

Strasbourg, 10/03/10

CAHDI (2010) 9

# COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW (CAHDI)

39th meeting Strasbourg, 18-19 March 2010

#### ITEM 8: NATIONAL IMPLEMENTATION MEASURES OF UN SANCTIONS AND RESPECT FOR HUMAN RIGHTS

#### CO-OPERATION BETWEEN THE INTERNATIONAL CRIMINAL POLICE ORGANISATION – INTERPOL AND THE UNITED NATIONS SECURITY COUNCIL SANCTIONS COMMITTEES

Document presented by INTERPOL

Fax: 33 (0)390215131 - cahdi@coe.int - www.coe.int/cahdi

### Co-operation between the International Criminal Police Organisation – INTERPOL and the United Nations Security Council Sanctions Committees

### 1. Existing co-operation with the United Nations

1. Co-operation with the United Nations was established on an official footing for the first time in 1971, with the signature of a special arrangement with the UN Economic and Social Council.

2. Co-operation between INTERPOL and the United Nations is currently governed by a co-operation agreement dated 8 July 1997.

3. This agreement provides the basis for many joint initiatives and programmes implemented in co-operation with the United Nations. In particular, attention should be drawn here to the co-operation with the Counter-Terrorism Implementation Task Force, the Counter-Terrorism Committee Executive Directorate, the Office for Disarmament Affairs, the UN Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute (UNICRI).

4. The co-operation agreement in question has also been supplemented by many other agreements, arrangements and official memoranda of understanding on a very wide range of issues such as, for instance, assistance to Security Council Committee 1267; support for the Department of Peacekeeping Operations and access by UNMIK to the INTERPOL police information system; and a memorandum of understanding with the Investigation Division of the UN Office of Internal Oversight Services.

## 2. The establishment of co-operation with the United Nations Security Council Sanctions Committees

5. In 2005 and 2006, INTERPOL and the United Nations concluded two arrangements supplementing the co-operation agreement of 8 July 1997.

6. The purpose of the two arrangements was to provide assistance to the Security Council sanctions committee set up in accordance with Resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities (the "1267 Committee").

7. In UN Security Council Resolution 1617 (2005), the UN Secretary General was asked to take the necessary steps to increase co-operation between the two organisations in order to provide the 1267 Committee with better tools to fulfil its mandate. Further to an exchange of letters, the INTERPOL General Assembly in turn adopted a resolution in 2005, on the basis of which two main developments can be quoted.

8. Firstly, "INTERPOL special notices", which have two key functions were introduced. The first one consists of alerting member countries' police forces that certain individuals named in a list are covered by United Nations sanctions. The second function is to help with updating the information concerning the list drawn up by the 1267 Committee. The special notices play a beneficial role to the member countries' police forces by providing them with sufficient information to take action against individuals within their territories.

9. On the basis of these special notices, national police forces can deploy all their resources for the purposes of preventing terrorism. To date, 340 special notices have been issued by INTERPOL at the request of the 1267 Committee.

10. The second main development consisted of the INTERPOL police information network being made available to the 1267 Committee. On the basis of regular contacts, this development enables to follow fully the decision-making process of the 1267 Committee.

11. INTERPOL's role was extended further through UN Resolution 1699 (2006), which provided for co-operation between the two organisations in respect of all the sanctions committees. This approach was endorsed by the INTERPOL General Assembly in 2006, which instructed the Secretary General to take action towards this objective.

## 3. Further intensification of the co-operation with United Nations Security Council sanctions committees

12. An additional co-operation arrangement signed at the INTERPOL – United Nations ministerial meeting in October 2009 and adopted by the General Assembly reiterated the objectives set out in the 2005 and 2006 resolutions, thereby intensifying the co-operation between the sanctions committees and INTERPOL in both quantitative and qualitative terms.

13. In quantitative terms, INTERPOL's role was extended to the UN's other sanctions committees. Like member countries of the organisation, each of the committees can issue notices concerning individuals deemed to be a threat to security. In qualitative terms, the relevant committees now have the possibility of direct access to the INTERPOL information networks. The individual sanctions committees can all receive and make available to all members information of decisive importance to their tasks. In addition, INTERPOL provides expertise on an ongoing basis through its specialist staff. All UN sanctions committees have at present better tools for fulfilling their mandates.

14. The co-operation fully respects the principles of international law and human rights. INTERPOL's aim is to ensure and develop the broadest possible mutual assistance between all police authorities. The organisation operates in compliance with the spirit of the Universal Declaration of Human Rights and with the legislation in force in the various countries. INTERPOL ensures that the notices issued and the information provided are in compliance with the principle of legality. Being bound by obligations of independence and impartiality under its constitution, INTERPOL exercises great care at all times in deciding whether to issue special notices or publish information through its network.

15. INTERPOL has been working for 87 years to prevent and punish international crime. Its experience in this area makes a coherent, practical contribution to the goal of peace keeping which states have set themselves under the aegis of the United Nations. Through their combined mutual efforts, the two international organisations help to develop international criminal law.