



OPEN DIALOG

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26 May 2015, Brussels

Mr Giovanni Buttarelli,
European Data Protection Supervisor

Mr Wojciech Wiewiórowski,
European Data Protection Assistant Supervisor

Dear Mr Buttarelli,

Dear Mr Wiewiórowski,

I am addressing you on behalf of the Open Dialog Foundation in order to draw your attention to the important issue of misuse of Interpol and the EU Member States' judicial, law enforcement, as well as the EU data protection systems by non-democratic countries. Its implications for the safety of individuals residing in the EU, and risking extraditions to the persecuting regimes are extremely serious. The Open Dialog Foundation has long been denouncing cases of individuals that suffer politically motivated persecution from autocratic governments, while seeking help and safety in the EU Member States.

It is my pleasure to be able to furnish you with a copy of the Foundation's recent report on the above-mentioned issue, entitled: *The INTERPOL system is in need of reform*. The report lists over 44 high-profile political cases originated in the Eastern Europe, Central Asia, Latin America, Northern Africa, Middle East and the Southeast Asia. It points to the systemic weaknesses of the current Interpol system but also provides very concrete conclusions and recommendations on how to improve it.

One of the cases described there is this of Mrs Tatiana Paraskevich, Russian citizen and ex-colleague of Mr Mukhtar Ablyazov, Kazakh businessman, opposition politician and co-founder of the Democratic Choice of Kazakhstan political party. Mrs Paraskevich was seeking protection in the Czech Republic from politically motivated persecution by Russia and Ukraine, while her persecution had in reality been orchestrated by Kazakhstan. The fact that her name was placed on the Interpol Red Notice also resulted in her name being put by Germany, in the Schengen Information System (SIS), labelling her as an "undesirable alien". This provoked further complications, preventing her from receiving residence and travel documents for over a year after having been granted subsidiary international protection by the Czech Republic. The case of Mrs Paraskevich serves as an example of serious breach of the third-country



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citizen personal data, and therefore rights, through the improper use of Interpol's data, by an EU Member State, and with the help of the national SIRENE Bureau.

The role of EDPS, as well as other relevant EU institutions, agencies and bodies, such as DG JUST, SIRENE Bureaux, European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), European Union's Judicial Cooperation Unit (Eurojust), European Union Agency for Fundamental Rights (FRA), European Police Office (Europol), European Police College (CEPOL), European Asylum Support Office (EASO), in keeping the discussion on the politically motivated misuse of Interpol, the EU Member States' judicial, law enforcement, as well as the EU data protection systems by non-democratic countries high on the agenda is essential. Mounting international interest is needed in order to engage in a multilateral dialogue with Interpol, other EU institutions, specialized agencies and bodies, as well as the EU Member States' authorities, and jointly look for a holistic solution. In this regard, EDPS can be of particular importance. An aspect of data protection, central to the problem is in the core of the work of your body. We believe that an exchange of information and requests for explanation between you and these actors, on the above-mentioned issue and case, would help in raising general awareness both on an international level but also within the EU Member States and Interpol itself.

With the present letter, we would like to kindly ask you to address the issues directly with the Interpol's authorities, as well as with the EU Member States, particularly the German and the Czech, which should be further sensitized to the risks that politically motivated Interpol notices and other misused national and European instruments can bring about. In our opinion, EDPS' intervention and support in the case would be highly motivated as the essential interest in providing such assistance is clearly demonstrated, both with regard to the general problem, as well as the concrete case of Mrs Paraskevich. Both EU citizens, as well as individuals coming from third countries, seeking protection in the EU from politically motivated and, often ruthless, persecution are affected, their lives often being put at risk.

Moreover, we would like to ask you to address SIRENE Bureaux and European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), in order to draw their attention to the case of Mrs Paraskevich, as a clear example of misuse of the Interpol system, judicial and law enforcement systems of the sovereign EU Member States: the Czech



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Republic and Germany, as well as the EU data protection system. Such improper use of the above-mentioned instruments has been aimed at facilitating the Kazakh authorities in political persecution of Mrs Paraskevich. We believe that the use of personal data in the case of Mrs Paraskevich require further investigation from the side of EDPS in order to prevent such situations in the future and with regard to other similar cases of opposition politicians, civil society activists and journalists persecuted for political reasons.

So far, the issue of misuse of Interpol and the EU Member States' judicial and law enforcement systems, and the need for stronger legal safeguards has been considered by the Members of the European Parliament and such international organizations as the Parliamentary Assembly of the Council of Europe (PACE), which will produce a report on this topic, as well as the Organization for Security and Co-operation in Europe (OSCE). The voice and actions of the EU institutions and its specialized agencies would add a strong message of support to the battle that many individuals and NGOs, including the Open Dialog Foundation, carry on in raising the general awareness and pushing for a comprehensive reform of Interpol aimed at stopping abuse of the EU Member States legal structures, and thereby providing more respect for human rights.

Yours Sincerely,

Anna Koj

Head of the EU Office
Open Dialog Foundation

Attachments:

1. The Open Dialog Foundation report: *The INTERPOL system is in need of reform* – published in February 2015
2. The Open Dialog Foundation article: *Legal analysis of the directions of recommended INTERPOL reform aimed at preventing the abuse of Red Notice mechanisms* – published in March 2015



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3. The Open Dialog Foundation report: *Report on misuse of the INTERPOL system* – published in October 2013
4. The Open Dialog Foundation article: *The Czech authorities refused to extradite Tatiana Paraskevich to Ukraine and Russia. As of today, Interpol hasn't removed her from the wanted list* – published in October 2014 (ed. since that time the Open Dialog Foundation successfully advocated for an extension of international protection for Mrs Paraskevich in the Czech Republic for another two years and a removal of her personal data from the Interpol wanted list)