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

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**ITEM 16: IMPLEMENTATION AND FUNCTIONING OF OTHER INTERNATIONAL CRIMINAL
TRIBUNALS**

**CO-OPERATION BY THE INTERNATIONAL CRIMINAL POLICE
ORGANISATION – INTERPOL WITH INTERNATIONAL COURTS AND TRIBUNALS**

Document presented by INTERPOL

Co-operation by the International Criminal Police Organisation – INTERPOL with international courts and tribunals

1. Existing co-operation between INTERPOL and international criminal tribunals

1. In recent years, a number of international courts and tribunals have been set up to try the most serious crimes.

2. It is vital that thorough investigations are conducted and the proceedings instituted against the perpetrators are successfully completed so that they are brought to justice. Their condemnation by the international community requires the most advanced co-operation between law-enforcement agencies for the purposes of exchanging relevant information and communicating it to the appropriate international judicial authorities.

3. In their co-operation agreement of 8 July 1997, INTERPOL and the United Nations agreed to co-operate - where appropriate and in the frame of their mandates - with international judicial institutions which had been set up or which could be set up by the United Nations (Article 1(d)).

4. The international criminal tribunals co-operate with INTERPOL in order to achieve the objectives laid down in their mandates. Through this co-operation, they gain access to the organisation's police information network. They are also able to issue notices with a view to the prosecution of perpetrators of genocide, crimes against humanity, violations of the Geneva conventions or violations of international humanitarian law.

2. Co-operation with the International Criminal Court

5. INTERPOL has already made its contribution during the discussions concerning the Rome Statute. Accordingly, apart from the UN, INTERPOL is the only organisation specifically mentioned in the Statute of the International Criminal Court. It was on this basis that co-operation was established between the Court and the International Criminal Police Organisation – INTERPOL on 22 December 2004.

6. The aim of the agreement, which came into force on 22 March 2005, is to ensure and promote the widest possible mutual assistance dedicated to criminal justice, within the limits of the laws existing in the various countries and in the spirit of the Universal Declaration of Human Rights.

7. INTERPOL's contribution mainly involves the issuing and circulation of international arrest warrants through its network, for the purpose of tracing the perpetrators of serious violations of international humanitarian law at the international level, which may lead to their arrest.

8. INTERPOL's contribution to the International Criminal Court also involves providing access to the information held in its databases, the publication of other notices at the Court's request, technical assistance in areas of interest to both INTERPOL and the Court and representation at meetings and conferences held by the Court.

9. The International Criminal Court can also draw on the experience of the specialist staff of the INTERPOL General Secretariat, in particular concerning issues relating to searches for fugitives and to criminal analysis.

10. The partnership complies strictly with the objectives of the agreement on the one side and the respective statutes of the two entities on the other side. Under the "Rules governing access by an intergovernmental organisation to the INTERPOL telecommunications network and

databases”, access to INTERPOL information networks must comply with fundamental principles concerning the exchange and protection of police information.

3. Co-operation with the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda

11. The co-operation with the International Criminal Tribunal for the former Yugoslavia was the first case of co-operation of INTERPOL with an international court. It has involved INTERPOL providing assistance with the prosecution of the individuals believed to have committed serious violations of international humanitarian law on the territory of the former Yugoslavia from 1 January 1991, i.e. during the wars in Croatia, Bosnia and Herzegovina and Kosovo.

12. Likewise, INTERPOL's co-operation with the International Criminal Tribunal for Rwanda concerns the punishment of crimes committed on the territory of Rwanda or by Rwandan citizens on the territory of neighbouring states between 1 January and 31 December 1994.

4. The agreement with the Special Court for Sierra Leone

13. With a view to fulfilling the mandate of the Special Court for Sierra Leone and facilitating the work of the Special Court, the court sent a proposal for a co-operation agreement to the President of INTERPOL on 11 April 2003. The proposal was formalised in the co-operation agreement of 3 November 2003, which provides a thorough basis for enhanced co-operation between INTERPOL and the court and, in particular, enables the latter to request the publication of notices concerning individuals sought for crimes over which it has jurisdiction.

5. The co-operation agreement with the Special Tribunal for Lebanon

14. The co-operation agreement between INTERPOL and the Special Tribunal for Lebanon marks a new stage in the organisation's participation in the justice process. The agreement forms part of the increasingly far-reaching co-operation between INTERPOL and the international tribunals set up on the initiative of the United Nations.

15. Previously, INTERPOL supported the International Independent Investigation Commission for Lebanon (IIIC) – the predecessor of the Special Tribunal for Lebanon – by providing staff and services to bring to justice the individuals responsible for the attack on 14 February 2005, in which the former Lebanese Prime Minister, Rafic Hariri, was assassinated and a number of other people were killed or injured, as well as in connection with certain other matters connected to the attack.

16. The purpose of the co-operation agreement is to offer the new international tribunal similar services, in particular direct access to INTERPOL's police information system, assistance with tracking down fugitives and suspects, the issuing and circulation of INTERPOL notices and the conduct of criminal analysis work in accordance with the relevant INTERPOL rules and regulations.

17. Under the agreement, INTERPOL undertakes to assist the Special Tribunal for Lebanon. The assistance involves access to the international police information exchange network, assistance with tracking down fugitives and suspects, assistance with criminal analysis and the issuing and circulation of notices.

18. The agreement came into force on 17 December 2009, marking a new stage in the development of international law and in the fight against crime and impunity.