

## INTERPOL, RED NOTICES AND DIFFUSIONS

This leaflet covers:

- **INTERPOL, Red Notices and Diffusions**
- **Finding out if there is a Red Notice of Diffusion against you**
- **Challenging a Red Notice or Diffusion**

September 2013

Fair Trials International – September 2013

*This note is intended to be for information purposes only and does not constitute legal advice. Take specialist legal advice on your specific situation.*

## **About Fair Trials International**

Since 1992, Fair Trial International has worked for the better protection of fair trial rights and defended the rights of people facing criminal charges across the world. Our vision is a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

In recent years, we have also assisted individuals subject to INTERPOL Red Notices and Diffusions. We seek to help people those affected by INTERPOL's work by offering practical advice, including contacts of lawyers; guidance on key issues encountered; and basic information on gaining access to and challenging information stored on INTERPOL's files. As a charity, we do not charge for any of the assistance that we provide.

We believe that respect for fundamental rights and the rule of law are the hallmarks of a just international society, and that international bodies like INTERPOL should do their utmost to avoid infringing human rights. We are campaigning for the legal reforms of INTERPOL needed to ensure that it meets this objective in practice.

To find out more about how FTI can assist you, please contact our legal team (contact details on the back cover).

Fair Trials International is a registered charity (No 1134586) and is registered with limited liability in England and Wales (No 7135273). We are a non-governmental organisation; as such, we are a wholly separate and independent of any government.

**If you require this leaflet in large print, please contact us at the address on the back cover.**

## **ABOUT THE BOOKLET**

Fair Trials International ('FTI') is a charity that seeks to assist people facing charges outside their own country to defend their right to a fair trial.

This document is based on FTI's recent experience of assisting those subject to INTERPOL Red Notices and Diffusions. It offers straightforward practical answers to some of the questions we are most frequently asked by people who think they may be, or have been arrested because they are, subject to an INTERPOL Red Notice or Diffusion.

However, you should note that the information and advice contained in this document is not intended as legal advice – it is only generic information which may be helpful to you. You should always seek legal advice on your specific case from a lawyer appropriately qualified in INTERPOL matters, asylum, extradition and/or criminal law according to the needs of your case.

This note provides general guidance on:

- INTERPOL, Red Notices and Diffusions
- Finding out if there is a Red Notice or Diffusion against you
- Challenging Red Notices and Diffusions

INTERPOL's legal framework is complicated, and somewhat unclear. In addition, what happens to you will differ according to the country in which you find yourself, as different countries respond differently to requests received through INTERPOL's channels. Because of this, and because every case is different, we cannot guarantee that the information provided in the leaflet is applicable to your own case.

**Getting specialised legal advice as quickly as possible is extremely important.**

## **INTERPOL, RED NOTICES AND DIFFUSIONS**

### **Q1. What is INTERPOL?**

INTERPOL is an international body which helps police forces in different countries cooperate by providing them with shared databases and communications channels. One of its major roles is to enable the circulation of information about wanted persons in the form of Red Notices (Q3) and Diffusions (Q4). For more information about INTERPOL, see our Frequently Asked Questions document.

### **Q2. Who / what is a National Central Bureau?**

A National Central Bureau ('NCB') is a division of the police in a given country which exchanges information with INTERPOL. Typically, this will be a section of the police responsible for international cooperation.

### **Q3. What is a Red Notice?**

A Red Notice is an electronic alert published by INTERPOL at the request of an NCB (see Q2). It is stored on INTERPOL's databases and can be seen by police and immigration authorities all over the world.

The function of a Red Notice is to 'seek the location of a wanted person and his/her detention, arrest or restriction of movement for the purpose of extradition, surrender or similar lawful action'. A Red Notice informs law enforcement officers in one country that those of another country seek the arrest of a particular person.

A Red Notice contains information concerning the wanted person including name, date of birth, nationality, and a photograph. It also includes a description of the charge for which the person is 'wanted', and a description of the acts which they are alleged to have committed.

### **Q4. What is a Diffusion?**

A Diffusion is also an alert which notifies law enforcement authorities that another country seeks the arrest of a specific person. It differs from a Red Notice in that it is not published 'by' INTERPOL at the country's request; instead, it is circulated through INTERPOL's channels by the country itself. However, Diffusions and Red Notices can have many of the same effects.

**Q5. If I am subject to a Red Notice / Diffusion, can I travel?**

There is a significant risk of your being arrested, both at home and when travelling, if you are subject to a Red Notice / Diffusion. In many countries, border agents are required to arrest persons subject to Red Notices, so you could be arrested on arrival or departure at an airport. Equally, in some countries hotels will forward information about guests to the local police, who check the names against INTERPOL lists, which could also lead to your arrest.

**FINDING OUT IF THERE IS A RED NOTICE OR DIFFUSION AGAINST YOU, AND, IF SO, WHAT IT SAYS**

**Q6. I think I may be subject to a Red Notice or Diffusion. How do I find out?**

**6.1 Will I be able to find out by checking online?**

You can check the 'wanted persons' section of INTERPOL's website at <http://www.interpol.int/Wanted-Persons>. This page contains extracts of some, but not all, Red Notices.

If your name does appear on this page, it will also include a very broad indication of what sort of offence you are wanted for: 'theft', for example. To obtain more specific information, you will have to follow one of the other procedures described in this Note.

However, if you are not listed on this page, this is not conclusive: only some Red Notices feature on this page. The rest are available only on INTERPOL's restricted networks which are visible only to national law enforcement authorities. In addition, if you are subject to a Diffusion, this will never feature on INTERPOL's website.

**6.2 Can I ask police in my country to check INTERPOL's files for me?**

Some people FTI has spoken to have been able to obtain information by simply asking police in the country where they live.

There may not be a formal procedure provided for this, but in some cases people have obtained answers on an informal basis.

You should however be aware that police may not be allowed to consult INTERPOL records and disclose information to you.

Further, even if police inform you that there is no information on file, this is, again, not conclusive, as they may not have access to the relevant INTERPOL database.

You may also be able to make a request using ‘data protection’ laws in your country. In the European Union, for instance, countries are required to have mechanisms allowing a person to gain access to information about them held on government files. However, these laws provide exceptions for law enforcement authorities. You should consult with a lawyer in your country about this.

### **6.3 Can I find out directly from INTERPOL?**

You can make a request to the Commission for the Control of INTERPOL’s Files (‘CCF’) asking for access to your file. The CCF is a panel of data protection experts which handles requests from individuals wishing to gain access to information about them stored on INTERPOL’s files or to challenge such information.

Any request you make to the CCF needs to meet the ‘admissibility requirements’ (see Q7 below).

The address to write to is

The Commission for the Control of INTERPOL’s Files (CCF)  
200 Quai Charles de Gaulle  
69006 Lyon  
France

Note that it is important to specify the CCF as the addressee on your envelope. Mail addressed to INTERPOL (which has the same address) can be opened by INTERPOL’s General Secretariat and used for police cooperation, that is to say, it can be recorded on databases and may become available for NCBs to see.

### **Q7. What are the CCF’s ‘admissibility requirements’?**

There are certain specific requirements which your request must comply with in order for the CCF to consider it (these are available at: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/CCF/Access-to-INTERPOL's-files>):

- It must be an original signed letter; AND
- It must be accompanied by a copy of an identity document. Although the rules do not specify this, FTI would suggest a passport, identity card or driving licence; AND
- If you would like someone else to write on your behalf, it is necessary to include a power of attorney (a model is

provided with this Note). You must include the signed original (not a copy) of this document with your letter; AND

- You should also complete and attach the Access Request Form (available at the link above). In the section asking for reasons, state 'request for access as of right under Article 18 RPD'.

**Q8. What information should I include in the request to the CCF?**

An application to access your personal information on INTERPOL's files should also include a statement that you are making the request under Article 18 of the Rules on the Processing of Data.

This provision entitles you to make the application and you do not have to 'justify' or explain your interest in obtaining access to your information. It is your right to ask for it.

The only limitation is the CCF is only obliged to consider a request if the person has reasonable grounds to think that there may be information concerning them on INTERPOL's files.

FTI suggests including a single sentence explaining why you think you may be subject to a Red Notice or Diffusion, but no more (see Annex 1 – Model Access Request No. 1).

**Q9. Will I receive an acknowledgment? When?**

Yes. If your request complies with the admissibility requirements (see Q7), the CCF will send you an initial response which will read something like this:

*'We acknowledge receipt of your correspondence dated [date] to the Commission for the Control of INTERPOL's Files.*

*Insofar as you have provided the required documents, your request is admissible.*

*We will keep you informed of further developments in due course.'*

The CCF's rules require it to acknowledge the request within one month. In FTI's recent experience, however, these initial letters have arrived more quickly, within a week or two.

**Q10. Is the CCF obliged to grant me access to INTERPOL's files?**

No. When it receives a request like this, the CCF has to ask the NCB of the relevant country for its authorisation to disclose to you whether or not there is any information on file.

This is because, under INTERPOL's rules, information on INTERPOL's files belongs to the NCB which sends that information to INTERPOL. The NCB is therefore able to tell the CCF not to disclose the information at all, or even whether there is any information on file. You may therefore get an answer like this:

*'In application of the principles of national sovereignty and indirect access to information, on which INTERPOL's applicable rules for processing information are based, the Commission is not authorized to disclose whether or not there is any information in INTERPOL's files about the person subject of the request, or to allow access to such information if it exists, unless it obtains the necessary authorization from the appropriate authorities of any countries concerned by the request.*

*However, the Commission has not been authorized by the NCB to disclose to you whether or not there is any information about you registered in INTERPOL's files.'*

Note that if you receive such a response, it does not imply that there is, or that there is not, any information on file. It simply means that the CCF has not been allowed to tell you either way.

However, if there is information on file and the NCB does not object to the information being disclosed to you, the CCF may respond saying something like this:

*'The Commission has been authorised by the National Central Bureau of [country] to inform you that you are wanted by virtue of an arrest warrant dated [date] issued by [the relevant court].*

*This arrest warrant is the basis for a [Diffusion / Red Notice] issued against you with the following summary of facts:*

*[the letter will then include a short description of the allegation, possibly only of a few lines in length, supplied by the NCB]'*



Equally, the NCB may consent to you being informed that there is no information on file at all. We do not currently know what the wording of such a response looks like.

**Q11. When can I expect a full response?**

As explained above, in order to answer your request, the CCF has to consult with the NCB in the relevant country. Because of this, time frames for these requests can be very long: FTI has seen cases where people have waited up to two years for an answer.

However, it may be possible for you to obtain a quicker answer if you can demonstrate that you know there is information about you on INTERPOL's files (see Q12 below).

**Q12. I can prove there is information on INTERPOL's files. Can I ask for the detail?**

Many people already know there is information on INTERPOL's files: they may have seen an extract of the Red Notice on the internet; have been arrested and told this was on the basis of a Red Notice or Diffusion; or been denied a visa or professional licence on that basis.

If you are able to demonstrate that you know there is information on INTERPOL's files, the CCF may be able to provide access to that information even without the NCB's authorisation.

Therefore, it is important that you explain in your letter how you know there is information and provide evidence to support what you say. So, for example, if you have been arrested and the document you were given upon arrest mentions that this was done on the basis of an INTERPOL alert, provide a copy of this document and explain the circumstances. If your Red Notice appears on the INTERPOL's website, provide a printout.

See Annex 2 (Model Access Request No. 2) for an example of wording you might use in such a request. In some cases of this kind, FTI has seen responses arrive in as little as three months.

**ASKING FOR THE REMOVAL OF INFORMATION FROM INTERPOL'S FILES**

**Q13. I know that there is information about me on INTERPOL's files. How do I get it deleted?**

INTERPOL states that there are three courses of action you can take to try to get your name removed from INTERPOL's files.

First, you can ask the authorities in the country which issued the Red Notice to remove the information. Each country has its own laws and procedures and you will need to take local legal advice in the relevant country to explore this step.

Secondly, you can ask the authorities in the country where you live to ask INTERPOL to remove your name from its databases. This is not done very often and you would need the help of a lawyer to pursue this option.

Finally, you can write to the CCF and ask it to recommend the deletion of your information. Your letter will need to comply with the admissibility requirements described in Question 7.

**Q14. Should I make an access request first, before asking for the information to be deleted?**

Although this is likely to increase the overall length of the process, it may be helpful to make a request for access first. This is because the CCF may disclose information to you, and this will help you understand what is alleged against you and enable you to provide more relevant comments and arguments when challenging the information.

**Q15. Should I write to the CCF myself or brief a lawyer to do it?**

INTERPOL's rules are very complex and the best course is to contact a lawyer with experience of challenging INTERPOL Red Notices and Diffusions. The Annex to this Note of Advice includes the names of some law firms which have this sort of experience.

However, INTERPOL does not provide legal aid and we are not aware of any country providing legal aid to enable a person to challenge a Red Notice or Diffusion. Accordingly, if you are unable to pay for legal help, you may wish to make a request yourself.

**Q16. What rules will the CCF apply?**

Again, because of the complexity of the rules, it is not possible to respond to this question in a few words. However, there are some key rules on which you may wish to rely.

The main one is Article 3 of INTERPOL's Constitution, which states that it is 'strictly forbidden' for INTERPOL to engage in any activities of a political, religious, military or racial character.

Another key provision is Article 2 of INTERPOL's Constitution, which requires the organisation to act 'within the spirit of the Universal Declaration of Human Rights'.

Finally, the main rulebook which the CCF will apply is the Rules on the Process of Data ('RPD') (available on INTERPOL's website), which includes detailed provisions on Red Notices and Diffusions.

You can see the applications we made on behalf of Petr Silaev and Benny Wenda at [www.fairtrials.net/cases/](http://www.fairtrials.net/cases/) and you are welcome to adapt and re-use arguments we have made in those applications.

### **Q17. What kinds of arguments could I make under Article 3?**

It is not entirely clear how INTERPOL understands Article 3 of its Constitution. However, we understand that it weighs up the 'political' aspects of a case against the 'ordinary-law' (criminal) aspects to see which 'predominates'.

Accordingly, you should draw attention to political aspects of your case. We suggest that you organise this information in your letter according to these headings, which are based on INTERPOL's rules:

- The nature of the offence, namely the charges and underlying facts.

In this section, you should talk about the offence that you are said to have committed and explain in what way it can be considered political. For instance, if you are accused of organising a riot, but in fact you were leading a peaceful protest about a political cause, you should explain this. If you have evidence (video footage, eye witness statements, newspaper reports), include this.

- The status of the person concerned

In this section, you should explain who you are, focusing on your political status. If you are a political figure, you should explain this and provide evidence (for instance, a letter from political parties confirming your membership).

If you have a bad relationship with the country that has obtained a Red Notice against you, explain this. For instance, if you have been involved in a campaign which has troubled the authorities, explain this. Include evidence (such as newspaper reports) to confirm this.

It is important to point out in this section if you are a refugee. Make sure you provide evidence (such as your refugee travel document or the letter from the immigration authorities granting you asylum). If possible, try to provide evidence of the reasons why you were recognised as a refugee (for instance, if you have a reasoned decision, provide this).

- The identity of the source of the data

In this section, you should explain why you think the country may be pursuing you for political reasons. For instance, if you think it is because the country often represses people from a political movement you are part of, explain this. If possible, provide evidence (for instance, reports by bodies like Human Rights Watch, Amnesty International, United Nations bodies, or local human rights organisations).

- The general context of the case

In this section, you should provide all other information regarding political aspects of the case. In particular, if the country seeking your arrest has asked for you to be extradited in the past and this was refused because it was considered to be a political request, you should say so and provide evidence (a copy of the judgment).

If the criminal case against you is well-known and has been discussed in the media, or if human rights organisations have said they are concerned about the case against you being political, you should provide this evidence.

### **Q18. What kinds of arguments could I make under Article 2?**

Article 2 requires INTERPOL to take into account human rights in relation to the circulation of a Red Notice or Diffusion. It is not very clear how this rule is understood, but we would suggest covering the following issues.

- Freedom of speech / assembly

If you are a journalist or political campaigner and the Red Notice / Diffusion is preventing you from speaking freely, for instance by preventing you from attending events, say so. Try to provide evidence (for instance, letters from governments denying you permission to enter because of the Red Notice / Diffusion).

- Risk of torture

If you believe that you would be tortured if you were sent back to the country concerned, say so. Try to provide evidence. For instance, there may be reports from international bodies and courts saying that people in the same category as you are at risk of torture (ethnic groups, political parties, etc).

If you have been granted protection from return to your country because of a risk of this kind ('subsidiary protection' in the EU, or protection under the Convention Against Torture in other countries such as the US), provide proof of this). If a long time has passed since this decision was made, explain why you think you are still at risk.

- Evidence obtained by torture

If you think the evidence in the criminal case has been obtained by torture, explain why. For example, this might be the case if you know that someone was beaten and forced to give evidence against you. Try to provide evidence (such as newspaper stories or reports by human rights organisations talking about the use of torture).

- Death penalty

If you have been sentenced to death or if you are accused of an offence for which you could be sentenced to death, the Red Notice / Diffusion could still be valid if you are an adult. However, if you were a minor (that is, under 18 years of age) at the time of the facts, be sure to point this out.

**Q19. What are some of the key rules in the RPD?**

Among the RPD, some of the key rules on which you might want to rely for challenging a Red Notice of Diffusion include:

- Not of interest for the purposes of international police cooperation (Article 76(2)(b) and Article 99(2)(c))

FTI believes that this rule means that a Red Notice cannot remain in place if it makes a request which no other country could cooperate with. So, for instance, if you have been recognised as a refugee and you believe no country would be allowed to send you back, say so.

FTI also believes that a Red Notice is not of interest for the purpose of international police cooperation if it concerns a 'bounced cheque' offence – most countries do not see this as a criminal offence, and so would not be prepared to extradite you for it.

- Not using Red Notice for its intended purpose (Article 82)

The purpose of a Red Notice is to 'seek the location of a wanted person and his/her ... arrest ... *for the purpose of extradition*'. If the country which obtained the Red Notice against you has had a chance to seek your extradition but has not done so, inform the CCF of this. If you think the country is using the Red Notice just to spoil your reputation or to stop you travelling, explain why.

- Special conditions – Red Notices only (Article 83)

Red Notices may not be used for offences 'that raise controversial issues relating to behavioural or cultural norms' (like adultery), and offences 'originating from a violation of laws or regulations of an administrative nature or deriving from private disputes' (which might include the offence of 'uttering an unfunded cheque' in the United Arab Emirates).

- Minimum sentence threshold – Red Notices only (Article 83)

Red Notices cannot be published or maintained unless they are sufficiently serious. This is decided by looking at the length of the sentence. There are two approaches:

If you have already been convicted, a Red Notice may not be published to seek your return to serve the sentence unless that sentence is at least six months' imprisonment.

If you have not been convicted, a Red Notice may not be published to seek your return to face prosecution and trial unless the offence in question is punishable by at least two years imprisonment. In order to find out whether this is the case, you may have to contact a lawyer in the country concerned, to ask what the 'legal maximum' sentence for the offence is. Otherwise, you can try searching for the Criminal Code for your country on the internet.

**Q20. What else should I bear in mind when writing the letter?**

Try to be as precise as possible, providing specific dates, names and places wherever possible.

Avoid making general, bare statements about the country persecuting you. Try to refer to the facts and explain why these demonstrate that what you think is right.

**Q21. What will the CCF do with the information I send?**

It is not entirely clear how much information the CCF shares with the NCB concerned by your request. The CCF's rules require it to protect the confidentiality of a request but also recognise that it may have to share some information with INTERPOL; this could then potentially be shared with the relevant NCB.

Accordingly, if there is sensitive information – such as the fact that you have been granted asylum; or documents showing your association with people still in your home country – you should assume that there is some risk of this coming into the possession of the NCB as a result of the request. However, the information may be very important for the purposes of challenging the Red Notice / Diffusion, so you may feel you have to submit it.

There is no harm in explicitly asking the CCF to keep the information you submit confidential. Equally, if there are names of people in the documents which you feel uncomfortable submitting, you could redact these, though bear in mind that this may affect the document's persuasiveness.

**Q22. What action will the CCF take once it has read my request?**

The CCF will examine the information you give and may, based on what you say, ask questions to the NCB that obtained the Red Notice against you or issued the Diffusion against you. It may also ask the NCB to provide a copy of the arrest warrant which it has issued against you.

**Q23. Will the Red Notice / Diffusion stay available while my challenge is ongoing?**

The CCF has developed a practice whereby it will sometimes recommend to INTERPOL that it block access to a Red Notice / Diffusion while it considers a complaint. If it does this, other NCBs consulting INTERPOL's systems will not see it.

This may entail the public extract of a Red Notice disappearing from INTERPOL's website while your complaint is being considered. However, if you see that the Red Notice has disappeared, do not assume that it has been permanently deleted. Wait until you have a written answer from the CCF.

There is no specific procedure for requesting the CCF to follow this course. However, since it is able to do it, there is no reason not to make a specific request to this effect in your letter.

**Q24. Will I know what questions the CCF asks the NCB?**

In our experience so far, the text of any questions to the NCB is not disclosed, though the CCF may give you an indication of what kind of thing it has asked the NCB.

**Q25. How long does the NCB have to respond?**

The CCF has the power to set deadlines within which it expects to hear back from the NCB, though we do not know specifically how long these usually are. It may be that the CCF expects answers by the time it sits at its next session (so three to four months).

**Q26. Will I know what the NCB says in response?**

In our experience so far, this information is not disclosed, though the CCF may come back to you with further questions.

**Q27. What if the NCB does not respond?**

We understand that when an NCB fails to respond altogether, the CCF considers that it has no option but to conclude that the information on INTERPOL's files complies with the rules.

**Q28. Will there be a hearing?**

No. There is a power for the CCF to meet with individuals but the current CCF has never used this facility. The CCF will base its decision on the information submitted to it in writing.

**Q29. When can I expect an answer from the CCF?**

The CCF meets three times a year, and it will usually take at least two sessions for it to reach a decision on a complaint. Accordingly, you should expect to wait at least six to eight months for an answer.

Obviously, the complexity of the claim and the need for the CCF to collect information from the NCB will also affect the duration of the whole process.



**Q30. What powers does the CCF have?**

When it has finished considering all the information you submitted, the CCF will issue a 'recommendation' to INTERPOL. INTERPOL then has an opportunity to dispute the recommendation, though we understand that the CCF's view is usually followed.

**Q31. What are the different possible outcomes?**

The CCF will recommend one of three things. First, it may recommend that the information be deleted altogether. Second, it may recommend that the Red Notice / Diffusion be marked with a 'caveat' or 'addendum' (see Q below). Third, it may conclude that the information complies with INTERPOL's rules and recommend no change.

Based on responses we have seen, it is possible that you will not be provided with specific reasons as to why the CCF reached its conclusion. If this happens, you should write back to the CCF requesting further explanations.

**Q32. I have told the CCF that I am a political refugee and provided evidence. Will the Red Notice / Diffusion be deleted?**

Not necessarily. INTERPOL's understanding of Article 3 is that even if one country decides that you are at risk of harm in your home country for political reasons, this does not necessarily mean that your home country's Red Notice / Diffusion against you is political.

If it takes this view, the CCF may recommend the inclusion of an 'addendum' reflecting the fact that you have been recognised as a political refugee. The same applies where your extradition has been refused.

**Q33. What is an 'addendum' / 'caveat'?**

An 'addendum' or 'caveat' is an additional piece of information which is added to the file by INTERPOL. It includes relevant information such as the fact that you have been granted asylum or that your extradition has been refused.

The purpose of an addendum is to ensure that police in other countries are aware of the information, as this may influence their decision whether to arrest you or not.

**Q34. Will I see the text of an ‘addendum’ / ‘caveat’?**

Though we have requested this, we have not yet seen the text of an addendum and we do not know how much detail they include. We encourage you to ask to know the precise content of the addendum. Unlike the original Red Notice / Diffusion, it is not the property of the NCB so you can reasonably claim to be entitled to see it.

**Q35. If the Red Notice against me appears on INTERPOL’s website, will an ‘addendum’ also appear there?**

No. If the CCF recommends that an ‘addendum’ be placed on a Red Notice, then the public extract of the Red Notice on INTERPOL’s website will be removed. However, the Red Notice itself will still be visible to police and border agents.

**Q36. What can I do if the CCF refuses my request?**

There is no appeal against a decision of the CCF. In addition, if you make another complaint, the CCF will only re-examine the case if you bring to its attention a new fact which, had it been known to the CCF when it was considering the first complaint, ‘would probably have led to different conclusion’.

**Q37. The Red Notice / Diffusion has been deleted. What now?**

The usual procedure is for all INTERPOL member countries to be informed of the fact that the Red Notice / Diffusion has been deleted. However, if you are not told specifically that this has been done, you should write back to the CCF asking it to confirm this.

**Q38. The Red Notice / Diffusion has been deleted. Can I then travel freely?**

Unfortunately, even if the Red Notice / Diffusion has been deleted, and even if all INTERPOL member countries have been informed of this, there are still potential risks for you.

This is because information from INTERPOL’s files may (and probably will) already have been downloaded and copied onto national police databases in countries around the world. Even if INTERPOL deletes its own information, this does not mean the information will be deleted from local computers.

You could therefore still be arrested, for instance when crossing a border or when providing a passport when checking in to a hotel.

It may be useful for you to take with you on any travels a copy of the letter confirming that the Red Notice / Diffusion has been deleted.

You may also wish to make prior contact with a lawyer in the country to which you are travelling, either to have your name removed from the local police database or simply to be ready in case you get arrested.

**Getting specialist legal advice is extremely important.**

## ANNEX 1 – Model Access Request 1

### PRIVATE AND CONFIDENTIAL

Commission for the Control of INTERPOL's Files  
200 Quai Charles de Gaulle  
69006 Lyon  
France

[date]

Dear Sir / Madam,

#### Re: request for access to INTERPOL's files

By this letter, I wish to request access to any personal information concerning me stored on INTERPOL's files. I make this request further to Article 18 of the Rules on the Processing of Data. Please find attached a copy of my [*passport / identity document*] and my completed CCF Access Request Form.

I believe that I may be subject to an INTERPOL Red Notice / Diffusion issued by or at the request of the NCB of [*name of the country*], because [*very brief information as to why you reasonably think you may be wanted, eg 'the authorities have announced in the media that they are searching for me'*].

I would therefore be grateful if you could carry out the necessary steps and grant me access to my information. This includes, but is not limited to:

- A full copy of any Red Notice / Diffusion;
- A description of the charges and underlying facts; and/or
- A copy of any arrest warrant or judicial decision against me available on INTERPOL's files.

Please be advised that, if there is information on INTERPOL's files, I may wish to make a subsequent complain to the Commission requesting that the information be deleted.

Yours faithfully,

[sign]

[print name]

## ANNEX 2 – Model Access Request 2

### PRIVATE AND CONFIDENTIAL

Commission for the Control of INTERPOL's Files  
200 Quai Charles de Gaulle  
69006 Lyon  
France

[date]

Dear Sir / Madam,

#### Re: request for access to INTERPOL's files

This is a request for access to personal information concerning me stored on INTERPOL's files. I make this request further to Article 18 of the Rules on the Processing of Data. Please find attached a copy of my [*passport / identity document*] and my completed CCF Access Request Form.

I understand that, in principle, the Commission is required to obtain the authorisation of the relevant NCB before disclosing information to a requesting party.

However, I understand that, further to Article 14(5) of the Commission's Operating Rules, this requirement does not apply where the person has provided sufficient evidence showing that he/she knows that there is information about him/her in INTERPOL's files.

Please find enclosed a copy of [*for instance, a detention order mentioning an INTERPOL alert concerning you / a printout of the public extract of a Red Notice*], which clearly demonstrates that there is information concerning me on INTERPOL's files. The above condition is therefore satisfied.

Accordingly, please grant me access to all information concerning me stored on INTERPOL's files, without consulting the NCB of [*the relevant country*]. This includes, but is not limited to:

- A full copy of any Red Notice / Diffusion;
- A description of the charges and underlying facts; and/or
- A copy of any arrest warrant or judicial decision against me available on INTERPOL's files.

Please be advised that, once you have provided access to this information, I may wish to make a subsequent complaint requesting that it be deleted from INTERPOL's files. Disclosure of all information on file is essential in order to enable me to make that challenge effectively.

Yours faithfully,

[sign]

[print name]

## **ANNEX 3 – USEFUL INFORMATION / SOURCES OF SUPPORT**

### **Lawyers**

The following lawyers offer services relating to INTERPOL. Please note that we cannot guarantee their competence or that they will be able to help you.

- Peters & Peters (<http://www.petersandpeters.com/>)
- Ghersons (<http://www.gherson.com/>)
- Kingsley Napley (<http://www.kingsleynapley.co.uk/>)

### **Sources of evidence and information**

- Refworld (<http://www.refworld.org/>) – this is a database which contains many documents regarding human rights abuses in countries all over the world. You can select by country or perform keyword searches.
- United Nations Charter Body document database (<http://ap.ohchr.org/Documents/gmainec.aspx>) and Treaty Body document database (<http://www.unhcr.ch/tbs/doc.nsf>) – these databases allow you to search by country to find documents describing practices in your courts.
- Council of Europe Commissioner for Human Rights country monitoring ([http://www.coe.int/t/commissioner/Activities/countryreports\\_en.asp](http://www.coe.int/t/commissioner/Activities/countryreports_en.asp)) – here you will find documents relating to the 47 countries which are part of the Council of Europe.
- Human Rights Watch (<http://www.hrw.org/>) and Amnesty International (<http://www.amnesty.org/>) – both these organisations produce many up-to-date reports on human rights abuses and political persecutions in countries across the world.

### **National Central Bureaus**

- INTERPOL's website includes some information regarding the National Central Bureau of each country (see <http://www.interpol.int/Member-countries/World>).

**This leaflet was last updated in September 2013. The information contained in this document is provided for information purposes only and is not intended as legal advice, nor does it constitute legal advice. Whilst we endeavour to keep the information up to date and correct, Fair Trials International makes no representations or warranties of any kind, express or implied about the completeness, accuracy, reliability, suitability or applicability to individual cases of the information contained in this leaflet. Any reliance you place on such material is therefore strictly at your own risk. Fair Trials International disclaims any liability to the fullest extent permissible by law for any loss or damage of any kind arising from the use of the information provided. You should always seek professional legal advice from a lawyer qualified to practice in the jurisdiction you are in or with expertise in relation to INTERPOL.**

**If you think that an important question is not covered in this factsheet, please let us know at [casework@fairtrials.net](mailto:casework@fairtrials.net).**

# FAIR TRIALS INTERNATIONAL



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## THANK YOU

FTI would like to thank the law firms and individual practitioners, both in the UK and abroad, who have generously given their time and expertise to help produce these legal guidance notes. We would also like to thank those funders who support our direct assistance casework.