



Observatoire ARGA

ARGA Atlas

**INTERPOL, INTERNATIONAL WANTED ALERTS AND PROTECTION AGAINST
CROSS-BORDER ABUSE**

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Purpose of the Document

This report analyzes the mechanisms of international police cooperation conducted through INTERPOL and the associated risks to the rights and legitimate interests of individuals and legal entities. Particular attention is given to situations in which international notices, diffusions and other data-sharing mechanisms are used for purposes extending beyond legitimate criminal cooperation.

The practical purpose of this document is to identify the legal mechanisms through which INTERPOL notices, diffusions, national requests and related actions of public authorities affect freedom of movement, personal liberty, the right to asylum, business reputation and access to financial infrastructure. The report also proposes criteria for distinguishing lawful use of INTERPOL channels from situations in which international wanted alerts become instruments of political, corporate or property-related pressure.

For ARGA, this topic is of fundamental strategic importance because a substantial portion of the organization's cross-border work involves submissions to the Commission for the Control of INTERPOL's Files (CCF), assistance following detention, coordination with asylum and extradition procedures and the development of a comprehensive international protection strategy.

This report treats INTERPOL-related mechanisms as a distinct field of legal protection situated at the intersection of criminal law, international cooperation, refugee law and human rights standards.

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Executive Summary

INTERPOL is one of the principal mechanisms of international police cooperation, facilitating the exchange of information among member states and assisting in the location of persons sought in criminal matters. The best-known instrument is the Red Notice, but other forms of data sharing, including diffusions and specialized notices, may produce similarly significant effects.

International wanted alerts can trigger immediate and serious consequences, including detention at border crossings, provisional arrest, travel restrictions, visa refusals, closure of bank accounts, enhanced compliance reviews and substantial reputational harm. These consequences frequently arise before any independent body has assessed the lawfulness of the underlying request.

The principal legal risk is that an outwardly neutral mechanism of police cooperation may be used for purposes inconsistent with the INTERPOL Constitution, including political persecution, corporate

pressure, property disputes and other forms of abuse. In such circumstances, the international system amplifies the effects of a contested national prosecution.

The central conclusion of this report is that defense in INTERPOL-related matters should be treated as a distinct legal specialization. An effective strategy requires simultaneous work before the Commission for the Control of INTERPOL's Files, coordination with extradition and asylum procedures, engagement with international human rights mechanisms and interaction with financial institutions.

Context & Problem Statement / Why This Topic Has Legal and International Significance

INTERPOL is not an international court and does not determine guilt or innocence. Its primary function is to facilitate police information exchange among member states. Nevertheless, information circulated through INTERPOL channels may have substantial practical consequences and may serve as the basis for detention, travel restrictions and other serious limitations.

The Red Notice is the most widely known instrument and constitutes a request to locate and provisionally arrest a person pending extradition. Similar consequences may arise from diffusions, which are often disseminated more rapidly and may be identified only after practical restrictions have already occurred.

The international significance of this issue lies in the fact that INTERPOL alerts interact with extradition requests, banking compliance procedures, visa decisions, asylum proceedings and risk assessments conducted by private institutions. A single national request may evolve into a broad set of restrictions across multiple jurisdictions.

For ARGA, this field is central because timely submissions to the CCF and the development of a coordinated international legal position often make it possible to prevent detention, reduce reputational harm and lower the risk of extradition.

Legal Framework / Normative and Institutional Framework

The legal basis of INTERPOL's activities is defined by the INTERPOL Constitution, the Rules on the Processing of Data and the procedures of the Commission for the Control of INTERPOL's Files.

Article 3 of the INTERPOL Constitution is of particular importance. It prohibits the organization from undertaking activities of a political, military, religious or racial character. This provision is the principal legal safeguard in cases involving politically motivated and otherwise impermissible requests.

The Rules on the Processing of Data establish requirements concerning data quality, accuracy, relevance, necessity and proportionality. Information that does not satisfy these standards should be corrected or deleted.

The Commission for the Control of INTERPOL's Files reviews requests for access to data, correction of information and deletion of notices. Its decisions are central to restoring an individual's legal status.

Additional legal relevance derives from international human rights treaties, extradition agreements and domestic laws governing detention and surrender.

Mechanisms of Practice / Abuse / Key Mechanisms of Practice, Abuse or Conflict

The most common mechanism is the publication of a Red Notice or dissemination of a diffusion based on a national criminal case. Once circulated, the information becomes available to law enforcement authorities worldwide and may lead to detention.

Another mechanism is the continued retention of an alert despite changed circumstances, including discontinuation of proceedings, grant of asylum or refusal of extradition.

A further mechanism is the use of ordinary criminal charges to conceal political, corporate or property-related motives.

Potential abuse also arises where a request is based on insufficient evidence, denial of defense rights or manifest disproportionality.

Methodology: National Criminal Proceedings as the Primary Source of Cross-Border Risk

Practice demonstrates that international notices, diffusions, and other forms of data exchange through Interpol channels generally do not create risk independently, but rather reproduce and amplify the consequences of national criminal prosecution. Accordingly, the legal assessment of an international search request requires analysis not only of the formal basis of the request (including the existence of an indictment decision, a wanted person decision, or a preventive measure), but also of the quality of the underlying national proceedings upon which the request is based.

This report adopts a practical approach to identifying indicators of the instrumental use of international police cooperation mechanisms: namely, an examination of the national criminal case for the presence of common procedural and evidentiary defects which (i) call into question the request's compliance with the requirements of the Interpol Rules on the Processing of Data, including standards of accuracy, sufficiency, timeliness, necessity, and proportionality of data; (ii) strengthen the legal position in extradition and asylum proceedings with respect to the risk of an unfair trial and other serious violations of fundamental procedural guarantees; and (iii) provide a structured framework for argumentation in banking and AML/compliance contexts, where decisions are often made on the basis of limited information and prior to independent judicial scrutiny on the merits.

These defects are treated in the report as verifiable indicators, supported by case materials, judicial decisions, and related documentation, rather than as assumptions regarding motive. The application of this set of criteria makes it possible to shift disputes concerning the "abuse of Interpol mechanisms" from the realm of general allegations to that of documented inconsistencies with: (1) the Interpol Constitution (including the prohibition under Article 3); (2) the Rules on the Processing of Data and CCF review standards; (3) fair trial standards in extradition proceedings; and (4) principles of reasonable and proportionate risk assessment in the decision-making processes of private institutions.

Case Patterns / Typical Scenarios and Models of Application

A typical scenario begins with the opening of a criminal case and the issuance of a Red Notice. The individual first learns of the international alert while crossing a border, applying for a visa or undergoing a banking review.

Another scenario involves simultaneous extradition proceedings and an application to the CCF.

A third scenario arises after asylum is granted or extradition is refused, yet the alert remains active and continues to generate restrictions.

A fourth scenario concerns corporate or property disputes in which international wanted alerts are used as instruments of pressure.

Risk Assessment / Main Risks and Legal Vulnerabilities

The primary risk is detention and provisional arrest outside the country of residence.

A second risk is extradition to a state where there is a real possibility of unfair trial or persecution.

A third risk concerns banking, visa and reputational consequences.

A fourth risk is the continued retention of alerts after the legal status has changed.

A fifth risk is the limited information available to the individual before a formal request is submitted to the CCF.

Institutional Gaps / Institutional Limitations and Systemic Weaknesses

Individuals do not always learn promptly that an alert exists.

CCF proceedings require time, while restrictions may arise immediately.

Deletion of an alert does not automatically eliminate related banking and reputational consequences.

National authorities and private institutions may retain internal records even after INTERPOL data have been deleted.

Practical Guidance / Practical Recommendations and Model of Legal Action

The first step is to determine whether an INTERPOL alert exists and identify its legal basis.

The second step is to prepare a structured submission to the CCF supported by evidence of political motivation, procedural violations or non-compliance with INTERPOL rules.

The third step is to coordinate the strategy with extradition, asylum and international human rights procedures.

The fourth step is to document detention, travel restrictions, banking refusals and reputational harm.

The fifth step is to seek correction of records and full restoration of status after the alert is deleted.

Analysis of Defects in National Criminal Proceedings (Verifiable Indicators)

When preparing a submission to the Interpol Commission for the Control of Files (CCF), challenging an extradition request, or developing a position for banking and other compliance procedures, it is advisable to assess the national criminal proceedings for defects capable of affecting the evaluation of the legality, substantiation, and proportionality of an international request. The list below identifies areas of review and presupposes reliance on documentary evidence and verifiable procedural facts.

1. Anomalies at the Case Initiation Stage

Absence of an identifiable victim (including indications that proceedings were initiated in the context of a corporate or property-related dispute); exceptionally compressed review periods in complex matters; prolonged procedural latency (“dormant mode”) followed by synchronized reactivation; lack of verifiable factual substantiation (generalized allegations without calculations, underlying data, or references to sources).

2. Absence of an Effective Right to Defence

Persistent and unreasoned refusals of defence motions concerning matters forming the “core” of the accusation (authenticity of documents, amount of damage, causation); asymmetry in evidentiary review (prosecution evidence accepted without comparable verification while defence evidence is simultaneously obstructed); failure to examine defence arguments on the merits in key procedural decisions.

3. Disproportionate and Unjustifiably Prolonged Interim Measures

Asset seizures or restrictions substantially exceeding the alleged damage; freezing of assets unrelated to the subject matter of the charges; maintenance of restrictive measures without updated factual grounds or consideration of alternatives; paralysis of lawful business activity in the absence of an individualized risk assessment.

4. Artificial Aggravation of Charges

Expansive legal qualification (including indicators of an “organized group” or “particularly large-scale” offence) without sufficient evidentiary verification; artificial consolidation or fragmentation of episodes to alter severity or jurisdictional consequences; construction of intent, role, or the alleged stability of a criminal group at the level of assumption before the evidentiary basis has been established.

5. Formalistic Judicial Oversight (Deficit of Independent Scrutiny)

Absence of instances in which the court rejects investigative requests or substantially modifies proposed measures; formulaic reasoning lacking analysis of concrete risks and alternatives; adjudication of key matters (detention, pre-trial custody, extensions) without genuine adversarial consideration of defence arguments.

6. Disregard of Preclusive Judicial Decisions

Initiation or continuation of criminal proceedings contrary to final and binding decisions of commercial or civil courts concerning the same factual circumstances (including confirmation of the lawfulness of transactions and allocation of risks), or refusal to take such decisions into account when assessing the factual basis and legal elements of the alleged offence.

7. Use of Interpol Mechanisms in Circumvention of Constitutional Restrictions (Article 3)

Presence of political, corporate, or property-related motivations disguised through ordinary criminal qualification; absence of evidence demonstrating the necessity of international cooperation measures as proportionate and consistent with the objectives of criminal cooperation; disregard of extradition refusals, grants of asylum, or other material external decisions affecting the permissibility of continued data processing.

8. Retention of Notices Following a Change in Legal Status

Maintenance of a Red Notice or diffusion despite termination of national proceedings, modification of preventive measures, grant of asylum, refusal of extradition, or other circumstances requiring data updating and reassessment from the standpoint of relevance and necessity.

9. Defects in Data Quality and Verifiability of the Evidentiary Basis

Contested provenance of key documents (including indications that a report was not prepared by the purported issuing organization, signature discrepancies, or signs of editing/manipulation); absence of a transparent chain of custody or formation for digital datasets and source materials; inability to replicate methodologies of measurement or expert examination due to missing underlying data; alterations and substitutions formalized through correspondence without sufficient technical or economic justification.

Practical Significance

The identification and documentation of a combination of the above defects may indicate signs of the instrumentalization of national proceedings and strengthen the justification for requests to review data processing within Interpol, objections to extradition, and applications for reconsideration of compliance-related restrictions. Priority in assessment should be given not to the mere formal existence of national procedural decisions, but to the ability of the request to withstand scrutiny for compliance with the Interpol Constitution, the Rules on the Processing of Data, basic fair trial standards, and the principles of necessity and proportionality.

Policy Recommendations / Recommendations on Legal and Institutional Approach

INTERPOL should continue strengthening review under Article 3 of the Constitution and the data-quality requirements of the Rules on the Processing of Data.

CCF procedures should ensure effective and timely consideration of requests.

National authorities should implement CCF decisions promptly and remove associated restrictions.

Private institutions should update internal records after deletion of an INTERPOL alert.

International police cooperation should maintain an appropriate balance between effective law enforcement and the protection of human rights.

Conclusion

INTERPOL is an essential instrument of international cooperation, but its mechanisms may generate serious consequences for liberty, reputation and property interests.

For ARGAs, the central conclusion is that INTERPOL matters require a dedicated and comprehensive strategy combining CCF submissions, extradition and asylum defense, international human rights engagement and practical steps to restore legal status.

Where there are indications of political motivation, procedural violations or disproportionality, the international alert should be challenged and removed.

Appendix A. Terminology

Red Notice. An INTERPOL request to locate a person and provisionally arrest him or her pending extradition.

Diffusion. A request circulated by a member state directly to other countries through INTERPOL channels.

CCF (Commission for the Control of INTERPOL's Files). The independent body that reviews requests for access, correction and deletion of INTERPOL data.

Article 3 of the INTERPOL Constitution. The provision prohibiting activities of a political, military, religious or racial character.

Rules on the Processing of Data. INTERPOL's internal rules governing the admissibility and quality of information.

Appendix B. Risk / Powers / Legal Consequences Matrix

Action	Legal Risk	Legal Limitations	Possible Consequences	Practical Comments
Publication of a Red Notice	International detention and extradition risk	Data must comply with the Constitution and the Rules on the Processing of Data	Arrest, travel restrictions, reputational harm	The legal basis should be analyzed and a CCF application prepared
Dissemination of a diffusion of information	Rapid circulation of information with limited prior scrutiny	Information must be lawful and proportionate	Detention, visa and banking consequences	The factual basis of the request should be examined
Retention of an alert after asylum is granted	Continued restrictions despite changed status	Data should be reviewed in light of new circumstances	Repeated detention and denial of services	Proof of protection status should be submitted
Deletion of an alert without follow-up	Persistence of internal records and adverse profiles	Related data should be updated	Banking and reputational difficulties	Additional restoration steps are required
Use of INTERPOL in a politically motivated case	International amplification of abusive prosecution	Article 3 prohibits such processing	Extradition risk and prolonged restrictions	Demonstrating the political context is critical

Official Sources

INTERPOL Constitution.

INTERPOL Rules on the Processing of Data.

Procedures of the Commission for the Control of INTERPOL's Files.

European Convention on Human Rights.

European Court of Human Rights, case law concerning Articles 3, 5, 6 and 13 of the European Convention on Human Rights.

Convention Relating to the Status of Refugees, 1951.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.