



Observatoire ARGA

INTERNATIONAL ANALYTICAL REPORT

**D-09. Transit Detention
and Cross-Border Risks**

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Executive summary

Transit travel can create a separate risk of arrest even where a person lawfully resides in the departure country, holds a valid travel document and has previously obtained a refusal of extradition. The reason lies in the distribution of powers: international wanted-person information, the domestic basis for restricting liberty and the final transfer decision belong to different procedures. A document resolving one issue does not necessarily resolve the others in advance.

This report examines the legal mechanisms of detention during international travel as at 28 September 2026. It focuses on European standards and six cases: Amuur, Shikhsaitov, WS, Petruhhin, I.N. and Generalstaatsanwaltschaft Hamm. They address airport jurisdiction, the duration of extradition detention, the prohibition of repeated proceedings, nationality and the cross-border effect of refugee status. The findings are not a ranking of countries or an assurance of uninterrupted travel.

The central distinction is between a legal obstacle to extradition and the ability to establish it promptly before an authority encountering the individual for the first time. In practice, the interval between detection of a record and receipt of protection documents becomes critical. A general letter cannot eliminate that interval. Accurate identification, an accessible reasoned decision, translation and organised communication between competent authorities can shorten it.

Observatoire ARGA proposes assessing an itinerary as a sequence of jurisdictions and procedures. For each material point, identify the applicable cooperation mechanism, the means of challenging a restriction and the documents establishing the individual's position. After arrest, priorities are recording its basis and timing, obtaining local representation, securing the procedural decision and identifying the responsible authority. Liberty, transfer and the compliance of processed data must then be addressed in parallel.

Risk management is not simply a choice of airport. It includes organising documents, resolving inconsistencies between decisions and records, examining remaining domestic grounds and preparing lawful remedies. The most reliable result is a confirmed change in legal position. An assumption that a particular connection will pass unnoticed is not such a result.

1. Scope and research boundaries

1.1. Two meanings of transit

In ordinary usage, transit means a connection, passage through a country or a short stay on the way to a final destination. In extradition law, it may mean the organised movement of a person already being surrendered through a third State. The situations must be distinguished: an ordinary passenger does not become the subject of an agreed international transfer merely because the ticket includes a connection.

This report principally concerns detention during independent travel. A separate section addresses formal transit when an extradition decision is implemented. The distinction is necessary to identify the basis for restricting liberty: permission for official transit and a domestic measure following detection of a wanted-person record rest on different documents.

Cross-border risk here means the possibility of restricted liberty, transfer proceedings or a related administrative obstacle. It is an analytical concept, not a numerical probability. Public sources do not support a universal risk calculation for every airport, nationality and record type. The inquiry therefore concerns legal conditions, evidence and responses.

1.2. Method and sources

The report uses the European Convention on Extradition, the European Convention on Human Rights, official INTERPOL material, the CCF Statute and European judicial decisions. Six cases were selected for the different questions they determine. Judicial findings are distinguished from ARGAs proposed working methods. Hypothetical situations do not describe clients or establish the frequency of arrests.

Each case is examined by identifying the person's status, the restriction, the procedure and the issue decided. A finding that detention lasted unlawfully long is not equivalent to a finding that every initial arrest was unlawful. A prohibition on extradition to the country of origin is not a general exemption from every State's criminal jurisdiction.

Practical recommendations support individual analysis. The applicable treaty, reservations, domestic deadlines and filing requirements must be checked in the relevant jurisdiction. That examination should occur before a procedural document is used; geographical membership of Europe cannot substitute for it.

2. From international information to a domestic measure

2.1. Red Notices and diffusions

INTERPOL describes a Red Notice as a request to locate and provisionally arrest a person pending extradition, surrender or similar action. It is not an international arrest warrant; domestic authorities determine its legal effect. A diffusion is a different cooperation channel, circulated by an NCB to all or selected countries. Such communications must also comply with INTERPOL's rules. [1; 2]

In an individual case, it is necessary to identify more than the word INTERPOL: the communication's type, source and requested action matter. A border officer may initially report only a database match. That does not yet explain the situation fully. The matter may concern identification, a wanted person, a document or an independent domestic ground.

ARGA proposes recording three links: the information received, the domestic decision and the action taken. Where an official record refers to an international entry, identify the domestic rule permitting the particular measure. A judicial order must be examined as a separate instrument. Challenging the communication does not replace an appeal against that order under the applicable law.

2.2. Public searches and negative results

Most Red Notices are restricted to law-enforcement use. The public website contains selected extracts published at the relevant country's request for specified public purposes. Failure to find a name there therefore does not establish the absence of a non-public record. [3]

An accurate account of a search should identify its scope and date. Saying that no public entry was found has a defined meaning. Saying that no international wanted-person information exists requires a different evidential basis. Substituting the second conclusion for the first creates false confidence before the itinerary is even considered.

A positive match also requires identity checks. A matching name does not always identify the same person; different transliterations do not always identify different people. The file should compare date and place of birth, nationality, photographs and known name variants. Correction of an obvious identity error should be supported by documents rather than an assumption that someone will notice it automatically.

2.3. Parallel grounds

Even after an international record is cancelled, a separate domestic instrument or another cooperation channel may remain. Analysis should therefore begin with an inventory of known grounds. For each, record the document establishing its status, the authority empowered to cancel it and whether implementation of the relevant decision has been confirmed.

This does not mean assuming a hidden restriction in every country. It means limiting conclusions to what has been established. If only deletion from INTERPOL's system is known, that is the result to report. A separate order cancelling a domestic warrant changes the legal picture. The events should be recorded independently.

3. Airports remain within jurisdiction: Amuur

In *Amuur v. France*, 25 June 1996, the ECtHR examined the confinement of asylum seekers in Paris-Orly Airport's international zone. Article 5 applied and had been violated: the restrictions amounted to deprivation of liberty, without an adequate legal framework protecting against arbitrariness. The international zone was not extraterritorial. This immigration case is used here for jurisdiction and the character of confinement, not as an extradition ruling. [4, paras 43-54]

For a transit passenger, the practical point is that absence of formal admission does not remove State powers and responsibilities. The procedural position depends on the authorities' actual conduct and the applicable law. Being between boarding gates does not create a separate territory where detention or access to protection is impossible.

Initial reporting should describe the restrictions themselves. Can the person leave the room, obtain documents, contact counsel and continue the journey? Who controls movement? How long has the restriction lasted? Calling it a pending check does not answer those questions. Equally, a brief routine check should not automatically be described as unlawful deprivation of liberty without examining the circumstances.

Documentation starts with exact timing and sequence. Several moments may matter at an airport: being stopped at control, surrendering a passport, being moved to a separate room, preparation of a record and adoption of a decision. Preserve every available timestamp rather than compressing events into one approximate date.

The representative should establish which service is currently responsible. Transfer between border police, criminal police and an administrative authority may alter the procedural regime. An airport

switchboard or airline response cannot replace contact with the competent authority. Information requests should seek the legal basis rather than debate the everyday name of the zone.

4. Short connections and itinerary changes

An itinerary should be described through the actual points at which domestic law may become relevant. In addition to planned connections, airport changes, overnight stays, baggage collection and cancellation of the next segment matter. This is not a prediction of arrest. It identifies circumstances capable of changing the initially assumed procedure for remaining in a country.

Airline information assists with travel arrangements but does not establish the absence of a criminal-procedure ground. Check-in, a valid ticket and acceptance of baggage concern carriage. They do not replace an assessment of the person's legal position or bind a competent domestic authority receiving an arrest request.

A changed itinerary requires an updated assessment where a new jurisdiction or materially different stay is involved. This is particularly important when the original opinion concerned one country and a defined set of documents. It cannot automatically be extended to an unplanned landing merely because the final destination remains unchanged.

ARGA recommends a communication and document-access plan for technical disruption. Its purpose is to support legal protection when circumstances change. It should identify counsel, arrangements for obtaining confirmed copies and medical needs. It should not depend on access to a single telephone or an immediate reply from one person.

Alternative itineraries should be assessed through legal conditions, not assumptions about weak controls. Where a known wanted-person basis remains operative, changing a connection does not remove it. A legally meaningful response may be obtaining the necessary decision, clarifying status or postponing travel until the issue is resolved.

5. Provisional arrest and time limits

Under the base text of Article 16 of the European Convention on Extradition, provisional arrest may end after 18 days without receipt of the request and required documents and must not exceed 40 days. Release does not prevent renewed arrest following a later request. These rules govern a particular treaty stage, not the overall maximum duration of all extradition detention. Applicable treaty amendments and domestic law require separate examination. [5, Art. 16]

The principal practical question is which period is running. Relevant dates include actual restriction, imposition of the particular measure, receipt of the complete request and any subsequent judicial order. Once the request arrives and the legal basis changes, mechanically continuing the original calculation may produce an incorrect claim to mandatory release.

A separate calendar should be maintained for each measure. Record its basis, authority, starting point, possible extension, next review and responsible representative. Appeal deadlines should be listed separately. This avoids confusing the provisional-arrest period with the deadline to challenge a decision or supply documents.

Absence of a source response also needs precise description. Establish which document was requested, why the inquiry cannot progress without it and what happened after the deadline. A statement that information is awaited does not reveal procedural activity. A chronology of actual steps and inactive periods is more useful to a release application.

Article 5 of the Convention protects information about reasons for arrest, judicial review of lawfulness and compensation where its relevant guarantees have been violated. The procedure for exercising those rights belongs to the applicable legal system. Not every rule concerning arrest on suspicion of an offence can be mechanically transferred to extradition detention. [6, Art. 5]

A practical application should explain which ground for continued detention has ceased to exist or why the measure no longer meets the governing test. Release may be sought alongside lawful alternatives where available. Residence, family connections and willingness to comply with conditions matter within that argument; they are not universal immunity.

6. Shiksaitov: protection exists but verification stalls

In *Shiksaitov v. Slovakia*, 10 December 2020, a person recognised as a refugee in Sweden was detained in Slovakia for possible extradition to Russia for one year, nine months and eighteen days. The ECtHR found an Article 5 § 1 violation concerning insufficient diligence and the detention's duration; it also addressed the lack of an enforceable compensation right. The eventual extradition refusal did not retrospectively make every preceding arrest unlawful. [7, paras 53-83 and operative part]

For transit situations, the case illustrates the danger of prolonged verification of existing protection documents. Where authorities possess the key information, ask which action remains necessary and why it has not occurred. Repeated consideration of the same issue without new circumstances should appear in the chronology, since procedural progress matters to continued detention.

ARGA's working method divides the period into stages: identification, receipt of the principal request, confirmation of status, examination of obstacles, appeals and implementation. Each should list the actions taken. This makes it possible to distinguish time attributable to necessary work from unexplained delay.

Refugee status should be supported by the competent authority's decision, where available and needed, rather than only by a travel document. Identify the State, date, individual and protection granted. If the reasons contain confidential material, disclosure should be considered with counsel. Establishing status and disclosing the entire asylum file are different tasks.

The 2020 judgment should not be read as having already decided later EU-law questions addressed by the CJEU in 2024. Its separate value concerns procedural diligence and the connection between deprivation of liberty and a genuinely continuing process. Contemporary analysis should take account of both that reasoning and current rules on the effect of status.

7. Refugee status granted elsewhere: the 2024 judgment

In *Generalstaatsanwaltschaft Hamm*, C-352/22, 18 June 2024, the CJEU considered Türkiye's request to Germany concerning a person recognised as a refugee by Italy. While the granting authority has not revoked or withdrawn that status, extradition to the country of origin is precluded in the legal situation examined. The requested authority must contact the granting authority. Even subsequent withdrawal does not remove the separate obligation to examine prohibited-treatment risks. [8, operative part; official Court communication]

The practical implication is to make the protection decision promptly available to the correct recipient. A travel document may indicate status, but resolution may require confirmation from the granting authority. Preparation should identify that authority and the decision's references. Inter-State communication must use competent channels; a representative's letter can initiate verification but does not replace an official response.

The finding should not be extended to every immigration status. Employment residence, humanitarian permission, a pending asylum application and recognised refugee status have different legal foundations. Begin with the document's precise designation and basis. Confusion is especially dangerous in translation, where all these categories may informally be called protection.

The destination also matters. The judgment concerns extradition to the country of origin in the circumstances described. A different requesting State or a procedure with a different object needs separate examination. This does not diminish the status's importance; it identifies the argument to advance and the additional facts needed.

Implementation tracking should record when the inter-authority request was sent, the answer and subsequent steps. Once information is confirmed, its implications for continued detention should be raised in the domestic proceedings. A legal bar to extradition should be connected to specific procedural relief rather than left as background material.

8. WS: discontinued proceedings and ne bis in idem

In *WS v Bundesrepublik Deutschland*, C-505/19, 12 May 2021, the CJEU distinguished verification of ne bis in idem from its establishment by a final judicial decision. Before that determination, the relevant provisions did not preclude provisional arrest for checks. Once the prohibition is established for the same acts, provisional arrest on the Red Notice within the relevant EU and Schengen setting is precluded. An assertion that earlier proceedings ended is not equivalent to that determination. [9, operative part]

The practical difficulty is comparing the facts of the two proceedings. Case numbers and offence descriptions may differ while the conduct is the same. Conversely, the same offence label may concern different episodes. The supporting material should therefore identify the acts, period, participants and substance of the allegation.

ARGA proposes a comparison table linking each factual assertion in the new request to the corresponding passage of the earlier decision and identifying agreement or difference. It should not stop at counsel's conclusion that the matters are identical. Page references and precise descriptions allow the competent authority to test the argument independently.

The second question is the earlier decision's legal effect. Not every conclusion of an inquiry finally disposes of the case for the relevant prohibition. Identify the authority, ground of discontinuance, scope for reopening and any conditions fulfilled. Where the result depends on compliance with a requirement, proof of compliance belongs in the core bundle.

The form of the determination matters particularly. A correspondence note, prosecutorial position and final judicial decision may have different effects. Preparation should seek the legally appropriate confirmation rather than accumulate informal assurances. Once obtained, the decision should remain accessible in later proceedings, with an accurate translation.

WS concerns particular EU and Schengen rules. It should not be presented as a worldwide prohibition on arrest in every INTERPOL member country. In another jurisdiction, the earlier decision remains material, but its binding effect and procedural consequences require separate examination.

9. Nationality and information exchange: Petruhhin

Petruhhin, C-182/15, 6 September 2016, concerned an Estonian citizen arrested in Latvia following a Russian request. The CJEU did not automatically extend every protection enjoyed by the requested State's own nationals to all EU citizens. It required informing the nationality State and providing an opportunity for surrender for prosecution where that State has the relevant jurisdiction. Examination of treatment risks prohibited by the Charter remained separate. [10, operative part; official Court communication]

Practical work begins by establishing nationality and the mechanism's applicability. An EU passport has legal significance but is not universal protection against an international request. Identify which State should be informed, the appropriate channel and the action it has power to take.

Representatives should follow the substance of the exchange, not merely the dispatch of a letter. Was the particular request and its factual basis communicated? Was an answer received? Was the possibility of domestic prosecution addressed? If the nationality State lacks sufficient information, formal notification may not complete the substantive inquiry.

The mechanism should not be described to the client as an unconditional obligation to take back a citizen. It operates under defined legal conditions. An opinion should identify the required exchange and potential outcomes without turning a procedure into a promise of a particular result.

For multiple nationality, establish the significance of each status to the relevant State and request. Acquisition dates, supporting documents and the applicable agreement may alter the analysis. Using a different passport does not cancel a known warrant and should not be treated as removing its legal basis.

10. I.N.: acquired citizenship and earlier asylum

In I.N., C-897/19 PPU, 2 April 2020, the CJEU examined an Icelandic citizen arrested in Croatia following a Russian request. Iceland's particular relationship with the EU and earlier asylum relating to the same prosecution mattered. The Court required examination of prohibited-treatment risks and notification enabling Iceland to seek surrender for prosecution if it had jurisdiction. This was not a general ruling for all third-country nationals. [11, operative part; official Court communication]

The case shows why status history may retain evidential value after naturalisation. The current passport establishes nationality; an earlier asylum decision may assess the particular prosecution. The documents answer different questions and should be used together where the circumstances warrant it.

Preparation should reconstruct the sequence: original nationality, protection, naturalisation, and creation or renewal of the request. Then compare whether the earlier protection grounds concern the present case. An old asylum decision cannot automatically be assumed to address every subsequent allegation.

The organisational implication is to preserve reasoned protection decisions after status changes. Losing them may make it harder to connect the earlier risk assessment to the current request. Disclosure should remain targeted and confidential, particularly where relatives or witnesses are identified.

11. What an earlier extradition refusal establishes

A refusal should be read through its subject, grounds and finality. A court may have found a prohibited-treatment risk, missing documents, an expired period or a temporary obstacle. Those outcomes differ in their potential effect on new proceedings. A short confirmation assists initial communication, but the full reasoned decision is usually more valuable for substantive argument.

ARGA's proposed method separates three questions. Does the new request concern the same person and acts? Does the earlier obstacle remain? What effect does the new jurisdiction give the prior decision? The answer to the last question cannot be inferred solely from the first court's standing.

If refusal resulted from a missing document, later production may change the position. If it concerned individual risk, establish whether circumstances changed and what supports that assertion. The defence should address the source's new position rather than repeat earlier submissions without comparison.

Release decisions without a determination on extradition form a separate category. They may be favourable and significant but should not be presented as final refusals. Likewise, release when a provisional measure expires does not necessarily remove the possibility of a subsequent request.

For cross-border use, a concise translation of the operative part and central ground should accompany the complete decision. The summary must identify its limits. A pending appeal should also be disclosed. A document recording an intermediate success should not appear to establish that all risk has ended.

12. The first response to detention

12.1. Establish location and legal basis

The representative's first task is to establish where the person is, which authority holds them and on what basis. Obtain the exact identity used in the documents, restriction time, case number and competent service's contact. These details make subsequent action properly directed. Contacting every authority without identifying the procedure can increase confusion.

Request available procedural documents and an explanation of the basis in a language the person understands. Medical circumstances and medication needs should be communicated promptly where relevant. Factual information should be accurate: a confirmed condition and treatment schedule are more useful than a general statement of poor health. Medical assistance and legal challenge perform distinct functions.

12.2. Secure local representation

Local counsel determines the available application, authority requirements and immediate deadlines. An international coordinator supplies documents and the broader history. Clear roles prevent the first hours being spent on a submission that fails domestic requirements or is directed to the wrong body.

Consular contact should take account of nationality, protection status and the person's wishes within the applicable law. Where persecution by the origin State is feared, automatically sending its representatives the sensitive file is inappropriate case management. Disclosure should be considered specifically with competent counsel.

12.3. Separate procedural objectives

Urgent work commonly involves several questions: the lawfulness of present confinement, access to information, grounds for transfer and the state of international data. Each needs an addressee and requested action. A CCF application is not a domestic release application; a domestic appeal does not replace a data-correction request.

ARGA recommends a short action table assigning responsibility and deadlines. Include only actual tasks supported by the current procedural position. Updating it after every material decision reduces the risk that several representatives each assume somebody else has filed the urgent document.

13. Documents establishing protection

13.1. The core bundle

The core materials establish identity, current status, known judicial decisions and present restrictions. For each instrument, record the date, authority, reference, language and translation availability. A representative should know when a copy is incomplete. Partial documents should not silently become the basis of categorical conclusions.

Protection decisions, extradition refusals, discontinuance decisions and changes to international records deserve particular attention. They are not interchangeable. The bundle should explain which

question each resolves and which remains open. This helps an officer or court encountering the case for the first time understand the legal connections.

13.2. A concise first-contact note

ARGA proposes a short note identifying the person, current status, material decisions and counsel's contacts. It should direct the reader to supporting attachments. Its function is to accelerate access to evidence, not replace that evidence or declare a result binding on a foreign authority in advance.

It should avoid unsupported assertions of political motive, absolute safety or absence of all wanted-person information. Where a competent authority has made a relevant finding, identify the source and scope precisely. The shorter the document, the more important the legal accuracy of each sentence.

13.3. Accessibility and confidentiality

Documents should remain accessible if contact with the main device is lost. A secure backup and access through counsel are useful. The entire asylum or criminal file need not be supplied to everyone involved in the journey. Initial contact usually requires a limited set; further disclosure depends on the task.

Translations must preserve the distinctions between cancellation, suspension, refusal, discontinuance and release. An error in one term can change expectations and arguments. Conditions and time limits should accompany the favourable part of an order. Omitting a qualification for brevity creates an inaccurate legal picture.

Document	What it helps establish	What it does not establish by itself
Passport	Identity and nationality	Absence of a current request
Refugee-status decision	Grant and basis of protection	Universal immunity in every jurisdiction
Extradition refusal	Outcome and grounds of particular proceedings	Automatic termination of every record
Discontinuance decision	Contents and legal effect of the act	Identity of the facts in a new request
CCF decision	Action concerning INTERPOL data	Cancellation of an independent domestic warrant

14. CCF proceedings and domestic protection

The CCF Statute provides for access, correction and deletion requests and provisional measures concerning processing. Article 37 requires a Commission decision; filing an application does not automatically produce that effect. The CCF's competence concerns INTERPOL's information system. A pending application should therefore not be presented as travel permission or an instruction to a domestic court to release the person. [12, Arts 3, 29, 37, 39]

An urgent submission should explain the connection between the data and current risk. Confirmation of arrest, the judicial instrument, a protection decision and a precise account of the inconsistency help define the inquiry. A large bundle without an explanation of what requires amendment may make the principal issue harder to identify.

Where a provisional measure has been adopted, establish its terms, object and duration. Where data have been deleted, obtain and retain confirmation. The domestic proceedings should separately address what that change means for the current detention basis. It may be significant, but the competent authority must determine the result in light of any remaining grounds.

INTERPOL states that, when a non-compliant notice or diffusion is cancelled, member countries are informed and requested to remove information from national databases. This is an important updating mechanism. An individual case nevertheless requires distinguishing notification of cancellation from confirmed action in a particular domestic system. [1]

Follow-up should be targeted. If a repeat restriction appears linked to an old record, preserve the check's timing, the system's name where disclosed and the authority's stated basis. Without these details, delayed updating, an independent instrument and a new request are difficult to distinguish. Each requires a different response.

15. Immigration proceedings and onward-transfer risk

Following an extradition refusal, lawful-stay or administrative-removal questions may remain. The extradition decision should not be assumed to resolve them automatically. Establish the current immigration position and any separate departure or removal order. Assessment of prohibited-treatment risk should not disappear merely because the procedure's label changes.

The practical task is to identify the intended destination and the possibility of onward transfer. A general reference to return to a third country is insufficient for individual analysis. Information is needed on lawful admission, access to protection and the concrete sequence contemplated. An onward-extradition risk should be supported by evidence rather than a general description of the country.

Judicial and administrative proceedings require coordinated but distinct work. Release from extradition detention may coincide with a new administrative measure. After a favourable ruling, therefore, check the person's actual location and all continuing decisions. Telling relatives that the matter has fully ended should reflect that examination.

For an asylum seeker or recognised refugee, the procedure and current status must be described precisely. A statement in an explanation should not substitute for a formal protection application where domestic law requires a particular filing. Local counsel should identify the available process and its consequences, including its relationship to other proceedings.

16. Urgent measures and preserving judicial protection

Urgent relief matters where transfer may occur before the arguments are heard. The first question is not the length of the future complaint, but the existence of an enforceable decision, the anticipated timing and an available means of suspension. The application should clearly identify the irreversible event to be prevented.

Under Rule 39, the ECtHR may indicate a measure exceptionally where there is an imminent risk of irreparable harm to a Convention right. Requesting a measure is not obtaining one; the response and its conditions must be checked. The mechanism does not replace domestic remedies or automatically stop every extradition process. [13]

The proposed urgent bundle contains the operative decision, confirmation of transfer timing, domestic remedies used, essential risk evidence and counsel's contacts. If the date is unknown, describe the stage and the source of the urgency information accurately. Uncertainty must not be concealed through an invented schedule or an unsupported assertion of immediate surrender.

Once a measure is indicated, verify its addressee, duration, additional requirements and actual receipt by the competent authority. The international decision and its implementation are connected but distinct events. Counsel should know who ensures compliance domestically and where to report changed circumstances.

Refusal of interim relief should not be described as final approval of the entire transfer procedure. It nevertheless changes the practical position and requires immediate review of operative domestic decisions and remaining remedies. The team needs one current case status to avoid acting on an obsolete assumption that transfer remains suspended.

17. Official transit when extradition is implemented

Article 21 of the European Convention on Extradition governs agreed transit of a person being surrendered. It includes rules for air transport and unscheduled landing, and bars transit through territory where specified threats to life or freedom are reasonably feared. This concerns an organised transfer, not an ordinary passenger connection. The applicable version and State declarations should be checked for the particular route. [5, Art. 21]

Defence analysis should address the legally material intermediate stage as well as the final receiving State. Establish whether permission was sought, which documents support it and whether a landing is planned. If the route changes, examine whether new permission or another step is required under the applicable mechanism.

Operational escort details may be restricted. That does not justify assuming any possible route. A request should seek the information necessary for the particular argument: transit country, nature of the stop and competent authority. Demanding the complete operational plan may be excessive where less detailed information resolves the legal issue.

It is useful to identify events requiring notification to the defence: a changed transit country, delayed surrender or a new detention basis. The proposal seeks to preserve an opportunity for legal response. It does not contemplate interference with lawful escort or disclosure of information unrelated to protecting the person's rights.

18. Hypothetical situations and priorities

The following examples are analytical and do not describe actual client cases.

18.1. A connection while refugee status remains in force

A person is arrested in one EU Member State after receiving protection in another. The requesting State is the country of origin. Priorities are confirmation of identity, the exact status and the official decision, followed by communication between competent authorities. Continued detention is challenged in parallel through the appropriate domestic procedure.

Sending only a photograph of the travel document and asserting that it requires immediate release would be inadequate preparation. A verifiable bundle, identification of the relevant mechanism and precise relief sought are stronger. If the authority considers status to have ended, obtain the basis of that assertion and verify it with the competent source.

18.2. Previously discontinued criminal proceedings

The person produces a discontinuance decision, but the new request describes additional episodes. Comparison of the facts takes priority. Complete identity, partial overlap or difference may emerge, each requiring its own argument. The earlier decision's title cannot replace examination of its factual coverage.

If the relevant prohibition has already been established in an appropriate judicial decision, produce that decision and evidence of finality. Otherwise identify the available procedure. Presenting an unresolved issue as already decided without the necessary document may weaken the position.

18.3. Deleted data and a repeat restriction

A wanted-person message appears during a check despite a CCF deletion decision. Identify the entry and domestic instrument relied upon. Compare identifiers, dates and the decision's terms. A delayed update and a new independent request should not be presumed to be the same event.

Submit the deletion confirmation and seek verification of the current basis. If the authority identifies an operative independent warrant, separate domestic action is required. The practical outcome depends on what remains in force, not merely on the date of the favourable CCF letter.

18.4. Release without a final extradition refusal

The person is released after the provisional measure's period expires. A complete request arrives later. Before reporting that risk has ended, read the release order and establish whether proceedings have concluded. A favourable liberty decision may not determine extradition on its merits.

Counsel should examine continuing duties, appeal possibilities and the new request. Any attendance or compliance conditions should be explained clearly. Legal protection rests on complying with operative obligations and challenging them through lawful procedures.

19. Observatoire ARGAs proposals

19.1. Initial information standards

When liberty is restricted in connection with an international request, an accessible explanation should identify the procedure, responsible authority and operative basis within the applicable law. Accurate timestamps and a case reference are important to later review. They reduce the risk of misdirected filings or missed deadlines caused by an unclear description of the measure.

Institutions would benefit from a standard transfer record when responsibility changes. It should identify protection documents already received, inquiries made and operative deadlines. Moving a person between authorities should not cause the entire verification process to restart because information was lost.

19.2. Verification of status and judicial decisions

ARGA proposes prioritising documents capable of directly changing transfer permissibility: a status decision, a final judicial determination of *ne bis in idem*, or an operative urgent measure. Priority means prompt verification of authenticity and contents, not automatic acceptance of every copy presented.

Cross-border exchange benefits from stable decision references and clear accounts of legal effect. Short communications should distinguish final refusal, temporary suspension, release and data cancellation. Such standardisation reduces terminology errors without requiring disclosure of the entire confidential file.

19.3. Implementation and closure

After international data change, retain notification confirmations and examine known domestic consequences through targeted inquiries. After extradition refusal, separately establish detention and immigration measures. After surrender, record compliance with individual guarantees where they formed a condition of the decision.

Representatives should prepare a final list identifying resolved questions, supporting instruments and necessary remaining actions. It should be short and accurate. Its purpose is to prevent continued use of an obsolete case account or premature statements that every restriction has ended.

20. Conclusion

Transit risk arises where international information meets domestic powers. A short stay, absence of formal entry and a favourable decision elsewhere do not replace analysis of the particular ground. The cases show which documents and procedures can change the result, but they do not create universal permission to travel.

Effective practical protection combines accurate identification, evidence of status, analysis of earlier decisions and timely procedural action. The central question is what a particular authority must examine and which document enables it to do so. This reduces uncertainty and helps distinguish necessary verification from unjustified continuation of a restriction.

ARGA's proposed method focuses on confirmed legal position and implementation. It connects preparation, initial response and completion of proceedings into one sequence. Results are assessed through operative decisions and actual removal of the relevant restriction, rather than a general assurance that everything has been resolved.

Annex A. Initial response map

Stage	Principal action	Result to establish
Restriction identified	Establish authority, place and time	Identified procedure
Initial access	Obtain the decision, explanation and counsel	Clear basis and immediate deadlines
Protection verification	Submit relevant decisions	Officially verifiable circumstances
Judicial action	Separate liberty and transfer questions	Decision on specific relief
Data proceedings	Identify the record and competent body	Confirmed correction or other outcome
Closure	Examine remaining restrictions	Accurate list of operative instruments

Sources and references

Official sources. Judicial decisions are identified by case number and judgment date; press-release links lead to the Court of Justice's official summaries. Treaty applicability and domestic procedures must be established for the relevant state and date.

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[6] Council of Europe. European Convention on Human Rights, Article 5.
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[10] CJEU. *Petruhhin*, C-182/15, 6 September 2016, ECLI:EU:C:2016:630. Judgment; official summary, press release No. 84/16. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62015CJ0182>
<https://curia.europa.eu/site/upload/docs/application/pdf/2016-09/cp160084en.pdf>

[11] CJEU. *Ruska Federacija (I.N.)*, C-897/19 PPU, 2 April 2020, ECLI:EU:C:2020:262. Judgment; official summary, press release No. 38/20. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019CJ0897>
<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-04/cp200038en.pdf>

[12] INTERPOL. Statute of the Commission for the Control of INTERPOL's Files, 2025, Articles 3, 29, 37 and 39. [https://www.interpol.int/content/download/5695/file/Statute%20of%20the%20CCF%20\(E\).pdf](https://www.interpol.int/content/download/5695/file/Statute%20of%20the%20CCF%20(E).pdf)

[13] ECtHR. Applying for interim measures: Rule 39.
<https://www.echr.coe.int/web/echr/applying-for-interim-measures>