

Foreign Affairs Committee

Oral evidence: The UK's Role in Strengthening Multilateral Organisations, HC 513

Tuesday 20 October 2020

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Members present: Tom Tugendhat (Chair); Chris Bryant; Neil Coyle; Alicia Kearns; Stewart Malcolm McDonald; Andrew Rosindell; Bob Seely; Henry Smith.

Also attended: Yvette Cooper (Chair), on behalf of the Home Affairs Committee.

Questions 149 - 208

Witnesses

I: William Browder, Chief Executive Officer, Hermitage Capital Management, and Bruno Min, Senior Policy Adviser, Fair Trials.

II: David Armond, Director, Armond Consultancy Ltd.

Examination of witnesses

Witnesses: William Browder and Bruno Min.

Q149 Chair: Welcome to this afternoon's session of the Foreign Affairs Committee. This afternoon, we are very lucky to have two exceptional witnesses, who I will ask to introduce themselves very quickly. For no better reason than it is left to right for me, Mr Min, could you introduce yourself first?

Bruno Min: Hello, my name is Bruno Min. I am the UK and international legal director for Fair Trials, a criminal justice watchdog.

William Browder: I am Bill Browder. I am CEO of Hermitage Capital Management and head of the global Magnitsky justice campaign.

Chair: Thank you very much. This session forms part of an inquiry that the Foreign Affairs Committee is doing on multilateral, multinational institutions, and because it is on INTERPOL, we are very lucky to have both of you with such experience, as well as the Chair of the Home Affairs Committee, joining us. We are going to start off with Chris Bryant.

Q150 Chris Bryant: Thank you very much, Chair. It is very good to see you, Mr Browder and Mr Min; thank you very much for joining us this afternoon. Mr Min, could I start with you? INTERPOL—good thing or bad thing? Highly successful? Deeply flawed? Where do you stand?

Bruno Min: INTERPOL, as you know, is the world's largest policing organisation, and it is the only entity that connects police forces in a truly global way across political and regional divides. Cross-border collaboration when it comes to criminal justice and security is more important than ever, so INTERPOL has a very important role to play. You are probably already aware of some of the controversies around its most well-known tools, the Red Notices and wanted person Diffusions, but these are very important tools: they help countries to identify and stop fugitives, and to ensure they face justice. Some of those people are very dangerous, and we have little reason to doubt that a majority of the people included on the Red Notice list are there for a good reason, so INTERPOL does play a very important role in promoting global security.

In terms of how successful it is, INTERPOL does not publish very much data on how it does things and what it does. For example, it does not publish any data on how many arrests are carried out, nor does it publish any information—recently, at least—on how many extraditions come out of Red Notices. It is difficult to quantify the level of success of the organisation. One crucial bit of data that INTERPOL does not publish is how successful its mechanisms for checking Red Notices are. We do not get any sense of how many Red Notice requests, out of the many it gets, it decides to be not compliant with its rules and refuses to publish.

Q151 Chris Bryant: I guess from that, you are saying that it should publish,



and that greater transparency would be in the interests of all of us.

Bruno Min: Absolutely. One of the barriers to making INTERPOL an effective player in the promotion of global security is its lack of transparency. Obviously, there are many reasons why it cannot be open about absolutely everything—it is a policing organisation, after all—but that is a major flaw. That is one of the reasons, I think, why it has been vulnerable to misuse by certain member countries.

Q152 **Chris Bryant:** Mr Browder, some people say that the real problem with multilateral organisations is the secretariat, but others would say that it is not the secretariat at all; they are simply doing the bidding of the members. Where do you stand on that spectrum?

William Browder: Let me just answer a little bit of the previous question and then get into this question. INTERPOL performs a very, very important service, which is to catch fugitives running around the world. That is the virtue of INTERPOL. However, INTERPOL has a bunch of loopholes that allow dictatorships and authoritarian regimes to not chase fugitives, but to chase their enemies. In some cases, the enemies are the good guys; in some cases, these countries are effectively the criminals and the criminal organisations.

In my case, Russia is a criminal state. Together with my lawyer, Sergei Magnitsky, we uncovered a massive Government corruption scheme. Sergei ended up getting arrested and killed, and Russia, through INTERPOL, has chased me all around the world. It has issued eight Red Notices or Diffusion notices for me, starting in 2013—after the Magnitsky Act was passed, which Vladimir Putin was very upset about—and going all the way through almost till now.

INTERPOL, in each case, ultimately rejected those arrest warrant requests, so—I am coming to your question now—whose fault is it? Is it Russia's fault for abusing INTERPOL? Yes. But the fact that INTERPOL has allowed itself, on eight different occasions, to be abused and not created any consequences for Russia means that there is a problem in the secretariat of INTERPOL. It would be one thing if it happened once and maybe if it happened twice, but eight times says that there is something seriously deficient in the apparatus of INTERPOL whereby they can't create a situation to effectively stop Russia doing this. I am not the only one who has had this type of experience. This is not an unusual situation when a country is chasing a high-value target.

Q153 **Chris Bryant:** Full disclosure: I should admit that you and I were both in Madrid on the occasion when you were arrested in Madrid. I think I was meant to meet Pedro Sánchez that day, but he became Prime Minister, so we never met. How much blame do you attach to the Spanish authorities in a situation such as that?

William Browder: Just for the benefit of the group, let me say that in May of 2018 I was travelling to Madrid in order to give evidence to the Spanish anti-corruption prosecutor about Russian money laundering connected to the murder of my lawyer, Sergei Magnitsky. As I was leaving



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my hotel room that morning, two uniformed Spanish police officers were standing outside the door. They asked me for my identification; I provided it, and they said, "You're under arrest." I said, "What for?", and they said, "INTERPOL—Russia." I was then put in the back of the police car and taken to the police station.

I had the good fortune that they didn't take my phones away, so I was able to tweet out my arrest, which was how you and many thousands of others learned about it. By the time I got to the police station, there was such an uproar politically, with the media and civil society, that I was released a few hours later.

The obvious question was: how did this happen? It is very interesting, because the Spanish said that this was a valid warrant coming from INTERPOL, and INTERPOL said that the Spanish just hadn't deleted a previous warrant, so nobody really knows whose fault it was.

To come back to something that Bruno said, there is no transparency. There is no way one can actually ask for a full disclosure from INTERPOL as to what is going on in its systems—it's a black box. And INTERPOL is not subject to any type of judicial review. In other words, there is no court in the world that INTERPOL is subject to. It is immune from all courts, which means that I can't force it to be transparent about what happened in Madrid or at any other time.

Chris Bryant: Mr Min?

Bruno Min: To add to what Mr Browder just said about attributing blame between the secretariat and the member countries, occasionally you will hear from INTERPOL, as well as from certain law enforcement officials, INTERPOL being described as something like the international police pigeonhole—a system for simply circulating information between different police forces—and INTERPOL therefore has very little responsibility in terms of what kind of information gets circulated. That is not really the case. If you understand exactly how this information gets circulated and what kind of role INTERPOL has in these notices and alerts, you will understand that INTERPOL has a role in validating these alerts. For example, with the Red Notices, there is a process by which INTERPOL gets the information that forms the basis of a request for a Red Notice, and it needs to validate that request in order for it to become a valid Red Notice. It actually has a role in disseminating that information.

The other way of looking at this is: just because you are a platform for information to be circulated, it does not mean that you have no responsibility for the information that has been circulated. That is no longer the case with entities such as Twitter and Facebook—we expect them to have some sort of responsibility for how their platforms get used—and INTERPOL should be no exception.

Q154 **Chair:** I was going to come to a slightly separate element of a similar area: the reforms that have been announced since 2016. I know that you will remember, Mr Browder, when Mr Gorodov was running to be the head



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of INTERPOL. A few of us got together and questioned whether it was entirely wise to put a member of a criminal enterprise in charge of a policing organisation. Thank goodness the UK Government responded and sought to stop it. Since then, there have been various bits of discussion about reforms. I was wondering whether you can touch on this, when we look at the pressure that was required from national Governments and groups of like-minded democracies in facilitating these reforms. Have they been successful, Mr Browder?

William Browder: There are certain reforms that have been successful, and some of them are very directly the result of the good work that Bruno and his colleagues at Fair Trials have done. The most successful reform is that the rules have changed at INTERPOL so that if somebody has been granted political asylum—meaning that someone is fleeing political persecution—and the country issued an arrest warrant for that person as they fled to another country, INTERPOL now has a rule saying that it will not process Red Notices or Diffusion notices for these refugees. That is good, and I know many people who are living a calmer life because of that.

However, a lot of things have not been reformed since this reform. The wave of INTERPOL warrants that have been issued against me by Russia started in 2013 after the Magnitsky Act was passed. However, if we look at the dates of those requests to INTERPOL, four of them have come after the so-called reforms. That raises the question: if INTERPOL has no capacity or ability—I should not say it has no capacity. It has to have capacity to stop this; it is in its rules. The INTERPOL constitution has a rule that says countries that routinely abuse the INTERPOL information system can be denied access to that system. INTERPOL has not used those rules in my case—or in any case, for that matter. INTERPOL has never, ever suspended a country from accessing its system.

In the international Olympics, Russia was caught doping. As a result of its being caught, it was suspended from participating in subsequent Olympics. I would argue that the International Olympic Committee is a far less robust organisation than INTERPOL should be—INTERPOL is a police organisation—but INTERPOL cannot find it within itself to enforce a similar type of sanction against Russia as the International Olympic Committee did.

Q155 Chair: Would you say that the discussions that Mr Browder has been talking about are the responsibility of INTERPOL or of member states, Mr Min? Should countries like the United Kingdom be more robust on this and on making sure that the rules that we have agreed are, in fact, enforced?

Bruno Min: It is both, I think. INTERPOL has the responsibility to control its databases, and countries like the UK have the responsibility to ensure that they are responsible users of the system.

Coming back to what Mr Browder was saying earlier about the reforms and the major problems at INTERPOL that result from the abuse of its systems, Mr Browder helpfully pointed out that there are essentially two



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problems that result in the misuse of the system. One is the lack of a proper or effective process for checking Red Notices and Diffusions before they are circulated. The other is around the complaints mechanism, which in the case of INTERPOL is a body called the Commission for the Control of INTERPOL's Files, or the CCF.

The 2015-16 reforms tried to address both those problems. In the case of the checking of Red Notices and Diffusions prior to circulation, INTERPOL set up a dedicated body that is responsible for checking all Red Notice requests before they are circulated. Previously, requests for Red Notices could be visible to other countries before they were circulated, which meant that all sorts of information could be relied on by countries to carry out arrests. That has changed, so that Red Notices had to go through a checking process before they were accessible to countries.

However, it is a question primarily of resourcing capacity as well, I think. The body that INTERPOL set up to review these Red Notice requests has two to three dozen people in total. When we are talking about the volume of Red Notice requests and Diffusions, we are talking about around 13,000 new Red Notice requests per year, plus 50,000 new Diffusion requests per year. On top of that, they need to review the existing Red Notices in the system, which are close to 50,000 also. You don't need to do complicated maths to work out that that review process is not going to be effective in every case. That is one of the reasons why there have been cases like Mr Browder's, and other cases where well-known, recognised refugees have ended up with Red Notices.

We don't really have statistics from INTERPOL for us to be able to determine whether these reforms are working in practice. We know from examples that it is certainly not a perfect system and it requires a lot more improvement. The same can be said for reform to the complaints and redress mechanism. There have been significant changes. However, there are still ongoing challenges regarding transparency, in particular, that need more work.

Q156 Chair: All of those reforms sound like they are at least trying to point in the right direction. One of the issues that has come up in the course of the research for this inquiry was to do with a prominent Uyghur activist, Dolkun Isa, president of the World Uyghur Congress, who described to Committee staff how he discovered that he had been issued with a Red Notice by China in 1997, which was effectively leveraged at two points in 2017 and only removed in 2018.

There seems to be a pattern here, which you have pointed at, Mr Browder, of some autocracies using INTERPOL as an extension of their own police state, rather than a way of enforcing the rule of law. Would you see that there are two, three or four countries that have patterns here? If so, which ones are they?

William Browder: Basically, all police states try to use whatever tools they have available to them to chase their enemies. You have touched on one of the biggest abusers, which is China. Of course, there is Russia, in



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my case. The United Arab Emirates is a big user—big abuser, I should say—of INTERPOL. Kazakhstan, Iran—the list goes on and on. The bigger the population of a police state, the more they will abuse the system. You have an organisation that is supposed to be used for catching fugitives being used to chase their enemies. In many cases, their enemies are the good guys and they are the bad guys. It is an extremely bad problem. In a globalised world, this means that there is really no place that you can hide from a dictatorship that does not like you.

Q157 Henry Smith: Thank you for joining the Foreign Affairs Committee today. Mr Min, you spoke earlier about greater transparency of the Red Notices. What checks and appeals processes could be improved, and what difference could that make to the resilience against abuse of the system?

Bruno Min: I am assuming that the question is about the checking processes, as in the complaints and redress mechanism. Is that right?

Henry Smith: Yes, correct.

Bruno Min: As I said, there were a lot of reforms in 2015-16 to improve the Commission for the Control of INTERPOL's Files—the CCF. Those changes and the ongoing challenges are quite helpfully summarised in the written evidence of the law firm Peters & Peters. Overall, there have been real improvements. It is no exaggeration to say that before these reforms due process standards simply did not apply to this mechanism. If you submitted a complaint to the CCF, it was not at all unusual to wait one or two years for a response, and once you did get a response it was a two or three paragraph letter saying yes or no, with no route of appeal. There have been real improvements in the sense that the CCF is now making written decisions.

One of the main changes that was meant to be brought in was increased transparency in the process. Crucially, the changes brought in were rules for the circumstances in which countries are allowed to keep information hidden from the individuals concerned—rules around disclosure. It was hoped that that would lead to more transparency in the complaints process and, in particular, to make it more of an adversarial process, to make them closer to due process standards.

Unfortunately, transparency continues to be a big problem. One of the main reasons is that, despite there being all these rules around disclosure, INTERPOL's fundamental rule when it comes to data is that whoever puts the data on to INTERPOL's system is the owner of that data. Should INTERPOL or the CCF decide to disclose any of that data to the individuals concerned, they would need to seek permission from the country that put the data on to the system. That means that countries have more or less free rein in deciding what the individual gets to see. That really impacts on the adversarial nature—the fairness—of the complaints process. That needs to be looked at.

Another big change is the availability of written decisions. The idea behind that was—as you might expect—that everyone has the right to understand



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how a decision was made against them. Although there are written decisions now, there have been some complaints about the quality of those written decisions. They are primarily based, I think, on how judgments in the European Court of Human Rights are drafted, but the ECHR has a big body of case law and a rich jurisprudence to rely on, which makes its decisions make more sense, but that does not really seem to work in the case of the CCF. It sometimes seems to lack any deep analysis.

A third problem is around the availability of appeals. Once the CCF says no, you have no other recourse. There is no route of appeal against the CCF either internally or externally, and that is a major source of concern that needs to be addressed.

Q158 Henry Smith: Given those significant challenges, what hope is there for further reform?

Bruno Min: I would hope that with enough pressure and demand for reform from countries like the UK and its allies and like-minded states, INTERPOL could be pushed to review its procedures—including its complaints procedures—to see what else can be done to make it fairer and more transparent. It might be a big ask to expect INTERPOL to build in a further appeal route, but given how much has been achieved since 2015, I think we can be optimistic about what more can be done.

Q159 Alicia Kearns: Thank you, Bruno and Bill, for agreeing to appear today. Where there are agreed abuses of INTERPOL's powers—specifically Red Notices and the Diffusion system—what powers and options are there within INTERPOL's constitution or regulations or under international law that allow action to be taken against those who serially abuse Red Notices? By that, I mean member states.

William Browder: Let me take this one. INTERPOL, in its constitution, has a clear and well laid out formulation that says that if a country has regularly abused INTERPOL information systems, that country can be suspended and the use of the information system can be monitored. That is in articles 121 and 133 of INTERPOL's constitution. As far as I am aware, never in the history of INTERPOL has it used those articles. That is a very damning statistic, because it says in effect that this international policing organisation cannot even police itself. That has to change.

In the world we are living in right now where you have concentration camps being set up for Uyghurs in China, where you have Putin poisoning his political opponents with novichok and all these fires burning around the world, INTERPOL is allowing its systems to be used by these Governments to chase their enemies. That has to stop.

To come back to Henry Smith's question about reform, INTERPOL is an organisation like any other organisation. INTERPOL is funded with money. Who funds it? The member states. Who are the biggest funders? The civilised countries of the world. The UK provides 5.8% of INTERPOL's funding, and if you add that up with the United States, Canada and the EU, you get to a majority of INTERPOL's funding. So it is entirely possible



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and reasonable—I notice that the same conversation we are having here is going on in the United States and Canada—to set up a coalition of rule-of-law countries and put together a list of demands. This requires the Governments recognising the same problems, working together and putting together a list of demands, saying, “We pay for you. You should fix this.”

If one thing were to come out of this inquiry, I think the most productive thing would be a unifying voice between the civilised rule-of-law countries about a list of agreed upon reforms. They are pretty obvious; I do not think there is any mystery about what reforms need to be implemented. If that were to happen, I think the good of INTERPOL—chasing fugitives—would function better, actually, than when there is all this abuse and questioning of the integrity of the system which happens because of abuse by these countries.

Q160 Alicia Kearns: The same question to you, Mr Min. Noting that sanctions have never been used, does that mean that the current system is not good enough, or are we just not using it properly?

Bruno Min: My understanding of the use of the sanctions is a little bit different from how Mr Browder described it, just on the basis of conversations that we have had with INTERPOL itself. My understanding is that there have been at least one or two occasions where INTERPOL has decided to take action on countries that have been repeatedly abusing its systems. It is problematic that we do not get to hear about those instances because, as you know, that is something that undermines confidence in the organisation. At the same time, one of the reasons I think it does not talk about those kinds of actions more openly is that it is a membership organisation. On that basis, it is not free, really, to embarrass countries in that sort of way, but my understanding is that some action has been taken in the past to either restrict or suspend access to its systems.

Q161 Alicia Kearns: Do you think on those rare occasions where there have been sanctions that that restriction would be significant enough of a consequence to actually curb behaviour, specifically because, as you said, there is no public acknowledgment of essentially what I would say is a crime—an abuse of power?

Bruno Min: It is very difficult to say whether those work, because as I explained we do not know very much about the circumstances in which these things have taken place, and we do not know about the results. We do not know which country it was and we do not know when it was, so it is very difficult to say.

Q162 Alicia Kearns: Fine. Mr Browder, as we currently operate within the system of Red Notices, I have a concern that as a Government we are loyal to INTERPOL over our own citizens. We know that INTERPOL is imperfect, so surely we should have a policy to protect our citizens from abuses of the system—warning them before they visit certain countries, and facilitating their visits to other nations. We warn individuals if an



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assassination attempt is planned against their lives; yet on Red Notices that we as a Government accept to be pernicious or nefarious, we do not seem to warn them about this before they travel. What is your view? Are we being loyal to INTERPOL, or are we loyal to our own people?

William Browder: That is a very relevant question for me. Since my campaign started for sanctions against Russia I have been targeted very specifically in a number of different areas by Vladimir Putin. It is very interesting, because the Government here is reasonably robust when it comes to threats to my life. There is a group called SO15 and they are regularly in contact with me and issue warnings when necessary. The Government do things when there is a problem of that magnitude; however, the same Government—the British Government; my Government—have refused, and we have asked, to give me any kind of support when it comes to my ability to keep myself safe from being arrested on a Russian warrant when I am travelling.

I have had two incidents, one that Chris Bryant mentioned in Spain and another at the Geneva airport, where I was detained on INTERPOL warrants. This Government had an opportunity to help me. This Government, and the National Crime Agency, know about my situation. The National Crime Agency has access to the INTERPOL database on a realtime basis, and in the same way as they warn me about threats to my life they should either support me by contacting Governments when I am travelling to countries where I might be at risk or they should warn me if another Red Notice has come across the system, but they refuse to do that. To answer your question, the British Government are loyal to INTERPOL more than to their own subjects, and that puts me at great personal risk.

Q163 Alicia Kearns: Thank you. Mr Min, do you know of any nations that warn their citizens when they are at risk of Red Notices that they accept to be nefarious? I imagine, for example, that Russia, China and other serial abusers are quite happy to warn their own citizens to prevent them from being arrested under Red Notices.

Bruno Min: I am afraid that I do not really have examples of good practice; I only have examples of bad practice. There was a particularly disastrous incident in Australia from I think around 2018-19. It is not so much a question of loyalty as a lack of co-ordination between different governmental Departments. It was a case of a Bahraini refugee residing in Australia at the time, a footballer named Hakeem al-Araibi. He had been granted refugee status in Australia, and he was unknowingly subject to a Red Notice and that Red Notice had been triggered, it seems, by a visa application that he made to go on honeymoon, I think, or on holiday, to Thailand.

The Australian authorities knew that he was subject to a Red Notice, but the law enforcement of the Government decided to alert the Thai authorities when he was travelling to Thailand, saying, "Guess what? There is someone with a Red Notice travelling over to Thailand." I am not sure if they knew about his refugee status or not. The consequences of



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that action were for him to be arrested in Thailand and to be up for extradition and to be detained for a number of months.

At best, it was an absolute PR disaster for the Australian authorities. It was public campaigning in Australia that had an influence on him being able to come back to Australia after a couple of months and be granted citizenship in the end.

Alicia Kearns: Thank you. Thank you, Chair. That is all for now.

Q164 **Stewart Malcolm McDonald:** I thank both witnesses for their time this afternoon. Mr Browder, if you don't mind me asking you to adumbrate on your own experience of a Red Notice, what does it feel like when you get that news? What is the impact on you?

William Browder: Basically, it ruins your life. When you find out that there is a Red Notice issued against you, that means you can never travel to any other country again, because the moment you cross the border at any passport booth in any country, the person who puts your passport into the machine will then get a flag, and then you will be arrested. But it goes far beyond that. It means that every time you try to open a bank account, the bank won't open the account. I have had banks close my accounts because of that. It means that, basically, life as you knew it has changed forever.

As I have mentioned many times in this hearing, there have been eight Red Notices and INTERPOL rejects them. INTERPOL has taken the view eight times that they are politically motivated, and they violate INTERPOL's constitution and they reject them.

In between the Red Notices, I travel—I travel for my Magnitsky justice campaign, and every time I cross the border of any country, I think maybe this is the moment that there is a Red Notice that I didn't know about that has been put on the system, for which I will be arrested.

It is psychological warfare from the Russians. Even if they do not succeed in arresting me and extraditing me back to Russia, they have completely upended my life and created a massive uncertainty. Let me just point out that if I were ever arrested and extradited back to Russia, I would be killed. It is a very scary thing—to think that I might die because of this international police organisation that is working for the criminals.

Q165 **Stewart Malcolm McDonald:** On the travel point you mentioned, Mr Browder, I am not looking for you to give anything away that you shouldn't, but let's say you are planning to travel outside of the UK next week, what are the kind of things that are going through your head in the run-up to that? What are the kinds of preparations and considerations you have to make with your family and others before you dare set foot in an airport to leave the UK?

William Browder: The first thing I would tell you is that I have limited the number of countries that I can travel to, to those on about one and a



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half hands. In other words, I will not travel to any country that does not have an absolutely robust rule of law.

My feeling and understanding is that at some point I am not going to know that there is a Red Notice and I am going to travel and I will be arrested, like I was in Madrid or Geneva, and I won't be let go. In that case, my only protection from then on is to be in a country that has a rule of law, where I can then fight it in the courts and I can explain in the courts that this is a politically motivated Red Notice, that my extradition will lead to my death, and this is all the function of a criminal scheme organised by the Russian Government.

That leaves me with a very small number of countries. I'll travel to the United States. I'll travel to Canada. I'll travel to Germany and the Netherlands, but I won't travel to Turkey. I won't travel to the United Arab Emirates. I won't travel to Thailand, and just about every other country in the world. Of course, because this has happened to me before, I have a full action plan that is in place for my loved ones and colleagues to put in place the moment I am arrested, so that I am not trying to fight this from behind bars on my own—there is a full team ready to go.

The other thing that is really important to mention is that I am a person with significant resources to deal with this. My story is well known. I know most of you personally and I know your counterparts in other Parliaments around the world. I have written a best-selling book called "Red Notice" and I have money to pay for lawyers to deal with these things. Most people who are in my position have none of that. Their stories are not well known. They don't have money. They haven't written a book about it. Those are the ones who are getting ground up into dust by authoritarian regimes, with the enablement of INTERPOL in the process.

Q166 Stewart Malcolm McDonald: I will eventually get you to sign my copy of your book one day, Mr Browder. You have kind of answered my last question, which is: do you expect another Red Notice to be issued against you in the future, or do you reckon it may have stopped?

William Browder: I am 100% sure that more than one Red Notice will be issued against me in the future. The Russians are constantly trying to figure out a way of getting INTERPOL to work with them, and they are very patient. INTERPOL has rejected eight notices, but they are hoping that one day maybe the Russian guy becomes the president. It almost happened in 2018; then they can have another go. They'll just keep at it into perpetuity, so I have no doubt that some day soon there will be another one of these incidents.

Q167 Stewart Malcolm McDonald: Thank you very much. Mr Min, can I ask you about funding? How vulnerable does the funding model make the organisation?

Bruno Min: Well, there have been some controversies around, in particular, this so-called NGO called the INTERPOL Foundation for a Safer World, which is apparently a non-Government organisation; but it is quite clear that is backed up by the Government of the United Arab Emirates. It



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is not that INTERPOL is not transparent about sources of funding. It is more to do with the risk, I think, that this type of funding allows countries like the UAE to have much more of an influence in the organisation than they should.

The other problem is that INTERPOL seems to be very keen to get into project-based funding relationships with various different parties. It has been involved in fairly disastrous funding partnerships with the likes of tobacco companies, with FIFA on something to do with corruption—which is fairly laughable—and, after the FIFA relationship had to be cancelled on the basis of the controversies, it decided to get into a relationship with the IOC, another organisation that is world-renowned for corruption allegations. There have been some eyebrows raised at least about the kind of funding relationships that the organisation seems to get into.

Q168 Stewart Malcolm McDonald: On the funding in particular, I am just looking at the 2019 budget: more than half of the funding is from voluntary cash contributions or voluntary in-kind contributions. You are probably familiar with a piece written by a Dr Bromund in *Forbes* magazine a couple of years ago. He says in his piece—you mentioned the foundation in particular—that “the Foundation is a conduit for gifts from the United Arab Emirates, totaling 50 million euros from 2016 to 2020.” What kind of gifts would it be giving?

Bruno Min: Again, I am afraid I have no idea. There is, as I said at the beginning, a remarkable lack of transparency in the organisation, which means that for the most part very little of what happens at INTERPOL is known to the public. That applies to a certain degree to funding as well. That is not to say that INTERPOL is opaque about everything when it comes to how it spends its money. It is quite transparent about how it spends its money and so on, but certainly this lack of transparency is another factor.

Q169 Stewart Malcolm McDonald: Let’s say, for example, that the United Kingdom, as a member state of INTERPOL, wanted to know the answers to the questions I have just asked. The Foreign Secretary, or whoever it is, says to INTERPOL, “I want a list of all the gifts received from the UAE over that four-year period.” Presumably, as a member state, it would get that information.

Bruno Min: I am not sure. That is something that might need to be tried with the secretariat to see what kind of response you can get.

Q170 Stewart Malcolm McDonald: Will it take a member state to get that information and just publish it unilaterally before it gets its act together?

Bruno Min: It may be the case. The question of funding is not something that we have looked into as a central issue in our work, so I will not be able to go into much more detail about what I think about that.

Q171 Stewart Malcolm McDonald: Chair, can I ask one other question? To go back slightly, Mr Min, on the INTERPOL Foundation, I am looking at some of the people who have been on the board over the years: Carlos Ghosn



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from Nissan, accused of mismanagement of funds; Arif Naqvi, accused of mishandling investors' money; Stuart Gulliver from HSBC, accused of helping customers dodge tax. I should say, in the interests of transparency, all of them have denied wrongdoing. Who oversees these positions? Who would have decided that they were fit and proper people for the INTERPOL Foundation board?

Bruno Min: On the INTERPOL Foundation, I really do not have much understanding of how it works, but what you have highlighted there is what I mentioned earlier. It is about a history of entering into disastrous relationships seemingly with very little vetting processes. That is not just in relation to the partnerships that INTERPOL forms with other entities; it is also to do with who occupies higher offices in their organisation.

One of the biggest questions is around the candidates for the presidency. There is meant to be a new president elected this year and, according to certain sources, the favourite candidate is a delegate from the United Arab Emirates. Putting aside the issues around the links to the foundation and also the UAE's history when it comes to the abuse of INTERPOL's system, as well as its own human rights record when it comes to its own criminal justice system, there is a big question about what kind of vetting processes are in place to ensure that the organisation is led by the right leadership.

Q172 **Stewart Malcolm McDonald:** Mr Browder, do you have anything to add on funding?

William Browder: The obvious question that should be put front and centre in this list of reforms is the transparency of funding. To put this in perspective, the INTERPOL budget, as I understand it—Bruno can correct me if I am wrong—is about €70 million per year. So those numbers that you were talking about—\$50 million over a four or five-year period coming from a country with a population of a few million people—are remarkable.

Let me just add one thing. Again, this is without a huge amount of detail about what happened, but INTERPOL formed some type of information partnership with a company called Kaspersky Lab, which is an antivirus software company from Russia. Kaspersky Lab is rumoured to have links directly to the Russian security services. It seems to me to be entirely inappropriate. I should point out that Kaspersky Lab is a company that was decommissioned from any US Government involvement because of those links, so for INTERPOL to be in partnership with a Kremlin-connected, KGB-connected virus software company seems entirely inappropriate to me.

Q173 **Stewart Malcolm McDonald:** What are the links, exactly?

William Browder: They have an information partnership, which they proudly announce on their website.

Q174 **Alicia Kearns:** Mr Min, I just want to pick up on your point about the upcoming INTERPOL presidency on 4 December. We understand—through rumour, as you say—that there is a UAE candidate, but there is no



transparency as to who the other candidates are and who might be running. Is it not frankly flabbergasting that the public across the world have no idea who is running for the leadership of a major multilateral? The second part of the question is whether you have confidence that western nations such as the UK, or all those who stand up for the values of the international world order, are working to secure a candidate who will do exactly that: stand up for our values and norms and the international rules-based system, and tackle some of these abuses.

Bruno Min: Thank you very much for raising that again. One of the most frustrating things about this is that INTERPOL has been in this position before, and not even a long time ago. Just two years ago, it was widely reported that the favourite candidate for the presidency was a Russian delegate. Understandably, there was a huge outcry over that prospect, and Mr Browder was a leading figure in opposing that election.

First of all, though, I want to emphasise the point that it is easy to exaggerate the importance of the role of the president. The president is very much a figurehead of the organisation: he or she does not have day-to-day oversight or control over what the organisation does. However, at the same time, that is not to say that the position is not important. As far as the world is concerned, the president of INTERPOL is the president of the world's police, so there are certain expectations that we have of the person who occupies that position. At the end of the day, this is someone who oversees the work of the Secretary General, who does have control over the day-to-day operations of the organisation, and they are meant to be providing guidance about the strategy and direction of the organisation, so it is nevertheless a very important issue.

I would emphasise that the question around vetting and the governance of the organisation is much more important when it comes to the election of the Secretary General. That is an issue that will need to be addressed in the next few years, because the current Secretary General is in his second term at the moment. However, I agree with you that there is a serious problem with the lack of transparency around this process. We wrote to INTERPOL the other week to ask what the processes were and who the other candidates were, and the response from INTERPOL was very interesting. It said that it was unable to confirm who the candidates were, and the reason was that the details of those candidates are not formalised until the General Assembly begins, and almost anyone can be nominated as a potential candidate until right before the election takes place.

What that means is, first, that it is not giving us—the public—any opportunity to scrutinise the potential future presidents and, secondly, that there is no internal vetting process. If you have a system where anyone can be put forward as a presidential candidate until moments before the election takes place, I do not understand how there could be any vetting process whatsoever to determine whether that individual stands up for the values of the organisation and is capable of defending its reputation.

Q175 **Alicia Kearns:** Thank you. I think the fact that a previous president went



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missing for many months and was kidnapped by the Chinese Government, and nothing has happened, perhaps makes it a role that not that many people would like to have. Mr Browder, I do not know whether you have any final comments on the election?

William Browder: Last time around, in 2018, I learned from Fair Trials, four or five days before the vote, that the Russian candidate—who, by the way, worked in the prosecutor's office on the abuse of Red Notices against me—was favoured to become the new president of INTERPOL. It was only because of that tip-off from Fair Trials that we could launch a public awareness campaign, which we did very successfully. At that point, the United States, the UK and all other rule-of-law-loving countries woke up and rallied behind the candidate from South Korea, and the Russian was defeated. If this had been allowed to go forward without any transparency, which was the intention—the Russians had probably been passing around envelopes of cash to all sorts of developing countries, where that makes a big difference—they would have got their guy.

It is entirely unreasonable for the international police organisation to have such a non-transparent process for electing its leaders. Again, this should be one of the bullet points on the list of reforms that rule-of-law countries should be demanding.

Q176 **Chair:** Does the Extradition (Provisional Arrest) Bill constitute a step towards turning the Red Notice and Diffusion system into an arrest warrant?

William Browder: The Bill that you are describing means that, in theory, an INTERPOL Red Notice becomes a domestic arrest warrant. As you can imagine, I was not too happy when I heard about that. Along with other interested parties, I was invited to a working session with the Home Office, where they explained to me that that would not be case. There would be a segmenting of countries, which would exclude countries such as Russia and other non-rule-of-law countries. That made me feel a bit better, but I have also been alive long enough, and seen the cynicism of Governments long enough, to know that that list of who is included and who isn't could just be changed by fiat. This is a country where the rule of law is protected, and this seems like an erosion. Unless the list of countries that it applies to is set in stone in a way in which it cannot just be changed by fiat, that would worry me.

Q177 **Yvette Cooper:** Thank you to the Chair and the Foreign Affairs Committee for having me today, and to Mr Browder and Mr Min for your powerful evidence. In the Home Affairs Committee, we have heard evidence that would suggest the UK is likely to become a much bigger user of INTERPOL tools from January—in particular, by using the I-24/7 database in lieu of the SIS II database and, as the Chair just referred to, by using Red Notices and the recent legislation in lieu of the European arrest warrant—if there is no security agreement in place by 1 January. What do you see as being the consequences of that, and what issues do you think we should be pursuing?



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William Browder: What this means from my perspective is that the UK has, in my own experience, taken a passive approach to INTERPOL before. In a certain way, the UK could afford to do that, because of its membership of Europol and the fact that it was not so dependent. What you bring up is an extremely important development: if the UK is not part of the European security arrangements, it becomes solely dependent on INTERPOL. Therefore, in my opinion, it is obvious that the UK has to stand up now and not be passive about how INTERPOL functions. If the UK is dependent on INTERPOL then it can't just sit back and watch INTERPOL being abused, and the legitimacy of the organisation that it has become so dependent on diminished. That lights a fire under the UK's interest in fixing the problems that we have been discussing.

Bruno Min: I would agree with Mr Browder on this. The UK is going to have a much larger vested interest in INTERPOL as a result of the UK leaving the European Union. I would also highlight the operational consequences, in that if the UK authorities are much more dependent on INTERPOL as a source of information, it makes sense that the UK does everything that it can to make sure that that system is as reliable as possible.

Q178 **Yvette Cooper:** On the I-24/7 database, the UK currently has around 3 million alerts on the SIS II database. Those are alerts that the UK has put on to the database. Clearly, some of the issues that are being raised in the negotiations around SIS II, and not giving us access to SIS II, have been about there not being sufficient legal safeguards for data or the same kinds of arrangements that the EU has. If those arrangements don't apply to the I-24/7, do you think that, without reform, the UK will be inhibited in terms of being able to add that much data and intelligence to the I-24/7 database, or do you think it is okay for us to use it?

Bruno Min: One of the things to bear in mind is that probably not everything that goes into SIS II can go into the INTERPOL database, because it is different categories of information. There are different criteria that need to be met for something to be circulated through INTERPOL.

If we are talking about figures in the millions, I would imagine that that might pose a significant challenge for INTERPOL more generally. As I mentioned earlier, the number of Diffusions and Red Notices currently in circulation are in the tens of thousands. I honestly don't know how INTERPOL would be able to cope with that much injection of data and ensure that all of it gets checked.

Q179 **Yvette Cooper:** Do you have anything to add, Mr Browder?

William Browder: We have spent the last hour talking about the stuff coming out of authoritarian regimes and how those authoritarian regimes can use information. There is one other problem with INTERPOL, which is the stuff that goes into the system from civilised countries. Russia never extradites any fugitives that we ask for from Russia, on INTERPOL or anything else, back to the UK or other places. If we are putting more information into INTERPOL, then countries like Russia and China will have

access to the information, and that could pose a whole new set of problems that we have not even begun to discuss.

Chair: I thank our witnesses on everyone's behalf. It has been an extremely informative session and I know that we are all grateful for your work, Mr Min, and for your courage, Mr Browder, in calling this out at great personal risk to yourself.

I know that many of us who campaigned against the possibility of a Russian president of INTERPOL in recent years will be extremely alert to the presidential elections coming up. That is not a Conservative thing; I can see Stewart Malcolm McDonald of the SNP, and Neil Coyle and Chris Bryant of the Labour party, nodding. It is something that I know every member of the British Parliament takes extremely seriously.

Thank you for coming. We are now going to go on to the next session. You are both very welcome to stay and listen, if you wish.

Examination of witness

Witness: David Armond.

Q180 **Chair:** As with the last witnesses, I would be hugely grateful if you could introduce yourself briefly.

David Armond: Good afternoon everybody. My name is David Armond. I retired from public service in 2017 after 41 years in UK law enforcement. My last role was as the deputy director general of the National Crime Agency. From 2014 to 2017 I sat on the executive committee of INTERPOL, which is why I have been asked to give a view today.

Q181 **Chair:** That is exactly why you have been asked to give a view today, so I am delighted that you are here. Thank you for coming.

You have probably been listening to Mr Browder and Mr Min talking about some of the problems of INTERPOL. I hope you will help us to understand its benefits as well. May I start off by asking what the role of INTERPOL is in the fight against transnational crime?

David Armond: Let me start by making a comment on this: although Red Notices are a very emotive issue, and I have absolute sympathy—it is difficult to put into words or describe the impact it has had on Mr Browder, and a number of other people—it is only a very small part of what INTERPOL actually does. INTERPOL, first, was formed to actually provide a platform to enable law enforcement organisations from around the world to communicate with each other speedily. That is 24/7. It also collects intelligence on a whole range of issues. A big focus, of course, is on organised crime and on cyber-crime and counter-terrorism; but it also collects information on child sexual exploitation. It has datasets on fingerprints, DNA, facial recognition, lost and stolen travel documents—the list goes on.

Notices themselves come in a rainbow of colours and the red is the one that is most well known, which is about trying to seek arrest for those who



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are to be prosecuted, or who have a sentence to serve, in certain cases; but there are others that relate to missing persons, to information about unidentified bodies, and warning countries about imminent threats to them from, perhaps, terrorists. So there is a whole range of actions that they undertake. INTERPOL also organise capacity building training, and bring together countries, more often in less developed areas, where they do not have the capability to deal with quite sophisticated crimes, and provide support to run regional activity. So there is quite a lot that goes on beyond the issue of Red Notices.

Of course, the effect of globalisation, I don't need to tell anyone on this Committee, is that criminals are globalised in their activity. They don't respect our judicial boundaries. You can have victims in one country, stolen assets in another and the criminals in a third, where they can't be touched, so co-operation is hugely important. As has already been said by previous witnesses, it becomes even more important as we perhaps lose access to some of our European tools, as Brexit takes place.

Q182 Chair: Thank you for that introduction. How should we judge the success of Red Notices? You did say they were a minor part, but they are causing huge problems for certain individuals, so how can we judge their success?

David Armond: Well, Bruno talked about the volume of Red Notices that exists on the system. I should say at this stage that until now the United Kingdom is a very small contributor to that data. The United Kingdom really only uses Red Notices when there is specific intelligence to suggest that an individual might be overseas, or in a specific location; but at the moment there are around 58,000 Red Notices on the system. The last numbers I saw relate to 2018 and, as Bruno said, around 13,000 go on each year, and about 7,000 of those are actually published on the INTERPOL website, because it is considered that there either is a need to protect the public or the public can contribute to identifying the location of that individual. The very fact that countries continue to circulate people who are wanted—these are for serious crimes—in the numbers that they do suggests that there is some confidence in the system.

In relation to where there is a misuse: previous witnesses have talked about the taskforce that was set up to conduct pre-circulation checks, and also the role of the CCF, which has been augmented—and some changes to the constitution were made to enable them to make some improvements in their work. They publish an annual report. The last one was in 2018, and they dealt on that occasion with 346 complaints that related to individuals who either on their own behalf or through their lawyers had asked for access to data because they felt that a Red Notice that had been granted was granted in contravention of the rules. In 167 of those cases, the commission agreed and the information was removed. One incorrect entry is too many—you can make that argument; but in terms of a percentage of the total number that are circulated, the numbers are low, and need to be lower. I should have said right at the start, I am not here as a flag-bearer for INTERPOL, and I do believe that reform is necessary—but that is the answer I'd give to that question. In the absence



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of any other mechanism to circulate people, save for the European arrest warrant system, Red Notices are a useful tool.

Q183 Chair: How many of them—what proportion of them—end up in a criminal conviction, would you say, or a prosecution, even?

David Armond: I don't have the data on that, and of course the problem, I think, as Bruno identifies, is that the data and the cases belong to national jurisdictions, who would be talking about the results. INTERPOL don't collect them.

Q184 Stewart Malcolm McDonald: Thank you, Mr Armond, for your time this afternoon. Can I ask, who is to blame for the abuse of Red Notices? Is it member states or is it the secretariats?

David Armond: The rules are very clear about the criteria that Red Notices and wanted person Diffusions need to meet to be able to go on to the system. As you are very aware, I am sure, there must be compliance with the universal declaration of human rights, and there cannot be anything that can be considered to be of a political, religious or military nature. Any of those motivations should result in the publication of a Red Notice being refused.

There are serial offenders—some jurisdictions who attempt to use the Red Notice system, undoubtedly, for political reasons: the countries that have been talked about already. Member states' misuse of the system is a principal problem. Where I hold the organisation accountable is—first, there have been huge improvements since 2016 and the checks that are now conducted are far more robust, but there is a volume issue, again, that Bruno properly identified. The fact that there are no sanctions implemented against those countries that consistently attempt to put notices on to the system which breach INTERPOL's own rules is of concern to me.

Q185 Stewart Malcolm McDonald: What would you like to see happen, then? We have heard the evidence this afternoon and you have alluded to it yourself. The Red Notices are not supposed to be of a political nature. We know that countries are absolutely using them in a political way. What sanction do you think would stop Russia, for example, harassing Mr Browder in the future?

David Armond: I don't know that there is such a sanction available, but, certainly in relation to the use of Red Notices, they already exist, and Mr Browder has outlined them. I think it is article 123 and article 131 of INTERPOL's constitution. If a member state consistently and persistently does not apply the standards, and seeks to subvert the system, and continues to try to put politically motivated cases on to the system, there is the opportunity—not only the opportunity; it is required—that that country can have its access to INTERPOL systems removed, either permanently or for a three-month period under supervision, while work is done to improve the quality of the Red Notices that are submitted. I think that is something that could and should be enforced.



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Secondly, there is the role of the CCF. There was a huge amount of work by a long-term working party that probably kicked off in about 2013. It looked at the conduct and constitution of the CCF. Again, previous witnesses have talked about some of the improvements that have been made, and there have been improvements, but for me, something is lacking if we are to reassure commentators around the world of the reliability of, and the checks and balances in, the system. The CCF should be, and claims to be, an independent organisation. It is not sufficiently independent, because the members of the CCF are voted for by the General Assembly, in the same way that members of the Executive Committee, the President or the Secretary General post are voted for. That needs to be changed to enable more robust checks and balances.

Q186 Stewart Malcolm McDonald: I am sure we will get into this a bit more, but if the UK decides to issue a Red Notice on an individual, can you talk the Committee through where that conversation begins, and what processes it goes through, as far as the UK is concerned, before it ends up with INTERPOL?

David Armond: Sure. The UK, obviously, is fully compliant with the rules. You can take that for granted. If, for instance, a suspect—I can only talk about hypothetical cases; I cannot give you real ones—has been identified for a bomb attack and has fled justice in the UK, the senior investigating officer for the inquiry would look at opportunities or ways to identify where that individual has gone. One of the tools available to him or her would be circulating a Red Notice.

To enable a Red Notice to be sought, certain conditions have to be met. First, is the evidence that the offence has been committed by the perpetrator sufficient to obtain an arrest warrant? Secondly, is it an offence for which an offender would be sentenced to two years' imprisonment or more? Thirdly, is there a valid reason for seeking international co-operation to identify his or her whereabouts? If all those conditions are satisfied, the senior investigating officer makes an application to the UK's National Central Bureau—in the UK's case, the NCA's Manchester office. They prepare the application, and it is transferred to Lyon for checking, vetting and then publication. Prior to that happening, of course, there will have been a conversation with the CPS, because another requirement is that there has to be a guarantee from the circulating state that extradition will be sought and pursued, and obviously there is a role there for the CPS, so they have to be in agreement.

Q187 Stewart Malcolm McDonald: On that last point, Mr Armond, you mentioned that the Red Notice is vetted and checked in Lyon. Can you talk us through the process once the application has left the United Kingdom and has landed with INTERPOL? What checks do they go through there?

David Armond: I am afraid I cannot tell you that, because that system was put in place after I retired. What I can say is that British staff and lawyers are seconded to that team, so a process would be gone through to ensure that the application met all those criteria that I talked about: that a warrant is in existence; that the jurisdiction has expressed an intention to



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seek extradition, should that person be arrested; that it is a common-law offence for which there is a sentence of imprisonment of more than two years; that there is no breach of the human rights legislation; and that it is not politically motivated. It would have to meet all those criteria.

Of course, to come to that judgment, one would assume that checks had been made on various datasets—on the notices, on the Diffusion database to see what previous actions had been taken in relation to this individual, and on open-source intelligence, and other intelligence that law enforcement may be in possession of. A raft of things can be done, in terms of due diligence, to say: “Yes, this looks like a case that meets the requirements, and therefore we will publish.”

There would also be conversation between the General Secretariat and the NCB that submitted the application for a Red Notice to be published, seeking further available particulars if the application does not meet the requirement.

Q188 Chair: The challenges around taking remedial action against member states are regularly found to be inadequate. We heard about this from Mr Min. Can you let us know whether you have ever heard of any action being taken against members, or any discussion of action being taken?

David Armond: I have, and I can recall several occasions when an NCB’s access to systems was removed. All those cases but one related to NCBs in failing states or in the middle of a war zone, where they could not operate under normal circumstances. There is only one occasion I can think of where that did not apply, and which was genuinely an abuse of the system by a national NCB.

Q189 Chair: Was that abuse of the system worse than a police state like Russia or China seeking to extend their power against civil rights activists or victims of the regime?

David Armond: I can’t give the detail of that. I am afraid I’m not in a position to do that. To answer your question, I am aware of one case. It did not involve Russia or China.

Q190 Chair: Do you find it surprising that no action was ever taken against Russia or China?

David Armond: Yes.

Q191 Chair: Was there discussion in the circles in INTERPOL, even within the working level, as to why that might be?

David Armond: Red Notices are regularly discussed, particularly at executive committee level, and are probably some of the most difficult conversations that take place. Yes, they are regularly discussed, and there are significant concerns that this is a tool that impacts on the reputation of an organisation that is often not credited for the good work that it does. There is acceptance that there need to be improvements to give the international community confidence that it has operated properly and correctly.



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Q192 Chair: You worked at INTERPOL as a police officer. Did you feel that things could be done to improve the reputation of the organisation, such as on transparency?

David Armond: Can I correct you? I never actually worked in Lyon. I was a member of a committee when I was director general of the National Crime Agency.

Yes, I argued constantly for a more forward-leaning approach to publicising some of the work that the organisation did. My main reason for seeking election to that committee was an attempt—not a single-handed attempt—to look for and encourage improvements in an organisation that I felt fulfilled a necessary function and could have done better for the international police service.

The UK was as much to blame for that as INTERPOL, because, as other witnesses have said, the UK did not really focus on it in the past. Only in recent years has much more attention been placed on it, and much more of an effort been made to help it improve.

Q193 Chair: It is interesting that you say that the UK did not place much attention on it, and that it was as much to blame as others. Do you think, therefore, that there is room for improvement, if the UK Government does actually put the effort in?

David Armond: The UK Government have put a lot of effort in of late. There was support and payment for a post. There is now a retired British chief constable who occupies the No. 2 executive position in INTERPOL. The UK has lobbied, and had a bid accepted, to host the General Assembly in 2024, which is going to cost the UK taxpayer the best part of £10 million. There has been funding allocated to two specific ad hoc projects, to the tune of about another £9 million, and there are more British officials being seconded to the organisation as in-kind payments than ever before. Added to that, the UK is still one of the biggest contributors in pure cash terms. I am confident that the UK Government are now getting behind this organisation. That can only be for the good; there is work to be done.

Q194 Chair: I have one last question on Red Notices. Do you think that they would be improved by being more transparent?

David Armond: It depends what you want in terms of transparency; it is police data, after all, and there is confidentiality involved in that. That is the tension that is created. I think it would be very helpful if there could be more done around publishing in a more transparent fashion the results, in generalised terms—the detail can be pseudonymised, but what are the volumes of applications, what are the volumes published, and what are the volumes of those removed from the system because of CCF appeals? Making that kind of information available, and publishing it on the website on an annual basis, would be a good thing, in my view.

Q195 Alicia Kearns: Thank you for appearing today, Mr Armond. I am afraid I am going to have to continue on the theme of INTERPOL abuses, because as we all know with law enforcement, no one ever wants to know the good



news.

What lines of communication do we have across Whitehall, including the NCA, to co-ordinate our response and address the concerns we might have with INTERPOL abuses?

David Armond: The NCA has the operational lead for co-ordination with INTERPOL, as the host for the National Central Bureau. The policy and strategy lead sits with the Home Office, and the Home Office works very closely with the FCDO, in terms of lobbying, and relationship efforts in relation to Interpol work. There is Government engagement, which has gone up significantly in the last three or four years or so. I don't think as much focus was placed on those relationships as might have been.

A case study that shows how good can be done is the one that Mr Browder talked about: there was a Russian candidate for president who looked as though he was going to be a shoo-in. I would argue that it was a lobbying effort by British diplomats, with the support of Five Eyes and European partners, that turned things around over the course of a couple of days at the General Assembly. It is that kind of strategic-level involvement that brings the influence that is required for change.

Jürgen Stock, the Secretary General, is a very good man. He is excellent in that role, and he was very well regarded by Theresa May when she was Prime Minister. He was often invited to speak at events, such as the launch of the Modern Slavery Act, and at a project that related to child protection. She saw him as an ally. There were ministerial visits to INTERPOL, conversations with the Secretary General and tangible support. Often, we gave verbal support, but no tangible support.

I am sure someone is going to ask about funding in a minute. INTERPOL needs a bigger fund. The UK's position—quite rightly at the time, as we were living in the years of austerity—was, "We are already big contributors. We can't put any more into this pie." Now it seems we have realised that if we are really going to use INTERPOL, we need to use it properly. We need to influence its future direction, and we can do that only if we put resource and financial backing into that effort.

Q196 **Alicia Kearns:** You raised the point about the election. We all recognise that you don't always see the work that goes on in the civil service and in Government until the final case is laid out before you. To many of us who were watching that election closely, it felt like the Government got involved very late. Yes, we got the right result, and that is all that matters, ultimately, but is there regular co-ordination across Government? We all know about tanks on lawns, and about silos. Are you confident there is sufficient regular strategic engagement between different Departments on INTERPOL as a matter of course?

David Armond: I would say that that dialogue existed in the 10 years that I had involvement in INTERPOL, either as head of the UK delegation at the or as a member of the executive committee. That continued and was sustained.



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As an example, the General Assembly operates on the basis of written papers that are debated, then put to a vote and passed. All of those resolutions are provided months in advance of the General Assembly, and those papers were always shared around Whitehall, principally with the Home Office and the FCO, to ensure that, from the law enforcement side, UK lines met with Government policy and objectives. From that perspective, work was done.

There were conversations on specific cases between various missions, particularly overseas, in relation to British citizens impacted by INTERPOL activity. From my perspective now—and I am retired; I am sitting here observing—there seems to be more action and interest, and much more going on in relation to giving tangible support to helping INTERPOL to improve. It is a fairly small organisation with a huge mission, and a small budget.

Q197 Alicia Kearns: You touched on the impact on British citizens. You may have seen that in a previous session, I raised concerns about the fact that I feel we are prioritising INTERPOL over tackling nefarious Red Notices and similar. As I said, if we were aware of an assassination attempt on a British national, we would warn them and make sure they were as protected as possible. Where we have nefarious Red Notices—by that, I mean ones the Government recognise to be nefarious—we don't warn individuals before they travel to countries, or provide any kind of protection or support. What is your view on whether that is viable, or something the Government should be doing, when they recognise the notices to be nefarious? Obviously, that would not be at all times, as there are criminal entities within our own country. Is that viable or feasible? Have you ever had an experience of people being warned about them?

David Armond: Obviously it is difficult to talk about this without our focus or attention turning to Mr Browder's case, which is by no means exclusive but is probably one of the worst case studies for absolutely outrageous behaviour by a member country. I know that Mr Browder is concerned: he said he felt that he was not supported by the NCA at the time. Again, I am not here as an apologist for the NCA, but the NCA was limited in what it could do.

What the UK can do, and did do in this case, is explain to the individual and to their representatives that this is an application from a country that we do not consider to act within human rights legislation and that we have extreme concerns about its levels of corruption and the way the regime is run. We therefore do not have law enforcement co-operation with it; in fact, any intelligence exchange of even the most minor nature can happen only with the dual authority of the Secretaries of State for the FCDO and the Home Office—that is the level of engagement that is required for UK law enforcement to pass intelligence to one of the countries that we have talked about. So we can say, "Rest assured that you are within no jeopardy within the UK or when you cross a UK border, but what we cannot guarantee is that when you go travelling there won't be poor behaviour or poor systems with information on them that should have been removed because the Red Notice was removed, or that you won't be



in jeopardy." We cannot give those directions to other countries—it is not possible.

Q198 Alicia Kearns: No, although we can make sure that a person is fully informed that there is a Red Notice and that it could be potentially enacted, obviously without naming a specific country.

David Armond: In the case that we are all thinking about, Mr Browder is very aware of that, and he did all the running—probably more running than he should have needed to do. But I think the question that you are asking is about when a UK citizen is the subject of a Red Notice that has been put on by a state such as the Russian Federation or China, and the NCB in the UK does due diligence, determines that it should be removed from the system and supports that—these conversations do take place, by the way; they are not necessarily public, but they do take place. Should there be a conversation with the individual involved? I see no reason why not. But obviously for someone in Mr Browder's position, who needs to travel internationally for his business and has broader interests in promoting good governance in organisations like INTERPOL, it is difficult when the only protection that we can offer is to say, "It is not safe for you to go to these countries."

Alicia Kearns: Forewarned is forearmed. Thank you ever so much.

Q199 Neil Coyle: Thank you for joining us this afternoon, Mr Armond. I see that Bruno Min is still observing; I thank him also for his useful input this afternoon.

Let me ask about your previous answers, and specifically your comment about reform being necessary. You have heard some of the concerns already about the present Secretary General and transparency. Would that be a key area of INTERPOL process that you would reform? If you were pulling the levers in UK Government, what would be your top three areas for the UK Government specifically to focus on improving?

David Armond: I will answer the question because you asked me, but let me make a general comment, if I may, to give some context to my answer.

There are a huge number of member states within the organisation, and the days when the Five Eyes and probably the original founder members of the EU held sway at INTERPOL—in other words, ran the organisation and set the pace—are gone. There are other alliances and voting blocs that are more powerful than those that used to exist.

Because the decision-making body of INTERPOL is the General Assembly, and it is one country, one vote, things that we and our allies might seek to achieve can be voted down by other countries, their allies and those countries that they influence. As an example, when China obtained the presidency, which was an equally risky time in my view—I said as much—significant numbers of countries had been lobbied by China and would vote with them on all issues. That would have led to substantial changes that



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we might have seen as being essentially useful being voted down. I say that for context. It is not easy to achieve major change.

My argument has always been that the constitution of the organisation needs reviewing and modernising. It is pretty much the same constitution, with a few tweaks, as was there when it was set up or revamped after the second world war, so there is good reason to do a full review and to relaunch. Yes, I do think there is need for that. So that is one thing—the constitution.

Secondly, I have already mentioned that there needs to be a more defined independence from the body that supervises INTERPOL's use of data, which currently is the CCF. It needs to be a completely independent body that is not connected to the members. I don't quite know how you would achieve that.

Thirdly, the change that is essential is that member states—Governments—need to agree to a significant increase in member state contributions so that INTERPOL is funded entirely by governmental contributions and does not go round seeking donations from other sources that may raise some of the questions that have been asked this afternoon.

Q200 Neil Coyle: I have one follow-up, if I may, Chair. If those kinds of reforms aren't at least mooted and pushed forward, what do you think the consequences could be? Is it purely reputational, or is it institutional? Is it that, as we heard earlier, the UK, the US, EU member states and other liberal democracies might look to invent something new and different?

David Armond: Well, those considerations have been made before now. It wouldn't be the first time that those considerations have been made. There must be an intent from the very top of Government, with the nations that you have talked about, to achieve significant change or modernisation, and of course the encouragement is that INTERPOL will get support—financial support, support from resources and good people to help run the organisation. If that cannot be achieved, maybe a new organisation would need to be formed. That would be the ultimate sanction. That would be disappointing, and I think we should lobby for change.

One of the things that I have not touched on is that, in an international organisation, there is a requirement from significant numbers of member states to get better representation in senior posts from across the globe so that it is not always an American, UK or European face sitting in the top jobs. The president before Meng Hongwei was French, and the Secretary General before Jürgen Stock was an American—before that, it was a Brit. A succession of leaders have come from our countries, and Africa, the middle east and other regions are crying out for leadership and representation from their areas. That is a consequence that has to be faced in all multilateral organisations, I guess.

Q201 Yvette Cooper: Thank you, Mr Armond, for your time today. I want to ask you about the potential expanded use of INTERPOL tools from January



of next year. We don't know yet what is going to happen to the Prüm and PNR databases. We are being told that we will not have access to the SIS II database, which is likely to mean the expanded use of the I-24/7 database instead. Do you see that as being better or worse, in security terms?

David Armond: When I gave evidence to your Committee at the time of Brexit, I talked about any arrangements put in place other than being full members of Europol and having the full set of European tools as being sub-optimal, and you challenged me on that. Yes, there are some alternatives that would, and would have to, involve the use of INTERPOL tools, but they will not be anywhere near as effective as the tools that are currently in place, and nor are they direct substitutes; they are an alternative arrangement, as Bruno was saying. So yes, I fully support the drive to port important material on to the INTERPOL system to protect the UK and its citizens, but it is not the same as SIS II.

Just a word on volumes. We talked about 50 million entries on SIS II. Not all of those can or should go on to INTERPOL systems, because a significant proportion of those 50 million are entries on the PNC that relate to stolen vehicles, for instance, and a whole host of alerts that go on to the police national computer. Entry on to an INTERPOL system will not have the same impact as SIS II, because as you know better than I do, an officer on the street in Bradford can do a check on a car and find that it was stolen in Spain, or on three occupants of a vehicle and find that they are wanted in Germany. That will not happen using INTERPOL tools. It is not as dynamic as that.

Q202 **Yvette Cooper:** Is there any way to reform the INTERPOL tools that would make it possible to replicate that immediate check when you are on the street in Bradford or Basingstoke or wherever?

David Armond: Technically it is possible, but the problem we would have is that the European alliance—this is debatable—is based on the premise that we are satisfied with the way judicial systems and police forces are run by our European partners, and therefore we place more trust and reliance on them and are more prepared not only to share data with them, but to accept that a report on there is accurate, and that we can action it and it will be backed up by a warrant where appropriate. I would be quite concerned if I was a street police officer getting material from certain countries suggesting that such and such a piece of information was true and then acting upon it. I am not sure we will ever get analogous systems to those, but there are some gaps that we can fill them, and INTERPOL is just one solution to that, as you are, again, better informed than I am, I am sure.

Q203 **Yvette Cooper:** Similarly, thinking about the border checks, for example, we obviously check automatically whether somebody is wanted abroad when they enter the country. Is there any way that the I-24/7 or other INTERPOL tools could be swiftly adapted to play that role, to get those instantaneous checks at the border on whether someone is wanted abroad?



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David Armond: This is something I was pushing for when I was in post, working in Government service. It is not the I-24/7, it is the INTERPOL information system, which obviously contains details of all the notices. The stolen and lost travel documents database is linked to our border controls and involves a passport swipe that can tell you whether a passport is stolen or lost. That is used by the UK more than almost any other country in the world. The numbers are huge. Every single passport is swiped. There is a technical solution attached to that, called TDAWN—the travel documents associated with notices database—which on passport swipe gives you a hit if there is a notice. That was deployed during Olympic security for the enhanced checks that were done at the border. I felt that was a mechanism we should put in place and make it a permanent feature, and although that was agreed, it was also agreed to stay that deployment until the new e-Borders system was in place. As far as I am aware, unless things have changed very recently, that still does not happen, but that is available now and a lot of countries are using it.

Q204 **Yvette Cooper:** Would that mean, though, that without further reforms the people in Mr Browder's situation might suddenly find themselves being caught at the border?

David Armond: Obviously, the UK position at the moment is that we do not treat a Red Notice as authority to arrest, but as an intelligence lead only. Although it may cause some inconvenience for people if there is a positive hit, because they may get a secondary check and inquiries would be made, the person would not be arrested: they would be asked to wait while further checks were conducted, as often happens for tourists coming to the country if there is something that does not seem quite right about their passport or the information they provided to the immigration officer. That would still be the case with TDAWN. It would not actually mean that everyone who came through would be arrested immediately because there was a Red Notice, but it would be intelligence that would need to be acted upon. That is one of the reasons for the reticence to deploy it, because it could mean further delays at the borders, which of course is part of the push and pull of what we want from our border security.

Q205 **Yvette Cooper:** Could you do the same scale of checks that we currently do using SIS II at the border?

David Armond: No, because it does not have all of that information on it. You could certainly do a check about those individuals who were subject to Red Notices, but again, those people who are subject to European arrest warrants around Europe outnumber the volume of Red Notices significantly.

Q206 **Yvette Cooper:** How much would we need to get other EU countries to start using Red Notices or other INTERPOL tools and databases if those were the ones we were using to be able to get that same—or even parallel—levels of intelligence and security information to be able to do those border checks, or those on-the-street checks?

David Armond: That is the fly in the ointment. It would require European co-operation to make the same use of INTERPOL systems as we do, and I



guess that would have to be negotiated. The argument there would be, “We’ve got a system we’re very happy with: it’s called the EAW. We don’t need further circulation.” For most European countries, if they have intelligence to suggest that, for instance, their subject is in a country they have an extradition agreement with and is outside the European Union, they may well use a Red Notice as well as the EAW, but they would not do it as a matter of routine.

Q207 Yvette Cooper: Are there any other reforms we should be seeking to INTERPOL, or any other INTERPOL tools we should be seeking to use, in the event that we do not get any security agreement by 1 January and therefore need to replicate PNR or Prüm as well?

David Armond: I am afraid I have not seen the latest set of tools and arrangements for some time. We did quite a substantial piece of work that gridded out each of the powers that was at risk and what the alternative might be, and there were a number for which INTERPOL was identified as a potential solution. I am afraid I do not have all that detail to hand. We are big contributors to INTERPOL data sets, but there are some that we do not share material with, for reasons that I do not totally agree with and I think need to be reviewed.

For instance, for counter-terrorism, we do not provide very much material at all to the CT databases at INTERPOL. The argument is usually around potential access by countries that are not allies, but there are protections on the data that a member state enters on to the systems, and it can be protected and preserved for access only by certain states. It can also be put on in a form where, if you get a hit on a particular name, the NCB is contacted, and they decide whether or not another country can be told. Those protections and provisions are available.

When we are talking about locating—as was the case, and is still the case now—British foreign fighters, that is information that we should be sharing around the world, because the threat exists for all of them. The US put all its material on there, and I think we should do the same.

Yvette Cooper: Thank you very much.

Q208 Chair: I have one last question, Mr Armond, about the Extradition (Provisional Arrest) Bill. Do you think it represents an opportunity for foreign states to circumnavigate the safeguards that the NCA has in place to protect subjects from abusive Red Notices and Diffusions in the UK?

David Armond: In its current form, it doesn’t. Although the last time I looked at the developing Bill, it was our four Five Eyes partners, Switzerland and Liechtenstein. Those were the six countries that were the subject of the Bill, with a provision to add further countries, if they met the criteria. I am assuming they would be European partners, if our co-operation falls away as a result of a no-deal Brexit.

I could never foresee a situation where we would acknowledge a Red Notice from Russia or China, or other member states of that ilk, and treat that as sufficient to arrest someone without seeing a warrant and agreeing



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an extradition. Provided that list is small and kept to partners that we can genuinely trust and co-operate with, and that we already co-operate with—again, it is an alternative to the EAW. That is primarily the reason it is being put together.

Chair: Exactly. Mr Armond, thank you very much for your time. You have been extremely generous. Thank you, Yvette Cooper, for joining us from the Home Affairs Committee.