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Red Notice in Rip City

By Anthony Silberfeld

For NBA player and Turkish national Enes Kanter, life used to be simpler. There was a predictable routine: pass, dribble, shoot, defend, repeat. But as the lines between entertainment and politics continue to blur, there are occasions in which the two collide, drawing attention to issues that would have otherwise been ignored. And for many, this collision occurred on live TV against the backdrop of the 2019 NBA playoffs.

ESPN's ticker is typically reserved for the latest scores or breaking news highlighting player trades or the latest scuffle a prominent athlete may have had in a local night club. But during the first game of the NBA's Western Conference Finals on May 14, Turkish President Recep Tayipp Erdoğan's name slowly crept across the bottom of the screen. While the Portland Trailblazers were facing off against the Golden State Warriors, a geopolitical subplot continued to unfold with implications for U.S. foreign policy, challenges the credibility of an international institution, and holds the fate of Enes Kanter.

We pick up Kanter's story in 2016, in the aftermath of an attempted coup in Turkey that sought to oust that nation's increasingly authoritarian leader. The putsch failed, leaving Erdoğan in power and eager for retribution against those he deemed directly or indirectly responsible. Erdoğan quickly assigned blame to Fethullah Gülen, an imam and former ally who fell out of favor due to his alleged involvement in revealing a corruption scandal in 2013 that exposed graft by Erdoğan and his family.

Despite having lived in self-imposed exile in the United States since 1999, Gülen has maintained significant influence in Turkey and in the Turkish diaspora through his Hizmet movement, which emphasizes education and a moderate practice of Sunni Islam. As many autocrats under pressure are prone to do, Erdoğan used the coup attempt to scapegoat Gülen and consolidate power. According to Reuters, 77,000 Turks have been jailed pending trial, and more than 150,000 state employees have been suspended or dismissed since the coup, all accused of being connected with Gülen, which the Turkish government has labeled the Fethullah Terrorist Organization (FETÖ). This crackdown on perceived and actual opposition, however, has extended

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well beyond the borders of Turkey.

“The only thing I terrorize is the rim.” – Enes Kanter, Portland Trailblazers

Following the purge of opposition and dissident figures, in May 2017 Kanter, who is one of the most recognizable public figures in Turkey, and a known supporter of Gülen, was detained at a Romanian airport and had his Turkish passport revoked by the Erdoğan government. Subsequent harassment ensued. Turkish prosecutors recommended a four-year sentence for Kanter for the crime of insulting Erdoğan, and the regime indicted his father in 2018 for alleged links to the FETÖ. Then in January of this year, the Turkish government requested Interpol issue a “red notice” for the arrest and extradition of the basketball star.

There are some common misperceptions about what a red notice is, so let’s be precise. According to Interpol, it is “a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action.” It is typically employed in cases related to murder, rape, and armed robbery. At least, that is the stated intent. In reality, red notices are increasingly used by autocrats around the globe to stifle opposition.

Since 2001, the number of red notices issued by Interpol increased ten-fold in large part due to the introduction of technology that facilitates the submission of these requests. This had the unintended consequence of streamlining the process for those who would abuse the system. Another spike in red notices came after the 2016 coup, as Turkey quickly became one of the world leaders in exploiting the lack of transparency, review, and oversight involved in requesting red notices; Erdoğan leveraged these flaws to great effect. News accounts reported in 2017 that the Turkish government petitioned Interpol to issue red notices for 60,000 Turks it suspects were connected to the Gülen movement.

Kanter has openly and unapologetically expressed support for Fethullah Gülen, and he vociferously rejects any connection between the cleric and terrorism. Meanwhile, the Turkish president’s ire has turned the basketball star’s life upside down. Earlier this year, Kanter was due to travel with his teammates to London for an NBA game but was compelled to decline the trip, citing security risks and the ongoing threat of arrest. As the season evolved, the stakes for Kanter and his Trailblazers continued to rise. Now, the prospect of the Portland Trailblazers facing the Toronto Raptors next month in the NBA finals has spurred diplomatic overtures from U.S. officials to the Canadian government seeking assurances for Kanter. Just last week, Senator Ron Wyden (D-OR) sent a letter to Canadian Prime Minister Justin Trudeau requesting a declaration of intent allowing

Kanter safe passage to and from Canada, red notice notwithstanding.

This story goes beyond wins and losses on the hardwood; it is about combatting abuse of power and preserving international norms. According to Article 2 its constitution, Interpol’s “aims are to ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in different countries and in the spirit of the Universal Declaration of Human Rights.” And, yes, that document also has clauses that recognize the right to freedom of thought and religion (Article 18), freedom of opinion and expression (Article 19) and freedom from arbitrary arrest, detention or exile (Article 9). So whether you look at the spirit or letter of the UN document, it is clear that Turkey, as a member of Interpol and a signatory to the UN Declaration, is in violation of both.

Reforming this Interpol process must begin with creating a more transparent and enforceable review mechanism that curtails the use of red notices as a tool of political repression. To start, that means encouraging Interpol funding members to establish a criteria that defines abuse and holds all members states accountable for their actions. Second, each country should conduct its own assessment to determine how best to react to a red notice based on the information made available on the wanted individual. Relying on the judgment of the requesting country is not sufficient without demanding evidence. Finally, funding members should work with Interpol to facilitate a process to rescind red notices when clear abuses of the system are present.

The case of Enes Kanter looms large, not just because of his 6-foot 11-inch frame, but because it heralds an emerging tool in the autocrat’s toolbox. Overhauling the red notice process that compounded Kanter’s current predicament, will allow him to get back to focusing on how to stop Steph Curry and the Warriors. It will also allow others in similar circumstances to get back to their lives, too.