



Fair Trials is a global criminal justice watchdog with offices in London, Brussels and Washington, D.C., focused on improving the right to a fair trial in accordance with international standards.

Fair Trials' work is premised on the belief that fair trials are one of the cornerstones of a just society: they prevent lives from being ruined by miscarriages of justice, and make societies safer by contributing to transparent and reliable justice systems that maintain public trust. Although universally recognised in principle, in practice the basic human right to a fair trial is being routinely abused.

This factsheet covers basic information about INTERPOL Red Notices and Diffusions. It offers straightforward practical answers to some of the questions we are most frequently asked by people who think they may be, or have been arrested because they are subject to an INTERPOL Red Notice or Diffusion. INTERPOL's legal framework is complicated, and somewhat unclear. In addition, what happens to you will differ according to the country in which you find yourself, as different countries respond differently to requests received through INTERPOL's channels. Because of this, and because every case is different, we cannot guarantee that the information provided in the leaflet is applicable to your own case.

Getting specialised legal advice from a suitably qualified lawyer is extremely important.

This document does not constitute legal advice and only provides general information. If you need advice in relation to your specific case, or if you are concerned about a possible violation of your rights, you should discuss this with your lawyer.

If you think an important question is not covered by this note, please let us know by emailing us at casework@fairtrials.net. We would also appreciate it if you could also take a few moments to give us some feedback about this note. Your comments will help us to improve our services.

"Fair Trials" comprises Fair Trials International and Fair Trials Europe. Fair Trials International is a registered charity (no. 1134586) and in 2010 was incorporated with limited liability in England Wales (no. 7135273). Fair Trials Europe is a registered public foundation in Belgium (registered number 0552.688.677). We were initially founded in 1992 with the name "Fair Trials Abroad".

IMPORTANT

This document was last updated in August 2018. The information contained in this document is provided for information purposes only and is not intended as legal advice, nor does it constitute legal advice. Whilst we endeavour to keep the information up to date and correct, Fair Trials makes no representations or warranties of any kind, express or implied about the completeness, accuracy, reliability, suitability or applicability to individual cases of the information contained in this document. Any reliance you place on such material is therefore strictly at your own risk. Fair Trials disclaims any liability to the fullest extent permissible by law for any loss or damage of any kind arising from the use of the information provided. You should always seek professional legal advice from a lawyer qualified to practice in the jurisdiction you are in.

A. INTERPOL, RED NOTICES AND DIFFUSIONS

Q1. What is INTERPOL?

INTERPOL is an international body which helps police forces in different countries cooperate. INTERPOL is not a police force on its own right. It does not, for example, have powers to arrest people or to investigate crimes.

One of the ways in which INTERPOL helps police forces to cooperate is through its databases and communications channels. Information about wanted persons (individuals being sought for prosecution for a crime, or to serve a prison sentence) can be circulated in the form of Red Notices (see Q3) and Diffusions (see Q4).

Q2. What is a National Central Bureau?

A National Central Bureau ('**NCB**') is a division of the police in a given country which exchanges information with INTERPOL. Typically, this will be a section of the police responsible for international cooperation. These NCBs are often called 'INTERPOL' – for example, the United Kingdom's NCB is called 'INTERPOL Manchester' and China's INTERPOL is called 'INTERPOL China' – even though they are independent of the organisation.

Q3. What is a Red Notice?

A Red Notice is an electronic alert circulated by INTERPOL at the request of an NCB (see Q2). It is stored on INTERPOL's databases and can be seen by police and immigration authorities all over the world. The function of a Red Notice is to '*seek the location of a wanted person and his/her detention, arrest or restriction of movement for the purpose of extradition, surrender or similar lawful action*'.

A Red Notice informs authorities in one country that those of another country are seeking the arrest of a particular person. A Red Notice contains information concerning the wanted person including name, date of birth, nationality, and a photograph. It also includes a description of the accusation for which the person is 'wanted', and a description of the acts which they are alleged to have committed.

Q4. What is a Diffusion?

A Diffusion is also an alert which notifies law enforcement authorities in one country that those of another country are seeking the arrest of a specific person. It differs from a Red Notice in that it is not published 'by' INTERPOL at the country's request. Instead, it is circulated through INTERPOL's channels by the country itself. However, Diffusions and Red Notices can have many of the same effects.

Q5. If I am subject to a Red Notice / Diffusion, can I travel?

If there is a Red Notice or Diffusion against you, there is a risk that you will be arrested, both at home and when travelling. In many countries, border agents are required to arrest people who are subject to a Red Notices, so you could, for example, be arrested on arrival or departure at an airport. Equally, in some countries hotels will forward information about guests to the local police, who check the names against INTERPOL lists, which could also lead to your arrest.

B. FINDING OUT IF THERE IS A RED NOTICE OR DIFFUSION AGAINST YOU

Q6. I think I may be subject to a Red Notice / Diffusion. How do I find out?

It is not always easy to find out whether or not you are subject to a Red Notice / Diffusion. There are three main ways of doing this:

6.1 INTERPOL's website

You can check the 'wanted persons' section of INTERPOL's website at:

www.interpol.int/notice/search/wanted

This page contains extracts of some, but not all, Red Notices. If your name does appear on this page, it will also include a very broad indication of what sort of offence you are wanted for, for example 'theft'. To obtain more specific information, you will have to follow one of the other procedures described below.

Even if you are not listed on this page, you could still be subject to a Red Notice, because only some Red Notices feature on this page. The rest are available only on INTERPOL's restricted networks which are visible only to national law enforcement authorities.

Diffusions are never displayed on INTERPOL's website, so if you are subject to a Diffusion you will not be listed on this page.

6.2 The Police

Some people Fair Trials has spoken to have been able to obtain information by simply asking police in the country where they live. There may not be a formal procedure provided for this, but in some cases people have obtained answers on an informal basis.

However, you should be aware that the police may not be allowed to consult INTERPOL records and disclose information to you. Even if the police tell you that there is no information about you on file, this is not conclusive, as they may not have access to the relevant INTERPOL database.

You may also be able to make a request using 'data protection' laws in your country. In the European Union, for instance, countries are required to have procedures allowing a person to gain access to information about them held on government files. However, these laws usually provide exceptions for law enforcement authorities, and these could restrict your access to the information. You should consult with a lawyer in your country about this.

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

You can make a request to the Requests Chamber of the Commission for the Control of INTERPOL's Files ('CCF') asking for access to your file. The CCF is a body that is responsible for ensuring that data processing at INTERPOL complies with its own rules. The CCF is comprised of two chambers – the Special Advisory Chamber and the Requests Chamber. The Requests Chamber is responsible for handling requests for access, changes to, or the deletion of information held on INTERPOL's databases. It consists of five members, all of whom are lawyers. One lawyer must have recognised international experience in police matters and one must hold or have held a senior judicial or prosecutorial position. The other three must have expertise in data-protection, international criminal law and human rights. Mr. Vitalie Pirlog, a lawyer with data-protection expertise, is the current chairperson.

Any request you make to the CCF needs to meet the 'admissibility requirements' (see Q7 below).

The address to write to is:

The Commission for the Control of INTERPOL's Files (CCF)
200 Quai Charles de Gaulle
69006 Lyon
France

Note that it is important to specify the Requests Chamber of the CCF as the addressee on your envelope. Mail addressed to INTERPOL (which has the same address) could be opened by INTERPOL's General Secretariat, and there is a risk that the information you provide will be used for police cooperation. In other words, it could be recorded on databases and may become available for NCBs to see.

Q7. What are the CCF's 'admissibility requirements'?

The CCF will only consider your request if it is considered to be 'admissible' (in other words, it will only be considered if the request is made in a particular way). You can find out more about the CCF's admissibility requirement on INTERPOL's website at:

<https://www.interpol.int/About-INTERPOL/Commission-for-the-Control-of-Files-CCF/Your-rights/How-to-submit-a-request>

There are certain specific requirements which your request must comply with in order for the CCF to consider it:

- It needs to contain your signature in its original form (copies of your signature are not accepted);
- It has to be written in one of the CCF's four working languages (Arabic, English, French or Spanish);
- It must state the purpose (such as, a request for access to INTERPOL's files, or a request for correction or deletion of data);
- It must be accompanied by a copy of an official identity document, which includes all of your essential identification details (full name, date of birth, photograph). The information must be clear, readable and not crossed out. Examples of suitable appropriate adults might include a passport, national identity card, travel document, or a driving licence; and
- You must complete and attach the Application Form (available at the link above).

Q8. What information should I include in the request to the CCF?

You may wish to clarify when you make your application to access your personal information on INTERPOL's files that you are making the request under Article 18 of the Rules on the Processing of Data and Article 29 of the Statute of the Commission for the Control of INTERPOL's Files. These provisions entitle you to make the application. You do not have to 'justify' or explain your interest in obtaining access to your information.

Fair Trials suggests including a brief explanation of why you think you may be subject to a Red Notice or Diffusion (see Part D – Model Access Request 1). You should also provide a copy of any document that shows INTERPOL may have information about you.

If you have been recognised as a refugee, we would recommend that you mention this in your access request. An example you can use can be found at Part D of this document (Model Access Request 2).

If you are facing extradition, subject to extradition proceedings, or there are other good reasons why the CCF should treat your request as a matter of urgency, this should be highlighted in your request.

Q9. Will the CCF share any information I provide the police force of the country that is looking for me?

As a general rule, the information you provide to the CCF is treated as confidential, but if you do not want any information to be disclosed to the NCB that is looking for you, you should make this clear when you write to the CCF.

The CCF needs to share at least some information about you with the NCB – otherwise it is unable to act on your request. The minimum information that the CCF needs is the following:

- Your Name;
- Your Date of Birth; and
- The fact that you are making a request for access to information being held on INTERPOL's files.

Understandably, many individuals have concerns that if the CCF shares this information with the relevant authorities, this will draw unwanted attention to themselves.

Q10. Will I receive an acknowledgment? When will this happen?

If your request complies with the admissibility requirements (see Q7), the CCF will send you an initial response which will read something like this:

'We acknowledge receipt of your correspondence dated [date] to the Commission for the Control of INTERPOL's Files.

Insofar as you have provided the required documents, your request is admissible.

.....

We will keep you informed of further developments in due course.'

The CCF will be your point of contact throughout the application process. The CCF's rules require the CCF to acknowledge your request as soon as possible. Once the Requests Chamber receives your request, it will let you know within one month whether it is admissible.

Q11. Is the CCF obliged to grant me access to INTERPOL's files?

You are able to access this information, subject to certain restrictions. According to INTERPOL, information on INTERPOL's files 'belongs' to the NCB that provides that information to INTERPOL. The NCB could ask CCF not to disclose any information at all, or to refuse to confirm whether or not there is any information on file. However, the NCB cannot ask the CCF to withhold information from you unless there are good reasons for doing so, which are the following:

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

The failure to give good reasons for withholding information does not, however, mean that this information will be disclosed to you without the NCB's consent, and it also does not mean that the information will be deleted.

Q12. When can I expect a full response?

The CCF has four months from the date it declared your request admissible to reach a decision. Once it has made its decision, the CCF has one month to notify you of the outcome.

C. ASKING FOR THE REMOVAL OF INFORMATION FROM INTERPOL'S FILES

Q13. I know that there is information about me on INTERPOL's files. How do I get it deleted?

INTERPOL states that there are three courses of action you can take to try to get your name removed from INTERPOL's files.

- Firstly, you can ask the authorities in the country which issued the Red Notice to remove the information. Each country has its own laws and procedures and you will need to take local legal advice in the relevant country to explore this step.
- Secondly, you can ask the authorities in the country where you live to ask INTERPOL to remove your name from its databases. This is not done very often, and you may need the help of a local lawyer to find out if this is a realistic option for you.
- Finally, you can write to the CCF and ask it to recommend the deletion of your information. Your letter will need to comply with the admissibility requirements described in Q7.

Q14. I am thinking of writing to the CCF to request the deletion of my Red Notice / Diffusion. Should I make an access request first, before asking for the information to be deleted?

Although this is likely to increase the overall length of the process, it may be helpful to make a request for access first. This is because the CCF may disclose information to you, and this could help you understand what is alleged against you, and enable you to provide more relevant comments and arguments when challenging the information.

If you are a recognised refugee, we would recommend that you mention this when you make your application requesting access to information.

Q15. Should I write to the CCF myself or brief a lawyer to do it?

INTERPOL's rules are complex and the best course is to contact a lawyer with experience of challenging INTERPOL Red Notices and Diffusions.

INTERPOL does not provide legal aid and we are not aware of any country providing legal aid to enable a person to challenge a Red Notice or Diffusion. If you are unable to pay for legal help, you may have to make a request yourself.

Q16. Which rules will the CCF apply when determining whether or not information on INTERPOL's files should be removed?

The following are some of the key rules on which you may wish to rely when requesting the deletion of information:

- Article 3 of INTERPOL's Constitution, which states that it is 'strictly forbidden' for INTERPOL to engage in any activities of a political, religious, military or racial character;

- Article 2 of INTERPOL's Constitution, which requires the organisation to act 'within the spirit of the Universal Declaration of Human Rights';
- The Rules on the Process of Data ('RPD') (available on INTERPOL's website), which includes detailed provisions on Red Notices and Diffusions. This is the main rulebook that the CCF applies; and
- The special policy that applies to individuals who have been recognised as refugees under the 1951 Convention relating to the Status of Refugees.

16.1 What kinds of arguments could I make under Article 3?

INTERPOL has published a 'Repository of Practice', which explains how it interprets Article 3, and gives examples of the circumstances in which a Red Notice or a Diffusion might be viewed as political in character. This information is accessible online:

<https://www.interpol.int/content/download/34480/452435/version/6/file/article%203-english-february%202013vb%20CD.pdf>

Fair Trials understands that INTERPOL weighs up the 'political' aspects of a case against the 'ordinary-law' (criminal) aspects to see which 'predominates', when determining whether or not a Red Notice complies with Article 3 of its constitution.

You should therefore draw attention to political aspects of your case. We suggest that you organise this information in your letter according to these headings, which are based on INTERPOL's rules:

- The nature of the offence, namely the accusations and underlying facts

In this section, you should talk about the offence that you are said to have committed and explain in what way it can be considered political. For instance, if you are accused of organising a riot, but in fact you were leading a peaceful protest about a political cause, you should explain this. If you have evidence (video footage, eye witness statements, newspaper reports), then include this.

- The status of the person concerned

In this section, you should explain who you are, focusing on your political status. If you are a political figure, you should explain this and provide evidence (for instance, a letter from political parties confirming your membership).

If you have a bad relationship with the country that has obtained a Red Notice against you, then explain this. For example, if you have been involved in a campaign which has troubled the authorities, then set out the details of this, and make sure to include evidence (such as newspaper reports) to confirm this.

If you have been recognised as a refugee there is a special policy that could apply to you (See Q16.4 below)

- The identity of the source of the data

In this section, you should explain why you think the country may be pursuing you for political reasons. For instance, if you think it is because the country often represses people from a political movement you are part of, explain this. If possible, provide evidence (for instance, reports by bodies like Human Rights Watch, Amnesty International, United Nations bodies, or local human rights organisations).

- The general context of the case

In this section, you should provide all other information regarding the political aspects of the case. In particular, if the country seeking your arrest has asked for you to be extradited in the past and this was refused because it was considered to be a political request, you should say so and provide evidence (a copy of the judgment).

If the criminal case against you is well-known and has been discussed in the media, or if human rights organisations have said that they are concerned about the case against you being political, you should provide this evidence.

16.2 What kinds of arguments could I make under Article 2?

Article 2 requires INTERPOL to take into account human rights in relation to the circulation of a Red Notice / Diffusion. It is not very clear how this rule is understood, but we would suggest covering the following issues:

- Matters of a political character

If you believe that the criminal charges against you stem from political motivations because of your past or present political connections, it may not be enough to argue that these charges followed a regime change, or other political event, even if you have had no prior criminal record. In these cases, it could be helpful to provide evidence that other countries or international entities, including courts or other judicial authorities, have issued decisions that found evidence of political corruption in the country prosecuting you. These decisions could include the finding of rights violations with respect to a fair trial, that the country's conduct violates international and regional human rights standards (for example, the European Convention on Human Rights).

- Freedom of speech / assembly

If you are a journalist or political campaigner and the Red Notice / Diffusion is preventing you from speaking freely, for instance by preventing you from attending events, then say so. Try to provide evidence if you can (for instance, letters from governments denying you permission to enter because of the Red Notice / Diffusion).

- Risk of torture

If you believe that you would be tortured if you were sent to the country concerned, then say so. Try to provide evidence if you can. For instance, there may be reports from international bodies or courts saying that people in the same category as you are at risk of torture (ethnic groups, political parties, etc.).

If you have been granted protection from return to your country because of a risk of this kind (such as 'subsidiary protection' in the EU, or protection under the Convention Against Torture in other countries such as the United States) then you should include evidence of this. If a long time has passed since this decision was made, explain why you think you are still at risk.

Other decisions that could be used as evidence to demonstrate the risk could include a decision made by the United Nations Committee against Torture that is specifically relevant to you, and a decision refusing your extradition on the basis that you are at risk of torture.

- Evidence obtained by torture

If you think the evidence in the criminal case against you has been obtained by torture, then explain why. For example, if you know that someone was beaten and forced to give evidence against you then try to provide evidence if you can (such as newspaper stories or reports by human rights organisations talking about the use of torture).

- Death penalty

If you have been sentenced to death or if you are accused of an offence for which you could be sentenced to death, the Red Notice / Diffusion could still be valid if you are an adult. However, if you were a minor (that is, under 18 years of age) at the time of the facts, then be sure to point this out.

16.3 What are some of the key rules in the RPD?

There are some key rules in the RPD on which you might want to rely for challenging a Red Notice or Diffusion. These include:

- Not of interest for the purposes of international police cooperation (Article 76(2)(b) and Article 99(2)(c))

Fair Trials believes that this rule means that a Red Notice cannot remain in place if it makes a request with which no other country could cooperate. For instance, if you have been granted protection (as a refugee, or for other reasons) and you believe no country would be allowed to send you back, then you should mention this.

Fair Trials also believes that a Red Notice is not of interest for the purpose of international police cooperation if it concerns a 'bounced cheque' offence – most countries do not see this as a criminal offence, and so would not be prepared to extradite you for it.

- Not using Red Notice for its intended purpose (Article 82)

The purpose of a Red Notice is to '*seek the location of a wanted person and his/her ... arrest ... for the purpose of extradition*'. If the country which obtained the Red Notice against you has had a chance to seek your extradition but has not done so, then inform the CCF of this. If you think the country is using the Red Notice just to spoil your reputation or to stop you travelling, then explain why you think this.

- Special conditions – Red Notices only (Article 83)

Red Notices may not be used for offences 'that raise controversial issues relating to behavioural or cultural norms' (like adultery), and offences 'originating from a violation of laws or regulations of an administrative nature or deriving from private disputes'. For example, this might include the offence of 'uttering an unfunded cheque' in the United Arab Emirates.

- Minimum sentence threshold – Red Notices only (Article 83)

Red Notices cannot be published or maintained unless they are sufficiently serious. This is decided by looking at the length of the sentence. There are two approaches:

- If you have already been convicted, a Red Notice may not be published to seek your return to serve the sentence unless that sentence is at least six months' imprisonment.
- If you have not been convicted, a Red Notice may not be published to seek your return to face prosecution and trial unless the offence in question is punishable by at least two years imprisonment. In order to find out whether this is the case, you

may have to contact a lawyer in the country concerned to ask what the 'legal maximum' sentence for the offence is. Otherwise, you can try searching for the criminal code for your country on the internet.

16.4 I have been recognised as a refugee. Will my Red Notice / Diffusion be removed on this basis?

INTERPOL has a policy for individuals recognised as refugees under the 1951 Convention relating to the Status of Refugees. INTERPOL has not published this policy, but you may wish to use the wording used in our Model Access Request Letter 2 (see Part D of the note). Under this policy, which was announced in 2015, Red Notices and Diffusions are not allowed if:

- The status of the refugee has been confirmed;
- The Red Notice / Diffusion has been requested by the country where the individual fears persecution; and
- The granting of refugee status is not based on political grounds vis-à-vis the country that requested the Red Notice / Diffusion.

This means that if you have been recognised as a refugee, and INTERPOL is able to verify your status with the country or the authority (such as the UN High Commissioner for Refugees) that determined your refugee status, the Red Notice / Diffusion relating to you should be removed. There is no requirement for the criminal accusations that form the basis of the Red Notice / Diffusion to be linked to your asylum claim.

This policy has been interpreted narrowly, and it has restricted its application to individuals who currently have refugee status. This means that if you were previously granted refugee status, and you subsequently acquired the citizenship of the country where you were recognised as a refugee, you will probably no longer come under this policy. However, this does not prevent you from using your previous refugee status as evidence that the Red Notice / Diffusion violates INTERPOL's rules.

You should provide evidence of the fact that you have been granted refugee status, and that you continue to hold refugee status to the CCF. This may include a copy of the letter and/or an identity document (such as a refugee travel document) that confirms your refugee status.

Q17. I was subject to an extradition request which was refused. Will my Red Notice / Diffusion be removed on this basis?

Not necessarily, but evidence that an extradition request was refused may be helpful in demonstrating that a Red Notice / Diffusion does not comply with INTERPOL's rules (especially if the extradition was refused for human rights or political motivation reasons). The relevance of the extradition refusal may depend on the reasons for the decision.

Instead of deletion, the CCF may recommend the inclusion of an 'addendum' reflecting the fact that your extradition has been refused (see Q30 below).

Q18. What else should I bear in mind when writing the letter?

Try to be as precise as possible, providing specific dates, names and places wherever possible. Avoid making general, bare statements about the country where you are being accused of the crime. Try to refer to the specific facts of your situation and explain why these demonstrate that what you think is correct. You should also include all other relevant information and evidence to support your application. Examples of this supplementary information include court decisions, pending legal action, work history, and the like.

You should also bear in mind that the CCF cannot decide whether someone is guilty or innocent. It might be difficult to persuade the CCF that your Red Notice or Diffusion should be deleted on the basis that there is weak or little evidence to support the criminal case against you.

Applications for the correction or deletion of Red Notices, Diffusions, and other types of information on INTERPOL's databases must be 10 pages or less.

Q19. What will the CCF do with the information I send?

The CCF's rules require it to protect the confidentiality of a request, but also recognise that it may have to share some information with INTERPOL, which could then potentially be shared with the relevant NCB.

If there is sensitive information – such as the fact that you have been granted asylum, or documents showing your association with people still in your home country – you should assume that there is some risk of this coming into the possession of the NCB as a result of the request. However, the information may be very important for the purposes of challenging the Red Notice / Diffusion, so you may feel you have to submit it.

There is no harm in explicitly asking the CCF to keep the information you submit confidential. Equally, if there are names of people in the documents which you feel uncomfortable submitting, you could remove these. Bear in mind however, that this may affect the document's persuasiveness.

Q20. What action will the CCF take once it has read my request?

The CCF will examine the information you give and may, based on what you say, ask questions to the NCB that obtained the Red Notice against you or issued the Diffusion against you. It may also ask the NCB to provide a copy of the arrest warrant which it has issued against you.

Q21. Will the Red Notice / Diffusion stay available while my challenge is ongoing?

The CCF has developed a practice whereby it will sometimes recommend to INTERPOL that it block access to a Red Notice / Diffusion while it considers a challenge. If it does this, other NCBs consulting INTERPOL's systems will not be able to see it.

This may result in the disappearance of the public extract of a Red Notice on INTERPOL's website while your challenge is being considered. However, if you see that the Red Notice / Diffusion has disappeared, you should not assume that it has been permanently deleted. Wait until you have a written answer from the CCF confirming this.

Q22. Will I know what questions the CCF asks the NCB?

Fair Trials is not aware of any cases in which the CCF informs individuals about the questions they ask the NCB whilst they are considering the request. However, you may find out what questions were asked once the CCF has made a decision on your case from their written decision.

Q23. How long does the NCB have to respond?

The CCF has the power to set deadlines within which it expects to hear back from the NCB, but we do not know specifically how long these usually are.

Q24. Will I know what the NCB says in response?

In our experience so far, this information is not disclosed, but this could change given that the CCF's policies and procedures for examining complaints have changed. However, the CCF may come back to you with further questions. You might also be able to see what the NCB said in response in the final decision.

Q25. Will there be a hearing?

The CCF has the power to meet with individuals, but will only meet with them in exceptional circumstances if it determines that a meeting is necessary. As far as we are aware, the current CCF has never used this facility. The CCF will base its decision on the information submitted to it in writing.

Q26. When can I expect an answer from the Requests Chamber?

The CCF meets at least three times a year and it is required to publish the timeframe of planned sessions for each year. However, the CCF can also take decisions on requests in between these sessions.

From the time the CCF declares a request admissible, it has nine months to make a decision on your request for the correction or deletion of data. In exceptional circumstances, the CCF will extend the time limit. In that case, it should communicate and explain this decision to you. You will receive a response at most two months after the CCF reaches its decision. The CCF will inform you in writing of the reasons for its decision, including its application of INTERPOL rules and its legal analysis.

Q27. What powers does the CCF have?

The CCF's decisions are binding. It also has the power to consult international bodies and seek expert advice in its decision-making process.

Q28. What are the different possible outcomes?

The CCF will make one of three decisions.

- Firstly, it may decide that the information be deleted altogether.
- Secondly, it may decide that the Red Notice / Diffusion be marked with a 'caveat' or 'addendum' (see Q30 below).
- Thirdly, it may conclude that the information complies with INTERPOL's rules and therefore decide no change is required.

Q39. What is an 'addendum' / 'caveat'?

An 'addendum' or 'caveat' is an additional piece of information which is added to the file by INTERPOL. It includes relevant information such as the fact that your extradition has been refused.

The purpose of an addendum is to ensure that police in other countries are aware of the information, as this may influence their decision whether to arrest you or not.

Q30. Will I see the text of an 'addendum' / 'caveat'?

It is unlikely that you will be able to see the entire text of an addendum, but we encourage you to ask to see it. Unlike the original Red Notice / Diffusion, it is not the property of the NCB so you can reasonably claim to be entitled to see it.

Q31. What can I do if the CCF refuses my request?

There is no appeal against a decision of the CCF. In addition, if you make another complaint, the CCF will only re-examine the case if you bring to its attention a new fact which, had it been known to the CCF when it was considering the first complaint, 'would probably have led to different conclusion'. These applications must be made within six months after the discovery of the new facts.

Q32. The Red Notice / Diffusion has been deleted. What now?

The usual procedure is for all INTERPOL member countries to be informed of the fact that the Red Notice / Diffusion has been deleted, and to request that they delete all the information that they may have already downloaded. However, if you are not told specifically that this has been done, you should write back to the CCF asking it to confirm this.

Q33. The Red Notice / Diffusion has been deleted. Can I travel freely now?

Even if the Red Notice / Diffusion has been deleted, and even if all INTERPOL member countries have been informed of this, there are still potential risks for you.

This is because information from INTERPOL's files may already have been downloaded and copied on to national police databases in countries around the world. Even if INTERPOL deletes its own information and requests INTERPOL member states to do the same, this does not mean the information will be deleted from local computers.

You could therefore still be arrested, for instance when crossing a border or when providing a passport when checking into a hotel.

It may be useful for you to take with you on any travels a copy of the letter confirming that the Red Notice / Diffusion has now been deleted. The CCF can sometimes issue letters confirming that there is no data relating to you on INTERPOL's systems, which might be helpful to you, if you are concerned about potential difficulties caused by a removed Red Notice / Diffusion. If you do not get this from CCF automatically following the deletion of your data, you can request it from them.

You may also wish to make prior contact with a lawyer in the country to which you are travelling, either to have your name removed from the local police database, or simply to be ready in case you get arrested.

D. MODEL ACCESS REQUESTS

Model Access Request 1

PRIVATE AND CONFIDENTIAL

Requests Chamber
Commission for the Control of INTERPOL's Files
200 Quai Charles de Gaulle
69006 Lyon
France

[date]

Dear Sir / Madam,

Re: Request for access to INTERPOL's files

By this letter, I wish to request access to any personal information concerning me stored on INTERPOL's files. I make this request further to Article 18 of the Rules on the Processing of Data and Article 29(1) of the Statute of the Commission for the Control of INTERPOL's Files ('CCF Statute'). Please find attached a copy of my [passport / identity document] and my completed CCF Application Form.

[If you do not want information to be shared with the NCB]

I would like to request the Commission to treat all the information contained in this letter as confidential, and to confirm that an information that is not already on INTERPOL's files will not be shared with the NCB of [name of the country], or any other third party. The Commission is given permission to disclose my full name, my date of birth, and the fact that this application is being made with the NCB of [name of the country].

Request for access to information

I believe that I may be subject to an INTERPOL Red Notice / Diffusion issued by or at the request of the NCB of [name of the country], because [very brief information as to why you reasonably think you may be wanted, e.g. 'the authorities have announced in the media that they are searching for me'].

I would therefore be grateful if you could carry out the necessary steps and grant me access to my information. This includes, but is not limited to:

- A full copy of any Red Notice and/or Diffusion;
- A description of the accusation(s), including its legal classification and underlying facts;
- A copy of any arrest warrant or judicial decision against me available on INTERPOL's files;
- Confirmation of whether any addenda or caveats have been added to the information, and if so, their content including the exact text added to the file; and
- Any other documents or information in INTERPOL's possession relating to me.

If there is information on INTERPOL's files, I may wish to make a subsequent complaint to the Commission requesting that the information be deleted. The disclosure of the items listed above is needed to ensure the effectiveness and fairness of such a complaint.

Interim Requests

In the meantime, I would also request the Commission to take the following actions whilst it processes my request:

- To recommend the blocking of any information on INTERPOL's files about me, until I have made further arguments about its compliance with INTERPOL's rules; and
- To set a prompt deadline for consultation with the NCB of [*name of the country*] in order to enable me to challenge any information against me in a timely and effective manner.

I look forward to hearing from you.

Yours faithfully,

[*sign*]

[*print name*]

Model Access Request 2 (Refugee Status)

PRIVATE AND CONFIDENTIAL

Requests Chamber
Commission for the Control of INTERPOL's Files
200 Quai Charles de Gaulle
69006 Lyon
France

[date]

Dear Sir / Madam,

Re: Request for access to INTERPOL's files

This is a request for access to personal information concerning me stored on INTERPOL's files. I make this request further to Article 18 of the Rules on the Processing of Data and Article 29(1) of the Statute of the Commission for the Control of INTERPOL's Files ('CCF Statute'). Please find attached a copy of my [passport / identity document] and my completed CCF Application Form.

Request for access to information

I believe that I may be subject to an INTERPOL Red Notice / Diffusion issued by or at the request of the NCB of [name of the country], because [very brief information as to why you reasonably think you may be wanted, e.g. 'the authorities have announced in the media that they are searching for me'].

I would therefore be grateful if you could carry out the necessary steps and grant me access to my information. This includes, but is not limited to:

- A full copy of any Red Notice and/or Diffusion;
- A description of the accusation(s), including its legal classification and underlying facts;
- A copy of any arrest warrant or judicial decision against me available on INTERPOL's files;
- Confirmation of whether any addenda or caveats have been added to the information, and if so, their content including the exact text added to the file; and
- Any other documents or information in INTERPOL's possession relating to me.

Please be advised that, once you have provided access to this information, I may wish to make a subsequent complaint requesting that it be deleted from INTERPOL's files. Disclosure of all information on file is essential in order to enable me to make that challenge effectively.

Refugee Status

I would like to request the Commission to take note of the fact that I have been recognised as a refugee under the 1951 Convention relating to the Status of Refugees by [name of the country/authority]. A copy of the document confirming the grant of refugee status is enclosed.

In accordance with INTERPOL's policy regarding individuals with refugee status (IPCQ dated 18/02/2015 (LA/51489-4/5.1)), I would like to ask the Commission to:

- Confirm that the policy on refugee status will apply in my case;

- Begin any procedures necessary to verify the asylum decision with the authorities of [*name of country/authority*]; and
- Recommend the blocking of any information about me on INTERPOL's files pending the receipt of such verification.

Interim Requests

In addition to recommending the blocking of the information relating to me whilst my requests are being processed, I would also like to request the Commission to set a prompt deadline for consultation with the NCB of [*name of the country*] in order to enable me to challenge any information against me in a timely and effective manner.

I look forward to hearing from you.

Yours faithfully,

[*sign*]

[*print name*]

Fair Trials would like to thank the law firms and individual practitioners, who have generously given their time and expertise to help produce these legal guidance notes.

For a full list of our funders see
www.fairtrials.org/get-involved/supporters/