member country or an international entity to the countries of their choice. The proper functioning of this system relies on mutual trust between the various actors and the belief that member states would only use INTERPOL in good faith, solely for the purposes for which the organization was established. Those who abuse the organization's infrastructure for the persecution of their adversaries undermine the very foundations of international police cooperation.<sup>38</sup>

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<sup>36</sup> Stolen and Lost Travel Documents Database, INTERPOL website, February 08, 2021, <https://www.interpol.int/How-we-work/Databases/Stolen-and-Lost-Travel-Documents-database>

<sup>37</sup> Frontline Database Access, INTERPOL website, February 08, 2021, <https://www.interpol.int/How-we-work/Border-management/Frontline-database-access>

<sup>38</sup> "Abusive use of the Interpol system: the need for more stringent legal safeguards," report by Parliamentary Assembly of the Council of Europe, February 27, 2017, <https://pace.coe.int/pdf/1cdf308806ea0387d7f86786ef-46cd29fbc003e763b849193e9386e7cac809c6/resolution%202161.pdf>

<sup>39</sup> Interpol-Europol Dairesi Başkanlığı [Interpol-Europol Department], <https://www.egm.gov.tr/interpol/>

<sup>40</sup> "Suçluların İadesi ve Hükümlü Nakli Konularında Adli Makamlarımızca Dikkat Edilmesi Gereken Hususlar," [Circular on extradition of criminals and transfer of convicts] Ministry of Justice, <https://www.guncelders.com/gys/konu-176>

## 5. NATIONAL CENTRAL BUREAU (NCB), ANKARA, TURKEY

Turkey, a member of INTERPOL since 1930, has become a topic of discussion in recent years with a spike in politically motivated cases that have been mounting as a result of multiple filings by the Turkish government. The Turkish National Police (Emniyet Genel Müdürlüğü in Turkish, or EGM) is the national contact point for INTERPOL. The EGM has an INTERPOL and Europol Department<sup>39</sup> that operates as the INTERPOL National Central Bureau (NCB) for Turkey. It is responsible for conducting relations with INTERPOL in coordination with Turkey's Ministry of Justice.

Criminal investigations are carried out by public prosecutors in Turkey. When a public prosecutor seeks a Red Notice for a wanted person pursuant to Regulation No. 69/4<sup>40</sup> of the Ministry of Justice, the prosecutor must request an arrest warrant in absentia from a penal court of peace. If this request is approved by the court, the arrest warrant and the Red Notice request form are sent to the Justice Ministry. The court can issue a Red Notice request during the trial phase as well. In either case, the Red Notice request, once approved by the court, is referred to the NCB in Turkey by the Foreign Affairs and European Union Directorate General<sup>41</sup> with-

in the Ministry of Justice. The NCB then sends the notice to the INTERPOL General Secretariat.

Criminal courts of peace are called special project courts that were introduced by Erdoğan on June 22, 2014 to persecute his critics. Exclusively authorized to carry out all investigatory processes including detention, arrest, property seizure and search warrants, judges of the criminal courts of peace were handpicked by the government from among loyalists and partisans who had pursued a witch-hunt primarily against followers of the Gülen movement and the Peoples' Democratic Party (HDP), who are treated as enemies by the government. As appeals of decisions by a criminal court of peace can be filed only with another criminal court of peace, this creates a "closed circuit" system that has drawn harsh criticism from PACE and the Venice Commission.



The Venice Commission dealt with these courts when Cesar Florin Predda, chair of the Monitoring Committee of PACE, requested an opinion

<sup>41</sup> Adli Yardımlaşma [Judicial Cooperation], Ministry of Justice, [https://diabgm.adalet.gov.tr/arsiv/adli\\_yardimlasma.html](https://diabgm.adalet.gov.tr/arsiv/adli_yardimlasma.html)

<sup>42</sup> CDL-AD(2017)004-e Turkey - Opinion on the duties, competences and functioning of the criminal peace judgeships, adopted by the Venice Commission at its 110th Plenary Session (Venice, 10-11 March 2017) [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)004-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)004-e)

<sup>43</sup> "Abusive use of the Interpol system: the need for more stringent legal safeguards," report by Parliamentary Assembly of the Council of Europe, February 27, 2017, <https://pace.coe.int/pdf/1cdf308806ea0387d7f86786ef-46cd29fbc003e763b849193e9386e7cac809c6/resolution%202161.pdf>



on the duties, competencies and functioning of the penal judges of peace on May 25, 2016. The Venice Commission issued its opinion on March 13, 2017 and said the judges' jurisdiction and practices gave rise to numerous concerns.<sup>42</sup>

Since the role of the criminal courts of peace is critical in issuing a Red Notice request for INTERPOL, any international warrant issued by these courts must be questioned for procedural flaws as well as on substance.

## **6. ABUSE OF INTERPOL'S COMMUNICATION AND COOPERATION SYSTEM FOR TRANSNATIONAL REPRESSION**

Turkey has never been on the best of terms with INTERPOL over the years, with some criticism of abuse leveled against Ankara from time to time, but it was never as bad as it is today, with multiple cases of abuse recently reported and widely covered in the international media. In a report published by PACE's Committee on Legal Affairs and Human Rights that was subsequently approved in the plenary, several cases of the abuse of the INTERPOL system by Turkey were cited as examples.<sup>43</sup>

The Turkish government's cam-

paign of transnational repression is noted by Freedom House for its intensity, its geographic reach and the suddenness with which it escalated. Since the abortive putsch of 2016, the Erdoğan government has pursued its perceived enemies in at least 31 host countries spread across the Americas, Europe, the Middle East, Africa and Asia. The campaign is also noteworthy for its heavy reliance on renditions, in which the government and its intelligence agency persuade the targeted states to hand over individuals without due process or with a slight fig leaf of legality, or by abusing the INTERPOL system to target exiles.<sup>44</sup>

Cases of transnational repression by the Erdoğan government that involved the abuse of INTERPOL's notice system reveals how this leads to gross violations of human rights.

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<sup>44</sup> Out of Sight, Not Out of Reach, Case Studies, Turkey, report by Freedom House, [https://freedomhouse.org/sites/default/files/2021-02/FH\\_TransnationalRepressionReport2021\\_rev020221\\_CaseStudy\\_Turkey.pdf](https://freedomhouse.org/sites/default/files/2021-02/FH_TransnationalRepressionReport2021_rev020221_CaseStudy_Turkey.pdf)

<sup>45</sup> Biography, Doğan Akhanlı blog, [http://dogan-akhanli.de/wordpress/?page\\_id=2339](http://dogan-akhanli.de/wordpress/?page_id=2339)

<sup>46</sup> Yazar Doğan Akhanlı tahliye edildi [Writer Doğan Akhanlı released], Evrensel, December 10, 2010, <https://www.evrensel.net/haber/177869/yazar-dogan-akhanli-tahliye-edildi>

<sup>47</sup> German writer held in Spain on Turkish warrant granted conditional release, The Guardian, August 20, 2017, <https://www.theguardian.com/world/2017/aug/20/german-writer-held-in-spain-on-turkish-warrant-granted-conditional-release-dogan-akhanli>

## 6.1. Individual Cases

### 6.1.1. Doğan Akhanlı



Turkish-born writer Doğan Akhanlı, 64, who had been jailed in Turkey between 1985 and 1987, fled to Germany in 1991 and applied for asylum. Turkey stripped him of his citizenship in 1998, and he became a German citizen in 2001.<sup>45</sup> On August 10, 2010 he was arrested at an İstanbul airport when he came to see his dying father. He was put in pretrial detention for alleged involvement in a 1989 robbery. He was released on December 8, 2010 and acquitted on October 12, 2011. In April 2013 the ac-

quittal was overturned, and a Red Notice was issued for him.<sup>46</sup>

Based on the INTERPOL notice, Spanish authorities detained Akhanlı in his hotel room on August 19, 2017 while he was vacationing in Granada in southern Spain. He was conditionally released after a court hearing on August 20 but was ordered to remain in Madrid while Turkey's extradition request was reviewed.<sup>47</sup> After being kept in the country for two months, the Spanish Justice Ministry told Akhanlı he was free to leave.<sup>48</sup>

After he was released Akhanlı said, "It is terrible because I thought I was safe in Europe. I thought the Turkish arbitrariness and arrogance couldn't reach Europe. ... They simply abuse international law, whatever it is good for. It has nothing to do with the rule of law."<sup>49</sup>

German Chancellor Angela Merkel

<sup>48</sup> Spain drops extradition proceedings of Turkish-German writer Dogan Akhanli, Deutsche Welle, October 13, 2017, <https://www.dw.com/en/spain-drops-extradition-proceedings-of-turkish-german-writer-dogan-akhanli/a-40943661>

<sup>49</sup> Germany Condemns Detention of Turkish-Born Writer in Spain, New York Times, August 21, 2017, <https://www.nytimes.com/2017/08/21/world/europe/turkey-germany-spain-writer-detained-erdogan.html?mcubz=1>

<sup>50</sup> Ibid.

<sup>51</sup> Merkel attacks Turkey's 'misuse' of Interpol warrants, Reuters, August 20, 2017, <https://www.reuters.com/article/us-eu-turkeyelection-idUSKCN1B00IP>

<sup>52</sup> A warning to Turkish dissidents: Don't go to Spain, Politico, August 29, 2017, <https://www.politico.eu/article/dogan-akhanli-spain-arrest-warning-to-turkish-dissidents/>

Außenminister Gabriel zum Fall Dogan Akhanli, August 29, 2017, <https://www.auswaertiges-amt.de/de/news-room/170820-bm-akhanli/291978>

<sup>53</sup> Spain detains German author Dogan Akhanli on Turkish warrant, Deutsche Welle, August 19, 2017, <https://www.dw.com/en/spain-detains-german-author-dogan-akhanli-on-turkish-warrant/a-40159684>

<sup>54</sup> Ibid.

<sup>55</sup> Germany: Turkey may be using Interpol to hunt down political opponents, CNN, August 21, 2017, <https://edition.cnn.com/2017/08/21/europe/germany-turkey-interpol/index.html>

<sup>56</sup> Turkish-born German writer Dogan Akhanli released by Spanish court, Euronews, August 20, 2017, <https://www.euronews.com/2017/08/20/turkish-born-german-writer-dogan-akhanli-released-by-spanish-court>

called the incident “unacceptable” and said, “We cannot allow international organizations such as INTERPOL to be misused in this way.”<sup>50</sup> Merkel subsequently said that “we must not misuse international organizations like INTERPOL for such purposes.”<sup>51</sup>

German Foreign Minister Sigmar Gabriel commented on Akhanlı’s detention, saying, “It would be terrible that Turkey could also reach the other end of Europe to put people who raise their voices against President Erdoğan under arrest.”<sup>52</sup> Germany’s Green Party deputy Volker Beck said the arrest warrant was a clear attempt by Turkish President Erdoğan “to extend his power beyond the borders of his country to intimidate his critics and to pursue them all over the world.”<sup>53</sup> Left Party Co-chairperson Katja Kipping urged the release of the writer in a tweet. “Unbelievable! I call for the immediate release of Dogan Akhanlı! How much further do we want to let Erdoğan go in Europe?” she said.<sup>54</sup>

“This arrest demonstrates an attempt by Erdoğan to extend his power beyond the borders of his country ... and to act against those he doesn’t like and who criticize him wherever they are in the world,”<sup>55</sup> Akhanlı’s lawyer Ilias Uyar said. “Turkey wants to flex its muscles and show people that they are not safe anywhere. Unfortunately, this is being done through the abuse of the

laws of the state, so what we have now is INTERPOL being used as an extended arm of the Turkish regime.”<sup>56</sup>

### 6.1.2. Murat Acar

Murat Acar, a Harvard-educated Turkish professor, was extradited to Turkey on an arrest warrant issued by Turkey through INTERPOL despite the fact that he was under UN protection in Bahrain.

Acar, a 50-year-old medical doctor who was working as a professor and consultant at King Hamad University’s radiology department in Bahrain, was extradited to Turkey on coup plotting charges filed by the Turkish government. Acar, who suspected the government might target him, sought UN help and was granted humanitarian protection.

However, the Bahraini police disregarded his status and raided his house in order to detain him. He was turned over to Turkey by the INTERPOL section of the Bahraini police.<sup>57</sup> Acar was extradited despite the fact that he had been granted protection.

Bahrain’s INTERPOL has become an accomplice of Turkey in unlawful arrest without the presentation of any concrete evidence. Acar was subjected to torture and ill-treatment for 18 days after his extradition to Turkey. When he finally appeared for his arraignment, he was

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<sup>57</sup> Interpol helped Harvard educated professor get tortured in Turkish prison, SCF, August 30, 2017, <https://stockholmcf.org/interpol-helped-harvard-educated-professor-get-tortured-in-turkish-prison/>

<sup>58</sup> Turkey requests Interpol Red Notice for NBA star Kanter on terrorism charges, SCF, January 16, 2019 <https://stockholmcf.org/turkey-requests-interpol-red-notice-for-nba-star-kanter-on-terrorism-charges/>

formally arrested, on October 26, 2016 by Ankara 7th Criminal Court of Peace Judge Kenan Türk.

### 6.1.3. Enes Kanter



NBA star Enes Kanter is an outspoken critic of President Recep Tayyip Erdoğan's increasingly authoritarian policies and human rights record. Due to his critical stance he is not allowed to play for the Turkish national basketball team, and he has been the target of a relentless defamation campaign launched against him by the pro-Erdoğan media. Turkey requested that INTERPOL issue a Red Notice for Kanter<sup>58</sup> due to his open support for the Gülen movement. The request came as part of Turkey's efforts to secure Kanter's extradition from the US. Kanter is accused of membership in an armed terrorist organization, with his social media

posts cited as "evidence" in the extradition request that Turkey prepared. He was unable to accompany his team for away games in London and Toronto due to the Red Notice.

### 6.1.4. Hamza Yalçın



Hamza Yalçın is a Swedish author and journalist of Turkish origin. He was arrested in 1979 on terrorism charges and escaped from prison after six months under arrest, fleeing to Sweden and seeking asylum there. He then returned to Turkey but was indicted on terrorism charges again in 1990 and 1994 and spent three years in prison. He left Turkey in 1994 and has been living in Sweden ever since.<sup>59</sup> Yalçın is the former editor-in-chief and a regular writer for the *Odak* magazine, a Turkish socialist monthly. In April 2017 he was indicted on charges of insulting President Erdoğan in an

<sup>59</sup> Yazar Hamza Yalçın İspanya'da Tutuklandı, Evrensel, August 7, 2017, <https://www.evrensel.net/haber/328690/yazar-hamza-yalcin-ispanyada-tutuklandi>

<sup>60</sup> Spain: Release Turkish-Swedish journalist, PEN International, August 21, 2017, <https://www.pen-international.org/news/spain-release-turkish-swedish-journalist>

<sup>61</sup> According to the Spanish national newspaper *El País*, one of the reasons for the arrest was that Hamza Yalçın had "insulted" Turkey's President Erdoğan in an article in the *Focus* magazine. See *España encarcela a un periodista crítico con Erdogan a petición de Turquía*, August 9, 2017, [https://elpais.com/politica/2017/08/08/actualidad/1502219433\\_730103.html?id\\_externo\\_rsoc=TW\\_CC](https://elpais.com/politica/2017/08/08/actualidad/1502219433_730103.html?id_externo_rsoc=TW_CC)

<sup>62</sup> Spain halts extradition of Turkish-Swedish writer Hamza Yalçın, SCF, September 30, 2017, <https://stockholmcf.org/spain-halts-extradition-of-turkish-swedish-writer-hamza-yalcin/>

<sup>63</sup> Spain halts extradition of Turkish-Swedish reporter, AP News, September 29, 2017, <https://apnews.com/article/cacf2797f46947f7b70b2a5a9148643f>



article published in Odak.

Yalçın was detained at Barcelona's El Prat Airport on August 3, 2017 pursuant to a Red Notice issued through INTERPOL by Turkey. On August 4, he was arrested on charges of "disseminating terrorist propaganda" <sup>60</sup> and "insulting the Turkish president." <sup>61</sup>

The Spanish authorities had 40 days to decide whether to extradite him to Turkey as per INTERPOL rules. The Spanish government, on September 29, 2017, decided not to extradite Yalçın. <sup>62</sup>

Government spokesman Inigo Mendez de Vigo said the process against Yalçın had been dropped because, under Spanish law, a person who has been granted refugee status cannot be extradited. He said Yalçın was granted asylum twice by Sweden and then acquired Swedish nationality in 2006. <sup>63</sup>

### 6.1.5. Muhammet Furkan Sökmen

Muhammet Furkan Sökmen, a Turkish educator who was the administrator of Horizon International Schools and a partner in Mediterranean International Education Services Co., Ltd., which were established by Gülen movement fol-

lowers in Myanmar, was detained on May 24, 2017 at Yangon Airport in Myanmar along with his wife Ayşe and their 2-year-old daughter Sibel. The detention took place after Turkey's INTERPOL section notified Myanmar authorities that his passport had been invalidated. The Myanmar government said he and his family would be deported to Turkey as their passports were invalid, <sup>64</sup> but instead he was deported to Thailand, where he was picked up by Turkish officials from the INTERPOL National Central Bureau (NCB) in Turkey. <sup>65</sup>

He recorded and shared on social media a passionate video message asking for help while he was detained in Bangkok before authorities confiscated his phone. "I am innocent and working in Myanmar legally since 2012. I do not want to go to Turkey where I will be imprisoned and most likely be tortured," he said.

The UN Human Rights Office for South-East Asia expressed grave concern over the deportation by Myanmar -- via Thailand -- of Sökmen and strongly urged authorities not to deport those deemed at risk upon their return to Turkey. <sup>66</sup>

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<sup>64</sup> Myanmar to deport Turkish family amid crackdown fears, May 25, 2017, <https://www.frontiermyanmar.net/en/myanmar-to-deport-turkish-family-amid-crackdown-fears/>

<sup>65</sup> FETÖ'nün 'Myanmar imami' Türkiye'ye getirildi ['Myanmar Imam' of FETO brought to Turkey], May 27, 2017 <https://www.milliyet.com.tr/gundem/son-dakika-fetonun-myanmar-imami-turkiyeye-getirildi-2458074>

<sup>66</sup> UN expresses grave concern over Myanmar, Thai deportation of Turkish national, Reuters, May 27, 2017, <https://www.reuters.com/article/us-myanmar-turkey-politics-idUSKBN18NOCX>

<sup>67</sup> Thailand: Turkish man detained and at risk of extradition, Amnesty International, May 26, 2017, <https://www.amnesty.org/download/Documents/ASA3963742017ENGLISH.pdf>

<sup>68</sup> Burma/Thailand: Deported Turkish Man at Risk, Human Rights Watch, June 1, 2017, <https://www.hrw.org/news/2017/06/01/burma/thailand-deported-turkish-man-risk>

Amnesty International also issued an urgent action notice for Sökmen and said, “Amnesty International and other organizations have collected credible evidence of the arbitrary detention and torture of detainees suspected of belonging to the Gülen movement. If M. Furkan Sökmen is returned to Turkey, Amnesty International fears that he would be at risk of similar ill-treatment.”<sup>67</sup>

However, Thailand returned Sökmen to Turkey despite pleas by human rights organizations and notices of concern by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other UN agencies that had informed the Burmese and Thai governments that there were substantial grounds to believe that he would be at imminent risk of human rights abuse upon his return to Turkey. Brad Adams, executive director of Human Rights Watch’s (HRW) Asia Division, said, “Burma and Thailand flagrantly violated Furkan Sökmen’s human rights by caving in to pressure from Ankara and deporting him despite his claim for asylum and the real risk of ill-treatment and an unfair trial in Turkey.”<sup>68</sup> HRW accused Thailand of violating the principle of non-refoulement, which is included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Thailand is a party.

Sökmen was detained on arrival in Istanbul, questioned by the police and sent to the border province of Hatay, where he was investigated and jailed.



Abdullah Büyük was handed over to Turkish police.

### 6.1.6. Abdullah Büyük

Abdullah Büyük, a Turkish businessman, fled to Bulgaria in February 2016 to escape the Turkish government’s crackdown on alleged members of the Gülen movement and applied for political asylum there. A few weeks after his arrival in Bulgaria, Turkey issued an INTERPOL arrest warrant for him on terrorism and money laundering charges. The Bulgarian Sofia City Court and the Bulgarian Court of Appeal in Sofia, however, both refused to extradite Büyük, finding that Turkey had failed to present any evidence related to the charges brought against him, that they were likely politically motivated and that Büyük was unlikely to have any chance of a fair trial in Turkey.<sup>69</sup>

<sup>69</sup> Outrage in Bulgaria over secretive transfer of Turkish citizen to Ankara, Fair Trials International, August 19, 2016, <https://www.fairtrials.org/node/883>

<sup>70</sup> *ibid.*

<sup>71</sup> Dangerously Disproportionate – The Ever-Expanding National Security State in Europe, Amnesty International, January 17, 2017, <https://www.amnesty.at/media/1310/amnesty-international-europe-dangerously-disproportionate.pdf>

But on August 10, 2016 Büyük was secretly taken to the border and handed over to Turkish authorities by the Bulgarian Ministry of the Interior. The operation was revealed when it received extensive media coverage in Turkey.<sup>70</sup>

In its report titled “Dangerously Disproportionate – The Ever-Expanding National Security State in Europe,” which was released on January 17, 2017, Amnesty International criticized the rendition and highlighted Büyük’s case as having “all the hallmarks of an unlawful rendition to the risk of torture.”<sup>71</sup>

Büyük has been jailed in Turkey since then, and a public prosecutor filed an indictment only nine months later, on May 17, 2017.

#### 6.1.7. Mahmut Akpınar



According to an official communiqué circulated by the Turkish Justice Ministry, the Ankara Chief Public Prosecutor’s Office was asked to prepare the necessary documents for filing an extradition request for Mahmut Akpınar,<sup>72</sup> an academic and one of Turkey’s top terrorism experts.

<sup>72</sup> Turkey wants dissident academic and journalist extradited from UK on false charges, Nordic Monitor, February 3, 2021, <https://nordicmonitor.com/2021/02/turkey-wants-dissident-academic-and-journalist-extradited-from-uk-on-false-charges/>

<sup>73</sup> Turkish professor in the US faces politically motivated extradition requested by Turkish government, Nordic Monitor, June 10, 2019, <https://nordicmonitor.com/2019/06/turkish-professor-in-the-us-faces-politically-motivated-extradition-threat-by-turkish-government/>

The communiqué made reference to a document dated November 24, 2020 and issued by Turkey’s Interior Ministry stating that Akpınar’s residence in Leicester had been identified by Turkish authorities. It appears Turkish intelligence found out where Akpınar lived in the UK and informed headquarters in Ankara, which in turn prompted action against the academic. The Ankara 4<sup>th</sup> High Criminal Court issued an arrest warrant for Akpınar and asked the Justice Ministry to have INTERPOL issue a Red Notice as well.

Before arriving in the UK, the 53-year-old academic had worked at the Ankara-based Turgut Özal University, which was unlawfully shut down by the government in 2016, along with thousands of schools, associations, foundations, universities, hospitals and other institutions affiliated with government critic the Gülen movement.

#### 6.1.8. Şerif Ali Tekalan



A Turkish judge requested the extradition of Şerif Ali Tekalan, a prominent professor who had been critical of President Erdoğan, filing

papers with the United States and Germany as part of a continued crackdown on dissidents in Turkey.

The paperwork in his case revealed that Turkish authorities had requested an INTERPOL Red Notice for his arrest in October 2016 at the behest of Ankara Deputy Chief Public Prosecutor Zafer Edis. Judge Selfet Giray, the presiding judge of the Ankara 4<sup>th</sup> High Criminal Court, moved to deliver what the deputy chief prosecutor urged and filed the necessary paperwork for the Red Notice for Tekalan.

Judge Giray, notorious for initiating dozens of extradition requests and INTERPOL notices for critics who were forced to live in exile, submitted a motion on January 31, 2017 asking the United States to turn over Tekalan,<sup>73</sup> president of the North American University (NAU) in Houston, Texas. Two days later, the same judge filed another motion against Tekalan, this time asking German authorities to return him to Turkey.

Tekalan, a medical doctor by profession, was chairman of the International Association of Universities and the former president of the privately run Fatih University, unlawfully seized by the Erdoğan government and later shut down along with 15 other universities in 2016. He had previously served as a member of the Higher Education Board (YÖK) Executive Committee

overseeing all universities in Turkey between 1992 and 1996. He also assumed the post of secretary-general of the Writers and Journalists Foundation (GYV) in Turkey before it was closed down by the government.

### 6.1.9. Mehmet Ali Çoban

According to Turkish government documents, Turkey requested the deportation of Mehmet Ali Çoban,<sup>74</sup> a prominent businessman living in Mozambique, but the request was rejected by the Mozambican INTERPOL service.

Çoban was accused of supporting the International Willow Schools in Mozambique, considered by many to be the most prestigious educational institution in the country. In fact, he made a donation for the construction of a new school building, the opening ceremony of which was attended by national and local politicians, high-level officials and diplomats in 2011.

On November 6, 2018 the Justice Ministry forwarded an extradition request filed by the Antalya Chief Public Prosecutor's Office to the Foreign Ministry to start an official extradition process. The extradition file was based on a frivolous indictment submitted to the Antalya 2nd High Criminal Court. The Justice Ministry document said the procedure for a bilateral agreement between Turkey and Mozambique on mutual assistance in legal matters

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<sup>74</sup> Mozambique balks at Turkey's request to extradite Erdoğan critic, Nordic Monitor January 9, 2021, <https://nordicmonitor.com/2019/08/mozambique-balks-at-turkeys-request-to-extradite-education-volunteer/>

<sup>75</sup> Finnish Interpol service denied Turkey's request to deport political asylum seeker, Nordic Monitor, August 4, 2019 <https://nordicmonitor.com/2019/07/finland-interpol-denied-turkeys-request-to-deport-political-asylum-seeker/>



and extradition was pending and that assistance was being sought on the basis of reciprocity.

#### 6.1.10. Vecihi Koyuncu

Turkish authorities in an official request demanded the arrest and deportation of Turkish national Vecihi Koyuncu,<sup>75</sup> a prominent businessman living in Finland, but the request was rejected by the Finnish INTERPOL service. Koyuncu was accused by the regime of President Erdoğan of affiliation with the Gülen movement.

The official communication, sent by the Justice Ministry's Directorate General for International Law and Foreign Relations, dated February 7, 2017 and signed by Hatice Seval Arslan, a judge and the head of Department of Extradition of Criminals and Transfer of Convicts at the Justice Ministry, confirmed that Koyuncu's passport was canceled by the Turkish national police and that INTERPOL's diffusion mechanism was used against Koyuncu with a view to securing his deportation based on his lack of an international travel document. But according to the document, the Turkish police triggered the diffusion process without any judicial decision.

Moreover, the document revealed how the request for the deportation of Koyuncu was reiterated by the

Turkish Embassy in Helsinki. However, the Finnish Ministry of Foreign Affairs rejected the demand via a note verbale and conveyed the decision of the Finnish INTERPOL service.

## 6.2. Miscellaneous Cases



Aysen Furhoff

In September 2016 Turkish national İsmet Kiliç was apprehended at the Croat-Slovene border while on his way back from a vacation with his family in Italy. He was held under arrest in Slovenia for 82 days on a Red Notice requested by the Turkish government, despite having been granted political asylum in Germany.<sup>76</sup>

Aysen Furhoff, a Turkish national who was also a naturalized Swedish citizen, was arrested in Georgia on the basis of a Red Notice requested by Turkey on June 20, 2015. She was released under a travel ban on September 12, 2015, pending a decision in extradition proceedings. In December 2016, she left Georgia

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<sup>76</sup> Germany has received 1,252 Interpol notices since 2016 at Turkey's request, SCF, November 7, 2019, <https://stockholmcf.org/germany-has-received-1252-interpol-notices-since-2016-at-turkeys-request/>

<sup>77</sup> "Abusive use of the Interpol system: the need for more stringent legal safeguards," report by Parliamentary Assembly of the Council of Europe, February 27, 2017,

<sup>78</sup> Strengthening respect for human rights, strengthening INTERPOL, Fair Trials International, November 2013 <https://www.fairtrials.org/wp-content/uploads/Strengthening-respect-for-human-rights-strengthening-interpol4.pdf>

and made her way back to Sweden before any ruling could be made on her extradition, but her Red Notice remains.<sup>77</sup>

Ali Çağlayan, a German national of Turkish descent, was arrested in Poland in 2012 as a result of an international alert. He fled Turkey after he was accused of public order offenses following a May Day demonstration. He spent two weeks in a detention facility in Poland before Turkey declined to seek his extradition.<sup>78</sup>

Baran Kimyongür, a writer and a Belgian national of Turkish origin, and his wife Deniz Demirkapı protested Turkish Foreign Minister İsmail Cem during a European Parliament foreign affairs committee meeting in 2000. Turkey issued an arrest warrant for Kimyongür, alleging that this action was evidence of membership in a “terrorist organization.” As a result, Kimyongür was arrested three times in three different countries at various times, spending over 100 days in detention. Three courts, in the Netherlands (2006), Spain (2014) and Italy (2014), refused to extradite him to Turkey on the grounds that the Turkish authorities did not provide any proof of his participation in terrorist activ-

ity. Following an intervention by Fair Trials International on his behalf, INTERPOL duly deleted the notice. Yet in April 2015 Kimyongür and his family were stopped at an airport in Zurich on their way to a family holiday in Thailand on the basis of “very old” facts, in the words of the border agent. The arrest was not made on the basis of a new Red Notice, but the incident is assumed to have taken place because of traces of the previous Red Notice remaining in the system.<sup>79</sup>

## **7. ABUSE OF INTERPOL'S STOLEN AND LOST TRAVEL DOCUMENTS (SLTD) DATABASE**

The Turkish government abuses the INTERPOL system by entering information on passports that were cancelled for political reasons as lost or stolen travel documents to the INTERPOL database. This way, the government aims to prevent its critics from travelling overseas and tries to pressure those already living abroad to return to Turkey. This practice started in 2014 and gained pace in 2015 and 2016.

In the aftermath of the abortive putsch of July 15, 2016, the government summarily voided the passports of tens of thousands of people in the relevant databases due

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<sup>79</sup> “Abusive use of the Interpol system: the need for more stringent legal safeguards,” report by Parliamentary Assembly of the Council of Europe, April 26, 2017, <https://pace.coe.int/en/files/23714#trace-3>

<sup>80</sup> 74,562 Pasaport İptal Edildi [74,562 passports were cancelled], Yenişafak, 3 August 2016, <https://www.yenisafak.com/gundem/74-bin-562-pasaport-iptal-edildi-2505053>

<sup>81</sup> “OHAL Bilançosu – Hak İhlalleri Raporu”, Turkey’s main opposition party CHP, May 2017, <https://content.chp.org.tr/file/24857.pdf>

<sup>82</sup> How Strongmen Turned Interpol Into Their Personal Weapon, New York Times, March 22, 2019, <https://www.nytimes.com/2019/03/22/world/europe/interpol-most-wanted-red-notices.html>

<sup>83</sup> Constitution of the ICPO-INTERPOL, [https://www.fedpol.admin.ch/dam/fedpol/en/data/polizeizusammenarbeit/international/interpol/cgr\\_e.pdf.download.pdf/cgr\\_e.pdf](https://www.fedpol.admin.ch/dam/fedpol/en/data/polizeizusammenarbeit/international/interpol/cgr_e.pdf.download.pdf/cgr_e.pdf)

to alleged links to terrorist organizations. In just two weeks the passports of 74,562 people were cancelled in the system, although most of them were not physically marked “cancelled.”<sup>80</sup> The victims were not notified, either, leading to problems at border gates.

According to a report published by the main opposition Republican People’s Party (CHP), at least 140,000 passports were canceled under a state of emergency that was declared on July 20, 2016 and ended on July 19, 2018.<sup>81</sup> Most of the victims were not even aware that their passports had been cancelled and in some cases got stranded at international airports.

The details of stolen and lost passports are submitted directly to the STLD database by the INTERPOL National Central Bureau (NCB) of the country that issued the travel document in question, rendering the system vulnerable to misuse.<sup>82</sup> In fact, in view of Turkey’s abusive practices, INTERPOL deleted data entered into the STLD by the Turkish NCB based on Article 3 of the organization’s constitution, which states that “It is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious or racial character.”<sup>83</sup> This was confirmed

by Deputy Foreign Minister Yavuz Selim Kiran during a session of the Turkish Parliament’s Foreign Affairs Committee on June 4, 2021.

Kiran said Turkey had experienced problems in its cooperation with INTERPOL, especially after the “hesitant attitude” adopted by the organization in the aftermath of the abortive putsch. This included the denial of Red Notice requests for individuals with alleged links to the Gülen movement.<sup>84</sup>

In its 2016 Report on Turkey, which was approved on June 26, 2017, the European Parliament (EP) found passport revocations by the Turkish government troubling. It said the EP was “concerned at the revocation of a large number of passports, leaving people stateless in violation of the 1954 U.N. Convention relating to the status of stateless persons and the 1961 U.N. Convention on the reduction of statelessness, and at the reported refusal of service by Turkish consulates to a number of its citizens.”<sup>85</sup>

A number of cases reveal how the Erdoğan government’s abusive use of the STLD leads to gross violations of human rights.

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<sup>84</sup> “Abusive use of the Interpol system: the need for more stringent legal safeguards,” report by Parliamentary Assembly of the Council of Europe, April 26, 2017, <https://pace.coe.int/en/files/23714#trace-3>

<sup>85</sup> 74,562 Pasaport İptal Edildi [74,562 passports were cancelled], *Yenişafak*, 3 August 2016, <https://www.yenisafak.com/gundem/74-bin-562-pasaport-iptal-edildi-2505053>

<sup>86</sup> “OHAL Bilançosu – Hak İhlalleri Raporu”, Turkey’s main opposition party CHP, May 2017, <https://content.chp.org.tr/file/24857.pdf>

<sup>87</sup> How Strongmen Turned Interpol Into Their Personal Weapon, *New York Times*, March 22, 2019, <https://www.nytimes.com/2019/03/22/world/europe/interpol-most-wanted-red-notices.html>

## 7.1. Individual Cases

### 7.1.1. Enes Kanter



NBA star Enes Kanter shared a video from a Romanian airport saying he was being detained by the authorities because the Turkish government revoked his passport due to his criticism of President Erdogan.

NBA star Enes Kanter barely escaped arrest while in Jakarta, where he stopped as part of a global goodwill tour on May 19, 2017. The Indonesian army and secret service raided a school where an event was planned in order to detain him at the Turkish government's request. He hastily left Indonesia hours later in what he described as an "escape."<sup>86</sup> But on his return trip to the US, Kanter was detained on May 20 upon his arrival at an airport in Bucharest because his passport had been canceled by the Turkish gov-

ernment. He blamed President Erdoğan for the arbitrary revocation of his passport and said, "The reason behind it is, of course, my political views."<sup>87</sup>

The NBA star was subsequently released after the US government and NBA officials intervened on his behalf.

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<sup>86</sup> Romanian police seize passport upon Turkey's demand, SCF, March 27, 2017, <https://stockholmcf.org/romanian-police-seize-passport-upon-turkeys-demand/>; How Turkey's war on Gülenists was exported to Romania, April 1, 2017, The Black Sea <https://theblacksea.eu/stories/how-turkey-s-war-on-gulenists-was-exported-to-romania/>

<sup>89</sup> Vatandaşlıktan çıkarılacak 130 kişinin tam listesi, NTV, June 5, 2017, <http://www.ntv.com.tr/galeri/turkiye/vatandasliktan-cikarilacak-130-kisinin-tam-listesi-listede-fethullah-gulen-tugb,0bJUfP4hKEW9XOYgmM3H9Q>

<sup>90</sup> Turkey's Intelligentsia Kneels to Erdogan, New York Times, September 14, 2016, <https://www.nytimes.com/2016/09/15/opinion/turkeys-intelligentsia-kneels-to-erdogan.html>

### 7.1.2. Soner Cesur

Soner Cesur, a Turkish businessman who has investments in Romania, was stopped at an airport in Bucharest as he was attempting to fly to Warsaw on a business trip on March 25, 2017. Police seized his passport upon written instructions from the Romanian Foreign Ministry at the behest of the Turkish Embassy.<sup>88</sup> After coverage in the Romanian media and protests by civil society organizations, the Romanian police returned his passport on April 10, 2017. In June 2017 the Turkish government listed him as among 130 people<sup>89</sup> who would lose their Turkish citizenship unless they returned to Turkey within three months to face prosecution. Cesur was accused of affiliation with the Gülen movement.

### 7.1.3. Sevgi Akarçesme

Sevgi Akarçesme, a journalist with the Zaman newspaper, which was seized by the government in March 2016, was forced to deplane on July 27, 2017 at Brussels Airport by a United Airlines staff member minutes before her flight to the US city of Newark. The reason for her removal was revealed to have originated from a fake notification on the IN-

TERPOL database by Turkey showing her passport as stolen or lost.

Akarçesme described what she felt about the treatment she faced in an op-ed she wrote for The New York Times: “I felt humiliated by the unspoken assumptions of nearby passengers, but I was not shocked: I knew that Turkey was canceling people’s passports to punish those it regarded as critics of its increasingly authoritarian government.”<sup>90</sup>



Sevgi Akarçesme

### 7.1.4. Nevin İpek

Nevin İpek, a Turkish citizen who lives in the UK, submitted her passport to British authorities for a residence permit in May 2016. Yet her passport was turned over to the Turkish Embassy in London by British officials, who were notified that İpek’s passport was reported by the Turkish government to be lost or stolen.<sup>91</sup>

<sup>91</sup> İpek Ailesine Şimdi de Pasaport Zulmü, Yeni Hayat, June 2, 2016, <https://arsiv.yenihayatgazetesi.com/ipek-ailesine-simdi-de-pasaport-zulmu-18025>

<sup>92</sup> Turkey withdraws blacklist of German firms accused of financing terrorism, Politico, July 24, 2017, <https://www.politico.eu/article/germany-turkey-erdogan-withdraws-blacklist-of-german-firms-accused-of-financing-terrorism/>

<sup>93</sup> Ibid.

<sup>94</sup> Turkey claims Daimler, BASF, and other German companies support terror, DW, July 20, 2017, <https://www.dw.com/en/turkey-claims-daimler-basf-and-other-german-companies-support-terror/a-39763199>

<sup>95</sup> Cumhurbaşkanı Erdoğan’dan Alman şirketleri açıklaması [President Erdoğan makes a statement about German corporations], Hürriyet, July 21, 2017, <http://www.hurriyet.com.tr/cumhurbaskani-erdogandan-alman-sirketleri-aciklamasi-40527289>



İpek is the spouse of Akin İpek, a wealthy businessman who owned media outlets in Turkey, among other interests. He was targeted by the Erdoğan government over the critical editorial line his media group adopted on corruption in the government. The government orchestrated a judicial case against him, seizing his companies and freezing the personal assets of Akin and his family members. The family relocated to the UK to avoid persecution.

## 8. OTHER CASES OF ABUSE BY TURKEY

In addition to the abuse of Red Notices and the SLTD system, the Turkish government has also started exploiting the INTERPOL Blue Notices and diffusion systems to harass people abroad and target foreign companies. The most scandalous revelation came when Germany announced that Turkey had filed information requests for 681 German companies with Turkish operations, including corporate giants such as Daimler and BASF, on accusations of terrorism.<sup>92</sup> The requests filed in May 2017 showed that the Turkish government claimed the businesses might be financing groups linked to terrorist organizations.<sup>93</sup>

German officials described the re-



Savings Deposit Insurance Fund headquarters

quest as “absurd” and “ridiculous.” Germany’s Federal Criminal Police (BKA) requested additional information from their Turkish colleagues but received no reply.<sup>94</sup> The Turkish government initially claimed the request was standard procedure and that similar requests were sent to many countries via INTERPOL. Later it denied investigating the German companies. Turkish President Erdoğan condemned statements made by the German economy minister, saying that there was no investigation into or prosecution of German firms. “All of this is a lie,” he claimed, adding that it was a smear campaign against Turkey and that no power can intimidate Turkey.<sup>95</sup>

The government later backtracked, with Interior Minister Süleyman Soylu apologizing for the blunder to his German counterpart, Thomas de Maiziere. Government spokesperson and Deputy Prime Minister

<sup>96</sup> Ankara ‘terör destekçisi Alman şirketler’ listesini çekti [Ankara withdraws list of ‘German companies that support terrorism’], Evrensel, July 24, 2017, <https://www.evrensel.net/haber/327284/ankara-teror-destekcisi-alman-sirketler-listesini-ckti>

<sup>97</sup> Turkey Sees Foes at Work in Gold Mines, Cafes and ‘Smurf Village,’ New York Times, July 22, 2017, <https://www.nytimes.com/2017/07/22/business/turkey-akin-ipek-fethullah-gulen-recep-tayyip-erdogan.html>

<sup>98</sup> Savings Deposit Insurance Fund (TMSF), <https://www.tmsf.org.tr/sirket>

<sup>99</sup> Turkey seized 879 companies since failed coup, worth 40.3 bln lira -state fund, Reuters, May 24, 2017, <https://www.reuters.com/article/turkey-security-companies/turkey-seized-879-companies-since-failed-coup-worth-40-3-bln-lira-state-fund-idUSI7N1100J>

Bekir Bozdağ blamed the scandal on a communication problem within INTERPOL while 140 Gülen-linked Turkish companies were being investigated. He said Turkey had requested information on all foreign companies that had business with these Turkish firms. “It has been discovered that a communication problem occurred when [Turkey’s] request was dispatched to Germany via INTERPOL,” the Interior Ministry said in a statement, saying that Turkey had requested standard information from all countries to which the 140 Gülen-related companies had been exporting their products.<sup>96</sup> After Germany’s strong reaction, Turkey formally withdrew the list.

Despite Turkish government denials, Turkey’s request concerning 681 German companies submitted through INTERPOL was most probably within the scope of a criminal investigation. This sounds alarm bells for any company, given how the Turkish government has abused terrorism laws to seize firms in the last couple of years.

Pursuant to Article 133 of the Turkish Code on Criminal Procedure, if one of its shareholders or the company itself is being investigated for

offenses related to terrorism, the company may be seized by appointing trustees under the decision of a penal court of peace. The Turkish government had seized 974 companies as of August 29, 2017, using these investigations as pretexts in what The New York Times described as “a systematic taking with few precedents in modern economic history.”<sup>97</sup> Most of these firms are owned and operated by businesspeople who are alleged to be affiliated with the Gülen movement.<sup>98</sup> The total value of these companies’ assets is estimated to be at least \$11.32 billion.<sup>99</sup>

The seized companies were later transferred to the Savings Deposit Insurance Fund (TMSF) by government decree-law no. 687 on February 9, 2017. The decree authorized the TMSF to liquidate or sell these companies without even bothering to wait for the conclusion of the prosecution and trial. The issue has presented complications for foreign investors and businesses. For example, ECE Türkiye, the Turkish branch of the Hamburg-based ECE, is one of the many victims of unlawful seizure. ECE Türkiye, which was managing the Modern East Shopping Center (like 199 others in 14 countries), was forced to terminate

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<sup>100</sup> FETÖ Soruşturmasında Alman Şirketine Kayyum Atandı İddiası [Claim of caretaker appointment to German company as part of a FETÖ investigation], CNN Türk, December 2, 2016, <https://www.cnnturk.com/ekonomi/genel/feto-sorusturmasinda-alman-sirketine-kayyum-atandi>

<sup>101</sup> Erdogan’s Koza Group Power Grab Spills Into U.K. Courts, Bloomberg, December 15, 2016, <https://www.bloomberg.com/news/articles/2016-12-15/erdogan-s-koza-group-power-grab-spills-over-into-u-k-courts>

<sup>102</sup> London’s high court rules Turkey has no rights over UK’s assets at Koza Holding, BirGün English, December 23, 2016, <https://www.birgun.net/haber/london-s-high-court-rules-turkey-has-no-rights-over-uk-s-assets-at-koza-holding-140638>

<sup>103</sup> Turkey seeking ways to abuse mechanisms after Interpol rejects Turkey’s false filings against critics, Nordic Monitor, December 21, 2020, <https://nordicmonitor.com/2020/12/turkey-seeks-ways-to-abuse-mechanisms-af-ter-interpol-refused-turkeys-false-filings-against-critics/>

the management contract because of the trustees appointed by the government to the company that owned the shopping center.<sup>100</sup>

Another problem that has emerged from such takeovers is the emergence of international legal disputes on the right to property ownership, the right to free enterprise and legal certainty and foreseeability. For instance, trustees appointed to the Koza Holding group of companies in October 2015 had tried to take control of Koza, Ltd., which is a London-based UK firm.<sup>101</sup> A judge in the Chancery Division of the High Court of Justice found Turkish trustees had no authority over British-based assets.<sup>102</sup>

Cut off from accessing the INTERPOL database due to blatant abuse, the government of President Erdoğan has developed plans to bypass INTERPOL's filtering mechanisms in order to persecute and harass critics and opponents abroad.

In a document that bears the signature of Murat Erdem, head of the Justice Ministry's General Directorate for International Law and Foreign Relations, circulated to various branches of the government, Erdem proposed several actions to overcome the block imposed by the INTERPOL administration.

The document, dated June 10, 2018,

was apparently prepared after the INTERPOL General Secretariat informed the Turkish government in a letter on May 4, 2018 that the summary filings by Turkish authorities against 115 people who were believed to have been affiliated with the Gülen movement, a group critical of the government, were not acceptable. It also warned against new filings against these people, citing violations of the INTERPOL constitution.<sup>103</sup>

The Justice Ministry official wrote to the Ankara Chief Public Prosecutor's Office and the Interior Ministry saying that a new tactic must be developed to circumvent the ban imposed on Turkey by INTERPOL. He claimed that INTERPOL's rejection of filings against members of the Gülen movement was groundless and could not be justified by the INTERPOL constitution.

Erdem underlined that Article 135 of INTERPOL's Rules on the Processing of Data provided an opportunity for Turkey to make its case and get what it wanted. Article 135 refers to the settlement of disputes over the use of INTERPOL mechanisms and states that "Disputes that arise in connection with the application of the present Rules should be solved by concerted consultation. If this fails, the matter may be submitted to the Executive Committee and, if necessary, to the General Assembly."<sup>104</sup>

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<sup>104</sup> INTERPOL's Rules on the Processing of Data, [https://www.interpol.int/content/download/5694/file/24%20E%20RPD%20UPDATE%207%2011%2019\\_ok.pdf?inLanguage=eng-GB](https://www.interpol.int/content/download/5694/file/24%20E%20RPD%20UPDATE%207%2011%2019_ok.pdf?inLanguage=eng-GB)

<sup>105</sup> Turkey to host Interpol's 2021 General Assembly, despite abuse of the organisation, Ian J. Lynch, October 26, 2019, <https://ahvalnews.com/interpol/turkey-host-interpols-2021-general-assembly-despite-abuse-organisation-0>

He urged the Erdoğan government to lobby the General Assembly as well as the Executive Committee to bypass the restrictions and bans imposed by the General Secretariat on fraudulent filings to harass critics and opponents of the Erdoğan government.

Based on Erdem's proposal, Turkey opted to serve as the host country for the 2021 INTERPOL General Assembly. It is believed that the Turkish government will try to manipulate the meeting to further its agenda as per the suggestions of the Justice Ministry's General Directorate for International Law and Foreign Relations.<sup>105</sup>

## 9. CONCLUSION AND POLICY PROPOSALS

Turkey has been attempting to use INTERPOL system, at times successfully, to harass and seek the extradition of political exiles, dissidents, civil society activists and journalists in clear violation of the organization's rules and international human rights standards. These efforts increased significantly in the aftermath of the abortive putsch of July 2016.

In particular, INTERPOL's notice system and the Stolen and Lost Travel Documents Database have been constantly abused, leading to detentions, wrongful extraditions and

harassment of Erdoğan's critics. Cognizant of these attempts, and in line with the INTERPOL constitution, the secretariat adopted what Deputy Foreign Minister Kiran defined as a "hesitant attitude" regarding requests submitted by the Turkish National Police.<sup>106</sup> This prevented further abuse of the system and drastically decreased the number of instances in which Turkish nationals were barred from traveling, stranded in airports, detained and, in the worst cases, extradited.



Turkey's Deputy Foreign Minister Yavuz Selim Kiran

Turkey is not the only undemocratic country to abuse the INTERPOL system. In view of the increasing attempts by repressive governments to abuse its mechanisms, the organization needs to develop new ways to ensure that it operates strictly within the confines of its mandates and does not become an accomplice to transnational repression.

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<sup>106</sup> INTERPOL denied 773 Red Notice requests by Turkish gov't for individuals with alleged links to Gülen movement, SCF, June 4, 2021, <https://stockholmcf.org/interpol-denied-773-red-notice-requests-by-turkish-govt-for-individuals-with-alleged-links-to-gulen-movement/>

<sup>107</sup> 10 Ways the U.S. Can Curb Interpol Abuses, Ted R. Bromund, December 11, 2018, <https://www.justsecurity.org/61782/10-ways-u-s-curb-interpol-abuses/>

<sup>108</sup> Council of Europe calls for more action against the abuse of INTERPOL, Fair Trials, January 15, 2020, <https://www.fairtrials.org/news/council-europe-calls-more-action-against-abuse-interpol>

According to Dr. Ted R. Bromund of the Heritage Foundation, one such step would be for INTERPOL's General Secretariat to "carry out a study [open to the public] on which nations have submitted the most requests—and the highest proportion of requests—rejected as abusive or later determined to be abusive."<sup>107</sup>

Such a study would be instrumental for member states in evaluating requests from abusive countries and help human rights organizations create public awareness of the issue.

Similarly, in a November 2019 resolution addressing the abuse of INTERPOL's Red Notices and Diffusions, PACE recommended that the organization improve its transparency by disclosing data that would help assess how effective its review mechanisms are.

PACE also recommended an improvement in INTERPOL systems for scrutinizing and preventing repetitive requests; better control of the information that flows through its communication system and ends up on national databases; and a strengthened appeals procedure that would make recourse speedier, more interactive and transparent.<sup>108</sup>

In addition, PACE recommended the provision of support for INTERPOL by dedicating funding to the Notices and Diffusions Task Force and the CCF, an INTERPOL appellate body.



A PACE session

Yet, as an international body, it is not always easy to reform INTERPOL since this requires the agreement of a large number of members. It is rather up to member states that uphold democracy and human rights to avoid abuse of the system and to protect potential victims.

Bromund suggests the creation of a "democratic funders' caucus" led by countries such as the US, the UK and France, which have historically dominated INTERPOL, to select and lobby for a slate of democratic candidates for Interpol's presidency, its Executive Committee and the CCF, and to also press for transparency in INTERPOL's funding and its publications.

Member states that uphold human rights and democracy also need to adapt a more diligent approach regarding requests submitted through INTERPOL from repressive countries.

Interpol's rules make clear that if a nation persistently makes requests that seek to break those rules, its access to Interpol's systems can



be suspended. Bromund defends the expansion of the definition of abuse to include mass requests like the ones submitted by the Turkish government in the aftermath of the abortive coup.

Others oppose such a view, however, saying that “the onus should be on INTERPOL to stop the abuses from happening so that, try as they might, countries can’t succeed in abusing its channels, which renders the whole question of sanctions much less crucial.”<sup>109</sup>

Abuse of the INTERPOL system has led to concerns in various countries. In the United States, Senators Roger Wicker and Ben Cardin, leaders of the Helsinki Commission, on May 12 introduced the “Transnational Repression and Prevention (TRAP) Act” to establish “U.S. priorities for responding to INTERPOL abuse and promoting reform within INTERPOL, improve the U.S. response to fraudulent use of INTERPOL mechanisms, and protect the U.S. justice system from INTERPOL abuse.”<sup>110</sup>

If adopted, the act would push for due process at INTERPOL and codify regulations that prevent American law enforcement from doing what Senator Cardin defines as “the dirty work of repressive autocrats.”

Even without specific legislation, however, the governments of democratic countries might prevent abuse of the INTERPOL mechanism by implementing certain measures.

First verifying that an INTERPOL communication comports with Articles 2 and 3 of INTERPOL’s constitution before removing an individual from the country or denying visa, asylum or other immigration status and not relying on INTERPOL notices as the sole basis for detaining or otherwise depriving an individual of freedom are the most important steps to be taken by any democratic country.

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<sup>109</sup> Interview: Browder Case Highlights Need to Prevent Abuse of Interpol, Radio Free Europe/Radio Liberty, June 4, 2013, <https://www.rferl.org/a/interpol-abuse-russia-browder-case/25006762.html>

<sup>110</sup> Press Release: Wicker, Cardin Reintroduce Bill to Fight INTERPOL Abuse, May 12, 2021 <https://www.wicker.senate.gov/public/index.cfm/2021/5/wicker-cardin-reintroduce-bill-to-fight-interpol-abuse>