

# NO ROOM TO RUN

China's expanded mis(use) of INTERPOL since  
the rise of Xi Jinping



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\*Inspired by a quote from a China Global Television Network (CGTN) report on the return of "fugitive" Yang Xiuzhu, sought via an INTERPOL Red Notice.<sup>1</sup>

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# Executive summary

Despite some recent reforms, INTERPOL's famously untransparent Red Notices and Diffusions systems continue to draw harsh criticism from human rights defenders. Recent cases, such as the continued detention of Uyghur Idris Hasan in Morocco on a Red Notice requested by the People's Republic of China (PRC) issued in 2017 and deemed "non-compliant" by INTERPOL only following his arrest, highlight the **inherent dangers of international policing cooperation with non-Rule of Law countries**, prone to abuse such instruments for persecution that run counter to INTERPOL's Constitution.

In the ambit of a wider campaign on such issues – including **bilateral extradition treaties and judicial cooperation agreements with the PRC** - this brief investigation seeks to elucidate some of the most obvious PRC abuses of the INTERPOL system.

**After a brief period of high profile and public use of Red Notices, China's use is now shrouded in more secrecy** – the PRC affirmed its new *intended and announced policy* to refrain from making its Red Notice requests public. Data on the PRC's use of INTERPOL is scarce but all evidence points to **a significant increase** in the use of its tools since Xi Jinping assumed his role at the helm of the Chinese Communist Party in 2012. The use of INTERPOL plays a key role among other legal and extra-legal means to hunt "fugitives" in the wider ambit of his domestic "anti-corruption" campaign and international operations Sky Net and Fox Hunt.

*"China has kept up its great efforts in fighting corruption in recent years. Sky Net, built in 2015 to net corrupt fugitives living overseas, has seen 4,997 fugitives returned to China from over 120 countries and regions. Among them, 54 were on the list of China's hundred most-wanted suspects, all of whom had INTERPOL Red Notices for them. [...] **There's no need to run, and there's no room to run.** [...] Xi has guaranteed to Chinese nationals that no matter where the corrupt officials flee, they must be brought to justice"* (CGTN, 15 January 2019).

According to INTERPOL regulations and an overview of recent cases, Safeguard Defenders' investigation highlights some of the **main issues with, and the misuse of, the INTERPOL system by the PRC**: prolonged detention and arbitrary arrest on the basis of Red Notices of activists and persecuted ethnic or religious minorities abroad; harassment and intimidation of political dissidents; improper use of INTERPOL notices to induce "fugitives" to return "voluntarily"; and the wider intimidation and harassment of communities within China.

Furthermore, the **expanding nature of political crimes in Chinese criminal law** is rapidly driving the basis for arrest warrants. The **increasing extra-territorial application of National Security Provisions** both in Hong Kong and on the Mainland is an added cause for concern and warrants immediate attention by INTERPOL member states. Most recently, in November 2021, an official stated that being in favour of Taiwan independence constitutes a crime, and that its culprits, including those living outside the Mainland, will be criminally liable for life in the PRC.

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# Key takeaways

- Rapid growth of PRC use of INTERPOL Notices: Between 1984 and 2005 the number of Red Notices issued from the PRC stood at an average of **26 per year**, slightly increasing to an average of 33 per year between 2005 and 2014. Information from Chinese police says that reached 200 or more in recent years. According to one media interview, in 2016 the PRC issued **612 Red Notices** that year alone.
- The use of *Diffusions*, a less formal version of a Red Notice, and far more prone to abuse, remains shrouded in mystery, with **no information of any kind** as to the PRC's use of them.
- Despite recent reforms, INTERPOL transparency and reviews of requested Red Notices remains spotty at best, allowing for its misuse, and **gravely impacting** individuals' lives and safety without effective means of redress.
- Recent cases of long-term detention based on extradition proceedings following arrests on the basis of a Red Notice have already led to the **death by suicide** in a Polish prison.
- Misuse of INTERPOL Notices by the PRC includes persecution on political, ethnic or religious grounds (in particular, but not limited to, Uyghurs); **harassment and intimidation** of political opponents abroad; improper use of INTERPOL notices to induce "fugitives" to return "voluntarily"; and the use of Red Notices to attack family members and relatives back home.

## Background

Joining only in 1984, the PRC was a late-comer to INTERPOL and until Xi Jinping's "anti-corruption" campaign began – tied to his ascent to the top post of General Secretary of the Chinese Communist Party – the PRC made but sparing use of INTERPOL. This changed remarkably after the launch of the international leg of Xi's "anti-corruption" campaign through operations Sky Net and Fox Hunt. Going largely unnoticed by the wider world, under Sky Net as well as a more aggressive Hong Kong Police Force (HKPF) - emboldened by the Beijing-mandated National Security Law, INTERPOL is quickly becoming an important tool for the PRC to expand its long-arm policing and control globally.

At the end of this November, PRC police officer Hu Binchen is running for election for INTERPOL's Executive Committee at their 89<sup>th</sup> General Assembly. While Hu is not as high profile a member of the PRC's feared police

run by the Ministry of Public Security (MPS) as was former Vice Minister of Public Security Meng Hongwei - elected as President to the international organization in 2016 until he "resigned" in 2018 after disappearing on a trip back to Beijing and later sentenced to over 13 years in prison for corruption, Hu represents Beijing's continued attempts to build influence from within the organization. The fact that Hu works in the International Cooperation Department, which is responsible for the PRC's expansion of its policing overseas to return "fugitives" to China, via both legal and illegal means, is significant cause for concern.

In 2016, just two years after the launch of its international hunt for "fugitives", PRC police engaged INTERPOL in some 3,000 investigations<sup>2</sup> and has greatly increased its use of the **Red Notice** system, used to ask police forces worldwide to apprehend purported "fugitives" and have them extradited back to

China. When Operation Sky Net was launched in 2015, it included the Top 100 program which publicly listed their Top 100 most wanted for which public Red Notices were issued. At the time of writing, 60 of these 100 have been returned to China, although most of them “voluntarily” rather than because of formal arrest and extradition procedures on the basis of said Red Notices.

These investigations also include human rights defenders, dissidents and political enemies of the current leadership. A series of ever more blustering statements from key figures in the Hong Kong government has made it clear that the HKPF will seek to use INTERPOL to chase “fugitives” who have escaped Hong Kong and are wanted for political crimes under the National Security Law (NSL). It is important to note that while the extra-territorial provisions under Article 38 of the NSL, imposed on Hong

Kong by Beijing, have gained notoriety from the express warnings issued by government agencies in Denmark and the United Kingdom to local legislators and activists who are encountering difficulties in obtaining information regarding the potential risks – including INTERPOL listings - they may be exposed to, little attention has been paid so far to existing similar provisions in the mainland’s national security legislation. While not subject – to our knowledge – of an international arrest warrant, Belizean national Lee Henley is an exquisite example of such application, recently condemned in the Mainland to serving 11 years for allegedly providing funds to Hong Kong activists while in the United States.<sup>3</sup> Recent PRC sanctions on foreign entities and legislators, as well as threats of life-long persecution for those supporting Taiwan “independence”, further warrant the need for greater attention and increased transparency within the INTERPOL system.

## INTERPOL: rapid expansion and tools

For long, INTERPOL was a fairly euro- or western-centric organization. The number of member states has now reached 194 however, making it the second largest international organization in the world after the United Nations. The use of **Red Notices**, its most famed tool, has increased more

than tenfold between 2000 and 2020. The use of **Diffusions** - similar to Red Notices, but used far more often - has likewise increased at least fivefold. Other color-coded type INTERPOL notices - such as Yellow Notices used to track missing persons - remain outside the remit of this investigation.<sup>4</sup>

### Red Notice vs Diffusion

**Red Notice:** *electronic alerts published by the General Secretariat at the request of a National Central Bureau in order to seek the location of a wanted person and his/her detention, arrest or restriction of movement for the purpose of extradition, surrender, or similar lawful action.*<sup>5</sup> The notice does not constitute a formal provisional arrest request in itself. While no member state is therefore obliged to act upon or arrest the sought person, in practice many countries do treat Red Notices as a specific arrest warrant. A Red Notice goes out to all member states automatically after an initial review by INTERPOL.

**Diffusion:** *a request for international cooperation, including the arrest, detention or restriction of movement of a convicted or accused person, sent by a National Central Bureau directly to all or a selection of other National Central Bureaus and simultaneously recorded in a police database of INTERPOL.*<sup>6</sup> Diffusions are immediately visible to other member states, prior to any review by INTERPOL, making them useful tools for non-rule of law States in their attempts for apprehension, even if they know that the Diffusion may be withdrawn upon later review by INTERPOL.

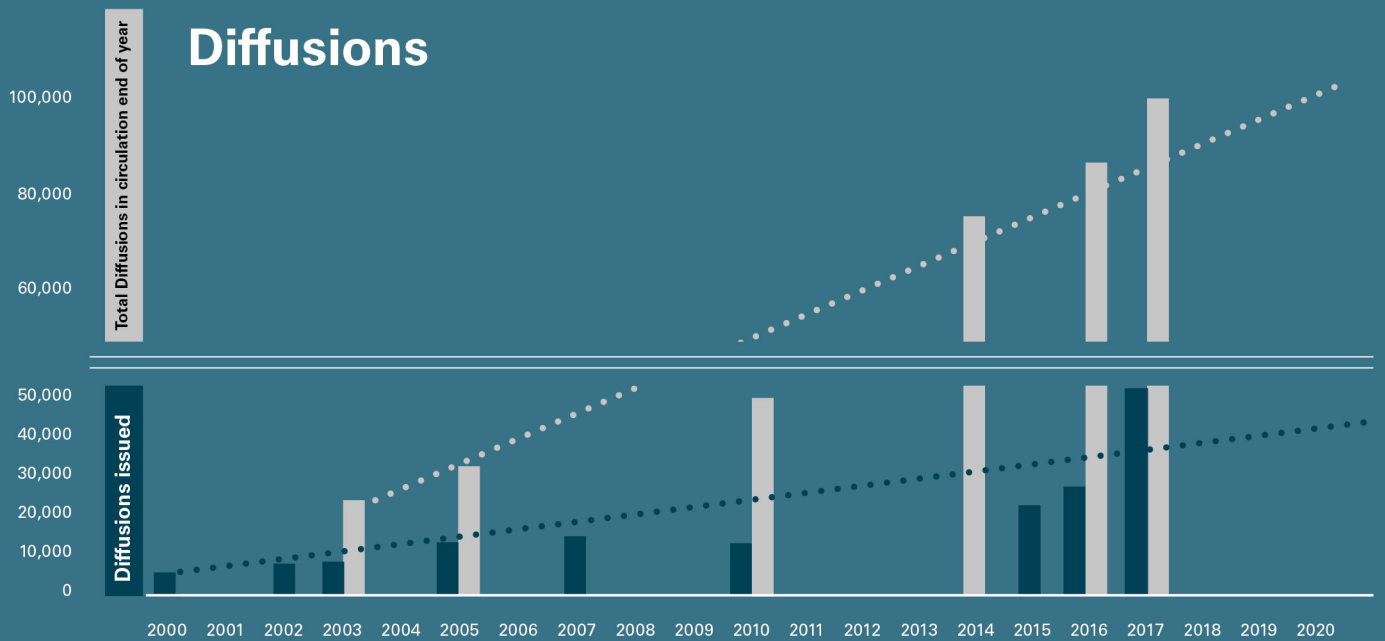
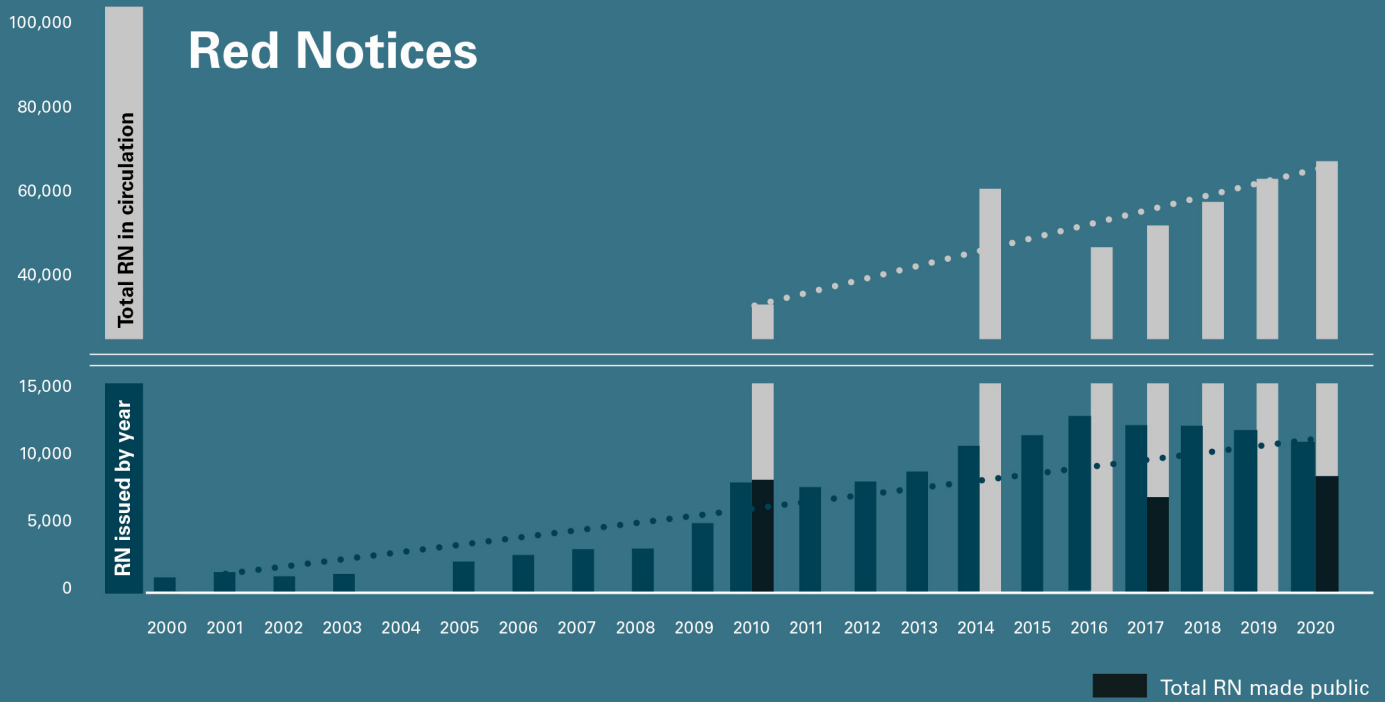
INTERPOL is well known for its lack of transparency. It only publishes limited data on the annual issuance of Red Notices and almost no data on Diffusions. Likewise, it is very difficult to find out information on the total number of those in circulation at any given time. Of the approximately 62,000 Red Notices currently in circulation, about 55,000 are not public, putting those individuals who are unaware that they are being hunted on political grounds by non-Rule of Law countries such as the PRC at additional risk and unable to mitigate its effects until it is too late.

However, data from INTERPOL's annual reports alongside studies by FairTrials<sup>7,8</sup> and several other reports such as the EU's Directorate-General for External Policies<sup>9</sup>, has allowed SD to put together the most comprehensive and up-to-date data publicly available, as presented in the infographic and table below. INTERPOL has been contacted repeatedly to fill in the gaps but ignored all such requests at the time of going to print with this investigation.



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# Global use of INTERPOL Red Notices and Diffusions 2000 to 2020



# INTERPOL's failed reforms

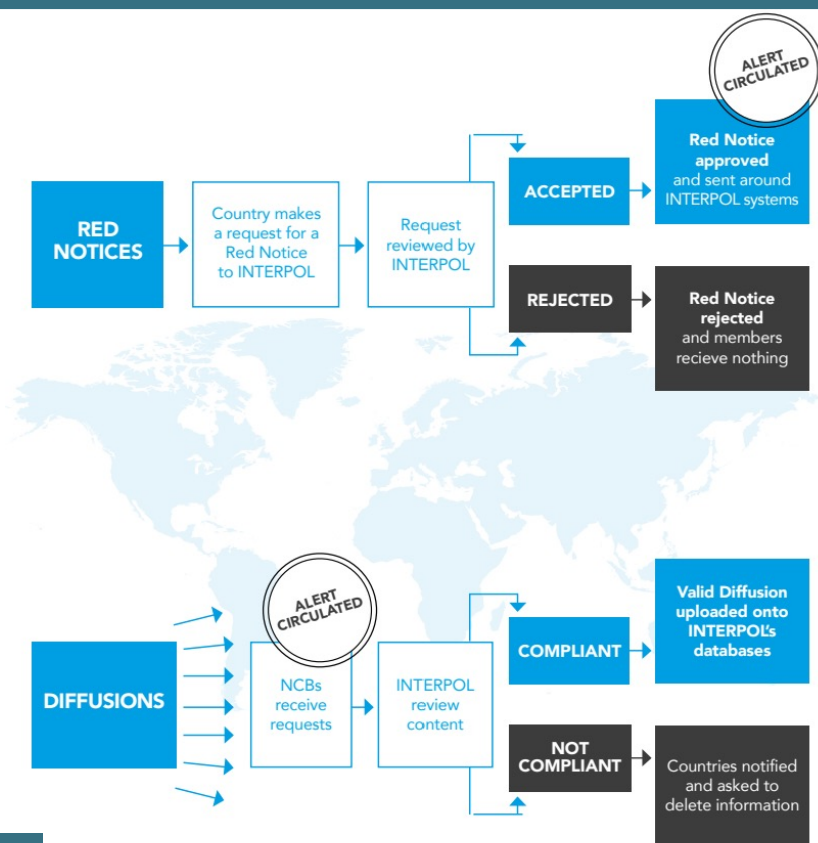
Since 2015, INTERPOL has undergone a series of reforms to address consistent criticism and problems arising from the interpretation of its own constitutional commitments to political neutrality and human rights; the inadequacy of the systems in place to detect and prevent non-compliant INTERPOL alerts from being circulated; and the ineffectiveness of the remedies available to people who believe they are subject to an unjust INTERPOL alert.<sup>10</sup>

Reforms enacted in 2016 and 2017 meant that any Red Notice filed by the originator country's designated police unit for INTERPOL (called a National Central Bureau (NCB)) is – at least in theory - reviewed by the organization's General Secretariat prior to circulation to other member states.

Yet despite these reforms, key issues remain for an organization in which Rule of Law

abiding countries seek to cooperate on an equal footing with authoritarian regimes. As several cases show, INTERPOL's review of Red Notices is spotty at best. Reviews are seemingly perfunctory and focused on formalities.

The lack of publicly available data on Diffusions is of particular concern as they are even more prone to misuse than Red Notices as they are immediately available to the intended police forces/members states before any review. INTERPOL rules only state that the originator (NCB issuing the Diffusion) must ensure that it follows the rules. If a later review by INTERPOL shows the Diffusion is in violation, it deletes it from its system but by this time it is already inside member state's own systems where **it is not automatically deleted**. This review 'after the fact' opens the door to significant and unmitigated misuse.



Copyright Fair Trials.



## Core rules on using Red Notices and Diffusions

**Article 2 of the Constitution** provides that INTERPOL's mandate is to ensure and promote international police cooperation in the spirit of the "*Universal Declaration of Human Rights*."

**Article 3 of the Constitution** provides that it is *strictly prohibited for the Organization to undertake any intervention or activities of a political, military, religious or racial character*; sometimes referred to as the "neutrality rule".

## Recent reforms and their shortcomings

There have been a number of positive developments in particular between 2016 and 2017, but rather than eliminate, they have merely mitigated, the number of tools available to authoritarian governments for INTERPOL misuse. Despite the urgent need for further reforms,<sup>11, 12</sup> INTERPOL has so far resisted implementing any more changes. Some of these reforms, and their most notable shortcomings in terms of transparency are:

- In 2016 INTERPOL established a task force to institute reviews of Red Notices before they are made public. However, the most recent and ongoing case of Idris Hasan (more detail given below) clearly demonstrates that reviews performed are perfunctory at best;
- In the same year, it instituted a rule that Red Notices are to be cancelled if the person receives asylum or is granted refugee status. However, it is up to the person named in the Red Notice to notify INTERPOL about this change in status and INTERPOL performs no check on this itself. As roughly 88% of Red Notices and all Diffusions are non-public, the person under a Red Notice or Diffusion is most likely unaware they are on an "arrest" list, thus rendering the rule meaningless;
- No similar rule exists for those successfully defeating an extradition request. They may still be arrested under the same Red Notice later on and be forced to go through the entire extradition process again, which – as dramatic cases demonstrate – may often take many years;
- A 2016 hearing in the US House of Representatives exposed that only 3% of Red Notices were selected for detailed assessment by the Commission for the Control of INTERPOL's Files (CCF), an independent body that checks whether personal data is being processed in line with INTERPOL regulations<sup>13</sup>;
- New rules to the Rules on the Processing of Data<sup>14</sup> (RPD) in 2019 standardize the process for individuals seeking access to information on Red Notices, Diffusions or any other instrument possibly issued against them. However, the process is slow – often taking up to four months – and INTERPOL cannot disclose any information if the issuing originator (in this case the Chinese police) does not agree to disclose such information to the interested person, rendering the process meaningless;
- INTERPOL releases almost no data on the number of Red Notice requests denied and nothing at all on Diffusions, despite some improvements on transparency in 2017 in the body responsible -- (CCF);
- No attempts at reform on the use of Diffusions have been tabled. The rules still state that a Diffusion shall be used instead of a Notice if the "request does not justify or does not qualify for the publication of a notice"<sup>15</sup>;
- Despite existing rules allowing INTERPOL to take countermeasures against States that misuse INTERPOL – including limiting access to its databases or right to make requests – they have, to SD's knowledge, never been applied.

It was leaked in late 2017 that INTERPOL was performing a review of some 40,000 Red Notices, outlined in a confidential memo from 20 November 2017 concerning meetings between EU diplomats and INTERPOL representatives.<sup>16</sup> Despite this, obviously misused Red Notices, such as the much publicized one against Dolkan Isa, were still not removed, nor was the one against Idris Hasan, which indicates that the review was certainly limited in scope and depth.

Concerns of misuse have grown so widespread that, in 2016, the Council of Europe established a Special Rapporteur on abuse of the INTERPOL system<sup>17</sup> and whose report, *INTERPOL reform and extradition proceedings: building trust by fighting abuse* has assisted in mapping the use of INTERPOL presented in this investigation. The Council has also issued public calls for INTERPOL to introduce reforms, praising some of the steps taken above, while also noting continued shortcomings.<sup>18</sup>

## Data on PRC use of INTERPOL

PRC data on INTERPOL use is extremely sparse. Even official work reports from the Party's Central Commission for Discipline Inspection (CCDI), the MPS or the Procuratorate yield almost no data. Furthermore, INTERPOL does not release data on individual countries' use of INTERPOL tools. To somewhat compensate for this consistent lack of transparency, SD has researched speeches, official statements and reports from Chinese Party/State media.

It is evident that the PRC's use of INTERPOL is a relatively recent occurrence. From its entry into the organization in 1984 until the launch of operation Fox Hunt in 2014 (then expanded via Sky Net in 2015), it was a relatively infrequent user of INTERPOL. One reason for this limited use may be linked to the PRC's historical difficulties in obtaining extraditions due to its overly politicized legal system, given that all Red Notices (and Diffusions) are to be followed by a formal extradition request once the person has been apprehended in a third country. However, the PRC's growing stature on the world stage, the increasing willingness of foreign governments to accommodate the PRC - including signing extradition agreements, its ever-growing focus on securing the return of so-called "fugitives" and its expanding work to control the Chinese diaspora abroad, in general has led to a significant increase in its use of INTERPOL as a means to advance these goals.

At the outset of the Fox Hunt campaign, PRC authorities claimed that since 1984 some 18,000 officials had fled abroad. During the same period - 1984 to 2014 - the PRC had requested just over 400 Red Notices in total, a relatively small number.<sup>19</sup>

Between 1984 and 2005, the number of Red Notices issued on PRC requests stood at a low average of 26 per year<sup>20</sup>, slightly increasing to an average of 33 per year between 2005 and 2014<sup>21</sup>. According to media reports, in 2014 there were a total 503 active Red Notices in circulation originating from the PRC<sup>22</sup>, rising to 650 in 2015<sup>23</sup>.

In an interview in 2017, the then head of the MPS's International Cooperation Department, Liao Jinrong, claimed that in 2016 the PRC had issued more than 200 Red Notices and indicated that the situation was similar for 2015.<sup>24</sup> He also stated INTERPOL channels and tools were being used to investigate about 3,000 cases.

Another Chinese media report on the MPS' use of INTERPOL in 2016 repeated much of Liao had said, but claimed that it had, instead, filed 612 Red Notices that year. Speaking about its use of INTERPOL, the MPS also claimed to have engaged in 257 cases of criminal judicial assistance with foreign states and had 17 persons repatriated. This previously published source<sup>25</sup> has since been scrubbed, but can still be seen as a cached version (see below).

# 我国每年通过国际刑警组织渠道相互协查案件约3000起

2017-09-26 11:53:20 来源：新华社

新华社北京9月26日电（记者 丁小溪）记者日前从公安部获悉，近年来，我国公安机关与国际刑警组织不断深化执法安全合作，每年通过国际刑警组织渠道相互协查案件约3000起。

据介绍，2016年我国通过国际刑警组织渠道办理案件2837起，其中外方向我求查2542起，我向外方求查295起；提交国际刑警组织红色通报612份；办理刑事司法协助案件257起，引渡案件17起。

热帖

这样锻炼五分钟胜过走路一小时

2周前

"通讯录里的父母"咋养老？

2周前

## Report on China's 2016 work with INTERPOL.<sup>26</sup>

In the 21 years between 1984 and 2005, China secured the return of 230 persons. Between mid-2014 and mid-2020, in just six years, that figure had risen dramatically to 348.<sup>27</sup> It should be noted

that of these, many or most were not returned on the basis of Red Notices or formal arrests and extraditions, but rather through irregular methods.

## Irregular methods and "voluntary" returns

Due to China's flawed judiciary, it remains difficult for China to have wanted persons returned via extraditions. Far more common than extraditions is to have people deported back to China based on immigration law violations, or through ad-hoc cooperation with friendly foreign governments. All that pales in comparison to the number of people returned every year through **irregular methods**, which ranges from threats and even arrests of relatives back in China, sending agents abroad to intimidate the victim in the target country, or even direct kidnappings. Most of those that returns in this manner is claimed to have returned voluntary.

Safeguard Defenders forthcoming 70-page report *Involuntary returns: China's covert operation to force "fugitives" overseas back home* explores this issue in-depth, while our 150-page report *Hide and Seek: China's Extradition Problem*, explores in-depth the issue of extraditions to China. Both are set for release this winter.

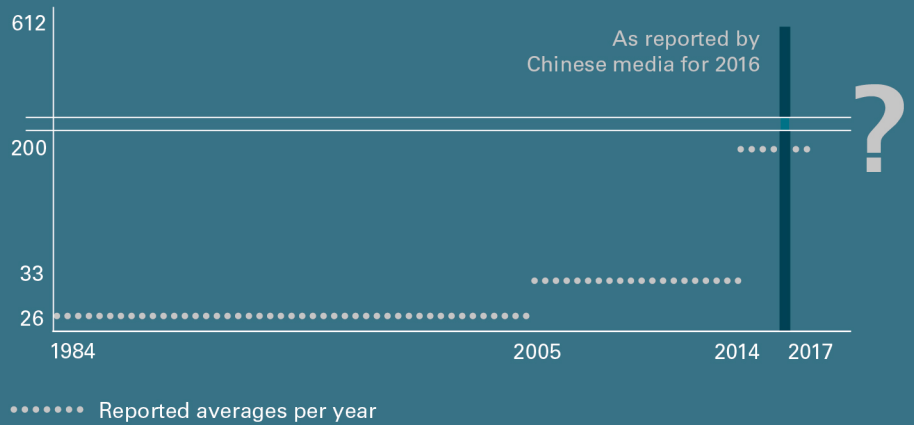
However incomplete, this data does provide some insight into the PRC's use of INTERPOL and its place in a coordinated campaign to export the regime's political terror across the globe:

- The PRC has ramped up its use of INTERPOL Red Notices significantly since Xi Jinping came to power;
- This increase has gone hand in hand with Xi Jinping's "anti-corruption" campaign;
- During the same timeframe, there has been a very significant increase in the PRC's use of extradition procedures (this will be covered in depth in SD's upcoming 150-page report *Hide and Seek: China's Extradition Problem*); and
- The PRC's expanded use of INTERPOL has coincided with a very significant increase of the use of involuntary returns, in which the MPS and other PRC agencies utilize non-judicial procedures to secure the return of "fugitives," ranging from threats to family in China, sending agents to foreign countries to harass targets, to straightforward kidnappings. This development, which has netted some 10,000 people from 120 countries between 2014 and 2020, will be exposed in another SD report: *Involuntary Returns: China's covert operation to force 'fugitives' overseas back home*.

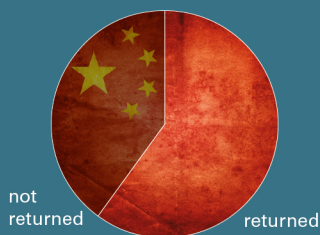
## China and INTERPOL

China joined INTERPOL only in 1984 and used the system sparingly despite claiming some 18,000 corrupt officials had fled. That all changed with the launch of Fox Hunt/Sky Net, the operation to hunt "fugitives" - and the international arm of Xi Jinping's signature "anti-corruption" campaign - seen as vital to ensure the CCP's hold on power.

## China's use of Red Notices



## Top 100 List



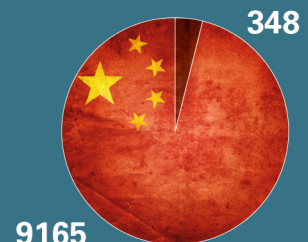
Issued in 2015, of the Top 100 wanted persons with Red Notices slapped on them, 60 has been returned, but most of them "voluntarily".

## China's use of INTERPOL 2016



Number of cases where Chinese police sought Interpol assistance - of all kinds - for investigations in 2016.

## Sky Net and INTERPOL



Of nearly 10,000 "fugitives" returned to China via its FoxHunt/SkyNet operation mid-2014 to mid-2020, authorities claims 348 of those were wanted via Red Notices.

## Lack of data on Diffusions

Data on China's use of INTERPOL is sparse. Regarding its use of Diffusions - a tool to hunt "fugitives" far more commonly used than Red Notices (RN) - such is non-existent. Diffusions are more prone to misuse by authoritarian states than Red Notices, so the lack of information is worrying.

## Red Notices vs. Diffusions

A Red Notice goes out to all 194 member states, but only after a review to ensure it does not violate INTERPOL's charter. A Diffusion has the same effect but is sent to INTERPOL members immediately, and a review takes place only after it has already been received by police around the world. Because of this, they are far more prone to misuse.

## China's misuse of INTERPOL

China's misuse takes many forms. It files RNs on political grounds. It files RNs even when they can not follow up on arrest with an extradition request. It seemingly uses INTERPOL as a tool for harassment. It employs collateral damage against family members. It seeks the return of targets via RNs and then fails to prosecute them, instead using them for political propaganda.

With a complete lack of data, **two questions** remain unanswered: **developments in the use of Red Notices** (2017-2021) and the **PRC's use of Diffusions**. However, by examining INTERPOL data in general, a careful attempt at estimates can be made. All global data is from INTERPOL's annual reports, with some exceptions, and is presented in detail in the Appendix.

In 2017, the number of Red Notices that were publicly known was 6,620, whereas a total of 52,103 Red Notices were in circulation at the end of that year, meaning only about 12% were public. Whereas available data for 2010, sees that proportion grow to 20%, with recent years appearing to have maintained a relatively stable proportion of around 12%, including 2020/21.

In 2018, the PRC publicly listed 83 Red Notices. By 2021, these public listings were down to 35. One reason for this decline *is the intended and announced policy* of no longer making PRC-issued Red Notices public. This stated change in policy makes it difficult to use the above data to estimate the **real number** of Red Notices from

the PRC currently in circulation, but it is of use to keep in mind that, globally, only 12% of issued Red Notices is made public.<sup>28</sup>

As regards Diffusions, INTERPOL releases very limited data, but research indicates that annual Diffusions have increased from 5,333 (in 2000) to 26,645 (in 2016). This number increased to 50,530 in 2017, most likely due to its mass use by Turkey following the alleged attempted coup d'état. The same year, the total number of Diffusions in circulation exceeded 100,000.<sup>29</sup> The ratio of Red Notices to Diffusions for the three most recent years for which full data is available - 2010, 2015 and 2016 – provides proportions of 48%, 52% and 48% respectively. The number of Diffusions seemingly stands at roughly twice that of Red Notices.

If the PRC's use of Red Notices continues to stand at 200 or above annually, these proportions would indicate some 400 additional Diffusions per year, whereas if - as claimed in one report - it issued some 600 Red Notices in 2016, this would mean an additional 1,200 Diffusions annually.

## China's misuse of INTERPOL

The problem with the PRC's use of INTERPOL is not limited to the issuing of Red Notices or Diffusions for persons that should not be targeted according to INTERPOL's Constitution - e.g. on political, ethnic or religious grounds. There are well-founded concerns that Red Notices are

issued to have people detained even when China has no intention (or ability) to seek their extradition. There is also the use of Red Notices as a tool to harass targets and using these Red Notices as the basis for harassment, or worse, of the target's family or relatives back in China.

### Red Notices: a tool of political persecution

Yu Hao, a Chinese national, was detained on the basis of an INTERPOL Red Notice in Poland in 2018, after moving there from the Netherlands. After nearly three years waiting for his hearing - most of that time spent in isolation - he committed suicide.<sup>30</sup> In the very same facility sat Swedish citizen Li Zhihui<sup>31</sup>, a Falun Gong adherent of Chinese descent. Li was detained while in transit in Poland during a business trip and it took two years - most of which he also had to spend in isolation - before his extradition hearing concluded. Yet even after his formal release, he could still not travel back to his homeland of Sweden, because the Red Notice

remained in effect, notwithstanding Poland's rejection of the PRC's extradition request. At the time of writing, yet another victim in Poland, this time a Taiwanese citizen, has been waiting for their extradition hearing for over years.<sup>32</sup>

Uyghur software engineer Yidiresi Aishan, also known as Idris Hasan, had lived in Turkey since 2012. Without his knowledge, a Red Notice was issued against him in 2017, on the basis of which he was arrested in July 2021 while transiting at Casablanca Airport in Morocco.<sup>33</sup> Significant media attention on his case led to a swift suspension of the Notice while INTERPOL reviewed the case, after which it was cancelled

for being “non-compliant.” It was in violation of articles 2 and 3 of INTERPOL’s Constitution.<sup>34</sup>

This statement of reason for the cancellation of the Notice – brought to light only after a formal response by Moroccan authorities to four UN Special Procedures (INTERPOL has so far refused to provide any further information to Idris Hasan’s legal defence) is shocking as it points to a clear lack of the prescribed scrutiny of Notices before their issuance given the specific notice had been in place for over **four years**, whereas mere days of media attention led to its suspension and subsequent withdrawal.

Given the well-reported overall scheme of persecution of, and atrocities against, Uyghurs by the PRC, the fact that at no point since 2017, INTERPOL appears to have pre-emptively reviewed Red Notices and Diffusions against Uyghurs severely calls the organization’s adherence to its constituting principles into question.

In the meantime, Idris remains in custody in Rabat as he is fighting an extradition request from the PRC. This is the first formal extradition request from the PRC since the China-Moroccan extradition treaty went into effect earlier this year.<sup>35</sup>

Even the rejection of an extradition request is not necessarily the end of the nightmare, as a Red Notice is not necessarily cancelled as a result. In the United Arab Emirates (UAE), both Uyghur Ahmad Talip and Chinese teenager Wang Jingyu<sup>36</sup> continued to be detained by immigration police even though UAE courts had ruled in favour of their release. Ahmad Talip - taken based on an INTERPOL notice - disappeared shortly after and is believed to have been sent back to China. Wang Jingyu escaped that fate due to widespread media attention and he was allowed to leave for Europe.

Several other Uyghurs, such as Huseyin Imintohti (Turkey), Ershidin Israyil (Kazakhstan) and Canadian-Uyghur Huseyincan Celil (Uzbekistan), whose fate remains unknown after their return to China, were hunted under INTERPOL Red Notices.

Considering the extent to which the Chinese government has so far gone to repatriate Uyghurs, there are strong reasons to believe the PRC has issued Red Notices and Diffusions against a larger group of Uyghurs, which INTERPOL has failed to review despite the well-documented political persecution and atrocities defined as “genocide” by a growing number of countries.

## Wrongful use of Red Notices: a means to other ends

Article 82 of INTERPOL’s rules specify that Red Notices are to be issued for the “arrest or restriction of movement **for the purpose of extradition, surrender, or similar lawful action**.” Issuance for other reasons are not allowed.<sup>37</sup>

Yet, in a blatant admittance of violating INTERPOL rules, Meng Qingfeng, China’s deputy minister of public security, said in 2019 “*The U.S. and Canada, countries with which China has no extradition treaty, have become top destination[s] for Chinese fugitives. Bringing them back to face legal action in China therefore requires the use of INTERPOL protocols.*”<sup>38</sup> As stated, INTERPOL’s Red Notices and Diffusions are to be used to apprehend people and keep them detained, while the requesting country files an extradition request, which, as Meng points out, is not possible as regards the PRC when the individual is in the US and Canada.

However, as stated by Meng and as the examples below show, the PRC makes good use of INTERPOL tools for other purposes.

An unnamed human rights defender wanted under a PRC-issued Red Notice is currently detained in a US Immigration and Customs Enforcement Center.<sup>39</sup> The Associated Press is withholding the man’s name because a sibling still living in China has reported being threatened by government agents with criminal charges unless his brother returns to the country. According to media reports, ICE says it arrested the man for overstaying his visa and did not comment on whether the Chinese charges led to his detention. It is a clear-cut example of how the PRC seeks to exploit the immigration system and its tool of deportation in order to bypass difficulties in obtaining formal extraditions, as well as the use of threats to immediate family

members in the Mainland to ensure the return by any means. The man and his immediate family are seeking asylum in the US.

Moreover, while Red Notices and Diffusions are supposed to be issued only for more serious crimes (potential penalty of two years in prison or more<sup>40</sup>), in an attempt to lure “fugitives” back “voluntarily”; Chinese authorities have, on occasion, not prosecuted those it sought returned on the basis that it would prosecute. In 2016, Zhang Dawei, Zhu Zhenyu and Zhang Liping<sup>41</sup>, were returned after the PRC on INTERPOL Red

Notices, but none of them was subsequently prosecuted back in China. They had served their purpose of propaganda and assistance in the wider Operation Sky Net to encourage “voluntary” returns.

In addition, the PRC continues to use Red Notices and Diffusions without the prescribed intent of arrest and extraditions, but as the basis for pressuring targets into “voluntary” return, often via threats to family members back in China. Red Notices thus become the basis for collective punishment on entire families to force the targets to return.

## Collateral damage: Using Red Notices as basis for attacking family and relatives

A 2018 report by Human Rights Watch<sup>42</sup> highlighted how authorities use Red Notices to harass targets when they cannot have them arrested and/or extradited. Drawing from that report:

Liang Jianguo, a pseudonym for a US-based Chinese national wanted via INTERPOL, said “Police told my family that the government can take ‘any actions to control’ the relatives of [those sought by Red Notices] and that they won’t live a normal life [unless I] return to China.”

Another wanted person living in the US said that “they [the police] repeatedly threaten[ed] my wife that if I don’t go back, she would be detained.”

Former Chinese Supreme Court Judge, Xie Weidong, now residing in Canada and wanted under an INTERPOL Red Notice, saw his sister and his son arrested back in China to put pressure on him to return “voluntarily”:

Another person, also speaking using a pseudonym, said: “They [the police] have summoned my siblings countless times... Today they summon my sister, tomorrow my brother, the next day my niece, like that... [The police] would threaten them that if I don’t go back, they would be arrested too.”

A Chinese national in the US, who rented a room in her house to a Chinese national wanted under a Red Notice, ended up being repeatedly harassed. “They keep telling me that [he] is wanted by INTERPOL and is a very bad person. I should not let him live in my house.”

Furthermore, in a clear act of intimidation, China over the last few years has started publishing statements on how those apprehended or repatriated based on Red Notices have been caught because of assistance from overseas Chinese who have provided information about the targets, or helped authorities “persuade” the target to return.<sup>43</sup>

It even established a dedicated website<sup>44</sup> to facilitate assistance from the public, in China and abroad, in targeting “fugitives” with a related regulation outlining a reward system for those that assist in securing the return of such targets.<sup>45</sup>

The PRC does not limit itself to indirect threats. Peter Zhao, a Chinese businessman living in Canada for many years, was approached by both

the police and China's Communist Party organ CCDI and told over the phone that if he did not return, he "would be classified as a suspect and would be placed under INTERPOL." In total, he received 10 such phone calls.<sup>46</sup>

He is among those that have refused to return "voluntarily" despite continued threats and harassment. Another well-known case is that of Guo Wengui<sup>47</sup> - a political adversary of the current CCP leadership living in New York - who was visited at least twice by China's Ministry of State Security (MSS) in an attempt to intimidate him into returning "voluntarily."<sup>48</sup>

Others have not been so lucky: Chu Shilin (Canada), Guo Xin (US), Zheng Ning (France), Li Shiqiao (Canada) and Chen Yijuan (the UK), all returned in 2016 or 2017 after having had INTERPOL Red Notices issued against them, some of them for several years, before they finally relented and went back.

Furthermore, Chinese officials do not hide how they are using all tools at their disposal, including INTERPOL. "We have cut off the suspects' escape routes and given them little room to move outside China," said Cai Wei, deputy director of the International Cooperation Bureau in 2019.<sup>49</sup>

## Wrongful use of Red Notices: harassment and intimidation

INTERPOL rules state that those requesting a Red Notice need to give an assurance that "extradition will be sought upon arrest of the person."<sup>50</sup>

Yet the PRC makes far more ample use of the notices system to attempt to silence and defame dissident activists abroad.

For example, it is highly unlikely that the PRC thought it could ensure the return to China of German citizen Dolkun Isa through the Red Notice issued against him, given that Dolkun is a well-known political figure and head of the World Uyghur Congress. Yet this did not stop them from having Dolkun detained, banned from entering countries and institutions, causing a significant impact on his life and political activities between 1999 and 2018 (yes, it took that long for INTERPOL to cancel the Red Notice), such as when then-UN under-secretary and head of the UN Department for Economic and Social Affairs (UNDESA) Wu Hongbo, had UN police kick him out of a UN

Economic and Social Council Indigenous Peoples' Forum and the UN building in New York using the outstanding Red Notice as justification.

Another activist, Wang Zaigang, was arrested in the US in 2016, one year after China requested a Red Notice against him.<sup>51</sup> A year later, the US granted Wang asylum. The status of that Red Notice - whether INTERPOL has cancelled it or not - remains unknown, despite clear rules stating that Red Notices should be cancelled against anyone given asylum. In a very recent case, a Red Notice was issued against He Jian, a former real estate company manager residing in Canada. In June, State-owned media sent people to harass him at home, including bringing a cameraman to film Chinese reporters knocking on his door and recording him, his family, and the exterior of his house and neighbourhood. The footage was released on Chinese TV on a programme that urged him to return to China "voluntarily."<sup>52</sup>



# Conclusions

The PRC's misuse of INTERPOL's Red Notices and Diffusions is alarming as their method of pursuit violates many core tenants, both in direct violation of INTERPOL's Constitution and by using INTERPOL's system in ways it is not intended.

**With regard to PRC's** use of the INTERPOL system, the following issues are of particular concern:

- Use of Red Notices in violation of core INTERPOL Constitution principles, as exemplified by the most recent Idris Hasan case;
- Use of Red Notices - and possibly Diffusions - without the intent of seeking the targeted person's extradition, but rather as a form of harassment and intimidation;
- Use of Red Notices against individuals with asylum or refugee status in violation of INTERPOL rules, as exemplified by the case of Ershidin Israyil;
- Use of Red Notices as the basis for collective punishment against a target's family in China;
- The extensive and expanding nature of political crimes in Chinese criminal law is rapidly increasing the basis for arrest warrants, Red Notices and Diffusions. For example, most recently, in November 2021, an official stated that being in favour of Taiwan "independence constitutes a crime, and that its culprits, including those living outside the Mainland, will be criminally liable for life in prison in the PRC.<sup>53</sup>
- **With regard to INTERPOL,** the following issues are of particular concern:
  - The continued lack of proactive transparency in combination with the application of originator's principle – meaning INTERPOL cannot tell a target, even if they ask, that they are indeed a target unless the country that requested the Red Notice agrees - exposes individuals targeted by political, ethnic or religious persecution to grave risks they cannot mitigate or counteract by using the avenues provided for in INTERPOL rules;
  - Failure to perform substantive checks on requested Red Notices opens the system up for violations;
  - Failure to take note of significant political changes in China, in particular the situation in Xinjiang and the attempts by Chinese police to repatriate Uyghurs against their will, led directly to Idris Hasan's detention in Morocco. Many other Uyghurs have been detained based on Red Notices. As INTERPOL itself admits, the Red Notice against Idris was in violation of core articles in INTERPOL's Constitution. How many more Red Notices or Diffusions for Uyghurs are outstanding and, if properly reviewed, how many would not constitute a violation of INTERPOL core principles?
  - Failure to reform the Diffusions system leaves space for continued misuse even if the Red Notice system is properly reviewed;
  - Failure to perform independent checks and revisions for those that gain refugee status or asylum leaves those individuals wide open to continued abuse, as Red Notices and Diffusions remain in place despite their violation of INTERPOL's Constitution and the simple fact that those targeted are rarely aware of the outstanding notice (and therefore unable to inform INTERPOL themselves);
  - Failure to penalise States that violate its rules encourages misuse, as there is no perceived cost to continued misuse. For example, no action has been taken against the PRC for its latest misused Red Notice against Idris Hasan;
  - The continued lack of transparency means little data exists on how many Red Notices are found to be non-compliant, and no information exists regarding Diffusions.

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