

Crucial Problems in the Functioning of Interpol on the Threshold of the 21st Century

Tomasz Safjański

University of Law and Public Administration Rzeszów–Przemyśl, Poland

Abstract. Identification of the crucial problems of one of the critical institutions of the global security system which has been an element present in police cooperation for over 90 years is not an easy task. The multitude of factors (e.g. political, legal and organisational etc) that shape options for Interpol action makes the identification and assessment of such problems very controversial. The development of international police cooperation within the framework of Interpol was carried out in a logical way and closely linked to the real needs of the police of cooperating countries. Through long-term practice, specific mechanisms and instruments for organising and coordinating international police action have been developed. Certainly the presence of Interpol does not solve all the needs that may be encountered in the practice of police cooperation, but without Interpol, the cooperation discussed could develop only at a regional level, which would considerably reduce the effectiveness of the international search for suspects and criminal information exchange. Police actions undertaken within the framework of Interpol, which is a mechanism of multilateral cooperation, in a natural way can only serve as supportive and complementary to operations in the fight against crime that are carried out in the internal dimension of Member States or as part of bilateral agreements. To such operations Interpol provides coordinating assistance, expert knowledge and scientific or analytical support. At the current stage of development of the legal situation and international relations there is no place for any further Interpol function that might prove effective in practice. Assessing the activities of a well-deserved international organisation, it should be pointed out that there is an undeniable need for Interpol's existence. Interpol is perceived by the international community as an instrument that can be used only against cross-border criminal threats. Consequently, as an organisation that has operated for decades in terms of a clearly defined role, Interpol has the ability to integrate organisational tasks against these.

DOI: 10.5604/01.3001.0010.7426

<http://dx.doi.org/10.5604/01.3001.0010.7426>

Keywords: international cooperation, cross-border threats, international affairs, multilateralism, international crime

The Specificity of Operational Work

Interpol carries out tasks related to preventing cross-border threats such as crime and terrorism on the basis of activities in the field of criminal intelligence. Interpol activities are within the field of forensic science, and are part of operational work. Methods of implementation of tasks by Interpol are activities typical of criminal intelligence. Regarding criminal intelligence, there are three areas of Interpol's activity. Firstly, Interpol creates and manages police databases. Interpol administers a number of databases that collect information necessary for effective police cooperation (amongst other things stolen vehicles, lost works of art, wanted persons). Secondly, it provides services in the field of exchange of such information, including independently acquired information (e.g. from open sources) and creates the conditions necessary for the exchange of information. Thirdly, it undertakes compilation and analysis of intelligence.

Certainly Interpol provides a unique opportunity to exchange police information on a global scale. Relevant to this, an undeniable merit of Interpol are the contacts created between the 190 Member States through the I-24/7 secure information exchange system, which enables a relatively rapid exchange of criminal data.

Notable achievements are the development of databases (amongst others, the nominal database, fingerprint database, DNA database, the database of works of art, the database of lost travel documents, database of stolen administrative documents and the database of stolen motor vehicles) and the implementation of international searches based on Notices¹ and Diffusions.² Thus Interpol manages global police data of an operational, strategic and technical nature. It also has the ability to independently obtain information from open sources. Belonging to Interpol allows national police forces to obtain access to the relevant information resources of the organisation, as well as to a modern, computerised information exchange system with a global reach. Through the Interpol communications network they can, without undue delay, contact their foreign counterparts. Members of Interpol may also exchange and gain experience in the fight against crime at international conferences and training courses organised by Interpol. By gathering and sharing databases of criminal information, as well as the international distribution of such information (through Notices), Interpol plays an important role in locating wanted persons (suspects, missing persons), identification of people and corpses (DNA, fingerprints) and the recovery of items lost as a result of crime (vehicles, works of art).

The role of Interpol in combating crime can be partly confirmed by the number of searches of Interpol databases and the impact of issues addressed within the framework of Interpol Member States.³ In 2013 alone, the police of the Member States carried out more than 1.2 billion checks on the ICIS system (about 3.3 million checks per day, 38 checks per second).⁴ The use by the national police of instruments mentioned in their daily work has brought a number of benefits and practical results. In the 2000–2014 period checks of the resources of Interpol helped police forces of Member States to make 1,753,264 so-called positive findings, i.e. “hits”. During the years 2005 to 2014, the number of “hits” increased from 49,902 to 355,783 (an increase of over 600%).⁵ A “hit” means, through the resources of Interpol, finding

¹ A Notice is a request for international cooperation or international warning addressed to all Member States of Interpol, published by the General Secretariat of Interpol at the request of the national office of the Member State of Interpol, an international entity or on the initiative of the General Secretariat of Interpol, and which is also registered in the Interpol database.

² A Diffusion is a request for international cooperation or an international warning, sent by the national office of the Member State of Interpol to a state or the Interpol Member States, and which is also registered in the Interpol database.

³ The “Interpol” issues can be classified in three main categories: inquiries regarding the provision of information or the exchange of information, expert analyses and expertise, and coordination of police operations (including searches for people and objects).

⁴ INTERPOL Annual Report 2013, p. 52.

⁵ INTERPOL Annual Report 2009, p. 28. *Electronic source:* <http://www.interpol.int/content/download/766/6027/version/8/file/iaw2009.pdf>, accessed: May 15, 2013), and INTERPOL Annual Report 2011, p. 22.

an individual whose data were entered in a query. In practice, this can take place when checking identity documents during a routine traffic check and be associated with the use of specific legal action including detention of a person. However, the "hit" can also be the result of a query directed by a police officer who makes a general recognition of a particular group of people with no direct contact with a person registered in the Interpol resources.

The result of the analytical activities of Interpol are strategic reports and criminal analyses, which often support the planning or execution of police operations carried out by Member States.

Using the support of Interpol allows Member States to obtain information in respect of terrorist acts. For example, Interpol played an important role in police operations undertaken in connection with the terrorist attack in Mumbai in November 2008. As a result of police cooperation within the framework of Interpol, intelligence was gathered about the people involved in planning, aiding and financing the terrorist attack. Detailed information about phone numbers, bank accounts, money transfers, Internet addresses and sources of equipment and materials used to carry out the attacks was established. Then Interpol published a Notice concerning the arrest of the attackers identified at the request of the competent authorities of Pakistan.⁶

As already signalled, the actions of Interpol are based on a modern, computerised communications system that facilitates the exchange of information between national offices and the Interpol General Secretariat and allows the law enforcement agencies of Member States to access Interpol databases. But the sense of exchanging information between police forces in different countries has been challenged several times. After the terrorist attacks in London in 2005, in the interests of the investigation the British police refused to provide any information about the suspects to Interpol. It turned out that the documents which the suspects used were registered in the Interpol database. They were not discovered because the British accessed this database only 30 times a month.⁷

However, the benefits offered by the global databases created by Interpol are not an undisputed issue. For example, data on stolen vehicles, e.g. in North, Central and South America can, from a European point of view, lead to an overload in database information rather than an increase in efficiency, because usually these vehicles rarely get to Europe. For this reason, it seems fair to make suggestions concerning regionalisation and greater detail in the data collected by Interpol.

In the relatively long period of its existence the operational potential of Interpol as an instrument of international police cooperation has undergone a process of change mainly conditioned by the development of technology and the need to respond to new forms of criminal activities. By contrast, the nature and principles of police cooperation itself in the framework of Interpol, adopted at the dawn of the organisation, have not changed.⁸ Today, in terms of its legal forms, police

⁶ Press Statement by Ronald K Noble, Secretary General ICPO-INTERPOL, Islamabad, Pakistan 8 March 2009. *Electronic source:* www.interpol.int/.../SG-Press-Statement-20090308, accessed: 12.12.2010).

⁷ Zawisza A, Największa policja świata. *Przegląd*, 2010, No 40.

⁸ Cf. Deflem M, *The Policing of Terrorism: Organizational and Global Perspectives*. New York, 2010, p. 111 et seq.

cooperation within the framework of Interpol differs little from that of the early 1950s. Of course, a substantial modification has been the technical aspect of their implementation, resulting from technological progress, but the legal dimension of the essential forms of cooperation, that is a search for persons suspected of a punishable act and exchange of criminal information, remains unchanged. In this regard, the problem is that the existing legal instruments of Interpol more closely reflect the need to combat the international crime of the mid-twentieth century than the current challenges arising from the threat of cross-border organised crime and terrorism.

From the point of view of its competences Interpol should be regarded as a specific institution of a police nature. In contrast to national police forces, Interpol is not a uniformed formation and neither is it armed. Interpol is fundamentally different from the national police in respect of powers. There are none of the typical executive powers such as the right to inspect identity documents, detention, questioning, control of baggage etc. In particular, this specificity qualifies Interpol for support and co-ordination of operational activities carried out by national police forces of the Member States through actions in the field of criminal intelligence. The most common activities of Interpol relate to combating cross-border crime through the identification and location of people or objects related to a crime.

As a result of activities related to criminal intelligence Interpol is able to undertake projects related to the coordination and assistance of police operations conducted to neutralise the threat of international crime. As part of these projects Interpol offers such instruments to Member States as combined police operations, counter-crime projects, task forces and working groups. This also allows it to assist Member States in the implementation of activities in a range of operational matters of an international nature, including investigations.

The functioning of Interpol is primarily to promote and strengthen mutual cooperation between police forces and other law enforcement authorities, which consequently most often takes the form of an exchange of information and coordination of activities relating to applications in respect of wanted persons. Currently, the main task areas of the organisation are drug-related crime, financial crime along with crime making use of advanced technologies and human trafficking. In practice, however, much information exchanged within the framework of Interpol applies to drug-related crime (according to estimates, this applies to more than 60% of all cases).

One cannot deny that, within the existing legal solutions, Member States take action to improve the internal procedures of Interpol and the orientation of its business to better suit the needs of the police of Member States. However, the arguments presented show that it is not possible to conclude that it is a fully coherent and complete system for preventing and combating international crime. The existing mechanisms of cooperation are the result of compromises by police practitioners often reached in the context of the different political interests of cooperating countries. Not without significance for the effectiveness of police cooperation within the framework of Interpol are differences in the legal systems of the Member States, including the range of penalties.

It should be noted that only a few Member States have declared their willingness for an automatic transfer of data from national databases to Interpol databases.

An example indicated by the experts is France, which has provided Interpol its database on stolen blank travel documents. Furthermore, France is in discussion with a view to placing its database of missing vehicles on the Interpol database.

Critics of the information exchange system adopted by Interpol argue that much time elapses before the state requesting the information receives a response.⁹ In addition, they expose the exchange of non-operational police data as a main domain of Interpol, marginalising detection and prevention aspects associated with the exchange of operational data. Objectively speaking, from the point of view of police cooperation the model discussed has both advantages and limitations. Obvious limitations are associated with the fact that a request for information may not relate to political, military, religious or racial aspects. In addition, the waiting period for a response depends on the level of organisation of the national Interpol office in a Member State. A major advantage stems from the fact that a request for information may be addressed to each Member State.

Place in the system

Interpol is one of a number of international instruments for fighting cross-border crime. Thus, from the point of view of national policing, cooperation in the framework of Interpol is not a key instrument, but a subsidiary. The functioning of Interpol also fits into the broader context of creating an international community of effective mechanisms of cooperation to combat cross-border threats that develop with the progress of globalisation and necessitate the combined efforts of police. A feature of the cooperation of police forces in the international dimension is that it generally requires greater professionalism from police officers than action taken only at the national level (e.g. an additional knowledge of foreign languages).

Interpol currently has 190 Member States and is the oldest, largest and widely recognised international police organisation. It plays a special role in the police cooperation between states, especially those that are not part of the European Union. In practice, the activities of the organisation allow traditional obstacles to international police cooperation related to divisions and political conflicts, borders, distance, cultural diversity and language barriers to be overcome. However, one needs to be aware that, with such a large number of Member States in the framework of Interpol, it is difficult to build a consensus on new issues.

At a regional dimension, effective mechanisms of cooperation of law enforcement agencies operate in the European Union. Examples include the European arrest warrant, joint investigation teams, Analysis Work Files within Europol or cross-border surveillance in the framework of Schengen. In relation to Interpol, such mechanisms should be considered as very distant or unrealistic.

Solutions adopted within the framework of Interpol in the field of police cooperation on crime prevention have a significant impact on the practice of

⁹ See: Wawrzyk P, *Współpraca policyjna a system informacyjny Schengen II*. Warsaw: Wydawnictwa Akademickie i Profesjonalne, 2008, p. 10 et seq. See also: den Boer M, *Rozwój współpracy policji: rys historyczny*, [in:] Beczala J (Ed.), *Układ z Schengen. Współpraca policji i organów policji po Maastricht*. Łódź: Instytut Europejski, 1998, p. 34.

functioning of the police in the Member States. For example, during the 78th session of the Interpol General Assembly a resolution was adopted recommending that Member States use all available technical tools including those that allow access to websites containing images of paedophile victims to be blocked. At the same time, this resolution committed the General Secretariat to update and distribute to the competent services of the Member States a global list of web addresses that publish the most dramatic content. Furthermore, it also adopted a resolution urging Member States to participate in the INVEX project, consisting of an exchange of information from car manufacturers, to improve the quality of data contained in INTERPOL databases on stolen vehicles.

Standards and mechanisms adopted by Interpol have led to the development and emergence of other police initiatives, in particular, organisations of a regional character (e.g. SECI Center, Baltcom, Ameripol). Many of the solutions developed by Interpol were used in, or were the inspiration for, the creation of Europol.

Although the process of “regionalisation” of police cooperation, i.e. the formation of smaller structures and international NGOs to carry out tasks in the field of preventing and combating crime, has been visible for a long time, especially in Europe, Interpol still remains one of the most important actors in international police cooperation, as well as the driving force behind the use of organisational communication standards developed by it, e.g. the national network of offices. Although its global dimension and a long history can sometimes be a reason for criticism, particularly in the context of non-compliance with modern standards in terms of legal basis, data protection and IT solutions, as well as the polarisation of interests in the organisation itself, it remains complementary to, and not in competition with, the newer initiatives.¹⁰

Interpol, in a sense, is treated by the Member States as an external entity, which is easy to criticise for lack of results. The fact that the effects of Interpol depend largely on the commitment of individual countries escapes attention. In this respect the most important factor affecting the effectiveness of cooperation in the framework of Interpol is criminal information. Interpol only has an opportunity to demonstrate its effectiveness in cases where it obtains the necessary information, which then, depending on the destination, is analysed, processed or distributed. In practice, the information provided by Member States to Interpol is of differing quality.

The number of Member States of Interpol grew steadily and, over 50 years, increased almost four-fold, from 50 countries in 1955 to 190 in 2012. Interpol has virtually exhausted the opportunity to integrate new Member States. Among the latest Interpol Member States was even the Vatican. Given the above it can be concluded that the potential for growth in term of further Interpol members has been practically exhausted. It can be asserted therefore that with respect to the future of Interpol there will not be any fundamental changes. But the formation of new states which potentially will establish cooperation in the framework of Interpol cannot be ruled out. Nevertheless, a situation where a Member State leaves the Organisation because of a serious crisis in international relations cannot be discounted.

¹⁰ Hoppe Ch, *op. cit.*

Strengths

The potential of Interpol is primarily due to the special position of the organisation in the international system of cooperation between police bodies — contact at global, regional and national levels.

The strengths include the organisational structure of Interpol based on the General Secretariat in Lyon, regional offices and liaison offices and supported by the network of national Interpol offices. The analytical capabilities of Interpol, manifested through the increasing number of analyses and their increasingly higher quality (in particular analyses of trends in crime), are highly rated. Specific training organised within the framework of Interpol is very popular with police practitioners. A positive opinion should also be expressed concerning the cooperation of Interpol with external entities, an example of which is the cooperation with Europol.

Organisational structure

Thanks to its unique organisational structure and geographical coverage, in 2016 Interpol activities embraced 190 countries and dependent territories. Consequently, Interpol has unprecedented potential to provide operational support to Member States in the fight against cross-border threats. Broadly speaking, the organisational structure of Interpol includes the General Secretariat in Lyon, 7 regional offices, 190 national offices, 2 Special Representative Offices and a Europol liaison office. The General Secretariat in Lyon is the Interpol headquarters which carries out administrative and technical tasks.

Other elements that determine the added value of Interpol are proven standards in the exchange of criminal information, a common approach to criminal threats and coordination of activities, mutual contacts and the provision of operational services which would not be performed by individual Member States. The actions of Member States, which provide for the adoption of effective enforcement mechanisms at a national level related to the cooperation within the framework of Interpol, cannot be overestimated.

Interpol has a recognised prestige and image on the world's stage. Since the beginning Interpol has emphasised respect for the sovereignty of its members. Cooperation in its framework assumes fully ignoring political differences and focuses on parties cooperating in combating international crime.¹¹

Weaknesses

In the framework of Interpol, however, there are also areas where more attention needs to be paid. In comparison to the practical police cooperation, the legal sphere of Interpol requires significant improvement.

¹¹ Deflem M, *Policing World Society: Historical Foundations of International Cooperation*. Oxford, 2002, pp. 147–152.

The effectiveness of Interpol, which operates in a transnational dimension, depends on the possession of a proper legal status. Interpol, in the opinion of some experts in the field of international law, does not have the optimal legal solutions and leverage on the national law of individual Member States. The weakest point of Interpol is the outdated and ineffective legal basis for its functioning.

It should be noted that the Constitution of Interpol of 1956 was not subject to the procedure of signature by Member States and does not contain any provisions regarding the need for its ratification.¹² According to Article 45 of the Constitution of Interpol, countries can declare that they are not able to accept the Constitution through their relevant government authorities within 6 months from the date of entry into force. The establishment of the Constitution of Interpol was not preceded by any diplomatic agreement.¹³ Given the above it should be considered that the adoption of the legal basis for Interpol occurred outside the relevant procedures to conclude international agreements. Taking the above factors into account it should be noted that the legal nature of the Constitution of Interpol, and thus its binding force from the point of view of public international law, are debatable issues. Seeking answers to the question of the legal nature of the Constitution of Interpol one should first and foremost have in mind that, on its basis, at the present time it is an organisational structure recognised by the international community as a platform for cooperation between countries on a global scale.

This observation above stems from the long-standing practice of Interpol and its Member States that have consistently demonstrated a willingness to recognise the Constitution of the Interpol as binding. So far, none of the 190 cooperating countries have officially refused to accept the Constitution of Interpol as binding. Recognition by the Member States of the Constitution of Interpol as a binding instrument of international law arises indirectly from the procedure of obtaining membership in the organisation. By submitting an application for admission to Interpol and the lack of objection to be bound by the Constitution, states have in practice expressed consent to be bound by it. In some countries, the acceptance of a General Assembly resolution to accept that state as a member of Interpol is subject to ratification according to the internal procedures for approval of international agreements.

In the Author's opinion, due to the nature and specific tasks, unique in relation to the work of other organisations, Interpol should not be completely embedded in the legal framework specific to international organisations. The need is to ensure Interpol specific status due to the nature of tasks performed. There is also a need to harmonise the internal normative acts of the organisation, including the Constitution and the General Regulations, the interpretation of which causes a great deal of confusion regarding the legal status and the nature of membership of Interpol. It is important to supplement the Constitution of Interpol with provisions concerning relations with external entities (international organisations, non-member states). It should also make clear powers to conclude agreements

¹² The Constitution was signed by a random selection of police delegates without being in any way approved by competent authorities of member countries.

¹³ Fooner M, *Interpol: Issues in World Crime and International Criminal Justice*. New York, 1989, p. 45.

with the Member States concerning the national office, privileges and immunities. During the discussion on the legal apparatus of Interpol the need to reformulate the meetings of the General Assembly (there are not enough) should be raised. In addition, it is rare to discuss operational topics during these meetings and too often resolutions are of an administrative nature. Undoubtedly, Europol being a younger platform for multilateral cooperation, from a purely legal point of view has a significant advantage over Interpol, based on the clarity of its legal standing.

Analysis of the existing organisational and legal solutions from the point of view of international law recognises Interpol as a *sui generis* international organisation specialised in police cooperation. In the light of international law, Interpol is the subject of a specific legal status, which is a consequence of several factors. Therefore Interpol cannot be considered a classic international organisation. Fundamentally, Interpol is an international organisation, however unusual. In international dealings Interpol represent itself.

A weakness in the cooperation within the Interpol is the large number of members, which results in the organisation having a limited ability to react quickly to new threats. The large number of Member States also means that there is a multiplicity and diversity of legal regimes under which the police authorities of the Member States act and which often makes effective cooperation difficult. For the same reasons, Interpol is not sufficiently flexible in respect of the financial aspects. On the basis of these assertions, critics of Interpol contend that it is only a "mailbox" and there is no possibility for development of reliable analyses of criminal activities.

In assessing Interpol one should keep in mind that, because of the global scope of activities and international recognition, it was often used by authoritarian states as an instrument of repression against political opponents.¹⁴ Despite the declared neutrality of Interpol, there is the risk of Red Notices¹⁵ and Diffusions¹⁶ being used by individual Member States for the purpose of the fight against representatives of the political opposition located abroad. The principal dysfunction in this regard is the risk of using the search instruments of Interpol for political purposes. Some Member States of Interpol, in violation of basic human rights and civil liberties, use the search systems for the prosecution of political opponents, independent journalists and civil society activists who criticise the authorities in their countries.

¹⁴ Bromund T.R, Kopel D.B, Necessary Reforms Can Keep Interpol Working in the U.S. Interest. *Backgrounder*, No 2861 of 11.12.2013, p. 2.

¹⁵ The Red Notice is the means by which the General Secretariat of Interpol forwards information that a person is sought for arrest and extradition by the judiciary of a member country or an international court or criminal court. There are two types of Red Notices: 1) — issued on the basis of the decision of a national judicial authority (prosecutor / court), 2) issued on the basis of the decision of the international criminal tribunal. Decisions of national judicial authorities on the basis of which a Red Notice may be published are: an arrest warrant or a warrant to bring a person to prison in order for a sentence to be served.

¹⁶ A Diffusion is a notice of initiation of the search for suspects on an international scale by the national judicial authorities. Diffusions are drawn up and distributed by the national office of INTERPOL via the I-24/7 directly to their counterparts in the member countries. Diffusions can be sent to all or selected national offices of INTERPOL. The subject of a Diffusion may be a request to stop, to ascertain the whereabouts or to obtain additional information on the person.

This occurs despite the fact that national applications to issue Red Notices are previously reviewed by the General Secretariat in terms of compliance with the statutory prohibition of engaging Interpol in activities of a political, military, religious or racial nature. This problem occurs more frequently with Diffusions, which are not subject to the systematic control of the General Secretariat on compliance with the statutory prohibition of engaging Interpol in activities of a political, military, religious or racial nature. Attempts to use Interpol for political purposes are condemned by the international community. International NGOs often make public examples of politically motivated cases, which have passed through the Interpol system and, at the same time, break the basic principles of cooperation within the Organisation. The need for a discussion on the reform of Interpol has also been confirmed by the Parliamentary Assembly of the Council of Europe (PACE) session in Strasbourg which took place on 23–27 June 2014. As a result, on 2 July 2014 PACE adopted a draft resolution on the elimination of abuses in the use of the Interpol search system.¹⁷ Similarly, the OSCE Parliamentary Assembly, in section 128 of the Declaration adopted at the session in Baku on June 27 – July 2, 2014 called upon all Member countries to carry out a reform of Interpol in order to exclude the possibility of using the system of Red Notices for political purposes.¹⁸

It is therefore important for Interpol to never again become subject to political control. The means for this is mainly to avoid political guidance and focus on the practical aspects of police cooperation.

Obstacles

International cooperation within the framework of Interpol is complicated by the fact of the coexistence in many countries of different police bodies, e.g. civilian police, military police, national police, regional police or local police. In order to improve the international exchange of information within Interpol, Member States should have the technology to enable rapid and secure exchange of information between the relevant national departments.

Interpol does not have supervisory functions in relation to the activities of the national police. Activity on the exchange of Interpol information is conditioned by the voluntary cooperation of individual countries. An important limitation is the vague definition of the data that should be supplied by the Member States.

The primary obstacle to increasing police cooperation in the framework of Interpol to a higher level is disputes between states and the diversity of their political interests. As a consequence, the international community has not yet managed to agree on many basic standards of international law, e.g. the definition of international terrorism and international crime.

There is no universal international convention in respect of mutual legal assistance and extradition; the common courts of individual Member States

¹⁷ Document No 13566 of 02 July 2014. *Electronic source:* <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=21096&lang=EN>, accessed: 16.01.2016.

¹⁸ *Electronic source:* <http://www.oscepa.org/publications/all-documents/annual-sessions/2014-baku/declaration-2/2540-2014-baku-declaration-eng/file>, accessed: 1.01.2016.

take an ambiguous position on the recognition of the legality of Interpol's Red Notices. There is also no universal international agreement regulating the issues of the immunities and privileges of Interpol.

Arguments put forward in the article fully confirm the specifics of the legal status of Interpol. Interpol is an organisation of a coordinating and auxiliary nature supporting Member States' police in the fight against international crime.¹⁹ It plays an important role in combating cross-border crime although it is not legitimised to conduct independent operational or investigative activities, nor has it any supervisory powers in relation to such activities carried out by national police forces.²⁰ From a global perspective, next to bilateral contacts, Interpol is the channel most preferred for daily operational cooperation in the exchange of information between countries.

Interpol is a collaborative platform created by the police for the police. It should be emphasised that the initiative to create Interpol resulted primarily from the actual operational needs of police services. Actions now taken within the organisation aim to strengthen practical cooperation of the police across the world. The political demand for a substitute for an institutional counter to crime-related threats at a global level was only of secondary importance in the process of the creation of Interpol. The situation in this respect has changed little today, and consequently Interpol largely remains an institution directed mainly by the needs of the police.²¹

Cooperation implemented within the framework of Interpol is an example of effective, relatively informal and wide-ranging cooperation on a global scale. It is of an intergovernmental nature, but has not undergone formal foundation; in particular, it is not regulated by an international agreement between the countries concerned. Despite this, Interpol enjoys formal international status, and its international status is recognised in practice, in particular through participation in various kinds of initiatives within the international community, or direct cooperation with the countries or international organisations in the area of competence conferred on it by the Member States.

By fulfilling its role in combating crime Interpol makes an indirect contribution to the international security. The activities of Interpol in this area are of both practical and symbolic importance. From an operational point of view, the fight against transnational crime requires the cooperation of many police partners. Interpol is the central link for international police cooperation and acts as a mechanism coordinating this interaction. In practice, the support of Interpol is used in situations in which the actions of national police forces coordinated within its framework may be more effective than if they were implemented separately by individual Member States. Thanks to this, it primarily strengthens the horizontal coordination of activities aimed at combating cross-border crime and the operational cooperation

¹⁹ Gawłowicz I, Wasilewska M.A, *Międzynarodowa współpraca w walce z przestępczością*. Szczecin: Wydawnictwo Naukowe Uniwersytetu Szczecińskiego, 2004, p. 50 et seq.

²⁰ Safjański T, *Współczesny potencjał Interpolu do zwalczania przestępczości transgranicznej*. *Policja*, 2009, No 1.

²¹ In the Author's opinion it can be observed that Europol, which is a younger platform for multilateral police cooperation, is more subject to political influence than Interpol (See: Safjański T, *Europejskie Biuro Policji Europol*. Genez. Główne aspekty działania. Perspektywy rozwoju. Warsaw, 2009).

between Member States. Interpol supports the development of activities in respect of international security by encouraging Member States to ratify and implement international legal instruments, such as e.g. the United Nations Convention against Transnational Organised Crime, dated November 15, 2000.²² Moreover, the organisation participates in the development of international standards and provisions in other forums such as the Council of Europe or FATF (Financial Action Task Force). From a symbolic perspective, Interpol is an expression of solidarity in the fight against common threats that transcends political divisions.

Despite the many limitations of an objective nature, Interpol in its current shape is an important tool in the fight against international crime. It is necessary to further develop this institution with the greater involvement on the part of Member States. In the future Interpol can contribute to a significant improvement in the level of international police cooperation in the world.

References

1. Beczała J (Ed.), Układ z Schengen. Współpraca policji i organów policji po Maastricht. Łódź, 1998.
2. Bromund T.R, Kopel D.B, Necessary Reforms Can Keep Interpol Working in the U.S. Interest. *Backgrounder*, No 2861 of 11.12.2013.
3. Deflem M, *The Policing of Terrorism: Organizational and Global Perspectives*. New York, 2010.
4. Deflem M, *Policing World Society: Historical Foundations of International Cooperation*. Oxford, 2002.
5. Fooner M, *Interpol: Issues in World Crime and International Criminal Justice*. New York, 1989.
6. Gawłowicz I, Wasilewska M.A, *Międzynarodowa współpraca w walce z przestępczością*. Szczecin, 2004.
7. Hoppe Ch, *Międzynarodowa współpraca policyjna w Europie. Program edukacyjny „Polska Policja w Unii Europejskiej”*. *Gazeta Policyjna*, 2004, No 14.
8. INTERPOL General Secretariat, *Interpol, Annual Report 2013*. Lyon, 2014.
9. INTERPOL General Secretariat, *Interpol, Annual Report 2011*. Lyon, 2012.
10. Noble R.K, *Press Statement of 8 March 2009*, Islamabad.

²² The Convention was adopted by the UN General Assembly in 2000 at 55th Session and entered into force on 29 September 2003. The Convention regulates in a comprehensive way issues of prevention, prosecution and punishment of organised crime. It obliges States Parties to criminalise the following offences: participation in an organised criminal group (Article 5), money laundering (Article 6), corruption of public officials, both in the form of active and reactive power (Article 8) and crimes against the administration of justice (Article 23). The Convention also requires States Parties to adopt measures in line with legal principles in force in the country to establish the liability of legal persons for participation in the offences for which criminalisation is required in accordance with the Convention (Article 10). This may be criminal, civil or administrative liability (Article 10 paragraph 2). States Parties shall in particular ensure that legal persons responsible pursuant to Article 10 of the Convention were imposed appropriate criminal and non-criminal sanctions, including monetary sanctions.

11. Safjański T, Współczesny potencjał Interpolu do zwalczania przestępczości transgranicznej. *Policja*, 2009, No 1.
12. Safjanski T, Europejskie Biuro Policji Europol. Geneza. Główne aspekty działania. Perspektywy rozwoju. Warsaw, 2009.
13. Wawrzyk P, Współpraca policyjna a system informacyjny Schengen II, Wydawnictwa Akademickie i Profesjonalne. Warsaw, 2008.
14. Zawisza A, *Największa policja świata. Przegląd*, 2010, No 40.

About the author

Tomasz Safjański, Doctor of Law. Retired police officer. Doctoral degree from the University of Warsaw. He is also a graduate of the Faculty of Administration and Management, and of the Faculty of Law and Administration at the University of Warmia and Mazury in Olsztyn. He graduated from the Police Academy in Szczytno. His police service began in 1994 with a career involving many police departments, amongst others: crime, organised crime, crime prevention, internal affairs, international cooperation, criminal intelligence and logistics. At present a teacher at the University of Law and Public Administration, Rzeszów–Przemysł. Correspondence: 01-493 Warszawa, ul. Wroclawska 10G m. 06, Poland. E-mail: janeksaf@interia.pl

Streszczenie. Wskazanie węzłowych problemów jednej z newralgicznych instytucji globalnego systemu bezpieczeństwa, która jest obecna we współpracy policyjnej od ponad 90 lat, nie jest zadaniem łatwym. Wielość czynników (m.in.: polityczne, prawne, organizacyjne) kształtujących możliwości działania Interpolu powoduje, że wskazanie i ocena problemów węzłowych jest zadaniem dyskusyjnym. Rozwój międzynarodowej współpracy policyjnej w ramach Interpolu dokonywał się w sposób logiczny, konsekwentny i ściśle związany z rzeczywistymi potrzebami policji współpracujących państw. W ciągu długotrwałej praktyki zostały wypracowane specjalne mechanizmy i instrumenty służące organizowaniu i koordynowaniu międzynarodowych działań policyjnych. Z pewnością działanie Interpolu nie rozwiązuje wszystkich potrzeb z jakimi można spotkać się w praktyce współpracy policyjnej, jednakże bez Interpolu omawiana kooperacja mogłaby rozwijać się jedynie na poziomie regionalnym, co znacznie ograniczyłoby skuteczność międzynarodowych poszukiwań podejrzanych i wymiany informacji. Działania policyjne podejmowane w ramach Interpolu, będącego mechanizmem współpracy wielostronnej, w sposób naturalny mogą mieć jedynie charakter wspierający i uzupełniający w stosunku do operacji w zakresie zwalczania przestępczości realizowanych w wymiarze wewnątrzpaństwowym czy w ramach układów dwustronnych. Interpol zapewnia tym działaniom pomoc o charakterze koordynacyjnym, eksperckim, naukowym czy analitycznym. Na obecnym etapie rozwoju sytuacji prawnej i stosunków międzynarodowych nie ma miejsca na inną funkcję Interpolu, która mogłaby okazać się efektywna w praktyce. Oceniając działalność zasłużonej organizacji międzynarodowej, jaką jest Interpol, należy wskazać na niezaprzeczalną potrzebę jej istnienia. Interpol postrzegany jest przez społeczność międzynarodową jako instrument, który można wykorzystywać jedynie wobec zagrożeń transgranicznych o charakterze kryminalnym. W konsekwencji Organizacja funkcjonuje od kilkudziesięciu lat w warunkach wyraźnie określonej roli, dzięki czemu miała możliwość integracji organizacyjnej stawianych jej zadań.

Резюме. Авторы предпринимают попытку определить основные проблемы одного из важнейших институтов глобальной системы безопасности, который стимулирует сотрудничество полиции в течение более 90 лет. Множественность факторов (например, политических, правовых, организационных), формирующая возможности для деятельности Интерпола, делает выявление и оценку основных проблем дискуссионной задачей. Развитие международного полицейского сотрудничества в рамках Интерпола было логичным, последовательным и тесно связанным с реальными потребностями полиции сотрудничающих стран. В долгосрочной практике были разработаны специальные механизмы и инструменты для организации и координации международной деятельности полиции. Несомненно деятельность Интерпола не решает все потребности, которые могут возникнуть в практике сотрудничества полиции, но без Интерпола обсуждаемое сотрудничество могло бы развиваться только на региональном

уровне, что значительно снизило бы эффективность международных поисков подозреваемых и обмена информацией. Действия полиции, осуществляемые в рамках Интерпола, который является механизмом многостороннего сотрудничества, естественным образом могут служить только в качестве поддержки и дополнения к операциям по борьбе с преступностью, проводимых на внутригосударственном уровне или в рамках двусторонних соглашений. Интерпол обеспечивает им координационную, экспертную, научную или аналитическую поддержку. На современном этапе развития правовой ситуации и международных отношений для других функций Интерпола, которые могут оказаться эффективным на практике, нет места. Оценивая деятельность заслуженной международной организации, какой является Интерпол, следует указать на бесспорную необходимость его существования. Интерпол воспринимается международным сообществом как инструмент, который может быть использован только в случае трансграничных угроз уголовного характера. Таким образом, организация работает в течение нескольких десятилетий в рамках четко определенной роли, благодаря чему она имела возможность организационной интеграции, поставленных перед ней задач.

Translation: Ewa Harwood Grayson (article, abstract), Tatiana Žylina-Els (резюме)