

INTERPOL, Red Notice Challenges, and Lawsuits

By [Michelle A. Estlund](#) on February 08, 2012

In a recent MSNBC.com article, [Ian Johnston reports](#) on some of the frustrations experienced by Red Notice subjects as they attempt to challenge their Red Notices. He addresses the issue of possibly pending lawsuits against INTERPOL as a means of changing the manner in which a Red Notice is issued or challenged.

Although such efforts are in very early stages, and previous similar efforts have failed, INTERPOL has long been aware of the possibility of such legal action and governs itself accordingly. In its 2010 Annual Activity Report, the Commission for the Control of INTERPOL's Files ("CCF") recognized its possible vulnerability to lawsuits. Specifically, the CCF lauded INTERPOL's decision to have its Constitution registered with the United Nations Charter as a means of solidifying its status as an international organization operating under international law. The CCF noted that such status would

*"enhance INTERPOL's immunity from legal process vis-a-vis
national courts in all of its member countries."*

The CCF went on to highlight the fact that its I-link project (discussed in more detail [here](#) and in the next post) has created a **significant likelihood that INTERPOL and its NCBs would both be liable in the event that a Red Notice subject was prejudiced** by the inappropriate entry of information into its databases.

This concern was echoed in CCF Chairman Billy Hawkes' speech to the General Assembly in November of 2011. As always, his speech was both respectful and frank. He discussed the CCF's concern that, at that time, the appropriate control mechanisms for the I-Link project had not been implemented in a timely fashion. He further acknowledged that the data quality of information processed through the I-Link system would determine whether National Central Bureaus of member countries could properly rely on Red Notices.

It is clear that the CCF is both aware of the issue of potential liability for INTERPOL's actions and actively working to ensure that INTERPOL does not process information improperly. Mr. Hawkes rightly observed that "for an Organization of 190 members, this will always be a significant challenge." But if the appropriate safeguards are not in place, that challenge becomes unwieldy, and perhaps, impossible.

Next time: more on I-Link.

As always, thoughts and comments are welcomed.