

Series ‘Navigating the Minefield of Mutual Judicial Cooperation in Criminal Matters’

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In light of the increasing pace of globalisation, progress in technology resulting in new crimes and more advanced threats, criminals and criminal organisations, today more than ever before, are able to perpetrate crimes on an international scale and often in multiple jurisdictions simultaneously.

Mutual judicial cooperation is essential in the fight against such offending and has several tools, one of which is the international police organisations, such as **the International Criminal Police Organisation (INTERPOL)**.

The Colossus of INTERPOL

INTERPOL is a world-wide network that facilitates the exchange of information to assist law enforcement agencies in detecting and deterring international crime.

INTERPOL was established in 1923 and its headquarters are located in Lyon, France. The organization has an operating budget of EUR 78 million^[1] (approximately AED 362 million) and 190 member countries, which include the United Arab Emirates (UAE) and other Middle Eastern and North African countries such as Egypt, Iraq, Lebanon, Libya and Tunisia- there is only a handful of countries which are not members of INTERPOL - and as such, it is the largest international policing organization in the world.

INTERPOL has four official languages: French, English, Spanish and Arabic. Its member countries cooperate on a daily basis, utilising the organisation’s database, tools and secure communication systems in the international fight against crime.

INTERPOL’s mandate is to *ensure and promote the widest possible mutual assistance between all criminal police authorities*^[2].

INTERPOL has four main bodies, namely the General Assembly, the Executive Committee, the General Secretariat, and the Commission for the Control of INTERPOL’s Files.

• Organisational structure of INTERPOL

1. The General Assembly

- Highest-ranking authority of the organisation composed of ‘delegates’ appointed by member countries, who are experts in police affairs.
- Meets once per year at a plenary session, acting mostly on a two-thirds majority.
- In charge of establishing the rules that govern the activities of INTERPOL, and appointing the Organisation’s President.

2. The Executive Committee

- Its 13 members are elected by the General Assembly.
- The Executive Committee is headed by the President of the organization, currently **Mrs. Mireille Ballestrazzi**, of France – who is since 2013 the Central Director of the French Judicial Police and accordingly Head of the National Central Bureau.
- Supervises the execution of decisions of the General Assembly and oversees the work of the General Secretariat.
- Has the functions, *inter alia*, of deciding upon an annual work programme for approval at each General Assembly session and handling certain disputes arising in the context of INTERPOL's work.

3. The General Secretariate

- Main executive body, which administers INTERPOL's networks, databases and other activities.
- Acts as the contact point between INTERPOL and the national police forces.
- Operates 24 hours a day, 365 days a year.
- Under the authority of the Secretary-General, currently **Mr. Ronald K. Noble** of the United States. After three mandates of five years each, Mr. Noble will retire in 2015.
- Has its own legal service, the Office of Legal Affairs, which provides advice on the compliance of INTERPOL's work with international legal standards and the rules adopted by the General Assembly.

4. The Commission for the Control of INTERPOL's Files (CCF)

- Oversees INTERPOL's activity of personal data processing e.g. names, fingerprints.
- Independent body comprised of five members selected for their expertise in data protection, information security and police cooperation. The General Assembly appoints the members from a pool of candidates put forward by the Member States and selected by the Executive Committee, who then choose the Chairman *inter se*. The present Chairman is **Mr. Billy Hawkes**, the Data Protection Commissioner of Ireland.
- The CCF's role, as outlined by the Rules on the Control of Information and Access to INTERPOL's Files (RCI), is to advise, investigate, handle and examine individual requests.

Regional Bureaux and other representative offices

- Seven Regional Bureaux located in: Argentina, Cameroon, Cote d'Ivoire, El Salvador, Kenya, Zimbabwe and Thailand (liaison office);
- Representative offices at the United Nations in New York and the European Union in Brussels.

• INTERPOL's lifblood : the National Central Bureaux (NCB)

In addition to the Regional Bureaux mentioned above, each member country of INTERPOL establishes a National Central Bureau (NCB) to serve as its liaison between the member country's law enforcement agencies and INTERPOL. It is usually comprised of a division of the national law enforcement or intelligence agency with highly trained officers, as a point of contact between its national policing agencies, INTERPOL's General Secretariat (GS), and other countries' NCBs.

NCBs have direct access to INTERPOL's system, interconnecting law enforcement in all member countries, enabling them to share critical police data and granting them direct access to INTERPOL's criminal databases.

Further, NCBs may authorise other national law enforcement agencies to have direct access to INTERPOL'S systems. Access to the I-24/7 secure global police network enables NCBs and authorized National Entities to instantaneously search and crosscheck various criminal databases. The I-link, accessed through the I-

24/7 system, is an operational system through which all INTERPOL alerts are submitted (in the form of Notices for example). It acts as an aid to data exchange, identifying common features in otherwise seemingly unrelated criminal investigations. Systems such as "MIND" (for access on mobile sites) and "FIND" (for access through fixed location devices) are specifically targeted for use by such law enforcement agencies on the field, authorised by their country's NCB.

NCBs have additional obligations with regard to using INTERPOL's systems to record data, *inter alia*, in the form of Notices which are set out in the **Rules and Procedures for Data Processing (RPD)**. *This topic will be addressed in future articles in the series.*

• Policing the Region

The following chart sets out a selection of INTERPOL's members in the Region with the dates of memberships (as per INTERPOL's website):

Yemen - 1976	Bahrain - 1972	Libya - 1954
Qatar - 1974	Kuwait - 1965	Lebanon - 1949
UAE - 1973	Saudi Arabia - 1956	Iran - 1938
Oman - 1972	Jordan - 1956	Egypt - 1923

• Recent INTERPOL initiatives

Around the globe

- Very recently in Singapore: on 30 September 2014, **the INTERPOL Global Complex for Innovation (IGCI) building** was officially handed over to the head of the world police body by Singaporean authorities. The IGCI's aim is to be "*a cutting-edge research and development facility for the identification of crimes and criminals, innovative training, operational support and partnerships*".

In the Region

In the Region, a few examples of initiatives include: Project ESTIJAB, Police Development Program for NCBs, Project RELINC, Enhancing Fugitive Investigations, Global Security Dialogue via INTERPOL and, Fusion Task Force.

- **Project ESTIJAB in Amman, Jordan:** launched on 26 September 2014 on the sidelines of the INTERPOL Heads of National Central Bureaux meeting for the Middle East and North Africa Region (MENA), which took place from 23 to 25 September 2014. This is a joint INTERPOL and European Union project, aimed at strengthening and reinforcing security across Jordan. For example, the law enforcement officers at key border control points will be able to conduct instant checks against INTERPOL's databases for wanted persons.
- **Police Development Program for NCBs:** This program was hosted by the UAE in February 2012. It was the first INTERPOL development program for NCBs in North Africa and the Middle East. The underlying purpose of this program was to train officers from those countries on the most efficient use of INTERPOL's tools and services.
- **Project RELINC** ("**Rebuilding Libya's Investigative Capability**") was an 18-month project launched on 1 September 2012, resulting in creation of the country's first Crime Analysis Unit.
- **Enhancing Fugitive Investigations:** This meeting was held at the GS headquarters in Lyon, France in January 2014 for officers from North Africa and the Middle East. The meeting brought together 24 officials dealing with international search requests. This workshop enabled the exchange of information and experiences as well as enhancement and development in the understanding of various INTERPOL tools, including the issuing of Red Notices.
- **Global Security Dialogue via INTERPOL:** A dialogue held in Beirut, Lebanon in January 2014, brought

together top delegates from INTERPOL, INTERPOL Foundation for a Safer World, and directors of the Association of Banks in Lebanon, with a focus on threats and remedies in the banking sector. The general consensus was that a global alliance with more communication between governments, civil society and the private sector is required.

- **Fusion Task Force:** Created in 2002, Fusion Task Force (FTF) is comprised of 6 regional task forces that have been created to combat terrorism. Each task force is coordinated by a counter terrorism expert in the designated geographical area. There are more than 270 designated FTF officers from over 160 countries making up the FTF. The FTF investigates attacks, organisational hierarchies, financing, training, motives and methods of terrorist groups.

The main objectives of the Fusion Task Force are:

- a) Identify active terrorist groups and their membership;
- b) Solicit, collect and share information and intelligence;
- c) Provide analytical support;
- d) Increase the capacity of member countries to address the threats of terrorism and organised crime.

Currently, there are six regional task forces. For the Middle East and North Africa the task force is called **Project AL QABDAH**. Working group meetings take place annually, assembling specialists in order to analyse trends in the respective regions, exchange information and examine case studies. The working groups serve as a firm operational foundation from which to initiate investigations with the aim of dismantling terrorist organisations.

• **The use of notices in the context of mutual judicial cooperation**

Notices function as alerts or requests for cooperation. They are published and accessible on the INTERPOL I-24/7 secure global police communications system, allowing law enforcement bodies in other member countries to share information related to criminal activity.

A range of notices are available:

- **Red:** seek the location and arrest of wanted persons with a view to extradition or similar lawful action.
- **Blue:** collect additional information about a person's identity, location or activities in relation to a crime.
- **Green:** provide warnings and intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries.
- **Yellow:** help locate missing persons, often minors, or to help identify persons who are unable to identify themselves.
- **Black:** seek information on unidentified bodies.
- **Orange:** warn of an event, a person, an object or a process representing a serious and imminent threat to public safety.
- **Purple:** seek or provide information on *modi operandi*, objects, devices and concealment methods used by criminals.
- **INTERPOL United Nations Security Council Special Notice:** Issued for groups and individuals who are the targets of UN Security Council Sanctions Committees

• **Statistics on Red Notices**

The bar charts below clearly indicate there has been a radical increase in both the total number of Notices, as well as the number of Red Notices issued:



Al Tamimi & Company's Financial Crime Department is experienced in dealing with matters involving international judicial cooperation, having represented both requesting states and sought individuals. For assistance with financial crime, including cross-border matters, please contact our Partner Ibtissam Lassoued, at i.lassoued@tamimi.com.

In this Series "Navigating the minefield of mutual judicial cooperation in criminal matters" important topics shall be analysed in depth, such as INTERPOL Red Notices (including challenges), Extradition, the UAE Federal Law no. 7 of 2014 on Combating Terrorist Crimes implemented on 31 August 2014 and also the new AML Law (once enacted by the UAE President).

[1] INTERPOL Annual Report 2013

[2] ICPO-INTERPOL Constitution Art.2(1)