

# United States Senate

WASHINGTON, DC 20510

April 26, 2018

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave. NW  
Washington, DC 20530

Dear Attorney General Sessions:

Recent reporting indicates that authorities in the People's Republic of China are abusing Interpol red notices to harass, detain and otherwise target China-based relatives of suspects living outside China, in an attempt to compel the suspects' return to China.<sup>1</sup> According to Human Rights Watch (HRW), "Chinese authorities, using Interpol red notices as a justification, used various means to systematically harass family members" suspects for whom red notices were issued.<sup>2</sup> Since the U.S. National Central Bureau (NCB), a component of the Department of Justice, is the designated United States representative to Interpol, we write to request additional information on this issue.

As you know, red notices are requests to Interpol member states to locate and provisionally arrest a named individual, pending extradition.<sup>3</sup> HRW has documented threats to China-based relatives of four individuals living in the United States for whom Interpol has reportedly issued red notices at China's request. Specifically, HRW reported that Chinese authorities have threatened to detain relatives of such individuals, if they failed to convince the individual to return to China from the United States. Chinese authorities have also reportedly barred relatives from traveling outside China, frozen their assets, caused them to lose employment, or warned their business partners not to work with them.<sup>4</sup>

While we take no position on the merits of these specific red notices, even properly-issued red notices for legitimate targets would not justify collective punishment of family members. Additionally, recent press reports indicate that several countries, including China, may be abusing the red notice process to harass or persecute dissidents and activists abroad.<sup>5</sup> Questions have also been raised about the ability of Interpol's

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<sup>1</sup> HUMAN RIGHTS WATCH, *China: Families of Interpol Targets Harassed*, Feb. 1, 2018, at <https://www.hrw.org/news/2018/01/31/china-families-interpol-targets-harassed>.

<sup>2</sup> *Id.*

<sup>3</sup> <https://www.interpol.int/INTERPOL-expertise/Notices/Red-Notices>.

<sup>4</sup> HUMAN RIGHTS WATCH, *loc. cit.*

<sup>5</sup> Min, Bruno, *China and Turkey are Using Interpol to Crack Down on Dissent*, NEWSWEEK, March 1, 2018, at <http://www.newsweek.com/china-and-turkey-are-using-interpol-crack-down-dissent-826563>. See also, Allen-Ebrahimian, Bethany, *Interpol is Helping Enforce China's Political Purges*, FOREIGN POLICY, April 21, 2017, at <http://foreignpolicy.com/2017/04/21/interpol-is-helping-enforce-chinas-political-purges/>.

president, Meng Hongwei, to maintain Interpol's neutrality in this regard, given his concurrent position as China's Vice Minister of Public Security.<sup>6</sup>

Accordingly, please provide information responsive to the following questions, with your responses numbered to correspond to each question:

1. Has the NCB, or other components of the Department of Justice or U.S. Government, examined (i) alleged harassment and other abuses by Chinese officials or their agents against relatives of individuals for whom Interpol red notices have been issued, and (ii) whether such pressure has coerced any such individuals in the U.S. to return to China? If so, please describe any conclusions.
2. Has the NCB, or other components of the Department of Justice or U.S. Government, expressed concern to Interpol about the issues described in question 1?
3. Article 3 of Interpol's Constitution states that the organization shall not "undertake any intervention or activities of a political... character."<sup>7</sup> Has the NCB, or other components of the Department of Justice or U.S. Government, assessed how Interpol is implementing this requirement to prevent and redress any abuses of the red notice system by any state? If so, please describe any conclusions as to each such state.
  - a. To the Department's knowledge, has Interpol rejected any requests for red notices by China out of concern that they are of a political character? If so, please provide details.
4. Interpol's Constitution states that its work shall be conducted within the "spirit of the 'Universal Declaration of Human Rights,'"<sup>8</sup> which states that no one shall be subject to "torture or to cruel, inhuman or degrading treatment or punishment" or "to arbitrary arrest [or] detention."<sup>9</sup> Has the NCB, or other components of the Department of Justice or U.S. Government, assessed how Interpol ensures that suspects extradited to China will not be subjected to arbitrary detention, torture, or inhuman or degrading treatment? If so, please describe any conclusions.

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Additionally, in a 2017 letter to Interpol, HRW reported that "[i]n recent years, the Chinese government, against Interpol's regulations, has tried to control and persecute dissidents and activists abroad by issuing politically motivated red notices through Interpol." See, [https://www.hrw.org/sites/default/files/supporting\\_resources/170922\\_letter\\_to\\_interpol.pdf](https://www.hrw.org/sites/default/files/supporting_resources/170922_letter_to_interpol.pdf).

<sup>6</sup> *Id.* See also, [http://chinavivae.com/biography/Meng\\_Hongwei%7C4582](http://chinavivae.com/biography/Meng_Hongwei%7C4582).

<sup>7</sup> <https://www.interpol.int/Media/Files/Legal-material/Reference-Documents/Constitution>.

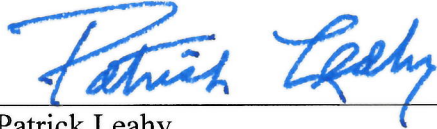
<sup>8</sup> *Id.*

<sup>9</sup> [http://www.ohchr.org/EN/UDHR/Documents/UDHR\\_Translations/eng.pdf](http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf).

5. Have you or other members of the Department of Justice's leadership raised any of these issues in bilateral law enforcement dialogue with counterparts from the People's Republic of China? If not, will you commit to doing so as appropriate?

Thank you in advance for your cooperation with this request.

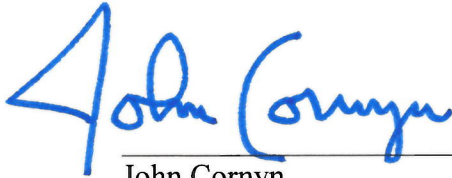
Sincerely,



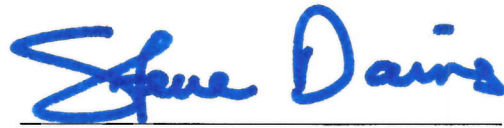
Patrick Leahy  
United States Senator



Marco Rubio  
United States Senator



John Cornyn  
United States Senator



Steve Daines  
United States Senator



Cory Gardner  
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Tom Cotton  
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