

United States Senate

WASHINGTON, DC 20510-0104

March 21, 2011

The Honorable Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Holder:

I am writing to inquire about the case of an Iranian dissident residing in the United States, Mr. Shahram (Amir Hamid) Homayoun, who is now the subject of a "Red Notice" issued by the International Criminal Police Organization (INTERPOL). I am advised that Mr. Homayoun is a legal resident of the United States, who has lived in this country for nearly two decades. He operates a satellite television station in Los Angeles, California, called Channel One TV, which broadcasts pro-democracy programming into Iran. Earlier this year, INTERPOL issued a Red Notice for Mr. Homayoun, based on a warrant issued by the public prosecutor in Shiraz, Iran, seeking Mr. Homayoun's arrest on charges of terrorism. Mr. Homayoun has reportedly been informed by the Federal Bureau of Investigation (FBI) that he need not fear an arrest based on the Red Notice, but certain U.S. financial institutions have apparently closed his accounts and refused to do business with him due to the Red Notice.

The U.S. National Central Bureau (USNCB) of INTERPOL, a component of the U.S. Department of Justice (DOJ), serves as the United States' representative to INTERPOL, and alerts U.S. authorities to the existence of INTERPOL notices originated by foreign countries. Accordingly, I ask that you or the Director of the USNCB provide written responses to the following questions regarding Red Notices generally, as well as the specific Red Notice issued for Mr. Homayoun:

1. In the United States, the subject of an INTERPOL Red Notice may not be arrested based upon the notice alone. Rather, as described in the U.S. Attorney's Manual, "[i]f the subject for a Red Notice is found within the United States, the Criminal Division will make a determination if a valid extradition treaty exists between the United States and the requesting country for the specified crime or crimes." Then, only after receiving an appropriate request for a provisional arrest, will DOJ seek an arrest warrant for the person.
 - a. Given that the United States has no extradition treaty with Iran, does DOJ plan to take any actions in furtherance of the Red Notice issued for Mr. Homayoun? Has DOJ's decision been formally communicated to Mr. Homayoun?
 - b. Has any reference to the Red Notice issued for Mr. Homayoun been entered into the National Crime Information Center (NCIC) index? If so, could this notice

- result in Mr. Homayoun being detained or subjected to additional scrutiny during an encounter with U.S. law enforcement?
- c. Notwithstanding the lack of an extradition treaty, has the Government of Iran, or any other foreign government or international body, requested U.S. assistance in the arrest or surveillance of Mr. Homayoun in connection with the Red Notice?
2. Article 3 of INTERPOL's Constitution forbids "any intervention or activities of a political, military, religious or racial character." Resolutions adopted by INTERPOL's General Assembly make clear that this prohibition covers "offences of a predominantly political, racial or religious character ... even if—in the requesting country—the facts amount to an offence against the ordinary law."
 - a. What processes or protocols does INTERPOL follow to ensure that requests for a Red Notice conform to Article 3? Do you know whether those processes and protocols were followed in the case of Mr. Homayoun?
 - b. Do you know whether the decision to issue the Red Notice against Mr. Homayoun was made solely by INTERPOL's General Secretariat, or by a vote of INTERPOL's Executive Committee or General Assembly? Did USNCB participate—or have an opportunity to participate—in this decision?
 - c. Has USNCB independently reviewed the arrest warrant issued for Mr. Homayoun, and the underlying allegations? If so, has USNCB formed an independent opinion as to whether the Red Notice satisfies Article 3 of INTERPOL's Constitution? If not, why not?
 - d. Given Mr. Homayoun's legal residence in the United States, could USNCB petition INTERPOL to reconsider the decision to issue a Red Notice in this case? If so, does USNCB intend to do so? If not, why not?
 3. Since the terrorist attacks of September 11, 2001, the United States has worked to improve the collection, analysis and sharing of terrorism-related information. As demonstrated by the incident involving the so-called Christmas Day bomber, however, the intelligence community is challenged by the increasing volume and varying quality of this information.
 - a. Are the subjects of INTERPOL Red Notices that are predicated on terrorism charges automatically included in U.S. counter-terrorism databases, like the Terrorist Identities Datamart Environment (TIDE) database, or is there a review process to ensure that the underlying allegations of terrorism are factually supported? Is there a different standard of review for allegations made by state sponsors of terrorism? If not, why not?
 - b. If DOJ and/or the U.S. Intelligence Community determine that the terrorism-related charges giving rise to an INTERPOL Red Notice are unfounded or unreliable, could the unfounded Red Notice nevertheless have negative consequences for a subject seeking to engage in financial transactions or travel within the United States?
 - c. What, if anything, does DOJ do to mitigate the negative consequences for U.S. residents who may become the subject of an unsupported INTERPOL Red Notice?

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4. In the case of Mr. Homyoun or other Iranian dissidents living in the U.S., do you believe the government of Iran is exploiting the INTERPOL Notice process to intimidate political opponents or chill their political speech?

International cooperation on law enforcement matters is vitally important. Nevertheless, based on the information provided to me, I am very concerned that Iran may be abusing the INTERPOL process to harass opponents of its repressive regime. I hope that you can help to shed light on this issue, and I look forward to your responses to the questions above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeff Sessions", with a large, sweeping flourish extending to the left.

Jeff Sessions
United States Senator