



Legal Remedies for Prolonged Detention and Extradition: The European Court of Human Rights' Approach to INTERPOL Red Notices

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The European Court of Human Rights ("ECtHR" or "Court") hears cases involving alleged violations of the European Convention on Human Rights (ECHR).² In recent years, the Court has increasingly considered how INTERPOL Red Notices can contribute to unlawful detention, extradition, and other human rights violations – particularly where due process protections are lacking.

National authorities often misinterpret Red Notices as conclusive proof of criminality or as the equivalent of an international arrest warrant. INTERPOL has made clear, however, that Red Notices are neither. A Red Notice merely notifies INTERPOL member countries that an individual is wanted for arrest and extradition; it does not constitute an arrest warrant or a finding of guilt.³ Nevertheless, many countries continue to rely on Red Notices to justify arrests, prolonged detention, extradition, and the denial of critical immigration benefits like asylum – often without corroborating evidence or due process.

Individuals subject to a Red Notice may request its deletion through the Commission for the Control of INTERPOL's Files ("CCF").⁴ While deletion of the Notice may

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² European Convention on Human Rights (Sept. 3, 1953), https://www.echr.coe.int/documents/d/echr/Convention_ENG.

³ INTERPOL, <https://www.interpol.int/en> (last visited July 15, 2025).

⁴ INTERPOL, *Commission for the Control of INTERPOL's Files (CCF)*, <https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/About-the-CCF> (last visited Aug. 28, 2025).



provide important relief– such as the ability to travel internationally, avoid immigration detention, or proceed with immigration applications that would otherwise be barred – it does not provide legal remedies or monetary compensation for any harm suffered as a result of the Notice.

Given these limitations, the ECtHR has become an important forum for individuals seeking redress for violations of their fundamental human and due process rights. Below, we examine how the European Court of Human Rights has addressed human rights violations caused by INTERPOL Red Notices under Articles 3 and 5 of the European Convention on Human Rights and the available remedies.

Prolonged Detentions

- **Khadzhiev v. Bulgaria**

In *Khadzhiev v. Bulgaria*, the applicant, a former banker and political dissident from Turkmenistan, was arrested and detained in Bulgaria after the issuance of an INTERPOL Red Notice.⁵ The Red Notice was requested by the government of Turkmenistan and accused the applicant of embezzlement. As a result of the Red Notice and underlying arrest warrants, the applicant was subject to two separate extradition proceedings in Bulgaria and endured prolonged detention during both.⁶

In the first proceedings, a regional court in Varna denied Turkmenistan’s extradition request, finding that “the criminal proceedings against the applicant were connected to his political activities and the extradition request had been made with the aim of persecuting and punishing the applicant for his political beliefs.”⁷ A few months later, Turkmenistan renewed its extradition request, citing to the same charges and Red Notice. Despite the previous finding, Bulgarian authorities initiated a second set of extradition proceedings, arrested the applicant, and again

⁵ *Khadzhiev v. Bulgaria*, App. No. 44330/07, para. 6 (Sept. 3, 2014), <https://hudoc.echr.coe.int/eng?i=001-144351>.

⁶ *Id.* at paras. 24-27.

⁷ *Id.* at para. 16.



subjected him to prolonged detention. The Varna court ultimately dismissed the allegations for the same reasons as before.⁸

During both proceedings, the domestic court found “the fact that the applicant was wanted by Interpol was sufficient to justify his detention.”⁹ After his second release from detention, the applicant submitted a complaint to the ECtHR, alleging that Bulgaria violated his right to liberty under Article 5 of the ECHR.

The ECtHR concluded that Bulgaria’s reliance on the INTERPOL notice, without further scrutiny, resulted in an unlawful deprivation of liberty in violation of Article 5(1).¹⁰ It further held “that the applicant must have suffered anxiety and frustration as a result of the violation found” and awarded him EUR 2,650.¹¹

- **Shiksaitov v. Slovakia**

In *Shiksaitov v. Slovakia*, the applicant had previously been granted humanitarian protection in Sweden.¹² However, while traveling to Ukraine, he was detained in Slovakia, allegedly because Russia had placed him on INTERPOL’s wanted persons list. In its decision, the ECtHR explained that the detention was based on this listing, likely referring to the existence of a Red Notice, which is typically issued for individuals sought for arrest or extradition.¹³

Slovakian authorities detained the applicant for over a year based on the INTERPOL Notice despite his protected status in Sweden. While the Court acknowledged that temporary detention may be warranted in some cases due to an INTERPOL notice, it could not justify Slovakia’s delay in proceedings and prolonged detention of the applicant. Of importance to the Court was Slovakian authorities’ knowledge and confirmation of the applicant’s protective status in Sweden, finding the prolonged detention particularly unjustified as a result.¹⁴

⁸ *Id.* at para. 26.

⁹ *Id.* at para. 36.

¹⁰ *Id.* at para. 68.

¹¹ *Id.* at para. 75T

¹² *Shiksaitov v. Slovakia*, App. Nos. 56751/16 and 33762/17 (Apr. 19, 2021),

¹³ INTERPOL, *Notices*, <https://www.interpol.int/en/How-we-work/Notices> (last visited July 15, 2025).

¹⁴ *Shiksaitov*, App. Nos. 56751/16 and 33762/17, paras. 71–83.



Ultimately, the Court found violations of the applicant's rights under Articles 5(1) (right to liberty) and 5(5) (right to compensation for deprivation of liberty).¹⁵ The Court awarded the applicant EUR 8,500 for the "suffering and the frustration that he experienced during his detention . . .".¹⁶ This case reaffirms that a Red Notice alone is not sufficient to justify prolonged detention absent additional grounds or supporting evidence.

Extradition Proceedings

- **M.G. v. Bulgaria**

In *M.G. v. Bulgaria*, the applicant, a Russian national who was granted refugee status in Poland and Germany, was arrested at the Bulgarian-Romanian border because of a Red Notice requested by Russia.¹⁷ Russia sought the applicant's extradition, but the ECtHR found that returning the applicant to Russia would expose him to risk of torture, given substantial evidence of widespread abuse in Russian prison facilities. The Court accordingly stopped the extradition, finding it would violate Article 3 of the ECHR (prohibition of torture).¹⁸

The ECtHR further held that extradition requests must be reviewed in light of human rights practices of the requesting countries, particularly when such countries use Red Notices to facilitate the extradition. The applicant was awarded EUR 2,377 in costs and expenses, of which EUR 1537 would go directly to him and EUR 840, would go to the Bulgarian Helsinki Committee.¹⁹

- **Ali v. Serbia**

In *Ali v. Serbia*, Ahmed Jaafar Mohammed Ali ("Ali"), a political dissident from Bahrain, was arrested in Serbia and extradited to Bahrain pursuant to an INTERPOL

¹⁵ *Id.* at para. 106(3),(4).

¹⁶ *Id.* at para. 102.

¹⁷ *M.G. v. Bulgaria*, App. No. 59297/12, (June 25, 2014)
[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-142125%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-142125%22]}).

¹⁸ *Id.* at para. 96.

¹⁹ *Id.* at para. 105.



Red Notice.²⁰ Prior to his extradition, the ECtHR had issued an interim measure under Rule 39 of the ECHR, ordering Serbia not to extradite Ali. ²¹ The ECtHR informed all relevant authorities about the interim measure, including Bahrain’s National Central Bureau (“NCB”), which serves as its official liaison with INTERPOL. Serbia nevertheless violated the interim measure by deporting Ali to Bahrain, where he was immediately imprisoned.²²

The Court noted that “the applicant was arrested in Serbia under an international arrest warrant issued by Interpol in Bahrain.”²³ Although described as an “international arrest warrant,” it is likely that the Court was referring to the Red Notice—highlighting how these notices can be misunderstood or mischaracterized by both states and courts.

The ECtHR found that Serbia not only violated Article 41 of the ECHR (violation of interim measures) but that it had also violated Article 3 (prohibition of torture). The Court awarded Ali EUR 9,800, stating that “the applicant must have suffered non-pecuniary damage which cannot be remedied by the mere finding of a violation.”²⁴

Despite the ECtHR’s decision, Ali still remains in prison in Bahrain, serving multiple life sentences in a prison known for gross human rights abuses.²⁵ He was tried in absentia in 2013 for bomb-making, a charge human rights organizations widely consider to be a tool to silence dissent and persecute anti-government protestors.²⁶

²⁰ Ali v. Serbia, App. No. 4662/22, (Mar. 25, 2025), [paras. 21-32, https://hudoc.echr.coe.int/tur#%22itemid%22:%22001-242422%22](https://hudoc.echr.coe.int/tur#%22itemid%22:%22001-242422%22)].

²¹ *Id.* at paras. 115.

²² *Id.* at paras. 119.

²³ *Id.* at para. 5.

²⁴ *Id.* at para. 127.

²⁵ Bahrain Institute for Rights & Democracy, *European Court fines Serbia for unlawfully extraditing Bahraini dissident despite torture risk*, (Mar. 25, 2025), <https://birdbh.org/2025/03/european-court-fines-serbia-for-unlawfully-extraditing-bahraini-dissident-despite-torture-risk/>.

²⁶ See generally Americans for Democracy and Human Rights in Bahrain, *Negative Effect of Terrorism on Human Rights in Bahrain, Saudi Arabia, and the United Arab Emirates*, <https://www.ohchr.org/sites/default/files/Documents/Issues/RuleOfLaw/NegativeEffectsTerrorism/ADHRB.pdf>.



In 2023, Ali blamed INTERPOL for his incarceration and sought to sue them in court.²⁷ It remains unclear whether that litigation has moved forward.

Conclusion

These cases reflect the dangers posed by the misuse of INTERPOL Red Notices—particularly when requested by authoritarian or rights-abusing regimes—and how it can result in violations of fundamental human rights. The ECtHR has held that states cannot blindly rely on Red Notices without conducting independent assessments of the legal and human rights implications for the individuals concerned. The misuse of Red Notices has led to the following violations of the European Convention on Human Rights:

- **Article 3:** Prohibition of torture and inhuman or degrading treatment (in the context of extradition to countries with known rights abuses).
- **Article 5:** Right to liberty and security (in cases of unlawful or excessive detention).
 - **Article 5(4):** The right to a prompt review of detention.
 - **Article 5(5):** The right to compensation for unlawful detention.

If you or a client has suffered prolonged detention or extradition due to an INTERPOL Notice, relief may be available before the European Court of Human Rights. To schedule a consultation with our office, please contact us at info@grossmanyouth.com or +1 (240) 403-0913.

²⁷ Dania Akkad, *Bahraini dissident sues Interpol over Red Notice*, MIDDLE EAST EYE (Nov. 29, 2023) <https://www.middleeasteye.net/news/bahraini-dissident-sues-interpol-over-red-notice-arrest-extradition>.