

# FAIR TRIALS INTERNATIONAL



## Interpol: Frequently Asked Questions

**November 2011**

### **Our Vision**

A world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

**Registered charity: 1134586**

### **Our Mission:**

To work for fair trials based on internationally recognised standards of justice and defend the rights of those facing charges in a country other than their own.

**Q     *What is Interpol?***

Interpol is an association, based in Lyon, France, of 190 countries, which facilitates cooperation between national police forces. It is the second largest global entity after the United Nations.

Interpol was not created by an international treaty but relies on the voluntary participation (and financial support) of its members (all of which are official police forces). Its legal mandate is found in its Constitution. Despite not having a treaty basis, it has acceded to the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations, which gives it the status of an International Organisation. Its Constitution also empowers Interpol to conclude international agreements, which it has done, mainly relating to Interpol's privileges and immunities.

Organisationally, it consists of the General Assembly, its main decisional and legislative body, which is composed of all the national delegations of the members; the Executive Committee, consisting of 13 delegates elected by the general assembly; the Secretariat General, a permanent administrative body implementing the decisions of the General Assembly and Executive Committee under responsibility of the Secretary General, whose appointment is proposed by the Executive Committee and approved by the general assembly; and a permanent staff team who are meant to be independent and have the status of international civil servants.

**Q     *What Powers does Interpol have and not have?***

Interpol has no power to investigate crimes or to execute arrests; it does not have its own police force or detention centres. Rather its role is primarily to facilitate international police cooperation through data processing.

**Q     *How is Interpol funded?***

Financial support comes from members' contributions, worth approximately €50 million a year.

**Q     *Why was Interpol created?***

The organisation now called Interpol has its roots in 1914, at the First International Criminal Police Congress in Monaco, where police officers, lawyers and magistrates from 14 countries gathered in Monaco to discuss arrest procedures, centralised international criminal records and extradition. After World War I, the Second International Police Congress in 1923 founded Interpol's predecessor, the International Criminal Police Commission (ICPC), in Vienna. Founding members were Poland, Austria, Belgium, China, Egypt, France, Germany, Greece, Hungary, Italy, the Netherlands, Romania, Sweden, Switzerland, and Yugoslavia.

Following Austria's annexation by Germany in 1938, the ICPC was under the control of Nazi Germany, and headquarters were moved to Berlin. This resulted in most members

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withdrawing their support from the organisation. After the end of World War II in 1945, the organisation was revived as the International Criminal Police Organisation by Belgium, France, Scandinavia, and the UK, and headquarters moved to France. The Constitution was redrafted to keep the organisation from becoming politicised in the future.

**Q     *What is a Red Notice?***

Interpol is most well-known for issuing 'red notices'. A red notice is an alert requested by a member state indicating that it seeks an individual's provisional arrest. Once a notice is disseminated, other members can choose to act, or not act, on that notice. However many countries may automatically arrest and extradite anyone with a red notice.

Data provided by a member in a red notice is assumed to be correct, but Interpol does have a duty to ensure that any data it processes conforms to its own rules.

Red notices are growing in popularity; over 6,000 were issued in 2010.

**Q     *What is the Human Impact of a Red Notice?***

A red notice makes its subject vulnerable to arrest by any Interpol member. This means that even if one country decides not to arrest someone subject to a red notice, travel across international borders is usually impossible, due to the risk that an arrest will happen at an airport or other international border. Even if a state decides not to extradite a subject after arrest on a red notice, an individual can spend weeks or months in detention awaiting the outcome of such a decision.

A red notice can have other consequences. Subjects' bank accounts may be frozen or closed, or they may find it impossible to open a new account, to obtain or keep employment, or to apply for loans and other lines of credit because of the existence of the red notice alone.

**Q     *What else does Interpol do?***

Besides issuing red notices, Interpol also 6 other kinds of notices:

**Yellow notice:** Asks for help locating missing persons(usually minors) or identifying people who are unable to identify themselves.

**Blue notice:** Requests additional information, such as movements, about a person in relation to a crime

**Black notice:** Seeks information on unidentified bodies.

**Green notice:** To provide warnings and criminal intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries

**Orange notice:** Warns police and other international organisations about potential threats from disguised weapons, parcel bombs, or other dangerous materials.

**Purple notice:** To provide information on *modi operandi*, procedures, objects, devices and hiding places used by criminals.

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However, the red notice is by far the most utilised.

Interpol also facilitates informal requests for assistance in arrest and investigation between members, by way of email “diffusions.”

**Q Which countries have signed up? Are there conditions for membership?**

Any country may delegate an authority to apply for membership in Interpol. Membership is gained by a two-thirds majority vote of the General Assembly (current members). Interpol currently has 190 members, including, for example, Turkmenistan, Libya continuously through Gaddafi’s leadership and afterwards, and Sudan.

**Q Are there internal controls on Interpol?**

Interpol’s activities are limited and defined by its Constitution. In relevant part, Article 2 limits its activities to “the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights.” Article 3 states that “It is strictly forbidden for the Organisation to undertake any intervention or activities of a political, military, religious or racial character.”

Interpol has a duty to ensure that its notices comply with these rules before they are processed, but due to a lack of transparency in Interpol’s decision making, it is unclear what this process looks like or how many resources are devoted to it. In practice, red notices seem to be de facto disseminated and reviewed only post hoc upon request.

Interpol has also established the Commission for the Control of Interpol’s Files (CCIF), which can review red notices upon request, but the supervisory body has several serious problems:

1. CCIF decisions (to remove a red notice, for example) can be overturned by a vote by the General Secretariat. Decisions over data disclosure are subject to review by the requesting member.
2. CCIF only examines notices when requested, and not on its own initiative. This means that the person has already been arrested or even extradited by the time CCIF investigates the case. Therefore, reviews can only prevent future arrests, and cannot remedy unlawful arrests when they are already in progress.
3. CCIF cannot check the accuracy of requests, only their validity.

**Q Is Interpol Accountable?**

Domestic courts have historically refused to adjudicate claims against Interpol, and many have granted it formal immunity from claims. No international or administrative court has jurisdiction over its actions. Though the French courts of audit are the financial auditors of Interpol, the organisation resisted France’s attempts to impose French domestic data

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processing law onto Interpol's databases, via a "Headquarters Agreement" from 1982 which states that all documents of Interpol shall be inviolable, wherever they are located, and subject only to Interpol's internal controls.

*Fair Trials International ("FTI") is a UK-based non-governmental organisation that works for fair trials according to international standards of justice and defends the rights of those facing charges in a country other than their own. Our vision is a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.*

**For more information on Fair Trials International, Interpol "Red Notices" and our campaign for greater accountability, visit [www.fairtrials.net/campaigns](http://www.fairtrials.net/campaigns).**

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