

اليوم التالي  
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER

Supporting Democratic Transition In Syria

# A Guide to INTERPOL Red Notices for Human Rights Defenders Associated with the Syrian Situation



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Prepared by Guernica 37 Chambers on behalf of The Day After,  
with the generous support of the Government of Sweden

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### **The Day After Association (TDA)**

is a Syrian organization that works to support democratic transition in Syria, and its scope of work is focused on the following areas: Rule of law, transitional justice, security sector reform, electoral system design and Constituent Assembly election, constitutional design, economic reform and social policies.



### **Guernica 37**

Guernica 37 Members involved in the preparation of this Guide are qualified lawyers in the United Kingdom and United States and regularly appear before numerous domestic and international courts, with a significant breadth and depth of expertise in dealing with INTERPOL cases and notices, and representing detained individuals, both in the extradition context and beyond. Members are also deeply involved in Syria accountability efforts, and benefit from a strong understanding of the Syrian context, and the wider geopolitical situation.



### **Sida**

is Sweden's government agency for development cooperation. We strive to reduce poverty and oppression around the world. In cooperation with organisations, government agencies and the private sector we invest in sustainable development for all people.

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## THIS GUIDE



## SECTION 1: THIS GUIDE

This Guide is a practical Toolkit for interacting with the INTERPOL system. It is designed for Syrian human rights defenders or those working on the situation in Syria who find themselves in:

■ urgent situations of arrest, detention and/or subject to requests for extradition following the existence of an INTERPOL notice against them

■ non-urgent situations in which it may be desirable to challenge an INTERPOL notice whilst not detained, to seek the removal of data held by INTERPOL, or to challenge Syria's presence within it.

### What does this guide include?

This Guide begins with an explanation of the INTERPOL system, and Syria's position and powers within it. It then provides an analysis as to how to act:

- In urgent situations involving arrest and detention, (including providing useful checklists that can be followed verbatim);
- In non-urgent situations where an individual is travelling to certain countries; and when an individual suspects or identifies that a Red Notice has been issued against them. Where relevant, the Guide will mention case studies from other contexts.

## **What will I benefit from this guide?**

This Guide aims to provide a resource for those looking for a practical way when finding themselves in the above situations. This is a step-by-step Guide divided into specific sections contingent upon the situation they find themselves in and how to deal with it in the most efficient way possible.

The guidance set out here does not constitute legal advice and is for general information purposes only. It should not be relied upon as legal advice as each individual case is different. Any person who is believed to be subject to a domestic or international arrest warrant should seek independent legal advice in respect of their case.

## **Who prepared this guide and what qualified them to do so?**

This Guide was prepared by Guernica 37 Chambers on the instruction of The Day After Association, with the generous support of the Government of Sweden. Guernica 37 Members involved in the preparation of this Guide are qualified lawyers in the United Kingdom and United States and regularly appear before numerous domestic and international courts, with a significant breadth and depth of expertise in dealing with INTERPOL cases and notices, and representing detained individuals, both in the extradition context and beyond. Members are also deeply involved in Syria accountability efforts, and benefit from a strong understanding of the Syrian context, and the wider geopolitical situation.

## Authors and reviewers of this guide included, but were not limited to:

**Toby Cadman** – Co-founder of The Guernica Group and Co-Head of Guernica 37 Chambers

Toby is an experienced barrister who has represented several clients in appeals against INTERPOL Red Notices and continues to do so. Additionally, Toby is an extradition expert, advising and representing individuals as well as , requesting judicial authorities and governments in extradition proceedings both at first instance hearings and appeals at all Court levels. He is an established specialist in the areas of international criminal and humanitarian law, international terrorism, international commercial law, arbitration, anti-corruption, extradition and mutual legal assistance, and human rights law. He is a ranked practitioner in Chambers and Partners 2018, 2019, 2020 & 2021 and the UK Guide for International Crime. Toby has a significant international criminal law practice, as part of which he presently serves as lead defence counsel for Mr. Nasim Haradinaj at the Kosovo Specialist Chambers.

**Mark Hambling** – Guernica 37 Member

Prior to qualifying as a Barrister, Mark was the Deputy Head of INTERPOL UK, and a senior investigative officer for NCIS/UK Law Enforcement, dealing with high profile complex crime. Mark is a member of the Bar of England and Wales, with a wealth of experience at all levels of the legal system. Since 2009, Mark has been working in Colombia where he is currently based in the Colombian Attorney General's Office.



### **Ibrahim Olabi** – Guernica 37 Member

Ibrahim is a barrister with specialised international law knowledge and experience with a focus on the Middle East, particularly Syria. Ibrahim is part of the legal team advising the Government of the Netherlands on its action to hold Syria accountable over breaches of the Torture Convention, which may end up before the International Court of Justice and, amongst others, is involved in developing judicial initiatives to hold preparators to account for the use of Chemical Weapons in Syria. Ibrahim is the founder of the Syrian Legal Development Programme, which has provided legal expertise to Syrian NGOs on a range of complex issues surrounding forced displacement, torture, UN mechanisms, facilitation of humanitarian aid and other matters. SLDP also works on Business and Human rights related matters, including sanctions. Ibrahim was a consultant for the UN OHCHR and the International Bar Association. He is currently at the University of Oxford, School of Government, to deepen his policy knowledge.

## THE INTERPOL SYSTEM



## SECTION 2: THE INTERPOL SYSTEM

INTERPOL is an intergovernmental organisation which facilitates global cooperation between police forces, enabling them to share and access databases on crimes and specific individuals. INTERPOL does not require or oblige States to work or cooperate with the system, **it is voluntary**.

### The INTERPOL Notice System – explained



Cooperation between INTERPOL Member States is coordinated on the basis of various notices, each of which has a different significance within the INTERPOL system. Whilst this Guide focusses on INTERPOL's role in the provision and circulation of information concerning 'wanted persons' in the form of Red Notices, this is just one of several other ways in which States cooperate within the INTERPOL system, which include:

- **Red Notices** are used to seek the location and arrest of wanted persons wanted for prosecution or to serve a sentence;
- **Yellow Notices** are used to help locate missing persons, often minors, or to help identify persons who are unable to identify themselves;
- **Blue Notices** are used to collect additional information about a person's identity, location or activities in relation to a crime;
- **Black Notices** are used to seek information on unidentified bodies;
- **Green Notices** are used to provide warning about a person's criminal activities, where the person is considered to be a possible threat to public safety;

- **Orange Notices** are used to warn of an event, a person, an object or a process representing a serious and imminent threat to public safety;
- **Purple Notices** are used to seek or provide information on modus operandi, objects, devices and concealment methods used by criminals; and
- **INTERPOL-UN Security Council Special Notices** are issued for groups and individuals who are the targets of UN Security Council Sanctions Committees.

## Key definitions

The INTERPOL Framework has several key bodies/elements that should be understood in order to properly engage with it. This includes:

- **Commission for the Control of INTERPOL's Files (CCF):** independent, impartial body responsible for ensuring that INTERPOL's processing of personal data complies with applicable rules;
- **INTERPOL Information System:** INTERPOL is often described as a 'postbox', with documents being transferred between states via a secure communication network. INTERPOL supports enquiries and investigations mainly through designated Interpol Liaison Officers situated within law enforcement agencies. INTERPOL Information System is the term used to refer to the material resources and software used by INTERPOL, such as databases, communications infrastructure and other services, in order to process data through its channels in the context of international police cooperation;
- **Member Countries:** States that have become Members of INTERPOL;
- **National Central Bureau (NCB):** a police unit in a given country

which exchanges information with INTERPOL, hence responsible for international cooperation;

- Notice System: international requests for cooperation or alerts allowing police in member States to share crime-related information;

- Red Notice: a request by a Member State for other States to help locate and arrest a wanted person for the purpose of extradition;

- Embassy (note that throughout this guide, references to ‘Embassy’ or Embassies’ are not to the Syrian embassy, engagement with which is discouraged): the primary diplomatic representation of one country in another and the main communication channel between two international territories. Embassies are also responsible for promoting their national culture and foreign policy, and protecting the rights of their citizens in the host country;

- The UN Refugee Agency (UNHCR): the UN refugee agency responsible for providing international protection to refugees and find solutions for their displacement. UNHCR works to safeguard the rights of refugees, promote their wellbeing, and help secure durable solutions for them.

## **What powers do INTERPOL and its Member States have?**

INTERPOL is to be understood as an administrative organisation rather than an executive one that is staffed by police officers and civilians who are citizens of Member States.

INTERPOL’s powers, and the States operating within it, are limited and clearly delineated. Syria’s re-integration into INTERPOL is not a ‘free pass’ for INTERPOL or Syria itself to demand extradition, should an abusive Red Notice be issued against you. The table below summarises some of the powers, and limitations on those powers, that are granted to INTERPOL and the States operating within it.

INTERPOL CAN	INTERPOL CANNOT
<ul style="list-style-type: none"><li>■ administratively assist Member States in transnational cooperation;</li><li>■ control databases where Member States can check information on individuals;</li><li>■ provide specialised teams to assist these member States with law enforcement; and</li><li>■ publish Notices on its internal systems.</li></ul>	<ul style="list-style-type: none"><li>■ arrest suspects;</li><li>■ act without authorisation from State authorities;</li><li>■ override the police and judicial systems of its member States;</li><li>■ issue judgments or adjudicate on legal issues; and</li><li>■ investigate the alleged crime.</li></ul>

Member States, such as Syria, CAN	Member States, such as Syria, CANNOT
<ul style="list-style-type: none"><li>■ issue Notices, including Red Notices;</li><li>■ circulate information regarding wanted individuals; and</li><li>■ request extradition from other States.</li></ul>	<ul style="list-style-type: none"><li>■ force other States or even a national entity to hand over someone; and</li><li>■ force other States to arrest/detain someone.</li></ul>

## Misconceptions about INTERPOL



There are many misconceptions about INTERPOL that should be debunked, including that:

■ **INTERPOL agents make arrests:** this is **INCORRECT**.

INTERPOL is not a police force and has no power of arrest, otherwise it would have the power to override the police as well as the judicial systems of its member States. INTERPOL is based on the sovereignty of its member States.

■ **INTERPOL has its own police force:** this is **INCORRECT**.

INTERPOL merely enables international police cooperation and communication, contrary to how it is portrayed in the entertainment industry. It can deploy 'Incident Response Teams' to assist local law enforcement in cross-border or large scale events, but cannot overrule or undermine national law enforcement bodies.

■ **Red Notices are international arrest warrants:** this is

**INCORRECT**. INTERPOL agents are not highly trained investigators that will travel around the world to track you down. The detail of Red Notices is covered below, but it is stressed that they **do not** have legal power; they are a request to locate and arrest a person under provisional powers pending extradition to the Requesting State.

■ **Red Notices are the result of a judicial process:** this is

**INCORRECT**. Red Notices are the result of an administrative procedure, **not** a judicial process. Most importantly: they are **not** necessarily based on reliable evidence, they are **not** proof of guilt, and they **do not** result from any INTERPOL investigative process. They emanate from a warrant issued by a domestic judicial authority where the person sought is not within the jurisdiction.

■ **INTERPOL is part of the UN or the International Criminal**

**Court:** this is **INCORRECT**. INTERPOL has no connection to either the United Nations or the International Criminal Court.

## Red Notices - explained

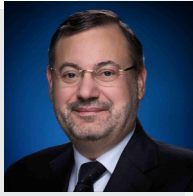
A Red Notice is an electronic alert transmitted over INTERPOL's secure communications network to the National Central Bureau (NCB) of each Member State. Red Notices are usually published at the request of a Member State to 'locate and provisionally arrest a person pending extradition, surrender, or similar legal action.' Red Notices encompass two types of information, including:

- a.** details of wanted person (name, date of birth, nationality, physical characteristics, photograph); and
- b.** summary description of charges, including a description of the acts they allegedly committed.





### Red Notice Case Study: Mr. Ahmed Mansour



On 20 June 2015, Ahmed Mansour, host of popular Al Jazeera TV show "Bi la Hudud" (Without Borders) travelled to Berlin to interview Jihad expert, Guido Steinberg. When he arrived at Berlin's Tegel Airport, he was arrested by the German Federal Police.

At the time of his arrest, Mr. Mansour said that he had presented the corresponding documents to the police. In 2014, he was convicted in absentia by an Egyptian Court to 15 years in prison for his alleged role in the torture of an attorney at Tahrir Square in 2011.

His Berlin lawyer, Fazli Altin, stated that the German authorities had received both a wanted notice and an extradition request. However, it later transpired that he was arrested on the instructions of the German authorities and was held after a request from Egypt. No Red Notice was issued against Mr. Mansour.

It was reported that in an email to Al Jazeera's lawyers, INTERPOL confirmed receiving a request from Egypt's NCB about Ahmed Mansour but said that the Red Notice request did not meet INTERPOL's rules. German authorities released him without charge.

Red Notices have a standard validity of **5 years**. However, this period can be prolonged at the request of the State who issued the Notice, specifically in situations where the wanted person has not yet been arrested. Therefore, do not assume that a Red Notice has lapsed after 5 years.

## How do States react to Red Notices?



Because INTERPOL operates only on the basis of State consent, Member States remain free to examine each case individually and determine what effect(s) a Red Notice should have in their national legal systems, if any. In some INTERPOL Member States, the Red Notice will provide a basis for border agents or police to detain the individual until the State which issued the Red Notice has been informed, so that it is able to lodge a formal extradition request. The legal framework of the country in question will determine the maximum time period applicable to the person's detention prior to the receipt of either a provisional or full extradition request. In other States, the Red Notice does not provide a sufficient legal basis for arrest. In these circumstances, as a matter of policy, the country will detain the individual by deploying immigration detention powers whilst the competent authorities decide whether to inform the country which requested the Red Notice/ apply for a provisional arrest warrant from a competent court.

## What are the main relevant INTERPOL rules or laws?

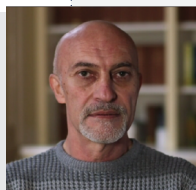
All INTERPOL Red notices must comply with its Constitution and internal Rules and Regulations. INTERPOL has three primary documents that regulate its operation, including Red Notices. They include: the Constitution; Statute of the Commission on the Control of INTERPOL's Files (Statute); and Rules on the Processing of Data (RPD). The Constitution affirms the voluntary basis for cooperation between Member States the formative principles of neutrality and independence, alongside INTERPOL's aim to promote police cooperation 'within the limits of the laws existing in different countries and in the spirit of the Universal Declaration of Human Rights' (Art. 2 Constitution). The Statute defines the work of the Commission

for the Control of INTERPOL's Files, whilst the RPD strengthen the protection of personal data in INTERPOL's systems to help Member States' access to reliable information.

Links to INTERPOL primary legislation can be found here:

<https://www.interpol.int/en/Who-we-are/Legal-framework/Legal-documents>

### Refugee Policy Case Study: Azer Samadov



Mr. Azer Samadov, a political activist, was subjected to a Red Notice at the request of Azerbaijan. In May 2008, he was given protection by the UNHCR in the Netherlands as a political refugee.

Mr. Samadov was unaware of the Notice until his arrest in April 2009 at Schiphol airport in the Netherlands. Following his detention, he submitted an application to the CCF to delete the Red Notice. Whilst no response was received from INTERPOL, a senior Dutch police officer contacted the CCF in March 2014 to confirm Mr. Samadov's Dutch refugee status. Consequently, in September 2015, the Notice was deleted.

## INTERPOL's Refugee Policy

Many Syrians have been affected by the widespread displacement caused by the Regime's horrific crimes. For the purposes of this Toolkit, it is therefore relevant to highlight that those granted refugee or asylum seeker status have certain protections within the INTERPOL system. In 2017, INTERPOL's General Assembly adopted Resolution GA-2017-86-RES-09 concerning the processing of data related to these individuals, through which INTERPOL aims to strike a balance between strengthening international police cooperation and ensuring adequate and effective safeguards for the protection of refugees' rights.

## National Central Bureaus

Each of INTERPOL Member State hosts an INTERPOL National Central Bureau (NCB), which is responsible for connecting their national law enforcement with other countries and the General Secretariat via a secure global police communications network. NCBs are centrally important to INTERPOL's work, as they will seek the information needed from other NCBs to help investigate crime or criminals in their own country, and they share criminal data and intelligence to assist another country.

NCBs contribute national crime data to INTERPOL global databases, in accordance with their respective national laws. This allows them, for example, to circulate Red Notices to alert police in all countries as to the identity of wanted persons. The staffing of INTERPOL varies from NCB to NCB. INTERPOL consists primarily of law enforcement officers, both warranted and civilian, but those officers rarely engage in enforcement activities.

## Syria and INTERPOL

Syria became an INTERPOL Member State in 1953, but faced restrictions in December 2012 due to international sanctions that prevented it from sending/receiving messages through INTERPOL's Information System. In June 2021, the Executive Committee decided to lift these corrective measures, which were lifted in October 2021. This means that Syria may again engage with the messaging system by receiving and sending messages from other INTERPOL NCBs. This means, for instance, that Syria can deploy the INTERPOL system to enter the names and all the required information about individuals who oppose the regime by seeking their arrest and extradition by issuing warrants by judicial authorities that lack the requisite independence in proceedings that may constitute a flagrant denial of justice.

Those subject to Red Notices could indeed include recognised refugees who fled Syria based on persecution, meaning that they would be without protections to which they are entitled. Despite the existence of the refugee policy adopted in 2017, the process to request removal for verified refugees is arduous in that it requires a notification to INTERPOL, the judicial authority in the country which issued the notice, or the country where they reside. However, although this presents a serious risk to refugees, it is nevertheless important to note that INTERPOL will remove a Red Notice if it can verify that the person has been recognised as a refugee under the 1951 Refugee Convention. The most troubling aspect to this is that a person can be detained, or have their movements restricted, for lengthy periods of time whilst the request for deletion of data is processed.

## SHORT-TERM TIPS WHEN CONCERNED ABOUT A RED NOTICE



## SECTION 3: SHORT-TERM TIPS WHEN CONCERNED ABOUT A RED NOTICE

This section provides practical tips to assist you in situation where you are travelling and are concerned about the existence of a Red notice, and more urgently where you may be detained or subject to arrest.

As each case is different and unique, the guidance set out here does not constitute legal advice and is for general information purposes only. It should not be relied upon as legal advice. Any person who is believed to be subject to a domestic or international arrest warrant should seek independent legal advice in respect of their case.

### Pre-Travel Advice

#### INTERPOL travel checklist – have you:

- collected **key phone numbers**?
- shared the **date(s) and destination of your travel**?
- shared your **date and time of departure and arrival**?
- shared **where you are staying?**, and location?
- arranged your **post-flight transport**?
- arranged a **single point of contact**?
- recorded your **rights**?
- created a **social media account**?
- drafted an **emergency message**?
- **downloaded a GPS app**?
- **researched your destination and classified the risk**?
- **prepared your statement** in the event that you are detained?
- packed a **notebook and pen**?

**Prior to travelling, it is advisable to adopt a strategy to minimise risk in case you find yourself in a situation where, for example, the police stop you, ask you questions, or even arrest you. You should:**

1. inform family, friends, colleagues about:
  - dates of travel;
  - destination of travel;
  - time of departure;
  - time of arrival; and
  - where you will be staying.
2. have phone numbers of family members, colleagues, lawyers, relevant embassy on speed dial or in group;
3. if possible, arrange to have someone at the airport to pick you up. Inform the person that if you are delayed that they should contact a specific person who is familiar with your case;
4. write down your rights and keep them with you. Although the practical existence and availability of those rights will depend upon the law of the State in question, they generally include that you:
  - have the right to remain silent;
  - do not have to consent to a search of yourself or your belongings so you need to make a timely objection either before or during the search, unless the police say that they have grounds or a warrant to conduct a search and explain to you the reason for the search;
  - have the right to a lawyer: do not say anything, sign any document, or make decisions without a lawyer;



### Warning about sharing Pre-Travel information



This advice is provided here to encourage you to create a framework capable of giving you the greatest possible chance of remaining safe when travelling.

However, the advice here can be a double edged sword, as details provided by you will be collected by the detaining agency, collated, and used as intelligence (and thereafter evidence) against you.

For example, were you to publicly provide the address of the hotel or residence where you are staying, you may inadvertently provide a basis for covert tactics to be undertaken to target you. INTERPOL will not facilitate this but will share that information. The information you decide to share should therefore be assessed and redacted accordingly to manage risk (See Risk Management Forms, below).

It may also be advisable to have one individual responsible for coordinating help from abroad if is required, and who acts as the central repository for your pre-travel information. Having one person in charge of this will reduce the amount of individuals who may misuses that information, and will allow the person to reach out to networks, NGOs, lawyers etc who can offer assistance and obtain updates on your case.

**5.** keep a notebook and pen on you. If you are arrested your electronics may be confiscated, so it is useful to have something to write with. If you believe that your rights were violated, write down everything you recall in the event you are stopped/arrested/detained. In the event that you are not permitted to have access to a pen and paper, it is essential that you write down everything in as much detail as you can the moment you can access to a pen and paper.

**6.** download a GPS tracker app to share with your family, lawyer, embassy, WhatsApp group. Examples include My Location (Android); Google Maps (Android/iOS), Glyimpse (iOS), etc.

7. create a social media account: Facebook, Twitter, Tiktok, etc. This will enable you to share your location and what you need. Have an emergency post prepared in advance and keep it on your mobile phone at all times. This will enable you to share it instantly if you are arrested, rather than having to think and draft one in a stressful situation. A standard post/tweet/message could be:

“ Help! I have been arrested by airport police in [INSERT COUNTRY NAME] due to what I believe is a politically motivated INTERPOL notice by Syria. I will be subjected to persecution, torture and possibly killed in Syria. Please contact [INSERT NAME] to support. ”

8. be aware that if you are active on social media and a prominent activist there is a greater likelihood of being tracked by the Syrian authorities and a request to a specific Member State can be made by Syria under what is called a Diffusion Notice – this is an alert which notifies law enforcement authorities that another country seeks the arrest of a specific person, but it differs from a Red Notice in that it is not published ‘by’ INTERPOL at the country’s request; instead, it is circulated through INTERPOL’s channels by the country itself.

9. write down and memorise the following sentence to be used if you believe that your rights are being violated, for example, the Red Notice is based on your political status, you can say the following:

“ I believe this warrant is in violation of Article 3 of the INTERPOL Constitution, which forbids INTERPOL to engage in any activities of a political character. I will be subjected to persecution, torture and possibly killed in Syria. I would like to speak to a lawyer. ”

**10.** write and down memorise the following sentence to be used if you believe that your rights are being violated, for example, the Red Notice is based on human rights grounds, you can say the following:

“ I believe this warrant is in violation of Article 2 of the INTERPOL Constitution, which forbids INTERPOL to engage in any activities not in the spirit of the Universal Declaration of Human Rights. I will be subjected to persecution, torture and possibly killed in Syria. I would like to speak to a lawyer. ”

**11.** conduct research on the country you are traveling to and identify whether it is high risk. If it is high risk, more precautions need to be taken and careful judgment needs to be exercised. High risk areas include those that have:

- good or improving diplomatic relations with Syria, Russia or Iran and weak relations with the West;
- weak judiciary or limited separation between judiciary, executive, and legislature;
- limited or no free press; and
- limited international and local human rights NGO presence.

### **Advice in situations involving arrest/detention**

Whilst avoiding high-risk areas will minimise your risk of arrest or detention, the existence of such Notices makes it difficult, if not impossible, to completely or conclusively eliminate that risk.

## What to do if you have been arrested

In the unfortunate event that you are arrested, however, it is important to bear in mind that it is highly unlikely that you will be extradited immediately, as authorities will ordinarily be obliged to honour your right to legal representation, and will in any case require a judicial determination to confirm that your extradition conforms with the legal standards.

**Put shortly, arrest does not mean that you will be on a plane within the next few hours. In the event that you are arrested, remain calm and consider the following:**

Politely ask:	Politely request:
<ul style="list-style-type: none"><li>■ am I under arrest?</li><li>■ why am I under arrest?</li><li>■ could you explain my rights in a language I can understand?</li><li>■ could I have a written statement of my rights in my own language?</li></ul>	<ul style="list-style-type: none"><li>■ to speak to your lawyer or appointed legal representative</li><li>■ to have an interpreter (if needed)</li><li>■ to inform family of your whereabouts</li><li>■ to speak to your embassy or consulate (if other than Syrian embassy)</li></ul>

If the officer mentions a reference to INTERPOL, you can use the following pre-drafted sentences:

“ I believe this warrant is in violation of Article 3 of the INTERPOL Constitution, which forbids INTERPOL to engage in any activities of a political character. I will be subject to persecution, torture and possibly killed in Syria. I would like to speak to a lawyer ”

OR

“ I believe this warrant is in violation of Article 2 of the INTERPOL Constitution, which forbids INTERPOL to engage in any activities not in the spirit of the Universal Declaration of Human Rights. I will be subject to persecution, torture and possibly killed in Syria. I would like to speak to a lawyer ”

Share the details of your arrest with your family, colleagues, Embassy, NGOs or lawyers (this list should be prepared as mentioned above in the preliminary checklist). If you can, use social media to notify your network of your arrest, or ask someone to do so. Relevant details will include:

- date and place of arrest and place of detention (if appropriate);
- names of arresting officers including officers' badge details (if possible); and
- the reason for your arrest and the charges against you.

**NEVER sign documents in a language you do not understand** but ask for a translation of all documents you are requested to sign and consult a lawyer before you sign. You are also advised that, even in the event that any documents are in a language you do understand, you are strongly advised to have a competent (and in-

dependent) lawyer with you.

**Instruct a lawyer:** After being arrested, the most important step is to obtain legal advice. Family and friends can help you find a competent lawyer. Alternatively, your relevant embassy may be able to help you as well. To establish whether or not a lawyer is competent, you might ask:

- are you a qualified lawyer in this country?
- what is your law society or bar membership number?
- may I see your business card?
- what is your specialisation/field of expertise?
- are you publicly funded?
- how often do you deal with cases like mine?
- can you tell me about a similar case that you dealt with? What was the outcome?

### A word of warning

Many lawyers purport to be competent by providing guarantees as to their knowledge about your case, which may not be true.

**Beware of scams and exploitative lawyers.**

Take note in your notebook if you believe that you have been subjected to any ill-treatment that may amount to torture, inhuman or degrading treatment by the police. Keep as much evidence as you can, such as medical records or even photographs. To do so, it may be useful to ask to see a prison doctor, so that you are able to show where you are injured and a record can be made. At your first opportunity, tell your lawyer/family/consular official and show all the evidence you possess.

### Identifying mistreatment: torture, inhuman or degrading treatment

According to the UN Convention against Torture, torture is any act characterised by intentional infliction of severe pain or suffering on someone, including to punish, intimidate, coerce or to get information. Inhuman treatment or punishment causes intense physical or mental suffering, which could include physical assault, psychological abuse, squalid conditions in detention, or even threat of torture. Treatment may be considered degrading if it is extremely humiliating, and treatment qualifies as such depending on its duration, its physical or psychological effects as well as the personal circumstances, such as age and health for instance. Examples might include denial of access to treatment for serious illnesses which includes deporting someone to a country where healthcare is not available; failure to consider serious medical conditions; solitary confinement; physical assault; psychological abuse.

### Being brought in front of a judge for the first time and extradition

#### Remember

Red Notices are not criminal convictions, and extradition procedures are not criminal trials; they are concerned only with legal requirements for extradition.



If, following arrest, the matters are taken forward by the police and/ prosecutor, you will ordinarily be brought in front of a judge where you will be represented by a lawyer. This is the initial hearing. In general, at the initial hearing, your personal details would be confirmed, and you would be asked whether you consent to your extradition. If you do not consent, an extradition hearing will be fixed for a later date.

**You will have more time to coordinate a legal response to the extradition request.**

Generally, at the extradition hearing, the judge will decide if you will be extradited or not. This of course depends on the existence of various limits in that there are requirements that need to be satisfied to allow the extradition in the country's national legal system. Often this is more of an administrative than judicial process, but you will be entitled to challenge any decision on extradition before the courts. Challenges usually concern issues around potential human rights violations if extradited, for instance, that there would be a strong probability that, if extradited to Syria, you would:

- be held in conditions which will constitute torture, or be at real risk of being subjected to treatment that constitutes torture;
- not be guaranteed a fair trial by an independent and impartial court of law;
- be subject to an interference with the private and family life of the requested person;
- have a specific concern that a prosecution is politically motivated and therefore, there would be a violation of the general right to a fair trial or that you would be subject to an abuse of process.

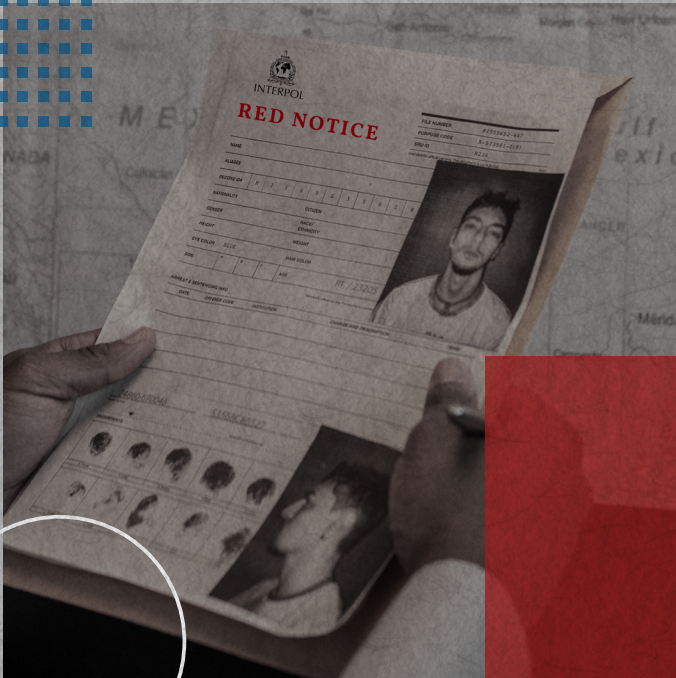
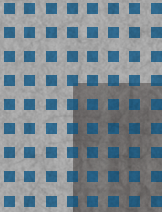


If you have been granted refugee status, this should be respected by all those who are signatories of the UNCHR. If for example, you have been granted refugee status in the UK, and a request for extradition is received, you could not be extradited because of your status. However, your safety would be at stake if you, whilst having refugee status in the UK, decide to travel abroad to a country which has a good relationship with the requesting country. See above for a list of high-risk areas.

In cases where a specific State is not a party to the UN Convention on Refugees, you are able to show the police **your UNHCR document/UNHCR Registration Number**. Then, you can tell the police to call the **UNHCR Hotline number** to verify your status. The hotline number varies from country to country:

<https://www.unhcr.org/contact-us.html>

## MEDIUM-TERM MEASURES



## SECTION 4: MEDIUM-TERM MEASURES

This section provides practical tips to assist you in those situations in which you may not be detained or the subject of arrest, but which are nevertheless time sensitive, such as when you are free in the community, and discover that there is a Red Notice in place against you.

### How to find out whether there is a Red Notice against you

Where you are concerned that there may be a Red Notice against you, it is strongly advised that you take steps to check whether this is the case with the relevant authorities. There are three main ways to do so, which include:

- Consulting INTERPOL's website;
- Contacting your local Police force; and
- Contacting the CCF.

### Consult INTERPOL's website

INTERPOL has a public list of 'wanted persons' on its website (<https://www.interpol.int/en/How-we-work/Notices/View-Red-Notices>) from which public Red Notices can be identified via specified criteria, including: name(s), gender, nationality, requesting state, and keyword. Be aware, however, that this list is nowhere near exhaustive, and contains only 10% of the 58,000 valid Red Notices, with the remainder being accessible only through restricted INTERPOL databases available exclusively to national law enforcement agencies. Further, Diffusions, as mentioned earlier, are State to State requests and are not made public.

As such, if you are concerned or have reason to believe that a Red Notice or Diffusion has been issued against you by the Syrian State,

the INTERPOL website should only ever be the first of several steps that you can take to confirm whether this is the case.

## Request data from domestic Police forces

You may be able to obtain information as to whether a Red Notice exists against you by contacting your local police force. You may do this informally, i.e., through asking over the telephone, or through a formal request, i.e., by relying on data protection laws or information request frameworks that preserve your right to access data pertaining to you.

### **EUROJUST**

Johan de Wittlaan 9, 2517 JR The Hague, Netherlands

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### **Schengen Information System II Supervision Coordination Group**

Rue Wiertz 60, 1047 Bruxelles/Brussel, Belgium

You may also make written data requests through EuroJust, which is the European Union Agency for Criminal Justice Cooperation, and the Schengen Information System II Supervision Coordination Group, which is the database shared by Schengen States. Syria does not have access to these database systems, but requests can be made in respect of identifying data held within the EU and Schengen areas.

**If you wish to make such a request, we strongly recommend that you seek legal advice BEFORE doing so.**

Be aware that if the Police have information that there is a Red Notice against you, it may be advisable to refrain from making your request in person at the Police Station unless accompanied with a lawyer who is familiar with your case. Instead, try to do so either over the phone, or, even more safely, through a legal representative. If the police respond that there is a warrant, your legal representative can liaise with the police to ensure that the matter is dealt with expeditiously and amicably without the need for a sudden arrest.

### **Make a Data Access request to the Commission for the Control of INTERPOL's Files**

The most reliable step that you are able to take to further your enquiries is to contact the CCF, which is the body tasked with ensuring INTERPOL's data processing complies with its own rules. Although it is recommended that a lawyer assist with this step, the criteria is briefly outlined below. To be valid, Requests must comply with various criteria, including being: correctly addressed; admissible; inclusive of proper content; and compliant with procedural deadlines.

#### **Correctly addressed**

The CCF consists of two 'Chambers': the 'Special Advisory Chamber' and the 'Requests Chamber'. Data Access Requests must be addressed to the Requests Chamber (which is mandated to deal with requests for access, changes to, or the deletion of information held by INTERPOL), as such: *'Requests Chamber, The Commission for the Control of INTERPOL's Files, 200 Quai Charles de Gaulle, 69006 Lyon, France'*

You should avoid addressing the Request to 'INTERPOL' more generally. If you do so, the information you provide risks being used by

the ‘General Secretariat’, meaning that there is a risk that it could be recorded in INTERPOL databases and used by NCBs.

## Admissible

The Requests Chamber will only consider your Request if it deems it admissible. To be admissible, Requests must:

- be sent by post in hardcopy and include a letter explaining the purpose of the Request. This should be accompanied by an original signature from you, the Applicant, as copies of the same will not be accepted, even where certified;
- be written in one of INTERPOL’s working languages (Arabic, English, French, or Spanish);
- confirm that the Request is sent by the person concerned by the data, or from that person’s legal representative. This will require you or your representative to provide a copy of a valid identity document (e.g., passport or drivers licence) which must confirm your forename, surname, date of birth, and a photograph) and must not be illegible in any way; and
- (if your legal representative is submitting the Request on your behalf), provide the original copy of a Power of Attorney as signed by you, the Applicant. This Power of Attorney should specifically authorise the representative to access any information about that person recorded in INTERPOL’s files.

## Inclusive of proper content

Requests may be made by letter, in which case a useful Model Access Request Template provided by 'Fair Trial International' is available here:

<https://www.fairtrials.org/need-help#model-access-requests>

Alternatively, they may also be made through a pre-determined Application Form, available here:

<https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/How-to-submit-a-request>

When making your application, you do not need to justify your interest in the requested information, which you are entitled to do. However, you will not be entitled to attend a hearing to discuss your Request, so it is important to be as clear and persuasive as possible in your written application. As such, it is important to:

- explain the purpose of your Request and (briefly) the reasons why you believe that you may be subject to a(n) (abusive) Red Notice or Diffusion, including any evidence (documentary of otherwise) supporting the same;
- identify the State you believe to be seeking you through the INTERPOL network (i.e., Syria), as this will assist in expediting your Request and will also serve to contextualise any submissions regarding the abusive nature of Syrian Red Notices of Diffusions;
- highlight whether you have been granted refugee or asylum status by your State of residence (or at all) as, once INTERPOL has received confirmation of the same, it will delete any record of a Red Notice or Diffusion from the country where your fear persecution, i.e., Syria. Be aware, however, that INTERPOL will never interfere in

domestic asylum or refugee requests, and may reinstate Red Notices or diffusions where asylum or refugee requests are denied;

- note whether there is another reason for urgency, e.g., if you are subject to extradition proceedings at the time. You should not make an application urgently unless you have genuine reason to do so, as this may risk encouraging the CCF to give the matter less consideration than it otherwise needs, making it less likely that your Request will be granted. Note also that whilst relevant, the fact that your extradition request is ultimately denied will not automatically lead to the removal of a Red Notice against you;

- explain if there is any need for additional confidentiality measures. Although your Request will be treated as confidential as a general rule, the CCF is obliged to share your name, date of birth, and the fact that you are making a Request with the source of the data. This should mean that other information, such as names etc will be shared, but if you are unsure, you may ask that the CCF do not share this information, or censor these details yourself.

**Please be aware that requests to the Requests Chamber can take several months to process as set out below.**



## Procedural requirements

The Requests Chamber is required to make a determination on the admissibility of Data Access Requests within 30 days of receipt. If the Request is deemed inadmissible, you have 30 days to update it to remedy the fault. If you fail to do so, it will be closed without further actions. Please note, that the Requests Chamber rarely complies with this deadline, particularly during the COVID-19 pandemic.

If the Request is deemed admissible, you will receive notification as such, and the Chamber will begin the process of identifying relevant data.

If INTERPOL has data relating to you, it will treat both the Applicant and the Data Source (in this case, Syria) as ‘owners’ of that information. This means that you have a right to access information held by INTERPOL relating to, and requested by, you, the Applicant. It also means, however, that prior to disclosing this information, the Requests Chamber shall consult the source of the data, meaning that the Syrian Regime may be notified that you are requesting information, if it is held.

You should also be aware that the communication of your data may be restricted at the decision of the Chamber, either on its own initiative, or at the request of the data source, the General Secretariat, or you, the Applicant.

However, any restriction on the disclosure of information must be justified and must specify whether some information, such as summaries, may be provided instead. Justified reasons for restricting information include only where doing is necessary to:

- protect public or national security or to prevent crime;
- protect the confidentiality of an investigation or prosecution;
- protect the rights and freedoms of the applicant or third parties; and/or
- enable the Commission or the Organization to properly discharge their duties.

Where a data source objects without justification, this will not automatically lead to the disclosure of the data, but may be taken into consideration when assessing and deciding on a request.

A final decision on the Data Access Request will be rendered four months from the date at which it is deemed admissible and sent to you within 1 month after the decision is made. Note that during this time, if a Red Notice is in place against you, it will remain active, meaning that you should plan your activities, particularly your travel, accordingly.

### **How to challenge a Red Notice or Seek Removal of the Data Held**

In the event that you are detained in respect of an active Red Notice, the urgent steps that you should take have been covered in Section 3 above.

The steps covered here are intended to encompass those that may be appropriate if you become aware that a Red Notice has been issued against you and wish to preventatively remove and or amend the same whilst not in detention.

**If you find out that you are subject to a Red Notice in these circumstances, do not panic.**

As mentioned in section 2 above INTERPOL does not have its own police force, and each Member State remains free to decide on the legal value of a Red Notice, and/or whether to comply with the same. A Red Notice is a request for compliance, not an international arrest warrant, and INTERPOL cannot compel any Member State to honour that request. For example, due to the large-scale issuance of warrants by Egypt in 2018-2019, INTERPOL temporarily suspended all warrants issued until such time as it was assured that the warrants were legitimate and not part of a policy of targeting political opponents. Furthermore, States that have no diplomatic relations with Syria or those who do not consider Syria to be a democratic State based on the rule of law, are perfectly entitled to refuse to implement any warrants issued by Syria.

**The issuance of a Red Notice does not mean that the authorities will be knocking on your door.**

It is noted at the outset that INTERPOL often suggests that in this situation you should contact the issuing country to contest its issuance of the underlying domestic warrant that gave rise to the Red Notice in question. However, this is not recommended in the case of Syrian Human Rights Defenders subject to (abusive) Red Notices or Diffusions from the Syrian State: doing so is unlikely to lead to a favourable outcome, and may risk revealing information capable of compromising your safety.

## Write to the CCF and request removal and/or deletion of any data held

Regardless of how you found out that a Red Notice was in place against you, or if you merely believe that one has been issued, it is advisable to first make a Data Access Request, as doing so is a useful opportunity to obtain more information regarding the Red Notice and the allegations against you, which will ultimately increase the possibility of making a successful challenge.

If you are a recognised refugee, for example, highlighting this through a Data Access Request may well lead to INTERPOL rescinding the Red Notice without the need for a formal challenge that can take several months.

As above, the Requests Chamber will make a determination on the admissibility of Data Access Requests within 30 days of receipt. If the Request is deemed inadmissible, you will have 30 days to remedy the fault. If you fail to do so, it will be closed without further actions.

The CCF will have nine-months to render a final decision. The CCF will ordinarily render that decision at one of its three annual sitting sessions, although it may occasionally do so outside of these times. You will receive notification of that decision no more than two months after it has been rendered.

Note that it is exceptionally open to the CCF to extend the time limit for rendering a decision, although in these circumstances you can expect that it will communicate and explain this decision to you.



## NOTE

Even if a favourable decision is made, it remains advisable to carry with you any documentary evidence between you and INTERPOL that proves that the Red Notice/Diffusion has been deleted, in case of distinctions between INTERPOL and Member States and that data can remain in the system for several weeks after the decision is reached.

When it is finalised, the CCF's decision will lead to one of three possible outcomes:

1. your information and the associated Red Notice is deleted altogether, in which case INTERPOL Member States will be asked to delete all information they may have;
2. your information and the associated Red Notice is amended to include new information, e.g., the fact that your extradition was previously refused and why. Whilst this leaves the Red Notice in place against you, it is an important step, as it may convince authorities in other States to refrain from detaining and/or extraditing you on the same grounds; or
3. your information and the associated Red Notice is found to be properly entered, and no change is made. If this decision is made, it is not open for appeal. You may, however, make a further complaint that the CCF will re-examine if you can demonstrate the discovery of a new fact that would probably have led the Chamber to a different conclusion, had it been available at the time of the initial decision. Fresh applications in this regard must be made within six-months of the new fact being discovered.

## Common arguments to prevent the issuance of, or to repeal, abusive Red Notices

It is noted that each Request for the deletion and/or amendment of Red Notices will necessarily turn on its facts. Further, given the complexity of the frameworks governing INTERPOL, it is important to instruct legal counsel in these matters, if possible, to argue fully all legal grounds for the deletion of the data.

That said, each decision does take place within a pre-determined legal framework that guides the CCF in evaluating submissions made to it, meaning that it is possible to identify some arguments that have previously enjoyed success. Two that are of particular relevance include those premised on Article 2 and 3 of the INTERPOL Constitution.

### Article 2 INTERPOL Constitution

Article 2(1) of the INTERPOL Constitution, as reinforced by Article 11(1) of INTERPOL's Rules on Processing Data ("RPD"), requires all INTERPOL bodies, including the CCF, to only promote mutual assistance in in the spirit of the Universal Declaration of Human Rights ("UDHR").

The UDHR is one of the most universalised international human rights instruments, and sets out many fundamental guarantees, including, inter alia, the right to life, the prohibition of torture and other cruel, inhuman, and degrading treatment, the right to a fair and public trial, the right to freedom of expression and thought, conscience, and religion, and the right to a private and family life.

To the extent that Syrian Human Rights Defenders in the Diaspora may be subjected to abusive Red Notices by the Syrian Regime in the absence of any evidenced criminality, there will be strong arguments that such Red Notices are based upon their harbouring and expression of anti-Regime sentiment, in blatant violation of their right to do so, and will be considered politically motivated and in breach of INTERPOL's legal and regulatory framework.

Further, based off reports of dissident and anti-regime treatment throughout the Syrian conflict thus far, it is apparent that, if returned, those individuals would also face trial in a politicised, non-impartial, and unfair judicial system, and face a serious risk of being subjected to cruel, inhuman, or degrading treatment or arbitrary execution, in violation of the absolute international prohibitions on the same.

**States have a binding international legal obligation not to return (or 'refoul') individuals to States where they are likely to face violations of certain fundamental rights, such as the prohibition of torture or other cruel, inhuman, and degrading treatment.**

Accordingly, arguments expanding upon those made above should be advanced in the case of the issuance of an abusive Red Notice against you by the Syrian Regime. Such submissions should be as precise as possible regarding the risks posed, or experienced, in relation to the specified violation(s), and should be supported by as much evidence as possible.

### INTERPOL Article 3 Case Study: The Case of Mr. Djamel Ktiti

Albeit in other contexts, Article 2 arguments have found notable success. For example, in the case of Mr. Djamel Ktiti, a French national who twice succeeded in defending his extradition (in Morocco and later, Spain) to Algeria and ultimately had his Red Notice removed by INTERPOL on the grounds that there was an unacceptably high risk that he may be subjected to torture if extradited, which precluded the ability to enforce the Red Notice under Article 2 of the INTERPOL Constitution. The Letter sent by international NGO ‘Redress’ and ‘Fair Trials’ to INTERPOL in respect of Mr. Ktiti is available here:

<https://redress.org/wp-content/uploads/2017/11/Open-Letter-to-Interpol.pdf>

### Article 3 INTERPOL Constitution

Article 3 of the INTERPOL Constitution strictly prohibits any INTERPOL organ, including the CCF, from undertaking any intervention or activities of a political, military, religious or racial character.

#### Article 3 distinguishes between

- **‘pure’ offences**, which are those that are criminalised solely because of their political/military/religious/racial nature and ‘relative offences;

and

- **‘relative offences’** which contain elements of ordinary criminal law and some political/military/religious/racial elements (e.g., false allegations of money laundering brought against political dissidents).



‘Pure offences’ e.g., treason and espionage, will almost always be prohibited by Article 3, whilst ‘relative offences’ require the CCF to carry out a ‘predominance assessment’, i.e., whether some political/military/religious/racial elements ‘predominate’ over the bona fide criminal allegations. Where this is so, the Red Notice will contravene Article 3 and cannot be enforced.

A predominance assessment will take into account the full extent of the circumstances in the case, including, but not limited to:

- the nature of the offence, namely the charges and underlying facts;
- the status of the persons concerned;
- the identity of the source of the data;
- the position expressed by another National Central Bureau or another international entity;
- obligations under international law;
- the implications for the neutrality of the Organization; and
- the general context of the case.

To be clear, meeting the threshold under Article 3 is difficult, as it must be shown that the abusive elements of the Requests outweigh the bona fide criminal elements. Often, this is not possible, and the CCF will simply find that despite some political elements, the case is not of such a gravity as to justify removal on Article 3 grounds.

Nonetheless, in the case of abusive and unfounded Red Notice allegations brought by the Syrian Regime, Article 3 submissions are a useful tool by which to appeal to the CCF, and will allow you to fully set out the context to your submissions regarding the impropriety of the Syrian State’s request.

For further information, a 'Repository of Practice' on Article 3 submissions, published by INTERPOL, is available here:

<https://www.interpol.int/en/Who-we-are/Legal-framework/Legal-documents>

### Article 3 Case Study: The Case of Mr. Erik Kross



There are several examples of successful Article 3 Submissions being made, including the case of Mr. Erik Kross, an Estonian Diplomat and Politician who, during a political in which he was running for political office in Estonia, was accused by Russian authorities of 'piracy' on the grounds that he was supposedly involved in 'hijacking' a ship named 'Arctic Sea'. Estonian authorities made representations to INTERPOL that the allegations, and the associated Red Notice, were unfounded and abusive, and intended only to influence its elections. INTERPOL ultimately accepted these representations and, finding that the Red Notice therefore contravened Article 3 of the INTERPOL Constitution, removed Mr. Kross' name from the wanted list.

## RPD Provisions

There are several Provisions of the RPD that may be relevant when making submissions regarding the procedural aspects of the Red Notice/Diffusion. Many, however, are highly technical and it is strongly recommended that such submissions are made with the help of legal counsel, where possible. Some of the most popular submissions on the basis of the RPD are noted here:

<https://www.fairtrials.org/need-help>

## Extra-Legal Avenues

You should note that the CCF is, or is intended to be, an independent institution. Formally, therefore, your legal submissions should be the primary avenue by which you pursue to removal and/or deletion of the Red Notice/Diffusion against you.

However, this should not dissuade you from using all possible routes to resolution available. It is always useful, for example, to raise the profile of your case in the media, as this will increase the reputational consequences for the CCF associated with denying your request improperly.

Further, you may consider writing to your political representatives at both national and international political institutions to gain state-based political support for your appeal and/or to seek public diplomatic assurances that they will not extradite to Syria, both of which will make it less likely that you will be detained in respect of the Red Notice, even if it not rescinded by the CCF.

You may consider involving human rights NGOs and public advocacy groups who engage in protecting human rights defenders and it may be necessary to engage the UN Special Rapporteur on the Situation of Human Rights Defenders, UN Special Rapporteur on Torture and Other Cruel, Unusual or Inhuman Treatment or Punishment, or the UN Working Group on Arbitrary Detention for persons who have been detained.

## LONG TERM MEASURES



## SECTION 5: LONG TERM MEASURES

This final section is intended to briefly outline the basic steps that might be taken if you wish to advocate against Syria's full reintegration within the INTERPOL system, even when not subject to an active Red Notice issued on behalf of the same.

### Who granted Syria's admission, and who can suspend it?

The INTERPOL System is structured between six separate internal bodies, which include: the General Assembly; the Executive Committee; the General Secretariat; the National Central Bureaus; the Advisers; and the CCF.

Each of these bodies has carefully delineated roles to ensure a proper separation of powers. The General Assembly is INTERPOL's plenary organ and generally meets annually to perform several functions, most of which relate to its legislative role, although it is also entitled to take decisions and make recommendations.



The Executive Committee acts as the ‘executive’ or governmental body of the Organisation. The Committee comprises 13 members, including the President, three Vice Presidents, and nine delegates, each of whom are elected by the General Assembly, having been recommended by Member States. The Executive Committee is responsible for supervising the execution of decision of the General Assembly and the administration and work of the Secretary General. Members of the Committee are obliged to represent INTERPOL in their day-to-day duties, rather than their individual countries.

The General Secretariat is in charge of the day-to-day organisation of INTERPOL, and acts as the coordinator of all policing and administrative activities of the organisation. The General Secretariat is the body responsible for recommending ‘corrective action’ where Member States do not fulfil their duties, including by suspending their rights to access the INTERPOL System. All proposals to take corrective action which may result in Members being suspended from its rights to record data in, consult, or connect to INTERPOL databases must, however, be submitted to the Executive Committee for approval.

In Syria’s case, therefore, the decision to remove and to reinstate its access to the INTERPOL framework is the shared responsibility of the General Secretariat and the Executive Committee, and it is these bodies that will ultimately have responsibility for suspending it once again.

## **Which bodies should advocacy be targeted towards?**

Because the Secretary General and the Executive Committee are elected by delegates in the General Assembly, and because each of those bodies represents INTERPOL, rather than the interests of its Members' State of origin, there are fewer opportunities to make direct representations to those with immediate responsibility for reinstating Syria's privileges.

That said, the central authority within the INTERPOL system remains the General Assembly, which is entitled to take decisions and make recommendations, and within which delegates do represent their States, rather than INTERPOL itself.

Consequently, an effective advocacy strategy may begin at a State level, both in your State of residence and abroad, in order to begin pooling opposition to Syria's now reinforced position within the INTERPOL framework. Amongst the most effective outcomes in this regard would be the promulgation of a Resolution or Decision within the General Assembly urging the Executive Committee and General Secretariat to reconsider their decisions to reinstate Syria's membership and/or to publicly confirm that it is no longer safe to extradite to Syria considering the concerns raised below.

## **What are the arguments for suspending Syria's privileges again?**

As a result of INTERPOL's decision in October 2021, Syria has regained privileges within the INTERPOL framework. There are several arguments as to why these privileges should again be suspended, which include:

■ **Persecution:** with privileges within the INTERPOL framework, the Syrian Regime can now access information held by the NCBs of all other State Parties. It may also request the issuance of Red Notices which, despite having to go through a vetting process, benefit from the fact that this vetting process has been widely shown to be insufficient to prevent the publication of abusive Red Notices, as the same are rarely, if ever refused. What is more, Syria has the ability to issue Diffusions of its own accord, without (adequate-) oversight, in order to track down its opposition. In reintroducing Syria's privileges, INTERPOL has therefore returned to the Regime's weapons with which it may now persecute its opposition beyond its borders, as it continues to do so within them.

■ **Normalisation of international crimes:** the move toward restoring Syria's privileges is a move toward international normalisation of internationally UN recognised crimes, and ignores the fact that the Regime continues to fuel instability within its borders and beyond, and perpetrate atrocity crimes against its own citizens, for which it continues to benefit from blanket impunity.

### **What advocacy strategies might you pursue?**

It is noted that there has been a great deal of high-profile opposition in relation to Syria's reinstatement of privileges, by States, NGOs, and individual practitioners across the globe. Taking this into consideration, INTERPOL's decision to readmit Syria should not be taken as final or conclusive, and effective, targeted advocacy may yet succeed in overturning this decision. Syrian Human Rights Defenders and beyond may consider the following basic strategy:



■ **Collaborate:** the safety of your family, friends, and colleagues is of paramount importance. Using the tools in this Toolkit and beyond, take all steps necessary to ensure that these individuals are informed about the danger posed by Syria's reinstatement of privileges, and be sure to support each other in taking steps necessary to maintain safety. As noted above, basic measures may, for example, include 'check ins' and accountability measures on social media and within online groups.

■ **Oppose:** using the arguments highlighted above, and, most importantly, by highlighting your own experiences and fears, continue to oppose Syria's position within the INTERPOL, and use every opportunity and platform to reject INTERPOL's normalisation of relations with the Syrian Regime.

■ **Advocate:** use your professional forums to continue your opposition to Syria's rights and privileges within INTERPOL. Think both globally and locally; as effective as it may be to highlight these issues through the international channels, as above, it may be equally fruitful to consider writing to your local political representative to advocate for the adoption of political assurances that your State of residence will not extradite to the Syrian State, in light of the serious and systemic human rights concerns associated with the Regime's operation.

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اليوم التالي  
لدعم الانتقال الديمقراطي في سوريا



THE DAY AFTER  
Supporting Democratic Transition In Syria

G37  
CHAMBERS



