

International Criminal Police Organization (INTERPOL)

MetMUNC XLVIII

Topic: Reform of Extradition Laws

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INTERPOL

The International Criminal Police Organization (INTERPOL) is primarily focused on assisting law enforcement agencies in three areas of international crime: terrorism, cyber crime, and organized crime.¹ By using their one of a kind international databases and resources, INTERPOL helps to identify and apprehend international criminals and fugitives. Because of the nature of international crime, the accused are often arrested in countries other than that in which their crime was allegedly committed, after fleeing in an attempt to evade capture or because they operated in multiple areas. In a perfect world, the accused would quickly be handed over to authorities in their home country, and be put on trial. The process by which officials in one nation surrender the accused to the officials from another nation attempting to arrest them is known as “extradition.” Unfortunately, political rivalries, concerns over how the suspect will be treated, and a lack of formal systems make it so that extradition is rarely a simple process.

Oftentimes, two or more nations will sign extradition treaties between themselves, agreeing to send criminals back to the country where they are wanted if one of the parties in the treaty apprehends them. Some of these treaties are very effective. The European Arrest Warrant, signed between members of the European Union, requires members to extradite those accused of serious crimes, regardless of political attachment to the criminal (such as if

¹ <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL>

the criminal is a citizen of their nation).² However, extradition treaties often come with exceptions. Some states will not extradite their own citizens, will not send those accused of a crime for which capital punishment is the consequence, or those accused of minor offenses.³

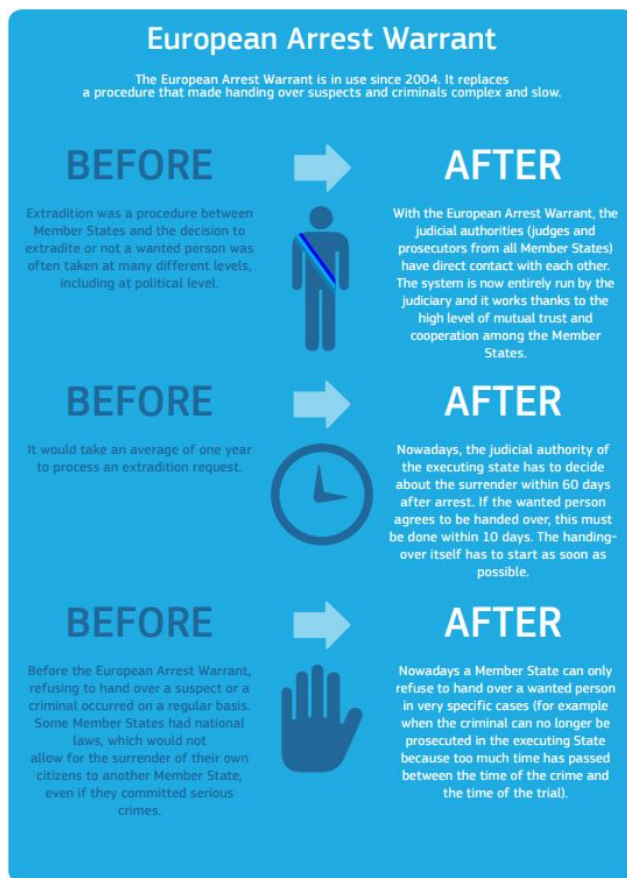


Figure 1: This graphic illustrates the steps in an European arrest warrant.

Even when an effective treaty is in place, the process often takes a full year to complete, or even over ten years in extreme circumstances.

Unfortunately, there are countless instances in which two nations refuse to sign extradition treaties with each other. It may be because those two states are ideologically opposed to one another, because one state wishes to protect their political neutrality, or for various other reasons. There is not a single nation that has an extradition treaty

with every country in the world. In

cases where there is no extradition

treaty, or an ineffective one is in place,

extradition often does not occur. Nations occasionally allow fugitives wanted by their

political enemies to remain within their borders, and there is little that the other country or

INTERPOL can do about it without infringing upon national sovereignty. Even high-profile

fugitives often benefit from a flawed criminal relocation process. Julian Assange, the founder

of WikiLeaks who had been wanted for cybercrimes and sexual assault in America and

² https://ec.europa.eu/info/law/cross-border-cases/judicial-cooperation/types-judicial-cooperation/european-arrest-warrant_en

³ <https://www.cfr.org/background/what-extradition>

Sweden, had been granted in asylum by Ecuador in their United Kingdom embassy, even though the UK was trying to arrest Assange. Despite three nations' attempts to arrest Assange, he remained free for seven years because of a lack of an effective international extradition process.⁴

On the other hand, extradition is not always a good thing. INTERPOL's constitution

states that "all our actions are politically neutral,"¹ and that it will not pursue criminals accused of political crimes. However, INTERPOL's Red Notice system, essentially a way of issuing global arrest warrants, is at times abused by the body's members to apprehend fugitives accused of actions that not all nations would agree are criminal. In 2006, Rasoul Mazrae, a political activist who stood up to the



Figure 2: The various notices that INTERPOL issues.

Iranian government, fled to Norway to evade capture

by Iran. The Iranian police issued a Red Notice for

Mazrae, and before action could be taken to remove the notice, Syrian police had captured

Mazrae. He was eventually extradited back to Iran, tortured, and executed.⁵ This is an

obvious discrepancy. There is nothing "politically neutral" about executing an individual for criticizing their government. After this incident, and others like it, calls intensified for reform

within INTERPOL to keep Red Notices from being abused. Just this year, the Council of

⁴ <https://www.rollingstone.com/culture/culture-news/julian-assange-explainer-819208/>

⁵ https://www.huffpost.com/entry/international-police-agen_b_901385

Europe published a paper calling out INTERPOL for failing to fully reform the notice system, and called for increased vetting of notices.⁶

There are many instances in which the members of a nation recognize the potential dangers associated with extradition. The recent Anti-Extradition Law Amendment Bill protests in Hong Kong arose out of proposed plans by the Hong Kong government to allow for extradition to mainland China. Supporters of the bill cited the need to help arrest foreign fugitives in Hong Kong, while its detractors feared that Hong Kong citizens would be subjected to Chinese legal penalties that they viewed as cruel and unjust, and that the law would give China an opportunity to tighten its control over the region.⁷ Opposition was so strong that Hong Kong's Chief Executive, Carrie Lam, withdrew the bill in July. (As of November, the current protests in Hong Kong are working towards fuller democracy in the region; the extradition treaty proposal has been dropped.) The demonstrations highlighted two key facts about extradition treaties: they are not always popular among citizens, and each one can have indirect political consequences that are unique to the two countries signing the treaty.

INTERPOL, as a United Nations group, is only what its members make it. The countless nations that refuse to extradite criminals smoothly are the same nations that make up INTERPOL. Because of this, serious efforts to reform the extradition process have yet to be undertaken by the UN. As INTERPOL delegates, it is your job to craft a new system of international extradition law that ideally satisfies three main criteria: criminals can be transported between any country quickly and smoothly, the human rights of criminals are not abused, and the political neutrality of INTERPOL can not be easily violated.

⁶ <http://website-pace.net/documents/19838/5636250/20190627-interpol-reform-EN.pdf/1b70c2d5-8886-4478-9470-fde185e21c4a>

⁷ <https://www.bbc.com/news/world-asia-china-47810723>

Questions to Consider:

1. Who does your country have extradition treaties with? Why has it made treaties with those countries, and not with others?
2. In general, does your country agree to extradite criminals back to where they have been accused of a crime? Do they do it quickly?
3. Is your country able to efficiently recapture fugitives that they want to try/convict? Why or why not?
4. Has your country abused or been victimized by abusers of INTERPOL's Red Notice system?
5. How can extradition become a process that always benefits both parties and their citizens? How can the world's faith in extradition be restored?

Helpful Links:

- <https://www.cfr.org/background/what-extradition>
- <https://www.interpol.int/en/How-we-work/Notices/Red-Notices>
- <https://internationalextradition.org/>