

Mr Jürgen Stock
Secretary General
ICPO-INTERPOL
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Dear Secretary General,

On behalf of Fair Trials, I would like to congratulate you on your re-appointment as Secretary General at this year's General Assembly. We appreciate your continued engagement with Fair Trials and we look forward to building on our constructive relationship based on our shared interest in strengthening INTERPOL. Given the significant reforms that INTERPOL has made during your first tenure, we hope that you will continue to lead reforms that reinforce INTERPOL's position as a trusted tool for international police cooperation.

Fair Trials will continue to support the work of INTERPOL by identifying workable, realistic solutions to the varied and complex challenges faced by the organisation. We would like to highlight three priority areas where we believe INTERPOL should focus.

Continuing the path of reform

INTERPOL needs to continue its work to ensure the effective implementation of its recent reforms to protect its Red Notices and Diffusions from misuse. The reforms adopted by the organisation since 2014 have resulted in notable improvements, but there is still plenty of room for improvement. We would like to reiterate our recommendations for further reform in our 2018 report '*Dismantling the Tools of Oppression*' which we discussed when we met earlier this year (our recommendations are annexed for your convenience). We urge INTERPOL to:

- Reform Diffusions, so that they are subject to the same level of scrutiny as Red Notices before circulation;
- Improve *ex-ante* reviews of Red Notices and Diffusions;
- Ensure the effectiveness of the reforms to the Commission for the Control of INTERPOL's Files; and
- Enhance protections for refugees and other individuals in need of international protection.

We also know that INTERPOL has begun the process of reforming its governance structures, and we support these reforms to strengthen the organisation's impartiality and professionalism.

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A more transparent INTERPOL

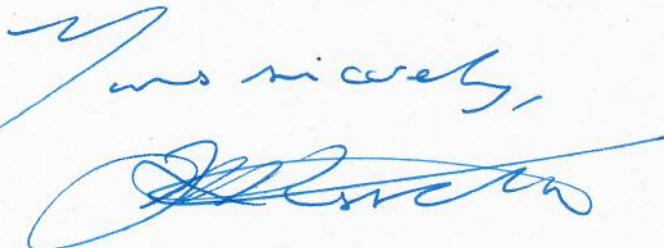
INTERPOL is no longer an organisation shrouded in mystery, and we are pleased that it has become more transparent in recent years. But we believe further improvements are necessary to build greater confidence in INTERPOL's ability to make the world a safer place without facilitating human rights abuses. In particular, INTERPOL needs to do more to explain how its rules are interpreted, and to publish data that illustrates how effectively it is protecting its systems from abuse.

We would also like to see INTERPOL continuing to engage civil society as it considers further reforms. INTERPOL's rules have far-reaching implications for many people across the world, and we believe that the effectiveness of its reforms will be increased by ensuring broad engagement in their development.

INTERPOL as a model for the world's police

INTERPOL is more than just a data-sharing platform. It is at the forefront of innovation, and it provides opportunities for the world's police to meet and collaborate. We urge INTERPOL to use its position and profile to promote the ideals that are central to the organisation – including its commitment to human rights and political neutrality. We do not expect the organisation to interfere with the practices of domestic police forces, but we do expect INTERPOL to lead by example. As well as showcasing new policing and surveillance tools, we would urge you to guide members on how to use them responsibly.

We would, of course, be more than happy to discuss these priorities in more detail with you and your colleagues, and we look forward to working with you in the coming years.



Jago Russell
Chief Executive, Fair Trials

Encl.: Excerpt from *'Dismantling the Tools of Oppression'*

Recommendations

Recommendations for INTERPOL and the CCF

Reform Diffusions

- INTERPOL must ensure that Diffusions, like Red Notices, are subject to review before information in the alert can be circulated through the INTERPOL Information System.
- INTERPOL should develop more robust mechanisms for ensuring that NCBs comply with its decisions to delete a Diffusion.

Improve ex-ante reviews of INTERPOL alerts

- INTERPOL should ensure that all INTERPOL alerts currently in circulation are subject to the more stringent process of review that is now being applied to new requests for Red Notices.
- INTERPOL should clarify how it carries out ex-ante reviews.
- INTERPOL should adopt measures to ensure that it has information that would help the organisation to identify alerts that violate its rules, for example, by strengthening relationships with UN human rights bodies and by developing a database of trustworthy sources.
- INTERPOL should ensure that the NDTF has adequate funding, so that it is properly staffed and resourced.

Ensure the effectiveness of the CCF reforms

- INTERPOL and the CCF should develop more robust mechanisms for ensuring that NCBs comply with the CCF's directions and its decisions, especially regarding deletions of data.
- The CCF should clarify and publish how NCBs' refusal to disclose data without justification affects its own decisions.
- The CCF should limit the use of addenda.
- INTERPOL, acting through the General Assembly, should ensure that the CCF is given a sufficient budget to implement the reforms effectively.
- INTERPOL should look into the possibility of allowing appeals of CCF decisions.

Enhance protections for refugees and other individuals in need of international protection

- The Refugee Policy should be published on INTERPOL's website.
- The scope of INTERPOL's Refugee Policy should be expanded to include those who have been granted subsidiary protection and those who have lost their status through naturalisation.
- INTERPOL should adopt a policy on extradition refusals similar to its policy on refugees – under which there is a strong presumption that an INTERPOL alert violates INTERPOL's rules if there has been an extradition refusal on human rights and/or political motivation grounds.

- INTERPOL should provide guidance to Member States as to the limitations of INTERPOL alerts and their use as the basis for denying or delaying access to refugee status.
- INTERPOL should provide clarity on how it ensures that sensitive information handed over to the organisation by refugees are kept confidential.
- INTERPOL should review its approach on how it interprets Article 3 of its Constitution regarding political motivation in all cases, so that its position is closer in line with international standards on extradition law.

Improve transparency

- INTERPOL should develop its Repository of Practice on Article 2 of the INTERPOL Constitution, working with external experts and bodies.
- The CCF should continue to publish more of its decisions.
- INTERPOL should collate and publish data that would:
 - Inform how many requests for INTERPOL alerts are received and refused each year (including reasons for the refusal);
 - Illustrate the effectiveness and efficiency of its complaints procedures; and
 - Illustrate the effectiveness of its Refugee Policy.

Recommendations for INTERPOL Member States:

Work with the CCF

- Member States should comply with requests from the CCF as much as possible, and respect its decisions.

Protect refugees and other vulnerable individuals

- Member States should not treat the existence of an INTERPOL alert on its own as reliable evidence for refusing or delaying access to refugee status.
- Member States should help INTERPOL to remove INTERPOL alerts against refugees, including by informing recognised refugees subject to INTERPOL alerts, and where the individual has consented, by sharing information with INTERPOL confirming the grant of refugee status.

Fund INTERPOL

- Member States should provide financial support to INTERPOL that would help the organisation to implement its reforms effectively. In particular, they should provide ring-fenced funding that would ensure that the CCF and the NDTF, the two bodies tasked with reviewing INTERPOL alerts, are sufficiently staffed and resourced.