

NEAR EAST UNIVERSITY
GRADUATE SCHOOL OF SOCIAL SCIENCES
DEPARTMENT OF INTERNATIONAL LAW
MASTER OF LAWS IN INTERNATIONAL LAW (LL.M)

MASTER'S THESIS

THE LEGAL STRUCTURE OF INTERPOL

Mahdiah SEYEDI

NICOSIA

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Prepared by
Mahdieh SEYEDI
20145731

Supervisor:
Asst.Prof.Dr. Resat Volkan Gunel

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THE LEGAL STRUCTURE OF INTERPOL

We certify the thesis is satisfactory for the award of degree of Master of Law in
International Law

By Mahdich Seyedi


Examining Committee in charge


Asst. Prof. Dr. Reşat Volkan Günel

Near East University
Department of Faculty of Law


Asst. Prof. Dr. Derya Aydın Okur

Near East University
Department of Faculty of Law


Asst. Prof. Dr. Tutku Tuğyan

Near East University
Department of Faculty of Law

Approval of the Graduate School of Social Sciences

Assoc. Prof. Dr. Mustafa SAĞSAN

Acting Director

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Abstract

The development of science, research and transportation have transformed the world into a global village; in which the people in any part of the world can easily communicate with one other, travel from one country to another, or establish cultural and commercial affairs through the internet medium. Parallel to the positive effects of developments in science and technology (say human welfare), some individuals or groups of people use these mediums for their own criminal desires. This advancement has shifted the scope of crimes from primarily domestic (handled by domestic institutions of justice) to international levels, which requires a body of criminal justice with enough power to move freely from one sovereign state to another.

At present, transnational organised crime is considered a threat to the international community, and especially to humanity. The occurrence of such crimes outside the borders of states, gives these types of crimes a transnational character; and translates to one of the main problems governments as well as international organisations actively seek to solve in order to create and maintain security. For this very reason, international cooperation between law enforcement agencies inaugurated the international criminal police organisation based on international laws. Hitherto, the organisation of police operations in support of all member states is responsible, and it has various units to perform their duties of investigation into most cross-border crimes, such as art theft, drug smuggling, terrorism and crimes against humanity.

In this research, my intention is to perform a historical evolution of Interpol, from the day of its creation up to now, to delineate the structure of the organisation, and to conduct a meta-analysis of articles on Interpol's activities from a legal perspective. Such activities include: methods of prevention and detection of international crime, expansion of Interpol's capabilities to meet the new terrorist threat, classification of types of international crime, combating piracy (maritime, digital rights, etc.), methods of data collection, and the fight against cybercrime to name a few. The purpose of this research is to prepare groundwork for further analysis and/or comparative research between the legal structures of international organisations or international police organisations, e.g. Europol.

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I would like to extend my gratitude to my supervisor, Dr. Reşat Volkan GÜNEL, who continually guided me throughout my research, and always encouraged me to be genuine with my ideas. I would also like to thank the members of the department of Law at Near East University for giving me the opportunity of conducting my research at their presence.

Last but not the least; I would like to thank my family for being patient with me. This research would not have been possible without their willingness to engage with the struggle, and encouraging me to proceed patiently during the process.

Dedication

I dedicate this thesis to my family, who did more than their family role during the time I was doing my research. Without their kind support, this thesis would not have been possible. Thanks to each and every one of you.

List of Tables

Table 1: INTERPOL's Notices

Abbreviations

CCF – Commission for the Control of INTERPOL’s Files

EC – European Council

EU – European Union

EUROPOL – an abbreviation of European Police Office

FBI – Federal Bureau of Investigation

FTI – Fair Trials International

ICC – International Criminal Court

ICJ – International Court of Justice

ICPC – International Criminal Police Commission

ICPO – International Criminal Police Organization

INTERPOL – a contraction of "international police"

IO – International Organization

MIND/FIND – Mobile/Fixed INTERPOL Network Database

MNC – Multinational Corporation

NCB – National Central Bureau

PNR – Passenger Name Record

SIS – Schengen Information System

UN – United Nations

UN-HCR – UN High Commissioner for Refugees

1. Introduction

1.1. Brief overview

INTERPOL is the second largest international organization after the United Nations,¹ and with 190 member states, is one the largest international police cooperation forms worldwide.² The organization's "*involvement usually occurs when criminals either flee to other countries or commit international drug, currency, property or person trafficking.*"³ Both in terms of size and date of establishment, INTERPOL and the United Nations are the top two international organizations to study – from how an international organization is created under international law regulations to their structures and means of cooperation with international as well as national bodies.

A quick search on Google Scholar for the top two international organizations showed that there exist more than two million scholarly articles written about the United Nations while INTERPOL is researched in a little more than 42,000 articles. This difference – the former researched fifty times the latter – does little justice to an organization that although is second largest, was in fact established three decades earlier than the first. Therefore, this author felt the need to step in to lessen the gap between the two by studying the organization from available journals, books, and other trustable resources, historically and chronologically.

By taking this responsibility, this author has had issues of international law as well as international police organizations in mind, for prospective researchers to study and use in their own studies, especially in comparative approaches. For example, future research could focus on comparing INTERPOL with the United Nations in terms of their creations under international law, or by comparing INTERPOL with Europol as two distinct international police organizations. Another suggestion would be to compare the compatibility of the international law practice by these international giants with national and domestic laws, either in a study case or on a global scale.

¹ Mario Savino, "Global Administrative Law Meets Soft Powers: The Uncomfortable Case of Interpol Red Notices", *New York University Journal of International Law and Politics*, c. 43, s. 2 (2010-2011): 264.

² Giulio Calcara, "Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography." *Masaryk University Journal of Law and Technology*, c. 7, s. 1 (2013): 22.

³ R. E. Kendall, "Interpol's Co-operation System and Activities Relating to Forensic Science", *Journal of the Forensic Science Society*, c. 31 (1991): 375.

1.2. Structure of this study

As mentioned above, the structure of this study, therefore, requires two broad approaches to the study of this organization: one to deal with it as an international organization, and another to deal with it as an international police organization, each of which raises a different set of interesting issues of international law, best to be studied separately.

The second chapter does the former, whereas the third does the latter. The next chapter analyzes INTERPOL as an international organization, from its birth to the present in terms of creation, organizational structure, responsibilities and limitations. As the realities started to unfold, this author felt the need to subcategorize the creation of INTERPOL in three historical events that shaped the organization. These steps are attempts at restructuring the organization in order to legitimize its formation as well as its activities. These changes helped INTERPOL conceive the global image it enjoys today with the help of conforming to international laws.

The third chapter puts an emphasis on INTERPOL as an international police organization. First, the objectives of INTERPOL are outlined in order to understand its stance as an international police organization. The activities of the organization are discussed critically next in order to depict issues of policing the world. Terrorism, as a relatively new phenomenon, is intertwined with the activities of INTERPOL, hence, is discussed in the successive section. Last but not the least is the latest issues INTERPOL has been dealing with, which could cost the organization its credibility – how it deals with refugees.

2. INTERPOL as an International Organization

By defining the common grounds, or other terms and concepts by which we define our new term or concept is better understood. The legal status of INTERPOL as an International Organization is no exception, and subject to a clear definition and understand of what outlines an international organization.

2.1. International Organizations

The following section demonstrates how the concept of international organizations is a relatively new one; thus, there is a higher probability that the definition has foreseen many changes over time. An evolutionary study of the concept precedes dealing with forthcoming issues such as legitimization as well as the laws applicable to such organizations.

2.1.1. The concept of International Organizations

Given the proliferation of organizations that are international in character, it is hard to distinguish ‘international organizations’ under international law from other types of organizations.⁴ In other words, many might confuse companies that do business overseas, or Multinational Companies (hereinafter MNCs) with international organizations. But what makes an international organization so different from the above-mentioned entities?

Article 2(a) of the International Law Commission’s 2009 Draft Articles on the Responsibility of International Organizations states that:

*“ ‘international organization’ means an organization established by treaty or other instrument governed by international law and possessing its own international legal personality. International organizations may include as members, in addition to States, other entities.”*⁵

International organizations became appropriate subjects of international law, as Lung Chu Chen notes, after a long legal battle starting with United Nations’ claim against Israel in 1949 for the murder of its mediator in Palestine a year earlier. The widely accepted notion that “nation-states – and only nation-states – were the exclusive subjects of international law” was challenged for the first time when the International

⁴ Jan Klabbbers, *An Introduction to International Institutional Law*, 2nd Ed. (Cambridge: Cambridge University Press), 6.

⁵ United Nations Office of Legal Affairs, “International Law Commission Reports 2009”, <http://legal.un.org/docs/?path=../ilc/reports/2009/english/chp4.pdf&lang=EFSRAC> [13.03.2016].

Court of Justice came up with the conclusion that the United Nations is an “international person”.⁶ To possess an international personality, in the words of the court, was “*that it is a subject of international law and capable of possessing international rights and duties, and that it has capacity to maintain its rights by bringing international claims.*”⁷

From this, we can deduce that using the concept of international organization should be handled with care, as international corporations (or companies) and MNCs are clearly not as such. International corporations and MNCs, in spite of their international trades, still follow domestic laws and international trade laws. International organizations, on the other hand, are subject to international laws; therefore, are at the same level as nation-states in power and making decisions on a global scale.

2.1.2. Applicable Law

The concept of international organizations raises the question of to what extent are these organizations subject to international law as opposed to domestic law. As Jenks puts this, international organizations are established by states by international treaties that conform to the international law framework. Thus, the general directive mandates the applicable or ‘proper’ or ‘personal’ law of international organizations to be the international law.⁸ However, in particular circumstances, according to Shaw, such as purchasing or leasing land, entering into contacts for equipment and services, or in tortious liability between the organization and a private individual are all generally subject to domestic law.⁹

From this we can understand that international organization, as mentioned before, are at the same level of nation-states, not having the authority to dictate rules upon states, but should respect each and every sovereign state and its national laws. This is especially useful in understanding why international organizations such as INTERPOL do not have the authority or the power to enforce states, but require the sheer cooperation of states in implementing international policing. Similar to Lung-

⁶ Lung-chu Chen, *An Introduction to Contemporary International Law: A Policy-Oriented Perspective*, 3rd Ed. (Oxford University Press), 65-66.

⁷ [Chu] 66 Advisory Opinion, 1949 I.C.J. 173 (Apr. 11), 175.

⁸ Clarence Wilfred Jenks, *The Proper Law of International Organisations*, 1st Ed. (London: Stevens & Sons, 1962), 3.

⁹ Malcolm N. Shaw, *International Law*, 5th Ed. (Cambridge: Cambridge University Press, 2003), 1198.

chu Chen's claim that "the United Nations can only be as effective as its members make it"¹⁰ the same statement stands for INTERPOL. This is discussed in the upcoming chapters of this study in detail.

2.2. Creation of INTERPOL

The legal substructure of INTERPOL is based on international law; exemplified by multinational agreements, treaties, or memoranda of understanding by the participating nations in a global level.¹¹ However, the lack of authority or instructions from governments as well as the breach of international protocol in the history of creation of INTERPOL has at times left the organization the subject of negative official attitudes and of harsh congressional criticism in the United States.¹²

Therefore, based on the subject matter of the organization's legitimacy, this author felt the need for dividing the history of INTERPOL into three phases, each pivotal in adding acceptance and legitimacy to the organization's international presence. The first phase goes back to its formation in 1923 by 20 countries. The second phase happens in 1956 when the name INTERPOL is adopted, and the third and finalized version of its constitution is approved. The third phase is the organization's once-and-for-good attempt at ending all disputes regarding its legitimacy in 1982.

2.2.1. Phase 1: Establishment of ICPC in 1923

Five years after the end of World War I on 11 November 1918,¹³ INTERPOL was founded in September 1923 when police chiefs from 20 countries met on their own initiative in Vienna, to form an organization in unconventional ways, which bypassed the international law on ratifying a treaty.¹⁴ Firstly named International Criminal Police Commission (ICPC), the organization had headquarters in Vienna, Austria, on the initiative of Dr. Johannes Schober, president of the Vienna Police.¹⁵

¹⁰ Lung-chu Chen, *An Introduction to Contemporary International Law: A Policy-Oriented Perspective*, 3rd Ed. (Oxford University Press), 75.

¹¹ Das & Kratcoski, *International police co-operation: a world perspective*, 22 *Policing Int. J. Police Strat. & Mgmt.* 217 (1999).

¹² Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), vii.

¹³ J. M. Roberts, *Twentieth Century: The History of the World, 1901 to 2000*, 1st Ed. (Penguin Books, 1999), 266.

¹⁴ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), vii.

¹⁵ *Borderpol Journal*, Fall 2007, page 6.

The city of Vienna, where ICPC was formed, which had been the capital city of the Austria-Hungarian Empire before the war, had become a haven for forgers, swindlers, and black marketers in 1920s.¹⁶ Moreover, a former secretary general of INTERPOL, M. Nepote, described the 1904 international convention against white slavery, the 1910 convention against pornographic publications, the 1912 convention against opium traffic, and the 1929 convention against currency counterfeiting as examples that helped to address problems and to search for solution that were ultimately overcome by the establishment of ICPC.¹⁷

The head of Vienna's police services, Dr. Johann Schober, invited 131 police officers from 20 countries to attend a conference on September 3, 1923, in his city to discuss and collaborate on a functional international organization. Participants came from the United States, Germany, Hungary, Poland, Czechoslovakia, Rumania, Yugoslavia, Switzerland, France, Italy, Latvia, the Netherlands, Turkey, Sweden, China, Japan, Greece, Egypt, and the disputed territory of Fiume. Within only five days, the organization, with headquarters, officers, and a constitution with ten articles was established.¹⁸

2.2.2. Phase 2: ICPC becomes the International Criminal Police Organization- INTERPOL in 1956

The second phase in the creation of INTERPOL as we know it today included a revision in its constitution, a structural and organizational change, as well as a name change from ICPC to INTERPOL. A prior redesign of the organization in 1946 fortified the idea of using redesign as a means to reaching new objectives. After some international organizations proved to be successful in their organizational design, ICPC decided to use those models to raise its status and attract financial and political support.¹⁹ Fooner calls the 1946 changes in the structure of the organization a

¹⁶ Michael Fooner, *Interpol: The Inside Story of the International Crime-Fighting Organization* (Chicago: Henry Regnery Co., 1973), 13.

¹⁷ Jean Nepote, "International Crime, International Police Cooperation and Interpol", *Police Journal* (Chichester, West Sussex, England), c. 21, s. 2 (April 1978): 129.

¹⁸ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 6-7.

¹⁹ Michael Barnett & Liv Coleman, "Designing Police: Interpol and the Study of Change in International Organizations", *International Law Quarterly*, c. 49 (2005): 596.

“revival”, as the new location for the headquarters was decided to be located in France.²⁰

By 1955, ICPC already had already expanded to 50 members. A fundamental change in the Constitution included rules for the creation of NCBs, as well as further regulations that were to ensure the organization’s autonomy and financial independence. Change in name not only incorporated the acronym INTERPOL, but also an identifiable change from “organization” to “commission”, which is believed to be the central cause to give the organization a more permanently-sounding identity.²¹

Another distinguishable change that happened with the new constitution in 1956 was the declaration in Article 3 that states that “*it is strictly forbidden for the Organization to undertake any intervention or activities of a political, military, religious, or racial character*”²² as well as the intentions behind it. The conservatism in showing reluctance to fight “political” crimes was probably due to “the fear that any breach of the political might compromise its neutrality, harm its reputation, and alienate its rapidly growing membership.”²³

2.2.3. Phase 3: Commission for the Control of INTERPOL’s Files in 1982

The interest in the legal status was especially high in the second half of the 1970s and throughout a significant part of the 1980s, at time when the organization experienced lawsuits that questioned its legal legitimacy.²⁴ Its function in the United States was scrutinized several times by federal courts sitting in the District of Columbia alone as its existence was labelled “ambiguous and shadowy”. These courts convicted the organization to be represented in court by the U.S. Department of Justice, which contrary to the claim of non-existence in the same country “defames American citizens in the United States as well as elsewhere”.²⁵

²⁰ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 50.

²¹ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 51.

²² [See Appendix]

²³ Michael Barnett & Liv Coleman, “Designing Police: Interpol and the Study of Change in International Organizations”, *International Law Quarterly*, c. 49 (2005): 608.

²⁴ Rutsel Silvestre J Martha, *The Legal Foundations of INTERPOL*, 1st Ed. (Portland, OR, USA: Hart Publishing, 2010), ix.

²⁵ William R. Slomanson, “Civil Actions Against INTERPOL: A Field Compass”, *Temp. L.Q.*, c. 57 (1984): 553-554.

Parallel to the legal status was the civil actions against INTERPOL that forced it to perform a strategic change. The immunity from improper suit enjoyed by the commission, as a general advantage of international organizations, was fading as courts decided to defend their citizens' rights by affording individuals with the right to a remedy. Ling further notes that:

“When a State decides to grant legal immunity to an IO, this deprives individuals of their right to obtain domestic judicial remedies against the IO concerned. While courts have recognized that States may grant immunity to IOs to secure the latter's independence, such a grant should not completely deprive individuals of their right to a remedy against the IO concerned.”²⁶

The Commission for the Control of INTERPOL's Files (hereinafter CCF) was, therefore, developed by INTERPOL as an independent, remedial body, to address the abovementioned issue.²⁷ A set of rules complementary to the creation of CCF stated its purpose as “... to protect police information processed and communicated within the ICPO INTERPOL international police cooperation system against any misuse, especially in order to avoid any threat to individual rights” as stated in Article 1(2).²⁸

The CCF, which acts as an *ex post* mechanism of review and control, consists of five members, "appointed because of their expertise and in such a way as to allow the Commission to carry out its mission completely independently",²⁹ regardless of their nationalities.

2.3. The Legal Status of INTERPOL

The previous three sections outlined three phases of the creation of an international organization that is widely accepted as an international person today. The second phase which occurred seven years after the United Nation's success with international recognition taught INTERPOL valuable lessons over its legitimacy, while the third phase was a battle about its transparency. Here, we review these legal issues one more time to shed some light on the issues.

²⁶ Cheah Wui Ling, “Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy”, *International Organizations Law Review*, c. 7 (2010): 378-379.

²⁷ Cheah Wui Ling, “Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy”, *International Organizations Law Review*, c. 7 (2010): 379.

²⁸ INTERPOL Official Website, “History: Commission for the Control of INTERPOL's Files”, <http://www.interpol.int/About-INTERPOL/Structure-and-governance/CCF/History> [10.03.2016].

²⁹

[http://www.interpol.int/content/download/9435/69297/version/8/file/Rules%20on%20the%20Control%20of%20Information%20and%20access%20to%20INTERPOL's%20Files%20\(RCI\).pdf](http://www.interpol.int/content/download/9435/69297/version/8/file/Rules%20on%20the%20Control%20of%20Information%20and%20access%20to%20INTERPOL's%20Files%20(RCI).pdf)

2.3.1. The fight over its legitimacy

INTERPOL was created without the support of individual governments,³⁰ as a private, non-governmental and non-political entity.³¹ Although it lacked a founding treaty or convention to establish its legitimacy formally, this international [later] governmental organization has been subject to a remarkable “voluntary cooperation and harmony among a dissimilar and divergent group of races, religions, creeds, political persuasions, and cultural levels.”³²

Parallel to how the formation of an international organization supports its global recognition, legitimacy also takes effect when the international organization is: (i) given an appropriate mission; (ii) given the means to accomplish its means; (iii) viewed as legitimate when carrying out the mission.³³ Accordingly, INTERPOL has, over the course of time, tried to overcome these three issues, first by restating its mission statement written in its Constitution (discussed in the next section), by getting support from nation-states, especially from the United States, and by fixing its legitimacy issues in 1982.

In addition, when it comes to how strict the application of law is relevant in the case of international organizations, there exist two views, one of which acts in favor of INTERPOL as well as other international organizations. One view sees law as instrumental, based on the agreement of nation-states, in which law is secondary, while another view sees law as a strict set of rules that precede all agreements that follow. An example of the former according to ... is that:

“Law, in this governance perspective, is conceived as instrumental: its legitimacy rests on the ability to create or strengthen effective tools of governance. Therefore, if decision-makers (in the specific case, almost all the domestic police forces of the world) agree about the ends to pursue and the means to employ, then law becomes a secondary concern, superfluous and perhaps even damaging.”³⁴

³⁰ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 7.

³¹ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 40.

³² Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 12.

³³ Lawrence, RZ, “International Organisations: The Challenge of Aligning Mission, Means and Legitimacy”, *World Economy*, c. 31, s. 11 (2008): 1455–70.

³⁴ Mario Savino, “Global Administrative Law Meets ‘Soft’ Powers: The Uncomfortable Case of INTERPOL Red Notices”, *Journal of International Law and Politics*, c. 43, s. 2 (2010): 265-266.

2.3.2. The Constitution of INTERPOL

The constitution of the International Criminal Police Commission was first ratified in 1923, at the time of ICPC's creation, and has foregone three revisions, in 1939, 1946, and the final one in 1956.³⁵ The complete text of the final edition of the constitution can be found in appendix 2. There are a few things to note about it, however:

- The constitution consists of 50 articles, under 11 categories;
- The aims of the organization are outlined in Article 2;
- Article 3, also known as the "the neutrality clause",³⁶ bars the organization from intervening in political, military, religious or racial matters;
- Article 8 defines the functions of the General Assembly.

The constitution of 1956 has not changed ever since, because, as Rutsel Silvestre J Martha argues, "*the existing INTERPOL Constitution harbors all the attributes to be recognized as a conventional legal instrument under international law amenable to registration and publication under Article 102 of the United Nations' Charter, rendering it unnecessary to elaborate on a new INTERPOL Convention.*"³⁷ Although, resolutions have passed over the years to clarify the meanings and scopes of its articles as the chapter on terrorism is a clear example of this.

2.4. Members

INTERPOL, as stated on their website, consists of 190 countries, as well as separate branches in 7 British islands, and 2 other territories, amounting to 199 branches worldwide. The organization maintains a National Central Bureau (NCB) in each country, consisting of national law enforcement officers.³⁸ These NCB offices serve

³⁵ Rutsel Silvestre J Martha, *The Legal Foundations of INTERPOL*, 1st Ed. (Portland, OR, USA: Hart Publishing, 2010): 203-225.

³⁶ INTERPOL Official Website, "The Constitution", www.interpol.int/About-INTERPOL/Legal-materials/The-Constitution [11.03.2016].

³⁷ Rutsel Silvestre J Martha, *The Legal Foundations of INTERPOL*, 1st Ed. (Portland, OR, USA: Hart Publishing, 2010), x.

³⁸ INTERPOL Official Website, "Member Countries", www.interpol.int/Member-countries/World [10.03.2016].

as mediums of communication between law enforcement authorities and member-states.³⁹

In contrast, after South Sudan became a member in 2011, the United Nations has since constituted of 193 countries. The origin formation consisted of 51 countries back in 1945. The United Nations has since seen its number of members increase four times gradually over the years.⁴⁰

The distinction between the two lists is open to comparison, as some countries or territories recognized by one of the two international organizations are not recognized by the other, and vice versa. For example, Aruba, Curaçao, Hong Kong, Macao, Sint Maarten, and Vatican City State have INTERPOL branches, whereas they are still unrecognized by the United Nations as sovereign entities. On the other hand, UN recognizes sovereignties such as Kiribati, Federation States of Micronesia, Palau, Solomon Islands, Tuvalu, and Vanuatu, however, they do not have a membership at INTERPOL yet, and the Democratic People's Republic of Korea has no separate branch.

A one-on-one comparison of the lists of members of the world's top two international organizations (INTERPOL and the United Nations) is found in appendix 1 for reference and comparative purposes.

2.5. Effectiveness of INTERPOL

2.5.1. Limitations

The effectiveness of INTERPOL fighting international crime is limited by its lack of enforcement power, as do many other international organization and agreements.⁴¹ Another obstacle in the international reach of the organization happens when two countries have differing laws regarding an identical issue. For example, one country might hand over a national criminal to another country for murder charges, whereas

³⁹ R. E. Kendall, "Interpol's Co-operation System and Activities Relating to Forensic Science", *Journal of the Forensic Science Society*, c. 31 (1991): 375-376.

⁴⁰ United Nations Official Website, "Growth in United Nations membership, 1945-present", <http://www.un.org/en/members/growth.shtml> [10.03.2016].

⁴¹ Nancy E. Guffey-Landers, "Establishing an International Criminal Court: Will It Do Justice?", *Md. J. Int'l L. & Trade*, c.20 (1996): 218.

the same required act might be impossible since the latter country considers the former country's punishment contrary to its own laws.⁴²

After the end of the Cold War, consensus was that impunity is unacceptable, and lead tribunals such as the International Criminal Tribunal for the former Yugoslavia and for Rwanda. The rising need for an independent, criminal court in the 1990s, the International Criminal Court (ICC) as Nancy E. Guffey-Landers noted, would have lifted the limitation on jurisdiction and authority in order to distinguish it from the International Court of Justice (ICJ).^{43 44}

The problem with both international enforcement power and state sovereignty mentioned above, are alleviated as the global force of terrorism has pushed police agencies to further harmonize their resources and support systems.⁴⁵ Furthermore, Jacqueline Ann Carberry recommended in 1999 that INTERPOL use jurisdiction from ICC to prosecute terrorists and that United States became an ICC member in order to increase solidarity within the international community.⁴⁶

INTERPOL also used to lack the power (authority) of taking action against religious, racial, or religious cases. As a non-political entity, the organization was limited by sovereign states' control over these three issues. Nevertheless, it was not after removing the political ramifications of cases marked with "terrorist",⁴⁷ which was the result of a set of resolutions passed in 1984, that the authority to intervene in these cases was finally granted to the organization.⁴⁸

Another limiting factor is variety in national criminal laws: a fact in favor of international criminals. Balancing and coordinating these laws and blending them

⁴² Nancy E. Guffey-Landers, "Establishing an International Criminal Court: Will It Do Justice?", *Md. J. Int'l L. & Trade*, c.20 (1996): 218.

⁴³ Nancy E. Guffey-Landers, "Establishing an International Criminal Court: Will It Do Justice?", *Md. J. Int'l L. & Trade*, c.20 (1996): 219.

⁴⁴ International Criminal Court, "About the Court", www.icc-cpi.int/en_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx [12/03/2016].

⁴⁵ Jacqueline Ann Carberry, "TERRORISM: A Global Phenomenon Mandating a Unified International Response", *Indiana Journal of Global Legal Studies*, c.6, s.2 (1998-1999): 705.

⁴⁶ Corey Winer, "Smoke 'em Out: U.S. Counterterrorist Mishaps Necessitating the Expansion of Interpol's Capabilities to Meet the New Terrorist Threat.", *Suffolk Transnational Law Review*, c. 33, s. 1 (2010): 146.

⁴⁷ Barry Keliman & David S. Gualtieri, "Barricading the Nuclear Window-A Legal Regime to Curtail Nuclear Smuggling", *University of Illinois Law Review*, c. 1996, s. 3 (1996): 721.

⁴⁸ Jacqueline Ann Carberry, "TERRORISM: A Global Phenomenon Mandating a Unified International Response", *Indiana Journal of Global Legal Studies*, c.6, s.2 (1998-1999): 706.

together as one is not an easy task, as the retired Secretary-General of INTERPOL noted in 1988:

*“... harmonizing laws of different countries is a very difficult task: laws are the expression, not only of the reaction of a society against crime, but also of history, politics, feelings, in brief, of the ‘spirit of a nation.’ If we must hope that this will change in the future, it is wise to recognize that that future is not near.”*⁴⁹

Moreover, the international community endeavors to preserve and to respect national sovereignty, which does not always play in favor of the global action against transnational crime: internal political reasons (e.g. protecting national security) may impede the convention signed with the INTERPOL.

2.5.2. Strengths

Despite all the obstacles faced, INTERPOL has survived for over than a century to become a *de facto* inter-governmental organization. Bossard, former Secretary-General of INTERPOL associated the organization’s success to the following factors:

1. “it meets a need for cooperation;
2. from its very beginnings, it worked on a strictly non-political basis; and
3. cooperation respects the principles of national sovereignty.”⁵⁰

The way NCBs operate in each member country is also an important contributing success factor for INTERPOL as a whole. Whether police is centralized in a country (e.g. France, Italy) or not, NCBs find the most relevant authorities to integrate with and form “permanent correspondents for all questions concerning police cooperation.” INTERPOL serves as an instrument of gathering and storing information in a centralized database at the disposal of governments.⁵¹

⁴⁹ Andre Bossard, “*Interpol and Law Enforcement: Response to Transnational Crime*”, Police Studies: The International Review of Police Development, c. 11, s. 4 (1988): 177.

⁵⁰ Andre Bossard, “*Interpol and Law Enforcement: Response to Transnational Crime*”, Police Studies: The International Review of Police Development, c. 11, s. 4 (1988): 178.

⁵¹ Andre Bossard, “*Interpol and Law Enforcement: Response to Transnational Crime*”, Police Studies: The International Review of Police Development, c. 11, s. 4 (1988): 178-182.

3. INTERPOL as an International Police Organization

The principal goal of INTERPOL from the meeting in 1914 until more than a hundred years later has been to increase the direct contact of police forces of different countries to facilitate cross-border investigations. Other goals, unchanged over the millennium, include enhancing international police communications, overcoming language barriers, training police officers as well as students of the relevant fields, identifying criminals in the international arena, record keeping beyond national borders, and extradition of criminals on provisional requests.⁵² Indeed, progress in international relations as well as in technology has increased the speed of these developments, which is an important part of this study alongside the rest of the events that shape this international organization today.

As of May 2016, the mission of INTERPOL is “*Connecting police for a safer world*”, and the vision is “*Preventing and fighting crime through enhanced cooperation and innovation on police and security matters*.”⁵³ These clearly demonstrate that the objective mission of INTERPOL is first and above anything else to be and act as an international police organization.

A partial list of other international police (law enforcement-related) organizations is listed below:

- AMERIPOL – Police Community of the Americas
- Australasian Police Multicultural Advisory Bureau
- British Secret Intelligence Service (SIS)
- EUROPOL – European Union's law enforcement agency
- International Law Enforcement Academies (ILEA – U.S. State Department)
- International Police Agencies by Country
- International Police Program
- London Metropolitan Police (New Scotland Yard)
- Royal Canadian Mounted Police

⁵² INTERPOL Official Website, “INTERPOL 1914-2014: 100 years of international police cooperation”, <http://www.interpol.int/About-INTERPOL/History/1914-2014/INTERPOL-1914-2014/INTERPOL-1914-2014/12-wishes-then-and-now> [18.04.2016].

⁵³ INTERPOL Official Website, “Vision and mission”, <http://www.interpol.int/About-INTERPOL/Vision-and-mission> [18.04.2016].

It is to note that this list is not exhaustive but gives a glimpse of similar international police organizations to compare and contrast relative law enforcement-related activities.

The following sections continue with outlining the objectives of INTERPOL first, and then describe some of the actions taken by this organization to fight criminal activities. These activities are in no way exhaustive, but are mostly omitted due to the fact that they do not relate to fulfilling the aspect of law, considered in this study. Nevertheless, a list of INTERPOL's activities to fight crime is as follows:

- Terrorism that makes use of chemical, biological, radiological, nuclear and explosive (CBRNE) materials
- Corruption
- Crimes against children
- Crimes in sport
- Cybercrime
- Drugs
- Environmental crime
- Financial crime
- Firearms
- Fugitive investigations
- Maritime piracy
- Organized crime
- Pharmaceutical crime
- Terrorism
- Trafficking in human beings
- Trafficking in illicit goods and counterfeiting
- Vehicle crime
- War crimes
- Works of art

3.1. Objectives of INTERPOL

As stated in Article 2 of the Constitution, the objectives of the organization are: (1) *“to ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the ‘Universal Declaration of Human Rights’”* and (2) *“to establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.”*

The Constitution and, along with it, the objectives of the organization were settled in 1956, which is about 60 years ago. In spite of not changing these objectives, the organization defines plans and strategic frameworks to meet newly defined objective within a defined time. For example, the Strategic Plan 2009-2010 had an environmental crime-fighting theme to investigate and prosecute environmental criminals.⁵⁴ Starting from 2011, these objectives have been clearly defined as a three-year period under the name “Strategic Framework”. The Strategic Framework 2011-2013 had the same theme as the one preceding it – “Environmental Crime Programme”.⁵⁵ The succeeding Strategic Framework is discussed in detail in the next subsection.

3.1.1. International Policing in the 21st Century

The Strategic Framework 2014-2016 defines six priorities for the defined period, the first four of which are marked as ‘Strategic’, and the next two as ‘Corporate’. These six priorities are defined as follows:

1. Secure global police information system;
2. 24/7 support to policing and law enforcement;
3. Innovation, capacity building and research;
4. Assisting in the identification of crimes and criminals;
5. Ensure organizational health and sustainability; and
6. Consolidate the institutional framework.⁵⁶

⁵⁴ <http://www.interpol.int/content/download/5355/44796/version/3/file/strategicplan%5B1%5D.pdf>

⁵⁵ <http://www.interpol.int/content/download/12670/87152/version/3/file/StrategicPlan2011-2013.pdf>

⁵⁶

<http://www.interpol.int/content/download/23371/220706/version/1/file/Strategic%20Framework%202014-2016.pdf>

The first four objectives clearly look forward to implement the latest technology, such as fast internet, database technologies, cloud computing, as well as cybercrime training and digital forensic assistance.⁵⁷

3.1.2. Fight against World Crime

The increase in the flow of international externalities of the last of the twentieth century, led to the increase of cross-border flows including trade, investment, resources, information, pollution, diseases, crime, terrorism, and political instability, to name a few [negative] outcomes of globalization. Inefficiencies as such, in the autonomy of control over cross-border security matters, called for international cooperation to curb transnational crime.⁵⁸

INTERPOL as both an international organization and an international police organization offers a unique opportunity to its member countries to share information and coordinate mutual actions against above-mentioned transnational criminal activities through the Mobile INTERPOL Network Database (MIND) or the Fixed INTERPOL Network Database (FIND). MIND/FIND “*offers integrated solutions for linked countries to check people, motor vehicles, and travel documents with speed and accuracy against INTERPOL’s global databases.*”⁵⁹ This set of technologies, set up by INTERPOL using its unique international position, shows the organization’s dedication in providing means of world crime prevention.

The MIND/FIND network databases are additions to the existing I-link system through the I-24/7 network. The I-link system is a fixed information system installed at all National Central Bureaus designed for the purpose of recording and exchanging police data. MIND/FIND systems, on the other hand, have the capability of using mobile integrated network databases. Moreover, MIND is operational in non-verified countries as well.

3.1.3. INTERPOL’s (Red) Notices

INTERPOL has several notification methods defined by color. The most famous of them all is the red notices, which is “a request to provisionally arrest a wanted person

⁵⁷ INTERPOL Official Website, “Priorities”, <http://www.interpol.int/About-INTERPOL/Priorities> [20.04.2016].

⁵⁸ Walter Enders & Todd Sandler, “Who adopts MIND/FIND in INTERPOL’s fight against international crime and terrorism?”, *Public Choice*, c. 149 s. 3-4 (2011): 263-264.

⁵⁹ Walter Enders & Todd Sandler, “Who adopts MIND/FIND in INTERPOL’s fight against international crime and terrorism?”, *Public Choice*, c. 149 s. 3-4 (2011): 264.

pending extradition.” Other notices published as the orange notice indicate alerts of imminent threats, the yellow notice to request assistance in the location of missing persons, and more.⁶⁰

Table 1: INTERPOL's Notices

Type of Notice	Meaning
Red notice	A request to provisionally arrest a wanted person pending extradition.
Orange notice	An alert of imminent threats.
Yellow notice	A request to assist in the location of missing persons.

3.2. Combating Crime

INTERPOL's primary roles as a tradition include sharing information using MIND/FIND technologies mentioned above amongst its member states to combat criminal activities. Article 3 of its Constitution provides that the General Secretariat shall serve "as an international centre in the fight against ordinary crime" and as "a technical and information centre" which include the publication of international notices as well as the exchange of message amongst its members.⁶¹ These criminal activities are included in the next sections and subsections.

3.2.1. Drug Trafficking

With the ease of travel, as well as the ease of national borders are crossed, the criminals of today are increasingly mobile. Amongst the various forms of crime, “white collar crime” is a form of “economic crime” that generates unlimited amounts of money for the modern-day criminals. From evading paying a hotel bill to setting up a fictitious company, economic crimes are varied in the widest form imaginable.⁶²

⁶⁰ Yaron Gottlieb, “Article 3 of Interpol's Constitution: Balancing International Police Cooperation with the Prohibition on Engaging in Political, Military, Religious, or Racial Activities”, *Florida Journal of International Law*, c. 23 (2011): 151.

⁶¹ Yaron Gottlieb, “Article 3 of Interpol's Constitution: Balancing International Police Cooperation with the Prohibition on Engaging in Political, Military, Religious, or Racial Activities”, *Florida Journal of International Law*, c. 23 (2011): 178-186.

⁶² Raymond Kendal, “Drug Trafficking and Related Serious Crime: The International Dimension”, *Commonwealth Law Bulletin*, c. 17 s. 4 (1991): 1363-1365.

3.3. Combating Piracy

3.3.1. Copyright and Counterfeiting of Trademarks

Counterfeiting of trademarks is an important topic in international fraud, known otherwise as “piracy”. Reputable trademarks known for reliability and efficiency are the subject of exploitation by persons who produce similar (lookalike) products, under false branding. The estimates of International Chamber of Commerce in 1991 were that counterfeiting of goods summed up between 2-6 percent of the world trade.⁶³

3.3.2. Maritime

The types of crime falling under this category frequently involve the misuse of legal bindings such as commercial contracts and document. Some of the more significant crimes reported have been false contracts pertaining to the delivery of ship cargos and crude oil. Victims of such crime send advance payments but never hear from the criminals again.⁶⁴

3.4. INTERPOL and Terrorism

In 1951, a resolution passed to clarify Article 3 by INTERPOL’s General Assembly, in which the nature of political, military, religious or racial matters, which were previously general terms, reclassified as predominantly of an ordinary criminal nature.⁶⁵ This was followed by a raising concern about malicious activities that affected the safety of airports, civil aircraft, and air travel, as well as against hostage taking and blackmail, made INTERPOL members pass a half dozen resolutions in the 1970s. These resolutions, which were initially targeting the possibilities of sharing information between members of the organization, used the terms “terrorism” and “terrorist” to address the nature of these activities and any of the people who commits such activities respectively.⁶⁶

The next focal point with regard to issues raised by Article 3 is when the General Assembly reiterated the possibility of the organization and its members to

⁶³ Raymond Kendal, “Drug Trafficking and Related Serious Crime: The International Dimension”, *Commonwealth Law Bulletin*, c. 17 s. 4 (1991): 1363.

⁶⁴ Raymond Kendal, “Drug Trafficking and Related Serious Crime: The International Dimension”, *Commonwealth Law Bulletin*, c. 17 s. 4 (1991): 1365.

⁶⁵ See generally AGN/20/RES/11, also See generally AGN/53/RES/7 for further guidelines set in 1984

⁶⁶ Michael Fooner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 42.

cooperate in "serious violations of international humanitarian law".⁶⁷ The consequences of such a statement were surfaced in 2010 as the General Assembly noted an "increase in the number of requests forwarded through INTERPOL channels concerning genocide, crimes against humanity and war crimes". Concerns were raised that these requests may at times result in "the proliferation of disputes between member countries"; therefore, the organization decided to limit the types of requests in the same year.⁶⁸

However, the more relevant issue with regard to equipping the organization with measures of countering terrorism – with the meaning of the word equivalent to contemporary vocabulary – began from a set of events in the early 1980s. Some members, dissatisfied with INTERPOL's management, declared the policymaking capabilities of the organization lacking in aggressiveness. They argued that due to the eagerness of Third World nations to have INTERPOL obliged to address terrorism, and to act decisively against terrorists as no other nation or international body was willing to take on this responsibility.⁶⁹

3.5. Red Notices against Refugees

In March 2015, the non-governmental human rights organization Open Dialog Foundation appealed to the UN High Commissioner for refugees (UN-HCR) to point out many cases of abuse of INTERPOL's Red Notices. In the letter, 44 high-profile cases of abuse against refugees are unveiled. Refugees travelling outside their country of asylum are apprehended or detained by INTERPOL, which are clear abuses of INTERPOL's' red notice system.⁷⁰

The Polish Open Dialog Foundation uncovered that the authoritarian states of Russia and Kazakhstan were the most frequently abusers of the loopholes in INTERPOL's system in detaining political refugees overseas. Anna Koj, in her letter to the head of UN-HCR, asked for a revision in INTERPOL's red notices system regarding persons who have been granted refugee status.⁷¹

⁶⁷ See generally AGN/63/RES/9

⁶⁸ See generally, AGN/79/RES/10

⁶⁹ Michael Foner, *INTERPOL: Issues in World Crime and International Criminal Justice*, 1st Ed. (New York: Springer Science & Business Media, 1989), 42-43.

⁷⁰ <http://en.odfoundation.eu/a/6083,interpol-needs-reform-odf-appeals-to-the-un-high-commissioner-for-refugees>

⁷¹ <http://en.odfoundation.eu/i/fmfiles/pdf/04-03-2015-odf-letter-to-unhcr-interpol-misuse.pdf?download>

After decades of battling for legitimacy, the last thing that INTERPOL would want is to lose its credibility. In order to prevent this from happening, the Open Dialog Foundation reports, INTERPOL has taken action by taking in recommendations and by adding extra approval procedures to its Red Notice system.⁷²

Another non-governmental organization to recognize and protest unfair actions of INTERPOL against refugees has been Fair Trials International (FTI). The UK-registered NGO Fair Trials' recommendations also played an equal part in preventing future abuses of the Red Notice system. These human rights recommendations were based on the need for INTERPOL to become more transparent in their respective conduct.

In May 2015, INTERPOL announced a revised version on their treatment of Red Notices with regard to the refugee status. Fair Trials alongside the Open Dialog Foundation were between the top two organizations to impact INTERPOL's policies regarding the refugee status. According to the new guidelines, the processing of Red Notices against refugees will not be allowed if:

- “the status of refugee or asylum-seeker has been confirmed;
- the notice or diffusion has been requested by the country where the individual fears prosecution;
- the granting of the refugee status is not based on political grounds in relation to the requesting country.”⁷³

3.6. A Comparison of Criminal Records Systems

The efficiency and effectiveness of INTERPOL as an international police organization is exemplified only and only when compared with similar attempts at reaching the same goals. The following sections identify key features of endeavors made by the United States and the EU in organizing a centralized database for collecting, storing, processing and disseminating criminal record systems.

3.6.1. US Criminal Records System

The federal system of the United States came a long way toward achieving a centralized national criminal records system. Until the 1960s, each state stored

⁷² <http://en.odfoundation.eu/a/7548,open-dialog-at-consultative-hearing-in-the-preparation-for-pace-report-on-misuse-of-interpol>

⁷³ <http://www.rednoticelawjournal.com/2015/07/interpol-refugees-and-red-notices/>

criminal records of events within their own jurisdiction. Even within each state, these records were not centralized; therefore, had to be shared on request of another agency. Later in the 60s, all criminal organization were requested to submit their records to FBI, and to retrieve records of other agencies had they to submit inquiries to the FBI. It was not until 1968 that coined the start of a centralized database using the aid of information technology in the United States.

Linking and integrating criminal records in the United States took two decades and hundreds of millions of millions of dollars until its completion in 1998. The case of the United States demonstrates the challenges faced even with the full commitment of all of its constituent entities. One of the relevant controversies related to the study of law is when one jurisdiction makes criminal records available to non-criminal justice entities.⁷⁴

3.6.2. European Criminal Records System

Each European country, unlike the United States, maintains its own criminal records nationally, mostly under the jurisdiction of the Ministry of Justice, or otherwise under the jurisdiction of the Ministry of Interior. The tradition of separating police from judicial authorities as distinct teams has caused EU Member States to shy away from building centralized criminal records systems.

Another comparative difference is the US preference of using “hard identifiers,” such as fingerprints in searching and identifying criminals, while EU countries generally use national identification card for their citizens, and passport number for identifying tourists or other types of visitors. Searching national criminal registers, therefore, is made through “soft identifiers,” such as name, date of birth, residential address, and social security number. To make things worse, misspelling of words and names with different alphabets add to the abovementioned shortcomings.⁷⁵

3.6.3. Schengen Information System

The common visa regime, effective since 1995, ensures to prevent criminals from exploiting the freedom of movement between Schengen areas by conducting a single immigration check before entering the external borders. The Schengen Information

⁷⁴ Jacobs, J. B., & Blitsa, D., “Sharing Criminal Records: The United States, the European Union and Interpol Compared”, *International and Comparative Law Review*, c. 30 s. 2 (2008): 129-136.

⁷⁵ Jacobs, J. B., & Blitsa, D., “Sharing Criminal Records: The United States, the European Union and Interpol Compared”, *International and Comparative Law Review*, c. 30 s. 2 (2008): 136-142.

System (SIS) is a shared database hosting notices similar to INTERPOL's system. Suspicious persons with alerts (notices) ascribed to them, for various reasons including crime, threat to national security, or overstaying due visa date, are denied visa.⁷⁶

3.6.4. Joint US and EU schemes

Only ten days after the 9/11 attacks, the European Council's extraordinary meeting concluded, "*The Member States will share with Europol, systemically and without delay, all useful data regarding terrorism. A specialist anti-terrorist team will be set up within Europol as soon as possible and will cooperate closely with its U.S. counterparts.*" The United States and the EU signed and concluded agreements on transport security and border controls two years later.

The United States also finished negotiations with the EU and the European Commission (EC) in July 2007 and in November 2007 respectively regarding a new PNR plan. The new PNR plan requires air carriers to collect and disclose nineteen different items of personal data from each passenger flying from and to EU areas. Digitized fingerprint images found in EU passports nowadays is also part of the consequent agreements of the same nature.⁷⁷

⁷⁶ Jacobs, J. B., & Blitsa, D., "Sharing Criminal Records: The United States, the European Union and Interpol Compared", *International and Comparative Law Review*, c. 30 s. 2 (2008): 149-152.

⁷⁷ Jacobs, J. B., & Blitsa, D., "Sharing Criminal Records: The United States, the European Union and Interpol Compared", *International and Comparative Law Review*, c. 30 s. 2 (2008): 153-155.

4. Conclusion

International Organizations have gone through a perpetual change in the tasks, mandate, and design. The case of INTERPOL is no exception. As the forerunner of international organizations, with the centrality of states, it reflects an image of international agency concerned with the conduct of international criminals. The creation and formation of ICPC remains to be an interesting case to study among International Law students.

The case of INTERPOL as an international police organization also reflects the oldest as well as the largest example of its kind. The common enemy of humankind, as President Hans Schober saw fit to call “the ordinary criminal” united public police institutions to go beyond their bureaucratic boundaries. To become the world’s largest international police organization is an achievement that INTERPOL holds by possessing 190 members worldwide. How did the organization achieve this success might forever remain a mystery.

Nonetheless, this study shows how some events helped the organization in paving the way to get closer to such heightened success. The lessons learned from the United Nations helped INTERPOL partially overcome its legitimacy issues, but it was not until the direct support of the United States that the organization enjoyed worldwide amenity from such issues.

The idea of an international police organization was conceived in 1914 at the first International Criminal Police Congress held in Monaco. The police chief of the time, Johannes Schober, officially established ICPC in Wien, Austria. ICPC had its official name changed to INTERPOL in 1956, and has kept the same name intact ever since. Today, each of the 190 members maintains a National Central Bureau (NCB), through which contact and cooperation with other members is made possible. The neutrality of INTERPOL facilitates cooperation even where diplomatic relations between countries are limited. All activities fall under the supervision of International Law, and action is taken in the spirit of the Universal Declaration of Human Rights.

INTERPOL’s Strategic Framework is a list of priorities and objectives of the organization, in line with the organization’s mission and vision. The Strategic Framework is renewed every three years in order to keep up with the disruptive issues of a fast-paced 21st century challenges. For example, the organization’s commitment

to fight environmental crime focused on prevention of illegal exploitation of natural resources, pollution of air, water, and soil, as well as biodiversity crimes, such as illegal logging, misuse of protected areas, illegal trade in endangered species, and overexploitation of fishing grounds.

Whether the aim is to fight environmental crimes or to fight other crimes like corruption, drugs, cybercrime, human trafficking, pharmaceutical, art crimes, or terrorism, INTERPOL uses the following to facilitate cooperation between police organizations:

- Linking 190 countries through the secure MIND/FIND network
- Gathering and storing intelligence in a centralized database
- Sharing raw data as well as interpreted information
- Analyzing comparative criminal intelligence worldwide
- Supporting investigative requests
- Initiating international joint operations
- Educating members as well as the public

Establishing an international police organization was bound to happen eventually, as an effect of globalization. With the sovereignty of states came national rights to keep laws within their respective borders. Public morality is different from one country to another; hence, the different types of domestic (national) law systems. To battle new modes of crime, trespassing borders, calls for a new approach of dealing with differing national laws. Globalization gave rise to transnational crimes with the nature of terrorism, as well as drug trafficking, money laundering, human trafficking, and cybercrime. Anti-Transnational Crime was first discussed in 1914 at the first International Criminal Police Congress held in Monaco. INTERPOL has come a long way since its establishment in 1923, and keeps things very simple not only by preventing direct intervention, but also by adhering to national laws.

4.1. Contribution to international cooperation

INTERPOL, with more than a century of providing service to international policing organizations, has come a long way, but has come to provide more than a mere fight against crime. Functioning as an international organization, INTERPOL has converged international cooperation among its members. These activities have worked

as means of facilitating communication, and have helped to overcome the existing language barrier between police organizations.

The first and foremost contribution to international communication, provided by INTERPOL, is the advancement of technology in the field of communications in order to improve international telecommunications networks. The I-24/7 network uses a centralized database system, which needs up-to-date technologies to keep it functioning at all times, and to be as fast as possible. Similarly, the I-link information system has come a long way in simplifying and optimizing usability, and by minimizing the possible confusions caused by the language barrier.

Continuity of such methods is another daily challenge faced by INTERPOL. With 190 members, INTERPOL deals with complaints in terms of efficiency as well as effectiveness of its methods. To keep all these members using one single system is only possible by listening to needs and wants of every member.

Each NCB serves to the localization of INTERPOL's cross-border activities. Therefore, each representative accounts for civil, criminal, private and public law of the country it operates in, as an attempt to alleviate differences. These representatives seek to find a balance between national law of the country they operate in, with natural law as well as international law. It should be noted that the operation of INTERPOL is endangered to encounter administrative problems without these studies.

4.2. Popular misconceptions

Contrary to popular belief that INTERPOL is a super detective agency, with spies and agents travelling freely across borders to detain criminals, this organization is in fact a network of communications centers. Local and national police of each country, rather than INTERPOL agents, according to popular belief, perform detaining criminals.

Another misconception is that INTERPOL's red notices requested by local police do not require a warrant. This assumption is false, as INTERPOL only circulates those requests where there is either an arrest warrant issued or a court decision for a person to serve a sentence.

5. References

1. Advisory Opinion of the International Court of Justice Concerning Reparation for Injuries Suffered in the Service of the United Nations, April 11, 1949.1. (1949). *International Organization*, 3(3), 569.
doi:10.1017/s0020818300014818
- Barnett, M., & Coleman, L. (2005). Designing Police: Interpol and the Study of Change in International Organizations. *International Law Quarterly*, 49.
- Bossard, A. (1988). Interpol and Law Enforcement: Response to Transnational Crime. *Police Studies: The International Review of Police Development*, 11(4), 177-182.
- Calcara, G. (2013). Role of INTERPOL and Europol in the Fight against Cybercrime, with Particular Reference to the Sexual Exploitation of Children Online and Child Pornography. *Masaryk University Journal of Law and Technology*, 7(1).
- Carberry, J. A. (1998-1999). TERRORISM: A Global Phenomenon Mandating a Unified International Response. *Indiana Journal of Global Legal Studies*, 6(2).
- Chen, L.-c. (2015). *An Introduction to Contemporary International Law: A Policy-Oriented Perspective* (3rd ed.). Oxford: Oxford University Press.
- Enders, W., & Sandler, T. (2011). Who adopts MIND/FIND in INTERPOL's fight against international crime and terrorism? *Public Choice*, 149(3-4).
- Estlund, M. A. (2015, July 28). *INTERPOL, refugees, and Red Notices*. Retrieved June 1, 2016, from Red Notice Law Journal:
<http://www.rednoticelawjournal.com/2015/07/interpol-refugees-and-red-notices/>
- Fooner, M. (1973). *Interpol: The Inside Story of the International Crime-Fighting Organization*. Chicago: Henry Regnery Co.

- Fooner, M. (1989). *Interpol: Issues in World Crime and International Justice* (1st ed.). Springer.
- Gottlieb, Y. (2011). Article 3 of Interpol's Constitution: Balancing International Police Cooperation with the Prohibition on Engaging in Political, Military, Religious, or Racial Activities. *Florida Journal of International Law*, 23.
- Guffey-Landers, N. E. (1996). Establishing an International Criminal Court: Will It Do Justice? *Md. J. Int'l L. & Trade*, 20.
- International Criminal Court. (n.d.). *About the Court*. Retrieved March 12, 2016, from International Criminal Court: www.icc-cpi.int/en_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx
- INTERPOL. (2009). *Strategic Plan 2009-2010*. Retrieved April 18, 2016, from INTERPOL Official Website: <http://www.interpol.int/content/download/5355/44796/version/3/file/strategic%20plan%202009-2010.pdf>
- INTERPOL. (2011). *Strategic Plan 2009-2011*. Retrieved April 18, 2016, from INTERPOL Official Website: <http://www.interpol.int/content/download/12670/87152/version/3/file/Strategic%20Plan%202009-2011.pdf>
- INTERPOL. (2013). *Strategic Plan 2013-2016*. Retrieved April 18, 2016, from INTERPOL Official Website: <http://www.interpol.int/content/download/23371/220706/version/1/file/Strategic%20Framework%202013-2016.pdf>
- INTERPOL. (n.d.). *INTERPOL 1914-2014: 100 years of international police cooperation*. Retrieved April 18, 2016, from INTERPOL Official Website: <http://www.interpol.int/About-INTERPOL/History/1914-2014/INTERPOL-1914-2014/INTERPOL-1914-2014/12-wishes-then-and-now>
- INTERPOL. (n.d.). *Member Countries*. Retrieved March 10, 2016, from INTERPOL Official Website: www.interpol.int/Member-countries/World

- INTERPOL Official Website. (n.d.). *History: Commission for the Control of INTERPOL's Files*. Retrieved March 10, 2016, from INTERPOL Official Website: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/CCF/History>
- INTERPOL. (n.d.). *Priorities*. Retrieved April 20, 2016, from INTERPOL Official Website: <http://www.interpol.int/About-INTERPOL/Priorities>
- INTERPOL. (n.d.). *The Constitution*. Retrieved March 11, 2016, from INTERPOL Official Website: www.interpol.int/About-INTERPOL/Legalmaterials/The-Constitution
- INTERPOL. (n.d.). *Vision and mission*. Retrieved March 18, 2016, from INTERPOL Official Website: <http://www.interpol.int/About-INTERPOL/Vision-and-mission>
- Jacobs, J. B., & Blitsa, D. (2008). Sharing Criminal Records: The United States, the European Union and Interpol Compared. *International and Comparative Law Review*, 30(2).
- Jenks, C. W. (1962). *The Proper Law of International Organisations*. London: Stevens & Sons.
- Keliman, B., & Gualtieri, D. S. (1996). Barricading the Nuclear Window-A Legal Regime to Curtail Nuclear Smuggling. *University of Illinois Law Review*, 1996(3).
- Kendal, R. (1991). Drug Trafficking and Related Serious Crime: The International Dimension. *Commonwealth Law Bulletin*, 17(4).
- Kendall, R. E. (1991). Interpol's co-operation system and activities relating to forensic science. *Journal of the Forensic Science Society*, 31(3), 373-382. doi:10.1016/s0015-7368(91)73170-8
- Kendall, R. E. (1991). Interpol's Co-operation System and Activities Relating to Forensic Science. *Journal of the Forensic Science Society*, 31.
- Klabbers, J. (2009). *An Introduction to International Institutional Law* (2nd ed.). Cambridge: Cambridge University Press.

- Koj, A. (2015, March 10). *Interpol needs reform. ODF appeals to the UN High Commissioner for Refugees*. Retrieved April 27, 2016, from Open Dialog Foundation: <http://en.odfoundation.eu/a/6083,interpol-needs-reform-odf-appeals-to-the-un-high-commissioner-for-refugees>
- Koj, A. (2015, March 4). *Letter to UNHCR INTERPOL misuse*. Retrieved April 20, 2016, from Open Dialog Foundation: <http://en.odfoundation.eu/i/fmfiles/pdf/04-03-2015-odf-letter-to-unhcr-interpol-misuse.pdf?download>
- Koj, A. (2016, May 30). *Open Dialog at consultative hearing in the preparation for PACE report on misuse of Interpol*. Retrieved June 1, 2016, from Open Dialog Foundation: <http://en.odfoundation.eu/a/7548,open-dialog-at-consultative-hearing-in-the-preparation-for-pace-report-on-misuse-of-interpol>
- Kratcoski, P. C., & Das, D. K. (1999). International police co-operation: a world perspective. *Policing Int. J. Police Strat. & Mgmt.*, 22(2), 214-242. doi:10.1108/13639519910271247
- Lawrence, R. Z. (2008). International Organisations: The Challenge of Aligning Mission, Means and Legitimacy. *The World Economy*, 31(11), 1455–70. doi:10.1111/j.1467-9701.2007.01018.x
- Ling, C. (2010). Policing Interpol: The Commission for the Control of Interpol's Files and the Right to a Remedy. *International Organizations Law Review*, 7(2), 375-404. doi:10.1163/157237410x543314
- Martha, R. S. (2010). *The Legal Foundations of INTERPOL*. Portland: Hart Publishing.
- Nepote, J. (1978). International Crime, International Police Cooperation and Interpol. *Police Journal*, 21(2).
- Roberts, J. M. (1999). *Twentieth Century: The History of the World, 1901 to 2000* (1st ed.). Penguin Books.
- Rules on the Control of Information and Access to INTERPOL's Files*. (2009). Retrieved March 10, 2016, from <http://www.interpol.int/content/download/9435/69297/version/8/file/Rules%2>

0on% 20the% 20Control% 20of% 20Information% 20and% 20access% 20to% 20I
NTERPOL's% 20Files% 20(RCI).pdf

Savino, M. (2011). Global Administrative Law Meets Soft Powers: The Uncomfortable Case of Interpol Red Notices. *New York University Journal of International Law and Politics*, 43(2).

Shaw, M. N. (2003). *International Law* (5th ed.). Cambridge: Cambridge University Press.

Slomanson, W. R. (1984). Civil Actions Against Interpol: A Field Compass. *Temp. L.Q.*, 57.

United Nations. (n.d.). *Growth in United Nations membership, 1945-present*. Retrieved March 10, 2016, from United Nations Official Website:
<http://www.un.org/en/members/growth.shtml>

United Nations Office of Legal Affairs. (2009). *International Law Commission Reports 2009*. Retrieved March 13, 2016, from
<http://legal.un.org/docs/?path=../ilc/reports/2009/english/chp4.pdf&lang=EFS>
RAC

Winter, C. W. (2010). Smoke 'em Out: U.S. Counterterrorist Mishaps Necessitating the Expansion of Interpol's Capabilities to Meet the New Terrorist Threat. *Suffolk Transnational Law Review*, 33(1).

6. Appendices

6.1. Appendix 1: INTERPOL Members and UN Members comparison

Interpol	United Nations
Afghanistan	Afghanistan 19-11-1946
Albania	Albania 14-12-1955
Algeria	Algeria 08-10-1962
Andorra	Andorra 28-07-1993
Angola	Angola 01-12-1976
Anguilla (UK)	
Antigua & Barbuda	Antigua and Barbuda 11-11-1981
Argentina	Argentina 24-10-1945
Armenia	Armenia 02-03-1992
Aruba	[]
Australia	Australia 01-11-1945
Austria	Austria 14-12-1955
Azerbaijan	Azerbaijan 02-03-1992
Bahamas	Bahamas 18-09-1973
Bahrain	Bahrain 21-09-1971
Bangladesh	Bangladesh 17-09-1974
Barbados	Barbados 09-12-1966
Belarus	Belarus* 24-10-1945
Belgium	Belgium 27-12-1945
Belize	Belize 25-09-1981
Benin	Benin 20-09-1960
Bermuda (UK)	
Bhutan	Bhutan 21-09-1971
Bolivia	Bolivia (Plurinational State of) 14-11-1945
Bosnia and Herzegovina	Bosnia and Herzegovina* 22-05-1992
Botswana	Botswana 17-10-1966
Brazil	Brazil 24-10-1945

British Virgin Islands (UK)	
Brunei	Brunei Darussalam 21-09-1984
Bulgaria	Bulgaria 14-12-1955
Burkina-Faso	Burkina Faso 20-09-1960
Burundi	Burundi 18-09-1962
Cape Verde	Cabo Verde 16-09-1975
Cambodia	Cambodia 14-12-1955
Cameroon	Cameroon 20-09-1960
Canada	Canada 09-11-1945
Cayman Islands (UK)	
Central African Republic	Central African Republic 20-09-1960
Chad	Chad 20-09-1960
Chile	Chile 24-10-1945
China	China 24-10-1945
Colombia	Colombia 05-11-1945
Comoros	Comoros 12-11-1975
Congo	Congo 20-09-1960
Congo (Democratic Rep.)	Democratic Republic of the Congo * 20-09-1960
Costa Rica	Costa Rica 02-11-1945
Croatia	Croatia* 22-05-1992
Cuba	Cuba 24-10-1945
Curaçao	
Cyprus	□
Czech Republic	Cyprus 20-09-1960
Côte d'Ivoire	Czech Republic* 19-01-1993
Denmark	Côte D'Ivoire 20-09-1960
Djibouti	Denmark 24-10-1945
Dominica	Djibouti 20-09-1977
Dominican Republic	Dominica 18-12-1978
Ecuador	Dominican Republic 24-10-1945
Egypt	Ecuador 21-12-1945
El Salvador	Egypt* 24-10-1945
Equatorial Guinea	El Salvador 24-10-1945

Eritrea	Equatorial Guinea 12-11-1968
Estonia	Eritrea 28-05-1993
Ethiopia	Estonia 17-09-1991
Fiji	Ethiopia 13-11-1945
Finland	Fiji 13-10-1970
Former Yugoslav Republic of Macedonia	Finland 14-12-1955
France	The former Yugoslav Republic of Macedonia* 08-04-1993
Gabon	France 24-10-1945
Gambia	Gabon 20-09-1960
Georgia	Gambia 21-09-1965
Germany	Georgia 31-07-1992
Ghana	Germany* 18-09-1973
Gibraltar (UK)	Ghana 08-03-1957
Greece	
Grenada	Greece 25-10-1945
Guatemala	Grenada 17-09-1974
Guinea	Guatemala 21-11-1945
Guinea Bissau	Guinea 12-12-1958
Guyana	Guinea Bissau 17-09-1974
Haiti	Guyana 20-09-1966
Honduras	Haiti 24-10-1945
Hong Kong (China)	Honduras 17-12-1945
Hungary	[not recognized by UN]
Iceland	Hungary 14-12-1955
India	Iceland 19-11-1946
Indonesia	India 30-10-1945
Iran	Indonesia* 28-09-1950
Iraq	Iran (Islamic Republic of) 24-10-1945
Ireland	Iraq 21-12-1945
Israel	Ireland 14-12-1955
Italy	Israel 11-05-1949
Jamaica	Italy 14-12-1955

Japan	Jamaica 18-09-1962
Jordan	Japan 18-12-1956
Kazakhstan	Jordan 14-12-1955
Kenya	Kazakhstan 02-03-1992
Korea (Rep. of)	Kenya 16-12-1963
	Republic of Korea 17-09-1991
[not a member of INTERPOL]	Democratic People's Republic of Korea 17-09-1991
Kuwait	Kiribati 14-09-1999
Kyrgyzstan	Kuwait 14-05-1963
Laos	Kyrgyzstan 02-03-1992
Latvia	Lao People's Democratic Republic 14-12-1955
Lebanon	Latvia 17-09-1991
Lesotho	Lebanon 24-10-1945
Liberia	Lesotho 17-10-1966
Libya	Liberia 02-11-1945
Liechtenstein	Libya* 14-12-1955
Lithuania	Liechtenstein 18-09-1990
Luxembourg	Lithuania 17-09-1991
Macao (China)	Luxembourg 24-10-1945
Madagascar	[]
Malawi	Madagascar 20-09-1960
Malaysia	Malawi 01-12-1964
Maldives	Malaysia* 17-09-1957
Mali	Maldives 21-09-1965
Malta	Mali 28-09-1960
Marshall Islands	Malta 01-12-1964
Mauritania	Marshall Islands 17-09-1991
Mauritius	Mauritania 27-10-1961
Mexico	Mauritius 24-04-1968
[]	Mexico 07-11-1945
Moldova	Micronesia (Federated States of) 17-09-1991
Monaco	
Mongolia	

Montenegro	Republic of Moldova 02-03-1992
Montserrat (UK)	Monaco 28-05-1993
Morocco	Mongolia 27-10-1961
Mozambique	Montenegro* 28-06-2006
Myanmar	
Namibia	Morocco 12-11-1956
Nauru	Mozambique 16-09-1975
Nepal	Myanmar 19-04-1948
Netherlands	Namibia 23-04-1990
New Zealand	Nauru 14-09-1999
Nicaragua	Nepal 14-12-1955
Niger	Netherlands 10-12-1945
Nigeria	New Zealand 24-10-1945
Norway	Nicaragua 24-10-1945
Oman	Niger 20-09-1960
Pakistan	Nigeria 07-10-1960
[]	Norway 27-11-1945
Panama	Oman 07-10-1971
Papua New Guinea	Pakistan 30-09-1947
Paraguay	Palau 15-12-1994
Peru	Panama 13-11-1945
Philippines	Papua New Guinea 10-10-1975
Poland	Paraguay 24-10-1945
Portugal	Peru 31-10-1945
Qatar	Philippines 24-10-1945
Romania	Poland 24-10-1945
Russia	Portugal 14-12-1955
Rwanda	Qatar 21-09-1971
Samoa	Romania 14-12-1955
San Marino	Russian Federation* 24-10-1945
Sao Tome & Principe	Rwanda 18-09-1962
Saudi Arabia	Samoa 15-12-1976
Senegal	San Marino 02-03-1992

Serbia	Sao Tome and Principe 16-09-1975
Seychelles	Saudi Arabia 24-10-1945
Sierra Leone	Senegal 28-09-1960
Singapore	Serbia* 01-11-2000
Sint Maarten	Seychelles 21-09-1976
Slovakia	Sierra Leone 27-09-1961
Slovenia	Singapore* 21-09-1965
[]	[]
Somalia	Slovakia* 19-01-1993
South Africa	Slovenia* 22-05-1992
South Sudan (Rep. of)	Solomon Islands 19-09-1978
Spain	Somalia 20-09-1960
Sri Lanka	South Africa 07-11-1945
St Kitts & Nevis	South Sudan* 14-07-2011
St Lucia	Spain 14-12-1955
St Vincent & Grenadines	Sri Lanka 14-12-1955
Sudan	Saint Kitts and Nevis 23-09-1983
Suriname	Saint Lucia 18-09-1979
Swaziland	Saint Vincent and the Grenadines 16-09-1980
Sweden	Sudan 12-11-1956
Switzerland	Suriname 04-12-1975
Syria	Swaziland 24-09-1968
Tajikistan	Sweden 19-11-1946
Tanzania	Switzerland 10-09-2002
Thailand	Syrian Arab Republic* 24-10-1945
Timor Leste	Tajikistan 02-03-1992
Togo	United Republic of Tanzania* 14-12-1961
Tonga	Thailand 16-12-1946
Trinidad & Tobago	Timor-Leste 27-09-2002
Tunisia	Togo 20-09-1960
Turkey	Tonga 14-09-1999
Turkmenistan	Trinidad and Tobago 18-09-1962
Turks & Caicos (UK)	Tunisia 12-11-1956

<p> <input type="checkbox"/> Uganda Ukraine United Arab Emirates United Kingdom United States Uruguay Uzbekistan Vatican City State <input type="checkbox"/> Venezuela Vietnam Yemen Zambia Zimbabwe </p>	<p> Turkey 24-10-1945 Turkmenistan 02-03-1992 Tuvalu 05-09-2000 Uganda 25-10-1962 Ukraine 24-10-1945 United Arab Emirates 09-12-1971 United Kingdom of Great Britain and Northern Ireland 24-10-1945 United States of America 24-10-1945 Uruguay 18-12-1945 Uzbekistan 02-03-1992 <input type="checkbox"/> Vanuatu 15-09-1981 Venezuela (Bolivarian Republic of) 15-11-1945 Viet Nam 20-09-1977 Yemen* 30-09-1947 Zambia 01-12-1964 Zimbabwe 25-08-1980 </p>
Count: 199	Count: 193

6.2. Appendix 2: The Constitution of the International Criminal Police Organisation and General Regulations, 1956

General Provisions

Article 1

The Organisation called the 'INTERNATIONAL CRIMINAL POLICE COMMISSION' shall henceforth be entitled: 'THE INTERNATIONAL CRIMINAL POLICE ORGANISATION—INTERPOL'. Its seat shall be in France.

Article 2

Its aims are:

- (1) To ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the 'Universal Declaration of Human Rights';
- (2) To establish and develop all institutions likely to contribute effectively to the prevention and suppression of ordinary law crimes.

Article 3

It is strictly forbidden for the Organisation to undertake any intervention or activities of a political, military, religious or racial character.

Article 4

Any country may delegate as a Member to the Organisation any official police body whose functions come within the framework of activities of the Organisation.

The request for membership shall be submitted to the Secretary General by the appropriate governmental authority.

Membership shall be subject to approval by a two-thirds majority of the General Assembly.

Structure and Organisation

Article 5

The International Criminal Police Organisation—INTERPOL shall comprise:

- The General Assembly
- The Executive Committee
- The General Secretariat
- The National Central Bureaus
- The Advisers
- The Commission for the Control of Files

The General Assembly

Article 6

The General Assembly shall be the body of supreme authority in the Organisation. It is composed of delegates appointed by the Members of the Organisation.

Article 7

Each Member may be represented by one or several delegates; however, for each country there shall be only one delegation head, appointed by the competent governmental authority of that country.

Because of the technical nature of the Organisation, Members should attempt to include the following in their delegations:

- (a) High officials of departments dealing with police affairs,
- (b) Officials whose normal duties are connected with the activities of the Organisation,
- (c) Specialists in the subjects on the agenda.

Article 8

The functions of the General Assembly shall be the following:

- (a) To carry out the duties laid down in the Constitution;

- (b) To determine principles and lay down the general measures suitable for attaining the objectives of the Organisation as given in Article 2 of the Constitution;
- (c) To examine and approve the general programme of activities prepared by the Secretary General for the coming year;
- (d) To determine any other regulations deemed necessary;
- (e) To elect persons to perform the functions mentioned in the Constitution;
- (f) To adopt resolutions and make recommendations to Members on matters with which the Organisation is competent to deal;
- (g) To determine the financial policy of the Organisation;
- (h) To examine and approve any agreements to be made with other organisations.

Article 9

Members shall do all within their power, in so far as is compatible with their own obligations, to carry out the decisions of the General Assembly.

Article 10

The General Assembly of the Organisation shall meet in ordinary session every year. It may meet in extraordinary session at the request of the Executive Committee or of the majority of Members.

Article 11

11.1 The General Assembly may, when in session, set up special committees for dealing with particular matters.

11.2 It may also decide to hold Regional Conferences between two General Assembly sessions.

Article 12

12.1 At the end of each session, the General Assembly shall choose the place where it will meet for its next session.

12.2 The General Assembly may also decide where it will meet for its session in two years time, if one or more countries have issued invitations to host that session.

12.3 If circumstances make it impossible or inadvisable for a session to be held in the chosen meeting place, the General Assembly may decide to choose another meeting place for the following year.

Article 13

Only one delegate from each country shall have the right to vote in the General Assembly.

Article 14

Decisions shall be made by a simple majority except in those cases where a two-thirds majority is required by the Constitution.

The Executive Committee

Article 15

The Executive Committee shall be composed of the President of the Organisation, the three Vice-Presidents and nine Delegates.

The thirteen members of the Executive Committee shall belong to different countries, due weight having been given to geographical distribution.

Article 16

The General Assembly shall elect, from among the delegates, the President and three Vice-Presidents of the Organisation.

A two-thirds majority shall be required for the election of the President; should this majority not be obtained after the second ballot, a simple majority shall suffice.

The President and Vice-Presidents shall be from different continents.

Article 17

The President shall be elected for four years. The Vice-Presidents shall be elected for three years. They shall not be immediately eligible for re-election either to the same posts or as Delegates on the Executive Committee.

If, following the election of a President, the provisions of Article 15 (paragraph 2) or Article 16 (paragraph 3) cannot be applied or are incompatible, a fourth Vice-President shall be elected so that all four continents are represented at the Presidency level.

If this occurs, the Executive Committee will, for a temporary period, have fourteen members. The temporary period shall come to an end as soon as circumstances make it possible to apply the provisions of Articles 15 and 16.

Article 18

The President of the Organisation shall:

- (a) Preside at meetings of the Assembly and the Executive Committee and direct the discussions;
- (b) Ensure that the activities of the Organisation are in conformity with the decisions of the General Assembly and the Executive Committee;
- (c) Maintain as far as is possible direct and constant contact with the Secretary General of the Organisation.

Article 19

The nine Delegates on the Executive Committee shall be elected by the General Assembly for a period of three years. They shall not be immediately eligible for re-election to the same posts.

Article 20

The Executive Committee shall meet at least once each year on being convened by the President of the Organisation.

Article 21

In the exercise of their duties, all members of the Executive Committee shall conduct themselves as representatives of the Organisation and not as representatives of their respective countries.

Article 22

The Executive Committee shall:

- (a) Supervise the execution of the decisions of the General Assembly;
- (b) Prepare the agenda for sessions of the General Assembly;
- (c) Submit to the General Assembly any programme of work or project which it considers useful;
- (d) Supervise the administration and work of the Secretary General;
- (e) Exercise all the powers delegated to it by the Assembly.

Article 23

In case of resignation or death of any of the members of the Executive Committee, the General Assembly shall elect another member to replace him and whose term of office shall end on the same date as his predecessor's. No member of the Executive Committee may remain in office should he cease to be a delegate to the Organisation.

Article 24

Executive Committee members shall remain in office until the end of the session of the General Assembly held in the year in which their term of office expires.

The General Secretariat

Article 25

The permanent departments of the Organisation shall constitute the General Secretariat.

Article 26

The General Secretariat shall:

- (a) Put into application the decisions of the General Assembly and the Executive Committee;
- (b) Serve as an international centre in the fight against ordinary crime;

- (c) Serve as a technical and information centre;
- (d) Ensure the efficient administration of the Organisation;
- (e) Maintain contact with national and international authorities, whereas questions relative to the search for criminals shall be dealt with through the National Central Bureaus;
- (f) Produce any publications which may be considered useful;
- (g) Organize and perform secretariat work at the sessions of the General Assembly, the Executive Committee and any other body of the Organisation;
- (h) Draw up a draft programme of work for the coming year for the consideration and approval of the General Assembly and the Executive Committee;
- (i) Maintain as far as is possible direct and constant contact with the President of the Organisation.

Article 27

The General Secretariat shall consist of the Secretary General and a technical and administrative staff entrusted with the work of the Organisation.

Article 28

The appointment of the Secretary General shall be proposed by the Executive Committee and approved by the General Assembly for a period of five years. He may be re-appointed for other terms but must lay down office on reaching the age of sixtyfive, although he may be allowed to complete his term of office on reaching this age. He must be chosen from among persons highly competent in police matters.

In exceptional circumstances, the Executive Committee may propose at a meeting of the General Assembly that the Secretary General be removed from office.

Article 29

The Secretary General shall engage and direct the staff, administer the budget, and organize and direct the permanent departments, according to the directives decided upon by the General Assembly or Executive Committee.

He shall submit to the Executive Committee or the General Assembly any propositions or projects concerning the work of the Organisation.

He shall be responsible to the Executive Committee and the General Assembly.

He shall have the right to take part in the discussions of the General Assembly, the Executive Committee and all other dependent bodies.

In the exercise of his duties, he shall represent the Organisation and not any particular country.

Article 30

In the exercise of their duties, the Secretary General and the staff shall neither solicit nor accept instructions from any government or authority outside the Organisation. They shall abstain from any action which might be prejudicial to their international task.

Each Member of the Organisation shall undertake to respect the exclusively international character of the duties of the Secretary General and the staff, and abstain from influencing them in the discharge of their duties.

All Members of the Organisation shall do their best to assist the Secretary General and the staff in the discharge of their functions.

National Central Bureaus

Article 31

In order to further its aims, the Organisation needs the constant and active co-operation of its Members, who should do all within

their power which is compatible with the legislations of their countries to participate diligently in its activities.

Article 32

In order to ensure the above co-operation, each country shall appoint a body which will serve as the National Central Bureau. It shall ensure liaison with:

(a) The various departments in the country;

(b) Those bodies in other countries serving as National Central Bureaus;

(c) The Organisation's General Secretariat.

Article 33

In the case of those countries where the provisions of Article 32 are inapplicable or do not permit of effective centralized co-operation, the General Secretariat shall decide, with these countries, the most suitable alternative means of co-operation.

The Advisers

Article 34

On scientific matters, the Organisation may consult 'Advisers'. The role of the Advisers shall be purely advisory.

Article 35

Advisers shall be appointed for three years by the Executive Committee. Their appointment will become definite only after notification by the General Assembly. They shall be chosen from among those who have a world-wide reputation in some field of interest to the Organisation. An Adviser may be removed from office by decision of the General Assembly.

The Commission for the Control of Files

Article 36

The Commission for the Control of Files is an independent body which shall ensure that the processing of personal information by the Organisation is in compliance with the regulations the Organisation establishes in this matter.

The Commission for the Control of Files shall provide the Organisation with advice about any project, operation, set of rules or other matter involving the processing of personal information.

The Commission for the Control of Files shall process requests concerning the information contained in the Organisation's files.

Article 37

The members of the Commission for the Control of Files shall possess the expertise required for it to accomplish its functions. Its composition and its functioning shall be subject to specific rules to be laid down by the General Assembly.

Budget and Resources

Article 38

The Organisation's resources shall be provided by:

- (a) The financial contributions from Members;
- (b) Gifts, bequests, subsidies, grants and other resources after these have been accepted or approved by the Executive Committee.

Article 39

The General Assembly shall establish the basis of Members' subscriptions and the maximum annual expenditure according to the estimate provided by the Secretary General.

Article 40

The draft budget of the Organisation shall be prepared by the Secretary General and submitted for approval to the Executive Committee.

It shall come into force after acceptance by the General Assembly.

Should the General Assembly not have had the possibility of approving the budget, the Executive Committee shall take all necessary steps according to the general outlines of the preceding budget.

Relations with other Organisations

Article 41

Whenever it deems fit, having regard to the aims and objects provided in the Constitution, the Organisation shall establish relations and collaborate with other intergovernmental or non-governmental international organisations.

The general provisions concerning the relations with international, intergovernmental or non-governmental organisations will only be valid after their approval by the General Assembly.

The Organisation may, in connection with all matters in which it is competent, take the advice of non-governmental international, governmental national or non-governmental national organisations.

With the approval of the General Assembly, the Executive Committee or, in urgent cases, the Secretary General may accept duties within the scope of its activities and competence either from other international institutions or organisations or in application of international conventions.

Application, Modification and Interpretation of the Constitution

Article 42

The present Constitution may be amended on the proposal of either a Member or the Executive Committee.

Any proposal for amendment to this Constitution shall be communicated by the Secretary General to Members of the Organisation at least three months before submission to the General Assembly for consideration.

All amendments to this Constitution shall be approved by a two-thirds majority of the Members of the Organisation.

Article 43

The French, English and Spanish texts of this Constitution shall be regarded as authoritative.

Article 44

The application of this Constitution shall be determined by the General Assembly through the General Regulations and Appendices, whose provisions shall be adopted by a two-thirds majority.

Temporary Measures

Article 45

All bodies representing the countries mentioned in Appendix I shall be deemed to be Members of the Organisation unless they declare through the appropriate governmental authority that they cannot accept this Constitution. Such a declaration should be made within six months of the date of the coming into force of the present Constitution.

Article 46

At the first election, lots will be drawn to determine a Vice-President whose term of office will end a year later.

At the first election, lots will be drawn to determine two Delegates on the Executive Committee whose term of office will end a year later, and two others whose term of office will end two years later.

Article 47

Persons having rendered meritorious and prolonged services in the ranks of the ICPC may be awarded by the General Assembly honorary titles in corresponding ranks of the ICPO.

Article 48

All property belonging to the International Criminal Police Commission is transferred to the International Criminal Police Organisation.

Article 49

In the present Constitution:

‘Organisation’, wherever it occurs, shall mean the International Criminal Police Organisation;

‘Constitution’, wherever it occurs, shall mean the Constitution of the International Criminal Police Organisation;

‘Secretary General’ shall mean the Secretary General of the International Criminal Police Organisation;

‘Committee’ shall mean the Executive Committee of the Organisation;

‘Assembly’ or ‘General Assembly’ shall mean the General Assembly of the Organisation;

‘Member’ or ‘Members’ shall mean a Member or Members of the International Criminal Police Organisation as mentioned in Article 4 of the Constitution;

‘Delegate’ (in the singular) or ‘Delegates’ (in the plural) shall mean a person or persons belonging to a delegation or delegations as defined in Article 7;

‘Delegate’ (in the singular) or ‘Delegates’ (in the plural) shall mean a person or persons elected to the Executive Committee in the conditions laid down in Article 19.

Article 50

This Constitution shall come into force on 13th June 1956.

(Savino, 2011) (Calcara, 2013) (Kendall, Interpol's Co-operation System and Activities Relating to Forensic Science, 1991) (Klabbers, 2009) (United Nations Office of Legal Affairs, 2009) (Chen, 2015) (1. Advisory Opinion of the International Court of Justice Concerning Reparation for Injuries Suffered in the Service of the United Nations, April 11, 1949.1, 1949) (Jenks, 1962) (Shaw, 2003) (Kratcoski & Das, 1999) (Fooner, Interpol: Issues in World Crime and International Justice, 1989) (Roberts, 1999) (Fooner, 1973) (Nepote, 1978) (Barnett & Coleman, 2005) (Martha, 2010) (Slomanson, 1984) (Ling, 2010) (INTERPOL Official Website, n.d.) (Rules on the Control of Information and Access to INTERPOL's Files, 2009) (Lawrence, 2008) (INTERPOL, n.d.) (INTERPOL, n.d.) (Kendall, 1991) (United Nations, n.d.) (Guffey-Landers, 1996) (International Criminal Court, n.d.) (Winter, 2010) (Keliman & Gualtieri, 1996) (Carberry, 1998-1999) (INTERPOL, n.d.) (INTERPOL, n.d.) (INTERPOL, 2009) (INTERPOL, 2011) (INTERPOL, 2013) (INTERPOL, n.d.) (Enders & Sandler, 2011) (Gottlieb, 2011) (Kendal, 1991) (Koj, 2015) (Koj, Letter to UNHCR INTERPOL misuse, 2015) (Koj, 2016) (Estlund, 2015) (Jacobs & Blitsa, 2008) (Bossard, 1988)