



MUNLAWS 2022

FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

INTERPOL GENERAL ASSEMBLY

STUDY GUIDE



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WELCOME LETTER

Dear Delegates,

It is our utmost honor to welcome you at the MUNLAWS 2022, in the beautiful city of Ljubljana. A lot has changed since the last edition of the Conference. We are experiencing a war in the heart of Europe, that poses a great threat to our integrity and has led to an insecure future. The armed invasion of the Russian Federation to its neighbor, Ukraine, has given rise to some dramatic events that are being experienced not only by the citizens of the two countries involved but rather the whole world. Based on this crucial historical event, this year's Committees will address its issues and hopefully find some solutions. The same will hold true for the INTERPOL Committee. Despite the seriousness of the topics at hand, however, we are hoping that the discussions will give rise to an opportunity to be involved in the fruitful process of exchanging ideas, meeting new people and learning how a collaborative environment functions. We hope that this study guide will assist you with your preparations. You should bear in mind, though, that your personal preparation is highly and significantly important, as this study guide is nothing more than a compass and not the full road to an amicable debate.

We cannot wait to meet you!

Best regards,

Eleni Radovits and Maja Kalin

INTERPOL

The International Criminal Police Organization¹ (ICPO; French: Organisation *internationale de police criminelle*), is an international organization that facilitates worldwide police cooperation and crime control. It is located in Lyon, France, and has established offices – the so-called “regional bureaus” in 195 countries that have been signed as its Member States (MS). In addition, every MS also has its National Central Bureau, usually in its capital. The work of INTERPOL is varied from providing investigative support, expertise, and training to law enforcement, fighting terrorism, cybercrime, and organized crime. It covers most types of crime with some exceptions (for example child pornography, drug and human trafficking, white-collar crimes etc.). The Agency also facilitates cooperation among national law enforcement institutions through criminal databases and communications networks. Contrary to popular belief, INTERPOL is itself not a law enforcement agency.

INTERPOL’s supreme governing body is the General Assembly,² which convenes with representatives from each of its Member States. Their representatives are comprised with chiefs of police and senior ministry officials. It meets once a year, and each session lasts around four days. The Assembly’s aim is to ensure that INTERPOL’s activities agree to the needs of each country. It also reviews and approves the principles and measures for the Organization, as well as the financial policy for each coming year. In addition, the General Assembly elects the members of the Executive Committee, the governing body which provides guidance and direction in between sessions of the Assembly.

¹ INTERPOL, "Constitution of the International Criminal Police Organization." Available at: <https://web.archive.org/web/20160222055903/https://www.interpol.int/content/download/9429/69209/version/9/file/Constitution.pdf>; INTERPOL, Office of Legal Affairs "General Regulations of the International Criminal Police Organization."

<https://web.archive.org/web/20160207104642/https://www.interpol.int/content/download/23768/225283/version/11/file/02%20e%20gen%20regulations%2025%2011%2014%2814y2088%29%28or%29.pdf>.

² INTERPOL, “General Assembly.” Available at: <https://www.interpol.int/en/Who-we-are/Governance/General-Assembly>.

The Assembly adopts decisions in the form of Resolutions and each Member State has one vote. The decision are made by either a simple or two-thirds majority, depending on the subject matter. These Resolutions are public documents and available to every civilian. Finally, the most important work that General Assembly provides is the opportunity for each of its Member States to be part of a network, where every country shares its experience and databases regarding the effort that has been done against the crime.



TOPIC ONE

**ADDRESSING RED NOTICE ENFORCEABILITY
AND MISUSE ISSUES**

By Maja Kalin

I. INTERPOL Notices

The International Criminal Police Organization (INTERPOL)'s colour-coded notices are international requests for cooperation or alerts allowing police in Member States (MS) to share critical crime-related information. They enable countries to share alerts and requests for information worldwide.³

Notices are published by the General Secretariat at the request of a National Central Bureau (NCB) and are made available to all Member States, currently standing at the high number of 195. They can also be used by the United Nations, International Criminal Tribunals, and the International Criminal Court to seek persons wanted for committing crimes within their jurisdiction, notably crimes against humanity, genocide, and war crimes.⁴

Most Notices are for police use only and are therefore not available to the public. However, in some cases, mostly to alert the public or to request help from the public, an extract of the Notice can be published on the INTERPOL site.⁵

Notices must meet certain legal criteria and are only published if they comply with the INTERPOL's Constitution and fulfil all conditions as defined by Rules on the Processing of Data. This ensures the quality and legality of information and the protection of personal data. Most notably, a Notice will not be published if it violates Article 3 of INTERPOL's Constitution, which forbids the Organization from undertaking any intervention or activities of a political, military, religious or racial character, or if it violates the Universal Declaration of Human Rights.⁶

³ INTERPOL a (n. d.): About Notices. Available at: <https://www.interpol.int/How-we-work/Notices/About-Notices> (accessed: 2. 8. 2022).

⁴ Ibid.

⁵ Ibid.

⁶ Ibid.

There are many types of notices, which are color-coded based on the information they give out or want to receive. The work of this committee will focus on the so-called Red Notices and diffusions.

II. Red Notice

A Red Notice is a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action. Red Notices are issued either for fugitives wanted for prosecution or for perpetrators that have already been sentenced but have yet to serve a sentence. They are used when criminals flee to another country when trying to evade justice.⁷

A Red Notice is an international wanted persons notice, but it is not an arrest warrant.

Individuals are not wanted by INTERPOL, but by a country or an international tribunal. INTERPOL cannot compel the law enforcement authorities in any country to arrest someone who is the subject of a Red Notice as each Member State decides both the legal value that it gives to a Red Notice as well as the powers of its law enforcement officers to make arrests.⁸ Red Notices are the result of an administrative procedure, not a judicial process, and are not based on any INTERPOL investigation. They do not prove guilt or meet the probable cause standard, as they are not based on any evidence other than the unsupported allegation of the NCB that made the request.⁹

The latest data show that there are currently approximately 69,270 valid Red Notices, of which only approximately 7,500 are public – the others are restricted to law enforcement use only. In 2021, INTERPOL issued 10,776 Red Notices.¹⁰

⁷ INTERPOL e (n. d.): Red Notices. Available at: <https://www.interpol.int/How-we-work/Notices/Red-Notices> (accessed: 2. 8. 2022).

⁸ Ibid.

⁹ Bromund, T. R. and Grossman, S. A. (2019): Challenging a Red Notice: What Immigration Attorneys Need to Know About INTERPOL in American Immigration Lawyers Association (2019): AILA Law Journal: A Publication of the American Immigration Lawyers Association. A Full Court Press, Fastcase, Inc. Pp: 19-29.

¹⁰ INTERPOL e (n. d.): Red Notices. Available at: <https://www.interpol.int/How-we-work/Notices/Red-Notices> (accessed: 2. 8. 2022).

The legal basis for a Red Notice is an arrest warrant or a court order issued by the judicial authorities in the Member State concerned. Many members consider a Red Notice to be a valid request for a provisional arrest. When a person is subject to an INTERPOL Notice and therefore sought for prosecution, they have not been convicted and should be considered innocent until proven guilty. A person that is sought to serve a sentence has already been found guilty by a court in the issuing country.¹¹

Every Red Notice request is checked by a specialised task force to ensure it is compliant with INTERPOL rules, especially Article 3 of the INTERPOL Constitution and the Universal Declaration of Human Rights.¹² The General Secretariat can only publish a notice that adheres to all the proper legal conditions, at least generally, however this is not always the case. Because the General Secretariat does not always know the true nature of the cases behind the Red Notice requests that it receives from its member countries. The reality is that politically motivated Red Notices are sometimes published. Unless a Red Notice subject is particularly well-known, the underlying political nature of the Red Notice can be unknown to INTERPOL. Only when the subject discovers the Red Notice and works with their attorney to inform INTERPOL about the true nature of the case, can the Red Notice be removed.¹³ Red Notices are viewed as being valid based upon the requirement that they are approved by the General Secretariat before the acceptance and/or publication by INTERPOL.¹⁴ This review considers information available at the time of publication. Whenever new and relevant information is brought to the attention of the General Secretariat after a Red Notice has been issued, the task force re-examines the case.¹⁵

Red Notices may be published only if the offence concerned is a serious ordinary-law crime. They may not be published for the following categories of offences:

¹¹ INTERPOL e (n. d.): Red Notices. Available at: <https://www.interpol.int/How-we-work/Notices/Red-Notices> (accessed: 2. 8. 2022).

¹² Ibid.

¹³ Estlund, M. a (2018): INTERPOL Red Notice removal and why Red Notices are sometimes wrongly issued. Available at: <https://www.rednoticelawjournal.com/2018/07/interpol-red-notice-removal-and-why-red-notices-are-sometimes-wrongly-issued/> (accessed: 2. 8. 2022).

¹⁴ Estlund, M. b (2021): INTERPOL Red Notices and Diffusions- the difference between the two and why it matters. Available at: <https://www.rednoticelawjournal.com/2021/04/interpol-red-notices-and-diffusions-the-difference-between-the-two-and-why-it-matters/> (accessed: 2. 8. 2022).

¹⁵ INTERPOL e (n. d.): Red Notices. Available at: <https://www.interpol.int/How-we-work/Notices/Red-Notices> (accessed: 2. 8. 2022).

- offences that in various countries raise controversial issues relating to behavioural or cultural norms;
- offences relating to family/private matters;
- offences originating from a violation of laws or regulations of an administrative nature or deriving from private disputes unless the criminal activity is aimed at facilitating a serious crime or is suspected of being connected to organized crime.¹⁶

The effect of the Red Notice on subjects can vary, depending on the Member State. Usually, it holds a strong immobilising effect, as the subjects experience difficulty travelling. It normally leads to a provisional arrest and an extradition proceeding. The notice holds many collateral effects as well: many notices that are issued for financially based crimes (especially the ones that later end up as invalid) lead to a subject being put on a ‘risk management list,’ that circulates to banks and other institutions and disables banking and business-making for the subject as well as difficulties obtaining immigration benefits. If the notice is public, it can even mean that a subject cannot be hired and therefore cannot work in a certain Member State.¹⁷ A red-notice subject’s fate can vary wildly. Some countries see Red Notices as an only alert system while others treat them as seriously as arrest warrants, incarcerating people, or co-operating in extradition proceedings against them. People may have their assets frozen, their passports confiscated, and their movements restricted, not to mention the reputational damage from being recognised as an international criminal.¹⁸ Justice systems in most democratic countries prevent extradition in most cases when an individual is being falsely accused. However, INTERPOL abuse is not necessarily targeted at having legal effects but is rather used as a method of harassment of certain individuals in democratic states, although it does also place restrictions on mobility.¹⁹

¹⁶ INTERPOL e (n. d.): Red Notices. Available at: <https://www.interpol.int/How-we-work/Notices/Red-Notices> (accessed: 2. 8. 2022).

¹⁷ Legal Talk Network (2021): Legal Talk Today: Red Notices & International Men of Mystery? Available at: <https://legaltalknetwork.com/podcasts/legal-talk-today/2021/02/red-notices-international-men-of-mystery/> (accessed: 2. 8. 2022).

¹⁸ Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

¹⁹ Lynch, I. J. (2019): Can US Legislation Halt INTERPOL Abuse by Central Asian Autocrats? Available at: <https://thediplomat.com/2019/09/can-us-legislation-halt-interpol-abuse-by-central-asian-autocrats/> (accessed: 2. 8. 2022).

The most common ways that people are detected when they are Red Notice subjects include:

- international travel via an airplane or a sea vessel;
- immigration proceedings requiring a background check;
- contact with domestic law enforcement officials.²⁰

Red Notices are used to simultaneously alert the police in all Member States about internationally wanted fugitives. The police can then be on the watch for them and use the Red Notice to support extradition proceedings. Red Notices help bring fugitives to justice, sometimes many years after the original crime was committed.²¹

III. Diffusions

Member States may also request cooperation from each other through another alert mechanism known as a 'diffusion'. This is a less formal mechanism than the Red Notice and is circulated directly by an NCB to all or some of our Member States. Diffusions are used because they are faster and, in the opinion of some, more efficient because they are targeted at only some Member States, instead of all. Diffusions must also comply with INTERPOL's Constitution and the Rules on the Processing of Data.²² The major difference between a diffusion and a Red Notice is that the General Secretariat does not review or approve a diffusion prior to it being sent to other member countries. This distinction is critical because the lack of review may allow abusive diffusions to be circulated that would otherwise be denied circulation if they were Red Notice requests. This distinction means that diffusions that violate INTERPOL's rules such as Article 3 of the Constitution can get circulated undetected until they cause a problem for the subject of the diffusion.²³ Because

²⁰ Estlund, M a. (2021): INTERPOL Red Notice subjects- how are they found? Available at: <https://www.rednoticelawjournal.com/2021/01/interpol-red-notice-subjects-how-are-they-found/> (accessed: 2. 8. 2022).

²¹ INTERPOL e (n. d.): Red Notices. Available at: <https://www.interpol.int/How-we-work/Notices/Red-Notices> (accessed: 2. 8. 2022).

²² INTERPOL a (n. d.): About Notices. Available at: <https://www.interpol.int/How-we-work/Notices/About-Notices> (accessed: 2. 8. 2022).

²³ Estlund, M. b (2021): INTERPOL Red Notices and Diffusions- the difference between the two and why it matters. Available at: <https://www.rednoticelawjournal.com/2021/04/interpol-red-notices-and-diffusions-the-difference-between-the-two-and-why-it-matters/> (accessed: 2. 8. 2022).

of that, many countries use diffusions after Red Notices concerning same subjects are denied. In these cases, the data collected is deleted, and the INTERPOL member countries which received the information are also informed that INTERPOL's channels cannot be used in the case concerned. The Commission for the Control of INTERPOL's Files (CCF) and the General Secretariat are acting consistently, however for these types of violations to be discovered, the subject of the diffusion often has to first discover their diffusion status, which often happens during travel unexpectedly and may lead to detention.²⁴

In 2021, the General Secretariat published nearly 18,362 notices and recorded more than 42,805 diffusions. There were 113,880 notices and 105,161 diffusions in circulation at the end of 2021.²⁵

IV. The Commission for the Control of Interpol's Files (Ccf)

The CCF is an independent, impartial monitoring body that ensures that all personal data processed through INTERPOL's channels conform to the rules of the Organization.²⁶

The Commission has three functions, as defined in INTERPOL's Constitution: a supervisory/monitoring role, an advisory role, and a processing role — in which it handles individual requests for access to, correction of or deletion of data in the INTERPOL Information System.²⁷ The CCF's most notable function is to consider legal petitions submitted by individuals requesting the revocation of Red Notices. Such petitions, as a rule, only succeed when the Red Notice in question violates Article 3 of the Constitution or the

²⁴ Estlund, M. (2019): INTERPOL's CCF- what happens when countries use diffusions after Red Notices are denied? Available at: <https://www.rednoticelawjournal.com/2019/03/interpol-s-ccf-what-happens-when-countries-use-diffusions-after-red-notices-are-denied/> (accessed: 2. 5. 2022).

²⁵ INTERPOL d (n. d.): Fact Sheet: International Notices system. Available at: <https://www.interpol.int/Resources/Documents#Fact-Sheets> (accessed: 2. 8. 2022).

²⁶ INTERPOL b (n. d.): Commission for the Control of INTERPOL's Files (CCF). Available at: <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF> (accessed: 2. 8. 2022).

²⁷ Ibid.

Universal Declaration of Human Rights. In 2018, it ruled that 48% of the 346 complaints it took forward had broken INTERPOL's rules.²⁸

Requests containing arguments based on Article 3 are evaluated on a case-by-case basis, by reviewing different elements including (but not limited to):

- the predominance of political, military, religious or racial elements of the case over the ordinary law character of the crime;
- resolutions adopted by INTERPOL's General Assembly expressing INTERPOL's interest in cases involving terrorism and membership of a terrorist organization and cases concerning serious international crimes (genocide, crimes against humanity, and war crimes).²⁹

While the Commission is an independent body of INTERPOL, cooperation with other governing bodies and members of the Organization is essential for it to operate effectively. To perform its functions, the Commission directly consults the INTERPOL General Secretariat, National Central Bureaus, and other relevant entities.³⁰ The Constitution has been criticised many times, including by the Assembly of the Council of Europe in 2013, which highlighted the Commission's non-adversarial procedures and unjust decisions.³¹

V. Misuse of Red Notices

As criminals move around an increasingly interconnected world and the frequency of terrorist incidents increased, the use of INTERPOL's system has followed this trend. In the

²⁸ Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

²⁹ INTERPOL c (n. d.): Commission for the Control of INTERPOL's Files (CCF): Frequently Asked Questions. Available at: <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/Frequently-Asked-Questions> (accessed: 2. 8. 2022).

³⁰ INTERPOL b (n. d.): Commission for the Control of INTERPOL's Files (CCF). Available at: <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF> (accessed: 2. 8. 2022).

³¹ Assembly of the Council of Europe (2013): Accountability of international organisations for human rights violations. Available at: <http://semantic-pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNveG1sL1hSZWYvWDJILURXLWV4dHIuYXNwP2ZpbGVpZD0yMDMxMCZsYW5nPUVO&xsl=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnNveG1sL3hzbC1mby9QZGYvWFJlZi1XRRC1BVC1YTUwyUERGLnhzbA==&xsltparams=ZmlsZWlkPTlwMzEw> (accessed: 8. 8. 2022).

past two decades, Red Notices increased tenfold, from about 1,200 in 2000 to almost 12,000 in the year 2020.³² A sharp increase in numbers is closely related to the introduction of the electronic ‘i-link’ system in 2008.³³

Some Red Notices and diffusions are thought to be controversial and have been used to persecute political opponents of regimes or new political administrations as well as opponents of some high-ranking officials, refugees, human rights defenders and journalists, reporting about controversial issues in a certain member state. The methods may differ, but they are intended by the state to send a similarly menacing message in an era of global movement: a person may leave their country but can still be punished. Despite INTERPOL’s politically neutral stance, the agency has been criticised many times for its role in arrests that, so claim the critics, were politically motivated. Some countries have slowly started to weaponize the use of the Red Notice as well as criminalize the media through abusing notices towards journalists.³⁴

It is not known how many of active Red Notices could be based on politically motivated charges as INTERPOL does not release data on how many Red Notices it rejects. But the number is rising. INTERPOL Secretary-General, Jürgen Stock insists that these notices are a “small number of cases” compared with the “overwhelming majority” of legitimate ones. However, even his rough estimate of no more than 5% of notices being improperly applied each year could mean hundreds of potentially wrongful arrest requests.³⁵

It was shown in 2013 that INTERPOL Red Notices were sometimes inaccurate and could be politically motivated. NGOs such as Fair Trials International have pointed to INTERPOL’s limited internal controls to tackle political abuses. Many of its Member States have poor

³² Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

³³ Bowcott, O. (2013): Interpol accused of failing to scrutinise red notice requests. Available at: <https://www.theguardian.com/uk-news/2013/nov/27/interpol-accused-red-notice-requests> (accessed: 2. 8. 2022).

³⁴ Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

³⁵ Ibis.

human rights records and corrupt, undemocratic governments and have been accused of abusing the Red Notice networks for political purposes.³⁶

INTERPOL's constitution explicitly forbids the organization's use for political matters, and it announced in 2015 that it would remove a Red Notice if the subject of it had been recognised as a refugee. Its work must also fall within the Universal Declaration of Human Rights, which among other rights demands fair trials and free speech and moreover prohibits arbitrary arrests. INTERPOL says it screens every wanted-person request, but it regularly fails to recognize the political intentions hidden in the Red Notice in question. Ruling out questionable requests for international arrests falls to the CFF, created in 2016.³⁷

Although INTERPOL's interventions against some Member States, for example Russia and Turkey, are among several publicly known examples of the organization's efforts to stop politically motivated notices in recent years, there is some fear that INTERPOL too often believes its members are working in good faith and providing it with accurate information. As INTERPOL is not an international law enforcement agency, it is only there to help the police do its work under the assumption that the police do its work honestly. "That's the system, so the first reaction is to do with the immediate situation, then legal controls kick in later in the process," said Rutsel Martha, INTERPOL's Dutch former legal chief and author of a study of the organization. Moreover, the argument that is mentioned a lot lately is that INTERPOL's systems are opaque, with no real oversight or accountability, and routinely abused by some states. Member countries do not need to provide that much information, and Interpol is underfunded and understaffed.³⁸ INTERPOL's constitution provides sound protection for vulnerable exiles, but in practice continued violations of the organization's rules indicate that its internal oversight process is incapable of preventing the circulation of unjust Red Notices and diffusions. When individuals are aware they are the subjects of

³⁶ Baldino, D. (2013): FactCheck: are Interpol red notices often wrong? Available at: <https://theconversation.com/factcheck-are-interpol-red-notices-often-wrong-15377> (accessed: 8. 8. 2022).

³⁷ Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

³⁸ Ibid.

INTERPOL communication, a lack of transparency and due process at INTERPOL makes it extremely difficult for already vulnerable exiles to defend themselves.³⁹

In practice, two main abuse strategies have emerged based on these structures.

Among the easiest ways to craft misleading arrest requests is to accuse people of financial crimes such as money laundering as it is very easy to either fabricate or manipulate information to create a charge of embezzlement or misappropriation or gaining unjust profit. Moreover, a low level of proof is required for a Red Notice to be issued.⁴⁰

Secondly, less formally, members can request action through a “diffusion,” as already briefly mentioned above. This type of request for assistance is sent directly from one country to others of its choosing. Although diffusions are also supposed to be subject to review, such review only occurs after a country submits it. Even if the review subsequently rejects the merits of a diffusion, the nature of the system creates its own problems. Moreover, INTERPOL does not have control of what countries do with the requests, and copies of the request could unfortunately stay in countries’ criminal databases even after deletion by INTERPOL. Despite rules designed to prevent their misuse, mechanisms like Red Notices and diffusions have increasingly become tools of repressive regimes employed by autocrats.⁴¹ This practice has been observed repeatedly and with increasing frequency by Russian authorities. This action makes it considerably more difficult for INTERPOL to detect the abuse and stop the request.⁴²

³⁹ Lynch, I. J. (2019): Can US Legislation Halt INTERPOL Abuse by Central Asian Autocrats? Available at: <https://thediplomat.com/2019/09/can-us-legislation-halt-interpol-abuse-by-central-asian-autocrats/> (accessed: 2. 8. 2022).

⁴⁰ Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

⁴¹ Smith, P. (2019): Interpol Abuse Allows Russia to Export Oppression. Available at: <https://www.americansecurityproject.org/interpol-abuse-allows-russia-to-export-oppression/> (accessed: 5. 8. 2022).

⁴² Schlun & Elseven Rechtsanwälte (n. d.): Misuse of an Interpol Red Notice. Available at: <https://se-legal.de/schlun-elseven-lawyers/lawyer-for-extradition-proceedings/misuse-of-an-interpol-red-notice/?lang=en#The-Structure-and-Function-of-Interpol> (accessed: 2. 8. 2022).

Another issue is that when getting a Red Notice removed, even in more developed European countries, the process can be slow and difficult. INTERPOL data on wanted individuals can remain on national police computer systems even after it has been revoked. A key challenge is how long it can take to get non-compliant notices removed.⁴³ It is ultimately up to the Member States that have received the diffusion notification to delete the corresponding alert by INTERPOL or keep it in their national systems. Besides that, INTERPOL cannot take binding action and ensure a complete deletion in the national databases.⁴⁴ To further immobilise the subject of a Red Notice, governments have the right to deny individuals access to INTERPOL's files.⁴⁵

VI. Brief introduction to the actions of the Russian Federation

It is known that Russia routinely requests improperly based notices and diffusions. Russian officials use INTERPOL to indirectly gain other countries' assistance in oppressing political opponents.⁴⁶ According to Freedomhouse, Russia is responsible for 38% of Interpol's public Red Notices.⁴⁷ Among some of those, is a request on action for Bill Browder, which was requested through INTERPOL by the Russian Federation seven times. Although INTERPOL refused to publish the notices and the diffusions were later cancelled, he was, among other consequences, detained for a short period of time in Spain in 2018. This is also a typical case of a Member State issuing a diffusion instead of going for the stricter Red Notice.

⁴³ Jacobs, J. (2021): Has Interpol become the long arm of oppressive regimes? Available at: <https://www.theguardian.com/global-development/2021/oct/17/has-interpol-become-the-long-arm-of-oppressive-regimes> (accessed: 2. 8. 2022).

⁴⁴ Schlun & Elseven Rechtsanwälte (n. d.): Misuse of an Interpol Red Notice. Available at: <https://se-legal.de/schlun-elseven-lawyers/lawyer-for-extradition-proceedings/misuse-of-an-interpol-red-notice/?lang=en#The-Structure-and-Function-of-Interpol> (accessed: 2. 8. 2022).

⁴⁵ Nemets, Y. (2019): The absolute right of governments to deny individuals access to Interpol's files and the need for due process: CCF seeks balance. Available at: <https://rednoticeabuse.com/the-absolute-right-of-governments-to-deny-individuals-access-to-interpols-files-and-the-need-for-due-process-ccf-seeks-balance/> (accessed: 2. 8. 2022).

⁴⁶ Estlund, M. c (2021): INTERPOL, Red Notices and Russia's Navalny situation- how the EU's response to Russian human rights abuse matters to INTERPOL. Available at: <https://www.rednoticelawjournal.com/2021/02/interpol-red-notices-and-russias-navalny-situation-how-the-eus-response-to-russian-human-rights-abuse-matters-to-interpol/> (accessed: 5. 8. 2022).

⁴⁷ Freedom House (2021): Special report 2021: Russia: Transnational Repression Origin Country Case Study. Available at: <https://freedomhouse.org/report/transnational-repression/russia> (accessed: 8. 8. 2022).

“At some point, perhaps sooner rather than later, it will be appropriate that INTERPOL be held directly responsible for the very predictable consequences of Russia’s abuse of INTERPOL’s databases,” said attorney Michelle Estlund, who specializes in that area, in early 2018.⁴⁸

Perhaps in the fear of that and under the influence of the intensified conflict between Russia and Ukraine, INTERPOL imposed new sanctions on the Russian Federation in March of 2022. To prevent any potential misuse of INTERPOL’s channels in relation to the targeting of individuals, heightened supervision and monitoring measures concerning Russia have been implemented by the Secretary-General, a decision which was endorsed by the Executive Committee. With that decision, diffusions can no longer be sent directly by NCB Moscow to Member States. NCB Moscow must now send all diffusions to the General Secretariat to be checked for compliance with INTERPOL’s Rules, especially Article 3 of the Constitution. Only if a diffusion is found compliant will the General Secretariat disseminate it to member countries. This procedure is an addition to the General Secretariat’s current process of reviewing all Notice requests for compliance.⁴⁹

This is the first time INTERPOL is using this tactic and it is mainly using it to avoid the possible temporary suspension of the Russian Federation.

⁴⁸ Estlund, M. b (2018): It’s time for INTERPOL to defend itself against Russian abuse. Available at: <https://www.rednoticelawjournal.com/2018/05/its-time-for-interpol-to-defend-itself-against-russian-abuse/> (accessed: 5. 8. 2022).

⁴⁹ INTERPOL f (n. d.): Ukraine: INTERPOL General Secretariat statement. Available at: <https://www.interpol.int/News-and-Events/News/2022/Ukraine-INTERPOL-General-Secretariat-statement> (accessed: 5. 8. 2022).

VII. Issues to address

1. Are Red Notices an effective system, considering INTERPOL itself cannot make an arrest or compel the law enforcement authorities in any country to do that and can only request domestic law enforcement to make an arrest or take similar action? If not, should it be reformed? If so, how?
2. What is to be done to encourage Member States to use Red Notices properly and to avoid issuing diffuses when not necessary?
3. When Member States are issuing diffusions instead of Red Notices, aside from deleting the diffusion and (again) informing the member country that INTERPOL's channels cannot be used in that case, what consequences should these countries face? What, if any, mechanisms could INTERPOL establish?
4. How can abusing Red Notices for political and other reasons be tackled? Can we implement reforms to Notices themselves?
5. Should INTERPOL undertake its own initiative to scrutinize Red Notice requests more thoroughly from Member States that continue to misuse their access to INTERPOL's tools as a means of oppressing dissidents and political opponents?
6. Should the subjects of wrongly issued Red Notices or diffusions receive justice? If so, in which form?

VIII. Further reading

- Cases of Bill Browder, Hakeem al-Araibi, Petr Silaev, Benny Wenda, Doğan Akhanlı, Yidiresi Aishan, Makary Malachowski, Annadurdy Khadzhiev, Nikita Kulachenkov, Selahaddin Gülen, Viktor Yanukovych, Rachid Mesli, Manuel Rosales, Ilya Katsnelson, Ales Michalevic, Bohdan Danylyshyn, Dmytro Yarosh, Zakir Naik, Donald Trump, Can Dündar, Dolkun Isa, etc.
- The possible implementation of national laws tackling the issue, such as the TRAP act in the USA
- *Fair trials international* campaign; websites, such as <https://www.fairtrials.org/campaigns/interpol/>, <https://web.archive.org/web/20150924001432/https://www.fairtrials.org/press/fair-trials-make-recommendations-to-interpol-on-red-notice-abuse/>, <https://web.archive.org/web/20150924010043/http://www.fairtrials.org/publications/policy-report-interpol-and-human-rights/>, <https://www.fairtrials.org/publications/>, <https://www.fairtrials.org/app/uploads/2022/01/Strengthening-respect-for-human-rights-strengthening-INTERPOL4.pdf>, <https://www.fairtrials.org/articles/publications/strengthening-interpol-an-update/>.
- *Freedom House* campaign; websites, such as: <https://freedomhouse.org/>, <https://freedomhouse.org/report/transnational-repression/russia>.
- Related documents on this site: <https://www.interpol.int/How-we-work/Notices/Red-Notices>



TOPIC TWO

**THE SITUATION IN UKRAINE: PREVENTING CRIME
PROLIFERATION AND WEAPONS TRAFFICKING**

By Eleni Radovits

I. Introduction to the topic

The complicated Russo-Ukrainian relations date back many years, before the corruption of the Union of Soviet Socialist Republics (USSR, also the Soviet Union), creating instability and frequent conflicts in the East of Europe. From 2014 until today, there have been unresolved armed conflicts in the area that pose a great threat to international peace and security. On February 24th, 2022, Russia declared “special military operations,”⁵⁰ arguing its sovereignty and the integrity of the Russians in the areas of Donbas and Luhansk.⁵¹

From this very moment, many concerns have been expressed due to the countless and imprudent provision of weapons to both sides and consequently because of the fear of some possible dramatic effects, regarding the future of humanity.

II. Definition of Key Terms

The following chapter aims to define some keywords that are crucial, regarding the understanding of the examining matter.

- **War:** There seems to be no concrete legal definition for the said term. In any case, it is maintained that after 1945, war has ceased to exist as a legal institution due to the prohibition of the threat or use of force according to Article 2(4) UN Charter:⁵² *“The Organization and its Members, in pursuit of the purposes stated in Article 1, shall act in accordance with the following principles. /.../4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”* In any case, definitions of the term war are still to be found, one example being Oppenheim’s definition from International Law: “War

⁵⁰ Mankoff, Jeffrey “Putin Likes to Talk about Russians and Ukrainians as ‘One People.’ Here’s the Deeper History.” The Washington Post.

⁵¹ Proedrou, Filippos. “In Quest of Governance: The Failures of Regionalism, a Pan-European Security Architecture anoned ‘Bigemony’ in Black Sea Politics.” Southeast European and Black Sea Studies, page 439–56; United Nations, Security Council, S/2022/154, February 24, 2022. available from <https://documentsdds-ny.un.org/doc/UNDOC/GEN/N22/268/16/PDF/N2226816.pdf?OpenElement>; Mansur Mirovalev. “Donetsk and Luhansk: What You Should Know about the ‘Republics.’” Aljazeera.com. Al Jazeera, February 2022. <https://www.aljazeera.com/news/2022/2/22/what-are-donetsk-and-luhanskukraines-separatist-statelets>.

⁵² Available at https://legal.un.org/repertory/art2/english/rep_supp7_vol1_art2_4.pdf.

*is a contention between two or more States through their armed forces for the purpose of overpowering each other and imposing such conditions of peace as the victor pleases.”*⁵³

- **Armed conflict:** According to the case-law of the International Criminal Tribunal for the Former Yugoslavia (ICTY), “an armed conflict exists whenever there is a resort to armed force between States or protracted violence between governmental authorities and organized armed groups or between such groups within a State.”⁵⁴ International humanitarian law recognizes two types of armed conflicts:⁵⁵ a) international armed conflicts, with two or more opposing States, and b) non-international armed conflicts, with the opponents being governmental forces and non-governmental armed groups, or non-governmental armed groups only between them.⁵⁶
- **Force:** It is indicated that the notion of “force” is restricted to the military use of force, excluding therefore the use of political or economic force from the scope of the prohibition.⁵⁷
- **Weapons:** an object used in fighting or war, such as a gun, bomb or something used against someone.⁵⁸
- **Armed attack:** The term “armed attack” is used in Article 51 of the UN Charter. No fixed legal definition can be found, neither in any legislation nor in case-law. There is also great controversy among theorists not only on what constitutes an armed attack, but also which is its starting point. The International Court of Justice

⁵³ Greenwood, Christopher. “The Concept of War in Modern International Law.” *International and Comparative Law Quarterly* (April 1987): 283–306.

⁵⁴ Mearsheimer, John J. “Why the Ukraine Crisis Is the West’s Fault; The Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America). Merits, Judgment. (United Nations International Court of Justice June 27, 1986). *I.C.J. Reports* 1986, 14, 90 (par. 190).

⁵⁵ Breitenbücher, Danielle. “ICC, the Prosecutor v. Lubanga | How Does Law Protect in War? - Online Casebook. [casebook.icrc.org](https://casebook.icrc.org/n.d./https://casebook.icrc.org/case-study/icc-prosecutor-v-lubanga), n.d. <https://casebook.icrc.org/case-study/icc-prosecutor-v-lubanga>. March 2022.

⁵⁶ International Committee of the Red Cross (ICRC). “How Is the Term ‘Armed Conflict’ Defined in International Humanitarian Law?” March 2008.

⁵⁷ Dörr, Oliver, and Albrecht Randelzhofer. “Purposes and Principles, Article 2 (4).” In *The Charter of the United Nations (3rd Edition): A Commentary, Volume I*, Oxford University Press, 2012.

⁵⁸ “Gun”. <https://www.britannica.com/technology/gun-weapon>. (accessed July 21, 2022).

mentioned that an action constitutes an armed attack only if it achieves a “certain scale and effect.”⁵⁹

- ***Weapons of mass destruction:*** The term encompasses “atomic explosive weapons, radioactive material weapons, lethal chemical and biological weapons, and any weapons developed in the future that have characteristics comparable in destructive effect to those of the atomic bomb or other weapons mentioned above.”⁶⁰
- ***Biological weapons:*** The World Health Organization has defined biological weapons as "...either microorganisms like a virus, bacteria or fungi, or toxic substances produced by living organisms that are produced and released deliberately to cause disease and death in humans, animals or plants. Biological agents like anthrax, botulinum toxin and plague can pose a difficult public health challenge causing large numbers of deaths in a short amount of time."⁶¹
- ***Chemical weapons:*** A Chemical Weapon is a chemical used to cause intentional death or harm through its toxic properties. Munitions, devices and other equipment specifically designed to weaponize toxic chemicals also fall under the definition of chemical weapons.⁶²

III. Russia in INTERPOL

The country has been a member of INTERPOL since the 27th of October 1990. INTERPOL Russia maintains 80 regional offices across the country and a National Central Bureau (NCB) in Moscow, which is provided with “criminal intelligence” from local field investigations and operations. The Russian NCB cooperates with the Russian police, as well as with the rest NCBs of the Member States, in order to share important databases and monitor the transnational crime situation. As it was mentioned above, the regional Russian office aims

⁵⁹ UNTERM. “Weapon of Mass Destruction.” Un.org.

⁶⁰ Ibid.

⁶¹ Organisation for the Prohibition of Chemical Weapons. Organisation for the Prohibition of Chemical Weapons "Brief Description of Chemical Weapons," 2014.

⁶² Federation of American Scientists, “Types of Chemical Weapons: Brief Description of Chemical Weapons." Organisation for the Prohibition of Chemical Weapons.

to tackle organized crime, terrorist attacks, drug smuggling and cyberattacks, together with other law enforcement agencies worldwide.⁶³

IV. Ukraine in INTERPOL

Ukraine signed for its participation as a Member State in INTERPOL on the 4th of November 1992. The National Central Bureau is in Kiev, the Ukrainian capital. The office cooperates with the law enforcement – both domestic and international – and with the General Secretariat through specific anticriminal networks. The Ukrainian office's focus was mainly on economic crimes, firearms proliferation and document forgery.⁶⁴

V. Historical Background

Ukraine, a former Republic of the Soviet Union (USSR) and a founding member of the United Nations, earned its independence on 24th of August 1991 after the dissolution of the Soviet Socialistic Republics.⁶⁵ Despite its common ethnic origin and tradition with its neighbour, Russia, their bilateral relations have been complicated, being established in a circle of economic reliance and commercial dependence. During the first years after the Soviet dissolution, tensions between the two countries rose, regarding the ownership of nuclear weapons that were placed inside the Ukrainian borders. Under international pressure, Ukraine agreed to give the weapons to Russia and enter the Non-Proliferation Treaty (1968).⁶⁶ The deal was to go through only under the condition that security guarantees were to be given. Those were than later included in the Budapest Memorandum on Security Assurances (1994). However, in the beginning of the 21st century when pro-Western governments were established in Ukraine, Russia interpreted its neighbour's actions as a long-term Western plan overturn the sovereignty of the Russian society.⁶⁷ In 2014, Ukraine

⁶³ INTERPOL, "How INTERPOL supports Russia to tackle international crime," available at: <https://www.interpol.int/Who-we-are/Member-countries/Europe/RUSSIA>.

⁶⁴ INTERPOL, "UKRAINE," available at: <https://www.interpol.int/Who-we-are/Member-countries/Europe/UKRAINE>.

⁶⁵ Un.org, "Research Guides: UN Membership: Founding Members," available at: <https://research.un.org/en/unmembers/founders>.

⁶⁶ The Treaty's objective is "... to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy, and to further the goal of achieving nuclear disarmament and general and complete disarmament as a non-nuclear state."

⁶⁷ John J. Mearsheimer, "Why the Ukraine Crisis Is the West's Fault: The Liberal Delusions That

and Russia were initiated into a new conflict, concerning the areas of Donbas and Luhansk, as well as the peninsula of Crimea. In 2019, after free and fair elections observed by the Organization for the Security and Cooperation in Europe (OSCE),⁶⁸ Volodymyr Zelensky⁶⁹ was elected president, but his foreign policy, whose aim it was to end the dispute between the two neighbouring countries, was rendered ineffective. On the other hand, the Russian president, Vladimir Putin,⁷⁰ pronounced that Ukraine's approach with the West was a ruddy line for the security of his nation, thus looking for NATO's guarantee to not seek its expansion eastwards, especially considering a previous verbal agreement regarding the halt of NATO's expansion in East Germany.

Amid the 2022 heightening of the Russian anti-West narrative and the concentration of various military strengths in its common border with Ukraine, the United Kingdom accused Russia of plotting to overturn the Ukrainian President Zelensky and introduce a pro-Russian government, citing data from its intelligence service insights⁷¹. As the days gone by, on February 16th, in spite of a partial withdrawal of Russian troops from the Ukrainian border,⁷² the United Kingdom and the United States of America accused Russia of a possible invasion in Ukraine. Following was a decree by the Russian president that recognized the Donetsk People's Republic and the Luhansk People's Republic.⁷³

Provoked Putin." Foreign Affairs (2014): 77–89.

⁶⁸ "Office for Democratic Institutions and Human Rights, Ukraine Presidential Election ODIHR Election Observation Mission Final Report," 2019. Available at: https://www.osce.org/files/f/documents/8/3/439631_0.pdf.

⁶⁹ Al Jazeera. "Russia-Ukraine Peace Talks 'Sounding More Realistic.'" Available at: <https://www.aljazeera.com/news/2022/3/16/zelensky-says-russia-ukrainepeace-talks-more-realistic>.

⁷⁰ Al Jazeera. "No Breakthrough at Ukraine Talks as Russian Assault Continues." Available at: <https://www.aljazeera.com/news/2022/2/28/russia-ukraine-talks-to-continueputin-aide>.

⁷¹ "With Sanctions, U.S. And Europe Aim to Punish Putin and Fuel Russian Unrest." The New York Times, March 2022. Available at: <https://www.nytimes.com/2022/03/04/us/politics/russiasanctions-ukraine.html>.

⁷² Kaplan, Anna. "Russia-Ukraine Peace Talks Have Advanced to Point Where Meeting between Putin and Zelensky Is Possible, Ukrainian Negotiator Says." Forbes, April 2022. Available at: <https://www.forbes.com/sites/annakaplan/2022/04/02/russia-ukraine-peace-talks-have-advanced-to-point-where-meeting-between-putin-and-zelensky-is-possible-ukrainian-negotiator-says/?sh=15f5e20b51eb>.

⁷³ Roth, Andrew, and Philip Oltermann. "Russia Confirms 'Partial' Withdrawal of Troops from Ukraine Border." the Guardian, February 2022. Available at: <https://www.theguardian.com/world/2022/feb/15/russia-ukraine-border-troops-withdrawal>; Julian Borger and Dan Sabbagh. "US and UK Trying to Fend off Russian Invasion by Making Intelligence Public." The Guardian. February 2022. Available at: <https://www.theguardian.com/world/2022/feb/16/us-uk-russia-invasion-intelligence-public-briefings>.

On the 24th of February the day that humanity feared, had come. Putin announced a "special military operation,"⁷⁴ in order to "denazify" Ukraine and to protect his country. Minutes later, missiles and airstrikes hit across Ukraine.⁷⁵

One day after the beginning of the war, the United Nations Security Council voted on a resolution regarding Moscow's invasion in Ukraine, which was eventually vetoed by the Russian Federation.⁷⁶

After the Security Council failed to adopt a resolution, efforts to address the war were once again taking place, this time based on the "United for Peace" Resolution which grants the UN General Assembly the ability to convene and consider a matter immediately after UNSC fails to adopt a substantive resolution on the same matter, if the situation is a threat to international peace and security. As a result, the General Assembly adopted Resolution ES-11/3 which, among other things, suspended Russia's rights to membership to the Human Rights Council. The war has since been taking place and humanity is facing abhorrent moments of cruelty and death, leading millions of Ukrainians to choose the road of homelessness.⁷⁷

VI. The Current Weapon Supply Situation in Ukraine

Based on research conducted by the BBC, the United States has committed to providing weapons to the Ukrainian individuals far more than any other nation. Regarding the money that has already been provided, the White House asserts that the United States has given \$6.3bn for security reasons, since President Joe Biden's elections. The United Kingdom says

⁷⁴ Meduza. "Putin announces formal start of Russia's invasion in eastern Ukraine" (February 2022);

Alexander Hinton. "Putin's claims that Ukraine is committing genocide are baseless, but not unprecedented."

⁷⁵ BBC. "Ukraine conflict: Russian forces attack after Putin TV declaration". BBC News, February 2022. Available at: <https://www.bbc.com/news/world-europe-60503037>.

⁷⁶ UN News. "Russia Blocks Security Council Action on Ukraine." February 2022. Available at: <https://news.un.org/en/story/2022/02/1112802>.

⁷⁷ Ivory Danielle, Ismay John, Lu Denise, Hernandez Marco, Queen Cierra S., Ruderman Jess, White Kristine, Higgins Lauryn, Wong Bonnie G, "What Hundreds of Photos of Weapons Reveal About Russia's Brutal War Strategy", The New York Times, June 2022. Available at: <https://www.nytimes.com/interactive/2022/06/19/world/europe/ukraine-munitions-war-crimes.html>.

it has given \$1.6bn since the beginning of the war, with a further \$1.2bn in aid on the way. With the Ukrainians fighting in the Eastern part, analysts acknowledge that Ukraine severely needs way better supplies of weapons to key positions.

An overview of weapons that were supplied to Ukraine:⁷⁸

- Long-range rockets: It is thought that 10 long-range rocket launchers have been donated to Ukraine or are on the way, from the United States, the United Kingdom and Germany. Ukraine claims that such weapons systems play a key part in their defense.
- Howitzers: Australia, Canada and the United States have also sent more than 100 M777 howitzers and 300,000 rounds of 155mm ammunition to Ukraine.
- Tanks: Ukraine has received more than 230 Warsaw Pact-designed tanks from Poland and the Czech Republic.
- Drones: Drones have featured a key role in the war, especially for crucial operations. Turkey has sold Bayraktar TB2 armed drones to Ukraine in recent months, with plenty of donations to have been occurred in support of Ukraine from the Turkish side. They are believed to have destroyed helicopters, naval vessels and missile systems, while also providing exact locations of Russian positions.
- Air defenses: Ukraine has successfully managed to prohibit the aircrafts of the Russian Federation to fly within its aerial borders, providing full control of Ukrainian airspace to the Ukrainian government.

⁷⁸ "Making Sense of the Weapons in the Ukraine War." The New York Times, March 2022. Available at: https://www.nytimes.com/explain/2022/03/25/us/weapons-ukraine-war?action=click&pgtype=Interactive&state=default&module=styleIn-russia-ukraine&variant=show®ion=BELOW_MAIN_CONTENT&block=storyline_flex_guide_recirc.

VII. The Russian Armament Situation

An important number of serious attacks against the Ukrainian cities and towns have been conducted with a variety of rockets and other munitions from the Russian Federation's side, most of which can be considered relatively close to those used in the Cold War, and many of which have been strictly prohibited under international treaties.⁷⁹

A tremendous part of the weapons operate with unguided systems which lack accuracy and, as a result, a higher number of munitions has to be used to take out even one single target. Additionally, a great number of attacks is being carried out in zones inhabited by civilians. Howitzers and artillery rockets are the most commonly used Russian weapons. However, due to the currently imposed sanctions, Russia may be restricted in the sheer number of its munitions in the near future, especially more modern ones whose ammunitions have been so far heavily depleted.

Another characteristic of these weapons is their widespread use. Weapons and their equipment have been found all through Ukraine, and approximately one-fifth of those monitored were found outside of the Ukrainian territory according to a New York Times analysis. "Though some of the munitions were almost certainly used in airstrikes, many were most likely launched at maximum range, meaning that estimates of troop presence during the span of the war may have underrepresented the extent of the threat to civilians and civilian structures," states a New York Times expert. The problem seems to be perpetuated due to unexploded weapons. Evidence supports a finding of more than 120 rockets, bombs, shells and other munitions in Ukraine that failed to detonate or were abandoned. Their "leftovers" not only pose a danger to civilians if they unexpectedly explode, but also can wreak havoc on the environment, contaminating drinking water, soil and air, sometimes sickening or killing people. Their explosion could also happen after years, as experts mention.

⁷⁹ Ivory Danielle, Ismay John, Lu Denise, Hernandez Marco, Queen Cierra S., Ruderman Jess, White Kristine, Higgins Lauryn, Wong Bonnie G, "What Hundreds of Photos of Weapons Reveal About Russia's Brutal War Strategy", The New York Times, June 2022. Available at: <https://www.nytimes.com/interactive/2022/06/19/world/europe/ukraine-munitions-war-crimes.html>.

VIII. INTERPOL'S Stance Regarding the Weapons Situation in Ukraine

Since the beginning of the invasion, Denys Monastyrskyi (the Ukrainian Minister of Internal Affairs) had been demanding that Russia be “expelled” from INTERPOL.

However, on 3 March, a spokesperson for the INTERPOL General Secretariat told The Guardian: “...only the general assembly, Interpol’s supreme governing body comprising representatives from each of its 195 member countries, can vote on issues relating to membership. The Interpol general secretariat continues to monitor the situation concerning Ukraine closely.”⁸⁰

A general worry of the organization is mostly the use of weapons. The INTERPOL Secretary-general Jürgen Stock has expressed his concerns regarding the weapons that were sent to Ukraine after the Russian invasion as he thinks that they might end up in the global hidden economy and in the hands of criminals. He also stated that a wave of guns and heavy arms will flood the international market after the end of the conflict and he urged INTERPOL’s Member States, especially those supplying weapons, to cooperate on arms tracing. “Once the guns fall silent [in Ukraine], the illegal weapons will come. We know this from many other theatres of conflict. The criminals are even now, as we speak, focusing on them,” Stock said.⁸¹

“Criminal groups try to exploit these chaotic situations and the availability of weapons, even those used by the military and including heavy weapons. These will be available on the criminal market and will create a challenge. No country or region can deal with it in isolation because these groups operate at a global level.” He added: “We can expect an influx of weapons in Europe and beyond. We should be alarmed, and we must expect these weapons to be trafficked not only to neighboring countries but to other continents.”⁸²

⁸⁰ Kim Willsher, “Arms sent to Ukraine will end up in criminal hands, says Interpol chief.” The Guardian, June 2022. Available at: <https://www.theguardian.com/world/2022/jun/02/ukraine-weapons-end-up-criminal-hands-says-interpol-chief-jurgen-stock>.

⁸¹ Ibid.

⁸² Ibid.

He argues that INTERPOL urged members to use its database to help “track and trace” the weapons. “We are in contact with member countries to encourage them to use these tools. Criminals are interested in all kinds of weapons ... basically any weapons that can be carried might be used for criminal purposes.”⁸³

IX. Conclusion

Ukraine has been in a constant crisis since 2014 and when the calendar marked the 24th of February 2022, Ukraine became a involved in an armed conflict with Russia. The conflict has created numerous refugee flows, inside and outside of the Ukrainian borders, destroyed cities and millions of deaths.

With that being said, the prospect of an illegal weapons proliferation as well as trafficking crisis looms large. While a great number of weapons that are being sent to Ukraine is on the one hand necessary for Ukraine to stand a fighting chance, on the other it is opening opportunities for criminals and traffickers.

The situation begs many question that INTERPOL should address: if and how can the cooperation between different police forces help address the aforementioned problems? What measures can INTERPOL actually implement? Can INTERPOL create a robust framework so weapons that are supplied to countries involved in a conflict in future crises do not enter the illegal market? How can weapon trafficking to neighboring as well as other states be prevented? These are all crucial question that the Committee must address.

⁸³ Ibid.

X. Further reading

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XI. Points to be Adressed:

- What is the role of INTERPOL in the resolution of the ongoing international armed conflict in Ukraine? Considering the provisions of INTERPOL’s Constitution (especially Article 3), what should INTERPOL’s position regarding the armed conflict be?
- If and how can the cooperation between different police forces help address the aforementioned problems? What measures can INTERPOL actually implement?
- Can INTERPOL create a robust framework so weapons that are supplied to countries involved in a conflict in future crises do not enter the illegal market?
- How can weapon trafficking to neighboring as well as other states be prevented?
- Should INTERPOL suspend Russia from its membership? Can INTERPOL even do so?

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https://www.redcross.org/content/dam/redcross/atg/PDF_s/International_Services/International_Humanitarian_Law/IHL_SummaryGenevaConv.pdf.
5. Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), Provisional Measures, , I.C.J. Reports April 2017, p. 104. <https://www.icj-cij.org/public/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>,(accessed April 12, 2017).
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