



INTERPOL's Role in International Cooperation: Police in 194 Member Countries cooperating under a common legal framework

Good Afternoon, I am Mary Rodriguez, General Counsel for INTERPOL. I am delighted to be here today to talk with you about the important role that INTERPOL plays in promoting and facilitating international law enforcement cooperation to prevent and fight serious crime.

As the people gathered in this room well know, criminal networks and enterprises grow more and more sophisticated each day. As their techniques and methods take advantage of advances in technology and increased global connectedness, law enforcement works to keep pace by developing new strategies and capabilities. But in addition to growing more sophisticated, serious crime is also more transnational—exploiting free movement and countless communications platforms to both conceal perpetrators and target victims across jurisdictions. These transnational threats require transnational law enforcement responses: effective cooperation and information sharing that connects national authorities across jurisdictions in real-time and pursuant to a common set of rules and standards.

This is where, I believe, INTERPOL adds value. By connecting its 194 member countries through its secure I-24/7 network, INTERPOL offers police a channel through which to share the information needed to prevent, detect, and disrupt crime, and to support prosecutions.

INTERPOL's Constitution and Rules for the Processing of Data (or RPD) establish clear terms and conditions for accessing and moving information through the network, which also apply to many of the services built on the I-24/7 network, like INTERPOL's notices system, which I will discuss shortly. INTERPOL's Constitution sets out the basis for voluntary cooperation between its members and the neutrality and independence of the Organization, which has its central aim to promote police cooperation within the limits of its members' laws and the spirit of the Universal Declaration of Human Rights. The Rules on the Processing of Data enhance the protection of personal data in INTERPOL's systems so as to facilitate members' access to reliable and useable information. The wide range of services offered by INTERPOL are built on this governing legal framework.

INTERPOL is probably most well-known for its red notices, and I would venture to guess that many of the prosecutors in this room have used this tool in one or more cases. The red notice system is extremely valuable to INTERPOL's Member States, resulting in over ten thousand arrests of dangerous fugitives and terrorists each year. A red notice is not an international arrest warrant, but rather a request for cooperation based on an arrest warrant issued in a member

country. It is up to each member country to decide whether to act on a red notice. INTERPOL cannot demand that action be taken on a notice, and whether to do so is completely within the discretion of each country.

INTERPOL's Constitution and RPD have important applications to this notice system. As I noted previously, Article 2 of INTERPOL's Constitution calls for the widest possible mutual police assistance within the limits of member countries' national laws and "in the spirit of the 'Universal Declaration of Human Rights,'" and Article 3 of INTERPOL's Constitution provides that it is "strictly forbidden for the organization to undertake any intervention or activities of a political, military, religious or racial character."

Article 83 of the Rules on the Processing of Data, which sets out the applicable criteria for publication of red notices, provides that a notice request must include a summary of facts of the case that provides a "succinct and clear description of the criminal activities of the wanted person." Requests must provide facts linking a wanted person to the relevant charges, and should clearly describe the role played in the crime by each wanted person should the events at issue involve several individuals.

The request may only be published when sufficient judicial data has been provided, including the relevant charges, law covering the offense, the maximum penalty possible or sentence remaining to be served, and reference to a valid arrest warrant or judicial decision having the same effect. Whenever possible, a copy of the arrest warrant or judicial decision should be provided.

In addition to red notices, INTERPOL has several other tools that serve to promote international police cooperation. Of particular relevance for prosecutors, INTERPOL publishes blue notices to assist in locating, obtaining information about, or identifying an individual of interest in a criminal investigation, whether that person is a suspect, victim, or witness.

Knowing full well the power of these tools and the impact that they can have on an individuals' liberty, I want to highlight some of INTERPOL's recent reforms to strengthen the integrity of the notices and diffusions system. I want to share some of our most significant recent reforms.

- INTERPOL created a **dedicated multidisciplinary task force** to conduct a robust quality and legal compliance review for all incoming notices and wanted persons diffusions prior to their publication by the General Secretariat.
- We also revisit notice decisions based on new information. Our compliance review is based on the information available at the time of publication. Whenever new and relevant information is brought to our attention, the Task Force will re-examine the case to ensure its continued compliance.
- In 2017, the General Assembly passed a resolution endorsing a **refugee policy**, which the General Secretariat began implementing in 2014. The

refugee resolution attests to the importance INTERPOL gives to act within the spirit of the Universal Declaration of Human Rights, as required by INTERPOL's Constitution.

Under this policy, if a member country confirms an individual's refugee status, and the individual is the subject of a notice or diffusion requested by the country where he or she fears persecution, INTERPOL will delete the notice or diffusion and inform all member countries of their obligations to update their databases.

- **Technology changes** were made so that new red notice requests and wanted persons diffusions are **no longer visible** in INTERPOL's databases to other member countries until after they are found compliant.
- **The Repository of Practice** on the application of Article 3 of INTERPOL's Constitution is now publicly available. The Repository of Practice promotes consistency in decision-making and provides transparency regarding INTERPOL's legal analysis to member countries and the international community.
- In 2016 the INTERPOL General Assembly adopted a statute reforming the Commission for the Control of Files (CCF) as an independent body separate from the General Secretariat. The CCF is authorized to receive complaints from individuals who are the subject of a notice or diffusion, or who think they might be, and to review them for compliance with

INTERPOL's Constitution and rules. Its **decisions are now binding** on the Organization. Thus a CCF finding of non-compliance will lead to the deletion of the notice by the General Secretariat.

- Finally, in 2018, the General Secretariat **began reviewing** the significant number of **red notices and wanted persons diffusions that had been authorized prior** to the implementation of the **robust legal compliance review in 2016**. It is often these older notices that are highlighted by the media and international community as presenting issues of compliance.

GENERAL DATA PROTECTION FRAMEWORK

Next, I want to provide a brief note about INTERPOL's general data protection framework.

Since 1982, to provide safeguards in line with evolving international data protection standards, INTERPOL has continuously updated its rules on data protection -- on average, about every three years. For example, in 2011, INTERPOL's rules were updated to require that each member country designate a Data Protection Officer. The appointment of an INTERPOL Data Protection Officer, who reports directly to the Secretary General, was included in 2016.

The INTERPOL Data Protection Officer has developed data protection impact assessments, advised on processing through new technologies, conducted training, strengthened the data protection culture at INTERPOL, and ensured the continued development of data protection and privacy by design solutions. The

following years will see a continuation of these activities, as well as an enhanced focus on monitoring and auditing.

OPPORTUNITIES TO HELP

Now, with the time I have left, I would like to suggest a few ways your home countries can assist INTERPOL in strengthening the integrity of the system of notices and diffusions. (You'll have to forgive me, but I can't pass up the opportunity to seek help from an audience of experienced prosecutors.)

Most significantly, please convey to your home countries the importance of **information sharing** with INTERPOL. We welcome any information that may impact the continued compliance of a notice or diffusion with our rules and with international law.

With the appropriate safeguards in place, we consider it a best practice for member countries to proactively share refugee-related information.

When refugee or asylum information is shared with us, our rules require that we protect the confidentiality of such information and the anonymity of the member country as requested.

Second, when extradition is denied, member countries should inform the General Secretariat when the reason for denial may impact the compliance of a notice or diffusion with Articles 2 or 3 of INTERPOL's Constitution.

While it is the CCF that receives information directly from individuals, the General Secretariat welcomes information directly from member countries, including in cases where a member country can confirm the veracity or reliability of information from non-governmental sources.

- Finally, you can take steps to ensure that your home countries are fulfilling their obligations under INTERPOL's rules to provide accurate information, update national databases, inform the General Secretariat of relevant information, and ensure that they have conducted their own checks concerning compliance with the rules. Ultimately, recipient countries are fully responsible for any action they take based on a notice or diffusion.

CONCLUSION

In closing, INTERPOL continues to be vigilant regarding the integrity of its notices and diffusions system, and as I have highlighted here today, we are constantly reviewing our processes and procedures. INTERPOL welcomes all relevant information, including from member countries, governmental organizations, and civil society, to ensure the continued compliance of a published notice or diffusion so that the law enforcement community can continue to find them reliable and effective. I want to thank the IAP and all of you for welcoming me today, and I look forward to continuing these important discussions.