



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Uncorrected oral evidence: Transnational Repression in the UK (HC 681)

Wednesday 12 March 2025

3.50 pm

Watch the meeting

Members present: Lord Alton of Liverpool (Chair); Lord Dholakia; Baroness Kennedy of The Shaws; Afzal Khan; Baroness Lawrence of Clarendon; Lord Murray of Blidworth; Alex Sobel; Peter Swallow; Sir Desmond Swayne.

Home Affairs Committee member also present: Paul Kohler.

Questions 24 - 35

Witnesses

I: Rhys Davies, Barrister, Temple Garden Chambers; Ben Keith, Barrister, 5 St Andrew's Hill.

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Examination of witnesses

Rhys Davies and Ben Keith.

Q24 **The Chair:** Welcome to the second part of our inquiry today. As I mentioned earlier on, we have two lawyers with us this afternoon: Rhys Davies, who is a barrister at Temple Garden Chambers, and Ben Keith, who is a barrister at 5 St Andrew's Hill.

Both of them are going to help us explore what more we can do in the United Kingdom and what international agencies, not least Interpol, might do in helping us to combat this new crime of transnational repression, which our inquiry is trying to understand, in all its various aspects. We hope you will be able to help us formulate some recommendations to come forward with as a result of your evidence today.

To kick us off before I turn to my colleagues from both Houses, how are Interpol's systems being misused by perpetrators of transnational repression?

Rhys Davies: Interpol is famous for the red notice system. That is the key weapon that transnational repressors use to manipulate Interpol. It is commonly viewed as being an international arrest warrant, which, strictly speaking, it is not. It has some of the same effects: if you cross a border from country A to country B and there is an Interpol red notice against you, you are liable to be detained if not arrested at the border of country B.

It is so well known and well recognised among the legal fraternity because it is a tool that has a very appropriate and proper purpose, which is to detain international criminals of a sufficient magnitude. In order for a red notice to be issued, the minimum requirement is a crime punishable by imprisonment for two years or more. It is routinely used and abused by autocratic regimes to target dissidents and opponents overseas.

I read a description this morning that was particularly apt. It was described as being the sniper rifle of autocrats because it is long distance, targeted and very effective.

The Chair: Which countries would you identify that use these red notices?

Rhys Davies: The greatest abuser, on any measure, is Russia. Ben will be able to tell me the answer to this, but I think something like 40% or 45% of all red notices, certainly historically, have been issued by Russia. In due course, by the way, we can give you the actual figures that we cite and clear those up. It is a significant minority.

The Chair: We will want to go deeper into this later on in the questioning, if we may.

Ben Keith: Just for your information, if you have not worked it out, Mr Davies and I work together on Interpol red notices. We basically work on the same cases, so we have very similar although not identical experiences.

Our experience of the Interpol red notice system is that it is used, at the highest level, to attack political opponents, human rights defenders and journalists—so anybody who forms dissent in a particular state. Slightly lower down the pecking order but equally important are corporate or state raids: attempts by autocratic states or states with poor records on the rule of law to obtain economic resources from business rivals or people with political connections. Corporate raiding is a common issue in Russia, Ukraine, Kazakhstan and other CIS states. We also see that with many other states.

There are lots and lots of states that we have seen abuse Interpol red notices for political and raiding purposes. Russia has historically been the one that people talk the most about, partly because it has issued so many red notices in both political cases, such as Bill Browder and Mikhail Khodorkovsky, and corporate raids, such as all the Yukos cases in relation to Khodorkovsky and many others. That is a regular feature of the UK courts looking at Russian extradition requests in corporate and political raiding cases.

In recent times, we have also seen that expand to Ukraine, Kazakhstan and, most recently, after the recent change in the Georgian Government, we have seen significant activity in Georgia, with threats both public and private being made to individuals in both political and raiding cases.

We also have significant expertise in the Middle East. We have seen lots of issues with the UAE, Bahrain, Saudi Arabia and, your Lordship's specialist subject, China. The Chinese, in our experience, use Interpol in quite a different way from everybody else. Whereas Russia uses it to find people and attempt to extradite them—it is a signatory to the 1957 European Convention on Extradition, so it can try to extradite anybody from a Council of Europe state—the Chinese tend not to use the red notice as a tool to extradite individuals. They tend to use a search and find order to find the individuals, and then they use the positioning of that individual to "persuade" them by threatening that their family will be persecuted or tortured in Beijing if they do not return. So China has a slightly different use of the red notice system than other states.

Rhys Davies: Can I add something on the Chinese use? Some of these states, Russia in particular, can be fairly blunt with nakedly transparent politically motivated red notices. In our experience, China tends to be a little more sophisticated. It is forbidden within the Interpol constitution to issue a political red notice. One way around that is to dress up an allegation with allegations of corruption or fraud.

China in particular will be pretty sophisticated in layering dishonesty-type allegations, often related to gambling, for example. A lot of businessmen are accused of gambling or running gambling businesses, which are

lawful in other parts of the world but are illegal in China. They can be victims of either a corporate shakedown or some localised political feud. China is expert in dressing up those allegations as allegations of corruption, fraud and gambling.

Q25 **Alex Sobel:** First, I want to declare an interest as the chair of the All-Party Parliamentary Group on West Papua and the chair of International Parliamentarians for West Papua. Benny Wenda, the president of the United Liberation Movement for West Papua, a resident of Oxford and a British citizen, had an Interpol red notice put on him by Indonesia from 2011 to 2012, which was later revoked for being politically motivated. None of the countries that you have mentioned are considered democracies in the true sense, but Indonesia is. Do you find that democratic countries are also misusing red notices against human rights defenders and political opponents?

Rhys Davies: It is about rule of law jurisdictions. The stronger the rule of law is, the less likely that you will be subject to an improperly motivated red notice. It is a sliding scale. Countries that are viewed as being reasonably robust democracies do issue politically motivated red notices.

One of the reasons for that is that these notices are issued at the request of individuals, government officials or policemen. It is not necessarily a state-backed attack. It can be, but it is relatively easy to manipulate this process. As a relatively powerful individual in a requesting country, I can ask, "Can we have this red notice issued against person X?" and that is the end of it. It is not a judicially scrutinised process on the way in. It is a bureaucratic move, if that makes sense.

Ben Keith: We have seen decisions from Interpol to remove red notices from EU states such as Hungary. You had the separatists in Spain, although those were European arrest warrants rather than red notices. There are countries in the European Union and others that, while not regular abusers, on occasion will issue red notices, perhaps not politically in the sense of targeting politicians, but often as part of corporate or state raids, where powerful interests are colliding with other powerful interests. They are effectively used for retaliation and revenge, often during a civil or arbitration process.

The Chair: Before we turn to Dr Swallow, let me press you briefly on the number of these red notices that are being issued. Has the number risen? For the benefit of the committee, what is the difference between a red notice and a silver notice? Are silver notices now also being used for political purposes?

Rhys Davies: In terms of numbers, in the early 2000s a couple of thousand red notices were issued annually. Perhaps unsurprisingly, Interpol is not terribly forthcoming with its statistics, but it does publish the overall number of issued notices. In 2023, the number was about 25,000 or 26,000 a year, down from a peak in 2020 of around 29,000.

Generally speaking, the numbers are going up. The number of requests for deletion is also going up.

It is worth noting that when a notice is requested there is a very basic level of scrutiny on the way in.

Ben Keith: It is the notices and diffusions task force.

Rhys Davies: Yes, thank you. Of the red notices that are requested, about 93% or 94% are issued. Proportionally, very few are refused in the first instance.

The problem arises when someone who is subject to a red notice, who might not realise this for many years, makes an application for deletion. That goes before something called the Commission for the Control of Interpol's Files, which is a panel of five lawyers who meet four times a year for five days. At each session of five days, they get through a total of about 80 requests, so not very many at all. They are doing about 15 or so per day.

As a lawyer, dealing with 15 cases in a day makes one very anxious, but the overall number that is being dealt with is very modest. You see a huge backlog in terms of the number of deletion requests that are being processed.

Ben Keith: In relation to silver notices, there is no evidence that silver notices are being abused—that is the straight answer—because silver notices are brand new. We know of only one that has been issued. A silver notice is a request to trace the proceeds of crime through Interpol's system. It is in a pilot phase at the moment. That is all we know. A group of countries have signed up to co-operate on them. One has been issued—or at least one has been publicised—which was from Italy. It was to trace the assets of the mafia around Europe.

There are other types of notices that are open to abuse. A blue notice is a notice that is used to find information out about individuals. A red notice is a search and find order. A blue notice is sort of equivalent to a mutual legal assistance request but without the formality of diplomatic communication. A blue notice can be issued in order to find out information about an individual.

We have seen some troubling trends. We do a lot of speaking with lots of lawyers and human rights organisations on reforms of Interpol. Interpol has begun to communicate a little better in the last few years in relation to red notices, but, on the other side, Russia and Belarus recently met to say, "We're upset that Interpol is not issuing our red notices as much as it used to, so we're going to set up our own system".

We have then seen autocratic regimes, particularly Turkey, move away from the red notice system to use other Interpol systems. Historically, Turkey has issued so many corrupt red notices and other types of notices that it is almost impossible to tell. It has started to misuse the stolen and lost travel documents database, where a Government can report your

passport as stolen or lost. In Turkey, it particularly relates to Kurdish ethnicity or to people who are said to be associated with the Gülen movement. Your passport is reported as stolen. When you cross a border, the border police in whichever country you land in say, "Your passport is lost and you're a Turkish national, so we're going to return you to Turkey". They circumvent the whole extradition process and the whole red notice process.

I have seen quite a few of those in eastern Europe. In most of them, we have managed, in some respects, to get the person back on a plane to the country they came from because there are different considerations about where people are deported to.

The red notice is the headline issue, but they are unfortunately not the only problem with Interpol. Autocratic states will use any system they can to find out information. We are talking about anything short of espionage. The reason China has become so prevalent, in my opinion, is that five or six years ago, when it started to promote the red notice and Interpol as a good thing, the president of Interpol was Meng Hongwei. He is a Chinese national, who unfortunately was then charged with corruption and fraud, and disappeared, some say kidnapped by the Chinese Government.

Rhys Davies: He was given a sentence of 13 years.

Ben Keith: They have now started to use the red notice system as a façade, whereas before they would not have bothered using international law; they would have just used straight-up espionage or the secret police stations, which we know from reports are stationed in various western countries.

The Chair: That is very interesting.

Q26 **Lord Murray of Blidworth:** In relation to the red notices, the structure of Interpol is such that there is a general assembly and a secretariat made up of the member states. I understand that the current president of the general assembly is Major General Al-Raisi of the United Arab Emirates, and it moves around. Is it your experience that, if the officials come from an autocratic nation, they are more inclined to wave through politically motivated red notices?

Ben Keith: There are two parts to that. The general assembly is like the United Nations General Assembly. It does not really have anything to do with the running of Interpol as such. It is a once-a-year meeting where there is a vote. The executive committee, which is run by the president, is directly elected from different regions. The president, who recently has often been from an autocratic state, has control of policy and PR. The executive committee is effectively the board of directors.

The general secretariat, which is the civil servants and the police officers who run Interpol—the secretary-general was formerly Jürgen Stock and is now Valdecy Urquiza from Brazil—are the people who run it day to day.

I am not sure whether having a president from an autocratic state makes the difference or whether it is just the fact that there is a melting pot of lots of autocratic states in Interpol. That comes back to the funding and the way that Interpol works. States provide funding, but the funding is often by providing officers. If you are an officer from an autocratic state, your first responsibility is most likely going to be to your home state rather than to Interpol, your employer. Maybe we will come back to this a bit later, but there is always pushback from different sides as to which states might get a slightly easier or less easy ride.

It is not quite as simple as having direct autocratic control over Interpol systems, but the theme that runs through Interpol is that everybody is included, which leads to real problems with democratic oversight and oversight of human rights and the rule of law.

Rhys Davies: Can I follow up on that very briefly? It seems to me that the particular problem with red notices is a structural one. It is not a good look for Interpol to be headed by someone who has been accused of torture. Major General Al-Raisi has been accused of torturing a couple of British citizens.

Baroness Kennedy of The Shaws: It is not a good look.

Rhys Davies: No, to put it mildly. That is a separate issue to the problems with the red notice system. You are not going to get the right steering and direction of travel from someone who is from an autocratic state, but the day-to-day running of Interpol, as Ben has said, is dealt with by the secretary-general.

The problem with red notices is that there is a lack of scrutiny when they are issued, a lack of funding for the review of those red notices when there is a challenge to them, and a structural view and attitude in Interpol that there is nothing wrong with the system. As Ben said, it is a club that they want everybody to be a member of.

It is right to say there is a mechanism for suspending countries from Interpol. It has happened once with Syria. North Korea is the only country that is not a member of Interpol. When you have everybody in the tent, you have to accommodate everybody's perspective, everybody's rules and everybody's attitude towards the rules.

The Chair: We will return to some of that a bit later, if we may, in other questions.

Q27 **Peter Swallow:** What impact do politically motivated red notices have on the people subjected to them? Perhaps you could specifically touch on how they affect immigration and asylum applications.

Rhys Davies: Let me deal with the first part of that question. Ben is probably better placed to discuss the second.

It can affect every aspect of your life. If you are travelling from country A to country B, you will be detained; you may be arrested; you may be put

in prison; or you may be subjected to extradition proceedings to a hostile territory. It can ruin your life. If you are not travelling, you can still be debanked. You can lose, for example, your access to the United States. You can have your visa revoked. You will be in constant fear that, if you were to go on holiday to Spain, an overzealous passport control officer might think they have an international super-criminal going through and will detain you. There is no aspect of your life that this will not touch upon.

The spectrum of our clients ranges from very successful high-net-worth individuals from repressive regimes who have been targeted all the way across to individuals who have become involved in some minor dispute in a jurisdiction that has decided to use the red notice system for its own ends. The unifying feature of those people is the distress and stress they are under as a result of these allegations and processes hanging over them. As I touched on a few minutes ago, it can take literally years to have these notices deleted.

Ben Keith: A red notice can have a significant impact in two ways. In relation to the United Kingdom, there are visa entry requirements and leave to remain issues. If there is a red notice, my experience is that there is poor education within the Home Office about what a red notice means, whether it is a genuine criminal prosecution and whether that person is a criminal.

On the face of it, if somebody applies for a visa to come to the United Kingdom with a red notice against them, you might assume they were a criminal. It might be from Russia; it might be from another state. They might have been a former politician. There is a significant lack of education about trying to analyse whether a red notice is in fact genuine by the UK Civil Service and UK Governments of any colour.

In relation to asylum applications, Article 1F(b) of the refugee convention prevents an individual being given refugee status if they have committed a serious non-political crime. The problem with that is that, again, in our experience, most political red notices are not for political crimes. Political crimes might be election interference, misuse of power while in office and those types of things. Usually, politically motivated red notices are cloaked in fraud charges. I have even seen politically motivated murder charges. There was one case where the individual who was said to have been murdered turned up at an extradition hearing fully intact. That sort of fabrication of charges continues.

You apply for asylum, which would give you protection from a red notice. If you have asylum, Interpol's policies mean it will remove the red notice. It becomes very difficult to obtain asylum because you are automatically seen to be a criminal. You end up in a tribunal or in significant litigation trying to explain this. It requires significant funding or expertise to do that properly. You have to explain to the Home Office that in fact, while there is a red notice out for you from Tajikistan or Uzbekistan, for instance, you are being persecuted for something you have posted on Facebook. I have done cases like that.

It prevents you staying in the UK and it prevents you potentially entering. You can explain to the UK Government that it is false and you can get it removed, but it takes years. As Rhys said, it is meant to be nine months to remove a red notice, but in reality it is 15 to 18 months and often two years to remove a red notice. In the UK, it takes in the region of two and a half to three years to get a decision on an asylum application in a complex asylum case, let alone to get to a tribunal.

Q28 Lord Murray of Blidworth: A red notice is not directly effective in the United Kingdom. We have something called the Extradition (Provisional Arrest) Act 2020. The provisions of that Act allow a red notice, where it is issued by a trusted country, to form the basis of an arrest without a domestic warrant.

My question really is this. In your experience, to what extent has this Act worked since 2020? Are there any issues with it?

Ben Keith: It is not used a huge amount because the 2020 Act was an amendment to the Extradition Act 2003, which, as you say, allowed what is called a provisional arrest. In an extradition case you can have a full request from a non-European state for somebody's extradition or you can have a provisional arrest.

A provisional arrest is usually one page saying, "Mr or Mrs X is accused of murder in country B. Please arrest them and detain them for the statutory period"—that is usually 45 but can be 65 or 95 days—"while we provide you with the extradition request". That amendment allowed a red notice to stand as the provisional arrest warrant. I think it still has to go before a judge to be certified, but I might be wrong about that.

It is very narrow. Only members of the Five Eyes security co-operation are allowed to use that Act. The only thing that we have really seen is lots of random USA requests, which are very old. I have seen a few people arrested in the UK on very old red notices, and the US has often dropped the charges and said, "That person is in fact no longer wanted. We did not want them in the first place". If that Act were extended beyond that very small group of countries, it might cause significantly more issues.

The Chair: It might be helpful to the committee if you were able to give us a couple of those examples in writing subsequently, so we can include that in the report.

Ben Keith: I certainly can.

Lord Murray of Blidworth: Can the list in the 2020 Act be expanded by secondary legislation?

Ben Keith: I think it can. I cannot remember, in the 2020 Act, whether it was a statutory instrument amending the Extradition Act 2003. I do not have that off the top of my head, but I can check again.

The Chair: Again, if you were able to do that, it would be really helpful.

Q29 **Baroness Lawrence of Clarendon:** How effective has previous reform of Interpol been? What more needs to be done to prevent the misuse of Interpol systems?

Rhys Davies: Not terribly and lots. The big issue with Interpol is: who controls the levers of power? Who is prepared to influence Interpol and make this reform happen? As I mentioned earlier, there is a structural attitude within Interpol that there is not really much wrong with the system. That is partly because it encompasses all the nations of the world and it has to accommodate different attitudes.

The funding of Interpol is really important to consider. It has a very modest budget. It is about €150 million. About one-third comes from statutory contributions, through a framework based roughly on the size of economies; one-third comes from donations in kind, so police officers and that sort of thing; and one-third comes from voluntary donations.

We co-authored a report about three or four years ago now called *Undue Influence*, which analysed the voluntary contribution made by the UAE. It donated €50 million, roughly one-third of Interpol's annual budget, just before, coincidentally, Major General Al-Raisi was elected as president. Who would have thought that? That €50 million was spread over three or four years, but it was a very significant sum of money, which may have skewed the attitude of Interpol towards reform.

Democratic countries—the US, the UK and European countries such as France and Germany—contribute the majority of the statutory contributions. For reasons I do not understand, China and Russia, even though they have large economies, contribute relatively modest sums.

It seems to me that the democratic nations need to throw their financial weight around and say, "We demand reform. We're paying significant sums here". The reform that is needed, with reference to the red notice system, is to spend more time, money and scrutiny on analysing red notices when they go in and when they are challenged.

It is worth remembering that, if you put in your red notice request to the Commission for the Control of Interpol's Files and the commission says, "This red notice is compliant", that is it. There is no route of appeal. There is no way of challenging Interpol internationally. It is based in Lyon in France, but it effectively has immunity there. It has individual agreements with host countries where it has offices around the world that give it effective immunity. There is no way to get around a decision of the CCF. You can, in theory, revisit it later, if new information arises and you make that challenge within six months of the knowledge of the new information, but it is very difficult.

There needs to be more money and more time spent. There should also be more scrutiny. Interpol is very secretive. Ben mentioned the annual election earlier on. Those elections are held behind closed doors. Strictly speaking, we do not know—we have a good guess most times they come

around—who is standing for election. We do not know how those countries voted. We do not know how they were motivated.

The Chair: Before we leave that strand about the funding model, which you referenced in the first part of your response to Baroness Lawrence, I know my colleague Sir Desmond Swayne was hoping to ask you a little bit more about that. Rather than losing the thought, can we go to Sir Desmond now?

Q30 **Sir Desmond Swayne:** You have described the coincidental election of General Ahmed Naser Al-Raisi. In a piece of classic English understatement, Sir David Calvert-Smith described it as shrouded in opacity. I got the impression from Mr Keith's exposition—I may have got this wrong—that there is a separation between these corrupt big cheeses who run the organisation and the officers who get on with the job.

In that case, why would one seek to run the organisation? Why would someone of that sort want to control it, if he does not have the levers of power to steer the organisation in a way that we would regard as thoroughly unpleasant and improper? Are the funding changes that you have described a remedy or is Interpol a basket case beyond redemption?

Rhys Davies: In relation to the first question about why they do it, there are two answers. The first is that the relationship between the president and the secretary-general is like a non-executive chairman to a chief executive. While the chairman cannot directly influence the chief executive, there is some power and influence, and they set the tone. There is power with that position.

The second answer to it is prestige. It is no coincidence that repressive regimes are keen to have one of their nationals as the chairman, effectively—the president of Interpol. Before the UAE, it was Meng Hongwei, who was Chinese. Before that, there was an election at which the Russians stood. This is great for these countries. You see all manner of jamborees take place where they welcome the president of Interpol and it is all rather jolly.

Ben Keith: The new press regime of Ahmed Al-Raisi is for him to be seen shaking the hands of any dictator or autocrat who will come and shake his hand, preferably with a promise of money. Saudi Arabia funds, say, €1 million. It is always some particular project. It is usually often worthy projects, such as trying to stop child trafficking, trying to stop trafficking in animal products and all those sorts of elements.

It is about optics and soft power. Particularly the current president likes to be seen, showing that he is the president and that the UAE is the top dog in Interpol.

Baroness Kennedy of The Shaws: It is all just another bauble to have on your card.

Rhys Davies: Is it a basket case? It is an international organisation. I have said this many times already. It has all the nations of the world. You have to play the game. If you do not play the game, you are excluded from it.

Ben Keith: It does do some good work.

Rhys Davies: It does a lot of good work.

Ben Keith: It catches serious international criminals. It assists states in doing so.

Baroness Kennedy of The Shaws: How often do we use it? How often does Britain use it?

The Chair: I do not want to stray into other people's questions that I know are coming later.

Baroness Kennedy of The Shaws: Is anybody asking that?

The Chair: Well, you may be later on. For the moment I want to return to Baroness Lawrence because she was asking you about what we could do to reform the system. You went into the questions of funding. That was something that Sir Desmond wanted to know about, so we covered that.

Q31 **Baroness Lawrence of Clarendon:** How effective is the Commission for the Control of Interpol's Files at ensuring the correction or deletion of data that does not comply with Interpol's rules? To add to that, how likely are like-minded democrats to advocate for reform?

Rhys Davies: The commission itself is probably moderately effective. It is comprised of five lawyers. There are two limbs to it, but for important purposes there are five lawyers.

Ben Keith: Is it not seven?

Rhys Davies: It is five plus two. There are five who sit on the requests committee, which is the committee that deals with these specific challenges. We have an American, a Briton, someone who is French, a Moroccan and a Lebanese at the moment. They do a lot of very good work. They do an awful lot of work, as I mentioned beforehand, but they are chronically understaffed and there are too few of them. That is a real problem.

Ben Keith: We were discussing this earlier. The sheer numbers mean that, just on the mathematics, they have a maximum of half an hour to consider each case.

The last time I spoke to anybody there, the Commission for the Control of Interpol's Files was employing 10 full-time lawyers to organise the materials and get them to the commission. As lawyers, we try to make it as easy as possible for them, but in complex cases we are sending in 200 or 300 pages of material. I am sure they do preparation work, but there

are simply not enough resources for them to consider properly all the issues that might come up in submissions.

Rhys Davies: These are life-changing determinations for some people. For a panel to have to rattle through a dozen or more of those in a day is quite startling. You would not deal with a bail application in that time. You would not deal with a request to adjourn a hearing. I see lawyers on the panel shaking and nodding heads. It is bonkers. There just is not enough time and money.

The second part of the question was about the democratic nations.

The Chair: Are we working with them in alliances to try to sort this out?

Rhys Davies: We are straying into the politics, and we are lawyers after all. Anecdotally, we do not hear very much about the UK, the US, the western European nations and Canada doing a great deal. It seems to be that the ship is being steered by others.

Ben Keith: The political diplomacy is lower down than in some other organisations because the people who run Interpol are usually senior police officers. They are not diplomats; they are police officers. We do not know how much steering the FCDO, for instance, gives individuals or has in terms of them meeting with their colleagues in other states to make a decision.

In the most recent election for the executive committee, a lot of the democratic nations just put up their own candidate. If there had been a bit more co-ordination, there might be more democratic nations elected to the executive committee. Whether that would make a difference, we are not sure.

Q32 **Paul Kohler:** I want to look at how we deal with serial abusers. You have answered some of that in your earlier questions. It is my understanding that no one has ever been suspended. Syria was put under corrective measures for nine years and everything had to be checked by the general secretariat first.

First, why has no one ever been suspended? Secondly, is suspension a good or feasible remedy? Would it not work practically? Thirdly, what happened to Syria—special measures—is basically what you were saying about checking the red notices first. Did it work in the nine years when Syria was under those corrective measures?

Rhys Davies: I do not know too much about the specifics, evidently, as I got it wrong about Syria. The point to take away is this: Interpol is not willing to take action against rogue states. It must be aware of the fact that Russia, say, is a serial abuser. It would be very straightforward process for it to say, "We're going to publish some statistics. We'll tell you how many countries are issuing red notices, and we'll tell you the percentage of those red notices that are deleted by country". It would be very straightforward to do that, but they do not want to.

This is how they view the issue: "If we start naming and shaming, it's going to bring cracks into the system and people won't use it any more". It is a self-perpetuating system. They say, "It's working, but, if we do anything to tinker with it or if we name and shame, we'll cause it to break down".

Ben Keith: Just before he left, Jürgen Stock started to do a lot more media. He did reveal that there were some countries in corrective measures. We do not know whether that was two, three or five. We do not know which they are. We do not really know what those corrective measures were. We would assume they might be Russia, China and Turkey, from our experience, but they also might not be. We do not really know what those corrective measures are. Other than the suspension of Syria, there has been no public pronouncement on any particular abuses.

The US has the TRAP Act—the transnational repression Act—which is meant to provide some indicators of the incidences of transnational repression and misuse of Interpol to Congress. From talking to people in the US, we see that in fact that has not been terribly useful because the US Government have decided to say, "There is no transnational repression". You have two things published at the same time. You have the US State Department publishing its human rights report saying, "There is transnational repression and Interpol abuse in different countries". It will receive reports from lawyers, NGOs and people on the ground to show where there is transnational repression. The TRAP Act report will say, "Nothing to see here" because you might upset your diplomatic partners.

We understand there is realpolitik going on, but, from speaking to our colleagues in the US, it does not seem like the TRAP Act has been as successful as people had hoped it would be.

Paul Kohler: I understand that and that we do not know which countries are in corrective measures. We know Syria was in corrective measures for nine years. We know that Russia was placed in corrective measures in 2022. Did that work? Do we know whether that worked at all?

Rhys Davies: We are still seeing lots of Russian cases.

Ben Keith: We think Interpol still has a Russia problem. From our recent experience, we think that there are still real problems with Russia and that Russian red notices are going through and not checked properly. While there may be corrective measures, we are not sure they have been very effective.

Paul Kohler: Does that not show that checking them first will not help? When they have done it, it has not helped.

Rhys Davies: Maybe they are not checking properly. I do not think they are checking properly. It cannot be that difficult.

Let us not forget that a red notice is a two-page document, which has barely any information in it whatsoever. It is issued at the request of a local police officer and probably not a judge. It contains very limited information. Make the red notice request more onerous. Make it a requirement for a judge to sign off on it. I do not know. There are all manner of things that one could do to scrutinise these requests. Make it a bit harder.

The Chair: What is very striking is the amount of speculation you have to do because of the lack of transparency right across the piece.

Q33 Baroness Kennedy of The Shaws: You have answered the question that I was going to ask you, which was about the mechanisms available to individuals to challenge Interpol red notices and to have them lifted. You have said that it can take for ever, that it can be very complicated and so on. I do not think you need to answer that, but there is something else that I would like to ask you, and I am going to seize the moment to do so.

We are an inquiry that is looking at transnational repression. We know there are particular countries that have a track record of reaching their long arms outside the ghastly things that happen internally in those nations and going after critics and so on who have managed to get into exile. There are obvious countries to keep an eye on.

The chair of this inquiry and I have been sanctioned by China. We tried to find out whether there might be a red notice issued against us by China. Not surprisingly, you would not want all criminals to know whether there was a red notice when that is what is going to be used in order to trace them down. We have not been able to find that out.

As soon as you are sanctioned by one of these places given to “long arm” repression, you are worried about going to places that are their best friends in case you might be arrested and handed over to China. Is there any mechanism that could be devised by you smart international lawyers as to how one might deal with such an anxiety about travelling to places friendly with it?

Ben Keith: We were trying to come up with some ideas earlier. One thing we sometimes do—it is not always very effective, but it can be—is write to the UK’s Interpol national central bureau, which is based in Manchester. It is run by the National Crime Agency. That is the UK central authority and is the conduit between the UK Government and Interpol. The UK Government have access to Interpol’s databases.

Baroness Kennedy of The Shaws: They could wink and nod at us and let us know.

Rhys Davies: They could do more than that. You could twist their arm.

Ben Keith: They could do more than a wink and nod. You could have a process for British nationals based in the UK. I am not saying you necessarily have a right, because you do not want to let all people on a

red notice know there is one, but you might have a position where you could apply to the Government and they would reveal whether there is a red notice against you or at least put your case forward to Interpol itself.

Baroness Kennedy of The Shaws: One could invent a process to make sure that people were not at the receiving end of transnational repression because of their criticisms of a particular country. That should be possible as an exception to the normal rule of non-disclosure.

Rhys Davies: It would be a sort of UK TRAP Act, effectively. You are Parliament, after all. You could twist the arms. As you have spotted, there are perfectly good reasons why some people should not be told about the existence of red notices, but there must be a way of devising checks and balances to ensure that, say, a judge was able to scrutinise what red notices were extant against British nationals and say whether those could be disclosed. There are lots of problems with that practically as to how it would be done, but it cannot be beyond the wit of man.

Ben Keith: Somebody who is on the Chinese sanctions list or is accused of a criminal offence—

Baroness Kennedy of The Shaws: Or is on the Russian sanctions list.

Ben Keith: Sticking with China, if you travel to France, France has an extradition treaty with China. It arrests people on Chinese extradition requests. There have been six or seven extradition requests from China to France. France has thus far refused all of them, but I have dealt with clients in France who have been arrested. Some of them have been detained while the extradition process takes place before they get bail. We have colleagues in Italy dealing with people who have been arrested on red notices from China.

For good reason, western countries have extradition treaties with trading partners and countries whose human rights records we do not particularly like. There is often not a pretence that we are going to go through the process in any event. We think there might be a method by which Parliament could say to the Government, "In certain circumstances, you could request the UK Government to put your case to Interpol to find out whether there is a red notice against you".

Lord Murray of Blidworth: Is there any mileage in saying that, as part of our human rights framework, there should be an expectation on the Government? There is a risk of Lady Kennedy's human rights being violated, were she to be obstructed in her travels by a vexatious red notice or, indeed, one that might cause her personal harm.

Ben Keith: Maybe. Fitting that into the human rights framework, in particular, would take quite a bit of careful footwork because you would have to try to work out which human right it fitted into. With China it is fairly easy because you run the risk of torture, death, unfair trial and arbitrary detention.

It could not be blanket on everybody. Otherwise, it would just be an infringement of Article 8 and potentially an Article 5 detention. Article 8 is a balancing right. There might be a perfectly legitimate criminal justice aim in having a red notice, which might not be outweighed by your inability to travel.

You could build in a situation where you make a request and an assessment is made by the Civil Service or the Government as to whether to provide that information, if they thought that particular criteria were fulfilled.

The Chair: Before we turn to Lord Dholakia for what will be the last formal question, we were going to ask you—but time is against us—about the role of the ECHR and whether it provides a double protection, and particularly about the case of Liu v Poland and the extradition request from China that had been involved in that case. It would be really helpful to us and the inquiry if you could pen a note to us afterwards addressing those things.

Rhys Davies: Yes, certainly.

Q34 **Lord Dholakia:** How could the transparency of red notice checks and the appeals process be improved? Would this make a difference to their resilience to abuse?

Rhys Davies: It comes back to the things that we were discussing beforehand. Let us know what the decisions are. Let us find out who is abusing and the numbers of notices that are being abused. That would be a useful starting point to work out where we need to be looking and who needs to be targeted by any reforms.

The problem is that Interpol does not like transparency of any kind. It does not like to be challenged. This really requires a cultural shift. The way to do that is to get a president or a secretary-general who is prepared to engage in this kind of openness. We have not seen that.

Ben Keith: For instance, there is a group called the Financial Action Task Force, which analyses different states as to their risk of money laundering and fraud. It has a white list, a black list and a grey list as to those countries that are at different risks of money laundering or corruption, if you invest in those countries.

You would hope that it would not take much wit for Interpol to devise such a list to say, "There are certain countries that have a history of abusing Interpol's red notices for particular purposes, on which we should impose additional checks". We are told that Interpol might do that to some countries in some cases, but we just do not know. There is no punishment for the crime.

Bahrain issues far fewer notices than Russia, but you might find that Bahrain's red notices are in fact much more political than Russian red notices. It is not always numbers. It can also be the proportion of those red notices or diffusions that are corrupt.

Q35 **The Chair:** You have given us some outstanding evidence today. I assure you that we will make very good use of it when we come to write our report. When you go away from the committee today, if you think there are some things you would be able to suggest, among other recommendations, that we could include in the report, we would be very happy to hear from you about that.

While you are here, I want to end the proceedings by returning to a question that has been left hanging from the evidence we heard earlier on from Chloe Cheung. We were deeply concerned—Baroness Kennedy has raised this point—that a young woman and others like her have had bounties placed on their heads for the equivalent of £100,000. Other people are being incentivised to turn her in to a Chinese embassy or consulate. She gave evidence about someone who was taken inside the compound of the Chinese consulate in Manchester.

What is the legal situation when someone is taken into the territory of an embassy or a consulate? What protection would the British Government be able to give in those circumstances, if you were on somebody else's territorial soil and had been taken there with the purpose of forced extradition to take them back to the People's Republic of China?

Rhys Davies: Diplomatic premises are inviolable, but it is a misconception to think you can do what you want on diplomatic premises. You are bound to comply with the jurisdiction that you are present in.

Practically speaking, if one adheres to the Vienna convention, one cannot then enter those premises. That does not mean you are acting lawfully and can do what you want. It is a Catch-22 situation because, on the one hand, of course China has to comply with the laws of this land. Equally, if we want to comply with our treaty obligations under the Vienna convention of 1961 we cannot then go blundering in and say, "You've broken our laws". It is a very difficult tension that is almost impossible to reconcile.

Ben Keith: Diplomatic premises are not the soil of a foreign state. They remain British soil. As Rhys says, you have a diplomatic convention. You cannot march in there and arrest people. You are talking about kidnapping, extraterritorial rendition or, in the case of Jamal Khashoggi, which was obviously not in the UK, murder and dismemberment of the body.

Baroness Kennedy of The Shaws: I was involved in that investigation. I should declare an engagement in that. We fell into that real problem. There were 15 days when the Turkish police did not enter those premises to collect evidence and so on, which allowed for a cleaning-up operation to take place.

Ben Keith: We have attended events in this building where individuals from foreign states have waved their diplomatic passports to stop themselves being arrested by police officers. How do you stop it? You

have to provide significantly more intelligence capability to the British state to try to prevent those. There is a real problem.

There is a thing called an Osman warning, from a case called Osman, which is given to people who are at risk of assassination or death. It is quite broad these days because it is also used by the police in gang violence cases at all sorts of levels, but the very highest levels are international threats of assassination or kidnapping. I have seen my clients flee to different parts of the United Kingdom or other states either to hide from Osman warnings for their safety or because of the potential that they might be kidnapped and renditioned.

The best the UK police can do is occasionally turn up to my clients' houses and say, "Are you okay? Have you taken some security measures? Don't go to these particular places. Install a video camera". People who have had their extradition requests discharged from Russia and have asylum here get a once-a-year visit from the counterterrorism police to check they are okay, and that is it. Are they lower down the list? They probably are.

Ultimately, the problem is that it is very difficult for anybody to stop a hostile foreign state attacking individuals without significant resources to protect them.

The Chair: Thank you very much for being so candid with us and for raising pretty serious questions that have not been adequately addressed by us as parliamentarians hitherto or by the Government. I am grateful to the Home Office for saying it is now looking at transnational repression as an issue. It is good that this committee is able to have the benefit of the wisdom and experience of gentlemen such as you. It has really been greatly appreciated. Thank you for being with us.