



MUN DES LYCEENS

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**INTERPOL COMMITTEE
Guidelines**

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TOPIC 1: THE INTERNATIONAL TREATMENT OF MAJOR CRIMINALS

In 1923, the International Criminal Police Organization, commonly known as INTERPOL is created as an international organization that facilitates worldwide police cooperation and crime control. With 194 members, it becomes the world's largest police organization. INTERPOL provides investigative support, expertise, and training to law enforcement worldwide, focusing on three major areas of transnational crime: terrorism, cybercrime and organized crime. Its broad mandate covers virtually every kind of crime, including crime against humanity, child pornography, drug trafficking and production, political corruption and white-collar crime. The agency also facilitated co-operation among national law enforcement institutions through criminal databases and communications networks.

In 1998, the International Criminal Court (ICC) is created as an intergovernmental organization and an international tribunal. With 123 states member and 13 inquiries opened since its creation, its goal is to replace international tribunals who had limited duration, space and actions. The ICC is the first and only permanent international court with jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, war crimes and the crime of aggression. It is intended to complement existing national judicial systems and it may therefore exercise its jurisdiction only when national courts are unwilling or unable to prosecute criminals. It can be considered as a milestone in the cooperation between countries concerning major criminals. And yet its action is limited to war crimes as said earlier.

The whole issue around cooperation when it comes to international major criminals have raised questions among the international community, has a lot of debates have shaken different governments. Extradition, defined as the action to send someone who has been accused of a crime to another state or country for trial, is often a subject of discussions between countries for instance. It is the same for the diplomatic immunity, often questioned and called into question. Anyway, there is still a long way to run when it is about cooperation concerning major criminals.

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Is it really an international matter?

Should protocols related to major criminals be systematically international? Meaning, when a person commits a crime in a country, should it be the responsibility of only this country or should there be an international cooperation to help arrest him and prevent other crimes. The major issue here is about every country keeping its own sovereignty. Indeed, they are often reluctant to share information as it is considered a national matter.

There are still a lot of competition when it comes to big inquiries. For instance, the United States have taken measures against the ICC after one of its inquiries in Palestine. As, according to Human Rights Watch, the administration Trump "have been trying to multiply its efforts to prevent victims from obtaining justice", in June 2020 the President has issued a presidential decree that allows the freezing of assets of the ICC's representant and forbid, them and their families, to come to the United States. It is far from being an isolated case as Donald Trump had already threatened several times to block the ICC's inquiries in Palestine and Afghanistan that took interest in the actions of American and Israelite citizen. Furthermore, back in 2019 the United States had cancelled the visa of the ICC's Prosecutor because of a potential investigation in Afghanistan. Anyway, some countries, and even among the biggest ones, are often reluctant to share information, want to keep a full control over their national affairs and don't necessarily want an external organization to come in the middle.

Nonetheless, it seems to be, by essence, an international preoccupation. First of all because there are no such things anymore as national matters; as criminals have the ability to cross borders much more easily. Indeed, the phenomenon of globalization, makes it often de facto an international issue. Furthermore, the globalization of information not only encourages the cooperation and share of information but makes it possible and easy to put in place. When a crime is committed in a country, filling up a file shared with every member containing important information about the criminals and an international warrant is something completely and systematically realizable thanks to the ICT (Information and Communication Technology).

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An horizon of cooperation

Cooperation is indeed not very far away and has begun. We talked before about the role of the ICC for instance; but cooperation also exists between countries by bilateral treaties. It is the case for example with extradition thanks to bilateral treaties. Extradition is an act where one jurisdiction delivers a person accused or convicted of committing a crime in another jurisdiction, over to their law enforcement. It is a cooperative law enforcement process between two jurisdictions. Indeed, the consensus in international law is that a state does not have any obligation to surrender an alleged criminal to a foreign state, because one principle of sovereignty is that every state has legal authority over the people within its borders. As a matter of fact, the European Union (EU) has established an equivalent of the extradition treaty at a regional level by establishing a list of specified offences under the term of the European Arrest Warrant. The warrant entered into force in 8 European Union member-states on 1st January 2004 and is in force in all member-states since April 2005.

Furthermore, even if some countries are still reluctant, INTERPOL is already playing a huge part when it comes to cooperation concerning major international criminals. Indeed, the organization connects the member-states by a private and secure communication system (I-24/7), for them to be able to communicate between them and with the Secretary General. They can also have access to a common Data Base, no matter where they are, with information about infractions and criminals (names, fingerprints, stolen passports ...). Help is also provided during inquiries, with for example analysis, forensics, and localization of fugitives all over the world. Finally, INTERPOL provides information and research about the possible evolutions of international criminality.

Finally, the United Nations have created an Office on Drugs and Crimes in 1997. Its role is to assist the UN in better addressing a coordinated, comprehensive response to the issues of illicit trafficking and abuse of drugs, crime prevention and criminal justice, international terrorism, and political corruption. These goals are pursued through three primary functions: research, guidance and support to governments in the adoption and implementation of various crime-, drug-, terrorism- and corruption-related conventions, treaties and protocols, as well as technical and financial assistance to governments to face their respective situations and challenges in these fields. Even if those initiatives are encouraging the cooperation between countries in the fight and the

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treatment of major international criminals, there are still some structural issues. For instance, approximately still 90% of the Office's funding are coming from voluntary contributions, mainly from governments; meaning that they are lacking funds to really create help on the ground.

Why cooperation is crucial

Even if cooperation is difficult to put in place, it seems to be necessary.

First because with the share of proofs between countries and governments, inquiries are going much faster and then criminals are stopped much faster. Data and for instance biometrics Data is playing a huge part in the identification of foreign terrorists, to keep them from crossing the borders; sharing information between the army and the police, in an international way, is a solution in order to multiply information, alerts and communicate about their methods, mobiles, financing methods and finally arrest suspects.

Furthermore, cooperation allows to put in common for instance the formation of police officers or investigators. And then, it is a way for countries to get operational help on the ground. Indeed, by exchanging information, coordinating, sharing technical tools, services, resources and expertise; the arrest of criminals is easier and quicker.

For instance, INTERPOL has created Red Notices, which are requests to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender or similar legal action. It may contain two types of information; information to identify the wanted person (such as their name, date of birth, nationality, hair and eye color, photographs, and fingerprints if available) and information related to the crime they are wanted for (murder, rape, child abuse or armed robbery). They are published by INTERPOL at the request of a member country and must comply with INTERPOL's Constitution and Rules. Nonetheless, a Red Notice is not an international arrest warrant and therefore its actions are limited.

To conclude, cooperation when it comes to major international criminals is crucial to help inquiries go further and faster. Sharing information, sharing police forces and intelligence is without a doubt a way to improve the research. Should then INTERPOL multiply its action to this end, through resolutions, treaties and more financing?

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TOPIC 2: STRENGTHENING THE INTERNATIONAL COOPERATION FOR THE FIGHT AGAINST TERRORISM AND CYBER-TERRORISM

Since the World Trade Centre terrorist attacks of the 11th of September 2001, the topic of terrorism has been a huge part of the discussion of the INTERPOL committee. Those events have indeed gone down in history not only for their atrocity but also because it rose a new kind of enemy and a new form of terrorism: international and unpredictable. A few years later, and with the rising of new technologies, cyber-crime and cyber-terrorism have become a common thing.

Those two kinds of terrorism are raising the same issue: the governments and countries are not facing each other in a traditional war anymore. They are indeed attacked and threatened by cells, who form a blurred nebula, sometimes unknown and even asleep for years. That is why information and collaboration have become the greatest weapons to fight terrorists' attacks. On the very next day after the World Trade Centre events, Kofi Annan declared, in front of the UN Security Council: "A terrorist attack against a country is an attack against the whole humanity". Nonetheless, international cooperation concerning terrorism and now cyber-terrorism is still complicated to implement. Indeed, the first principles of international collaboration of police services have been created in the beginning of the century, aiming to share names of terrorists and cells as well as a share of methods to fight those; but those principles seem incomplete, inefficient sometimes, and mostly not adapted to the new forms of terrorism. Almost 20 years after, those same concerns are still raised: do the countries must promote more transparency between them and share more information? In the end, why are they reluctant to do so? How to handle those situations without creating a permanent state of war?

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Terrorism and cyber-terrorism

Terrorism can be described as the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political, religious, or ideological aims. Throughout the years, the concept has evolved, with for instance the definition in 2005 by the Geneva Centre for Security of the "economic terrorism". Cyberterrorism has also risen with the development of new technologies: it refers to unlawful attacks and threats of attacks against computers, networks and the information stored therein to intimidate or coerce a government or its people in furtherance of political or social objectives. That is why we can consider terrorism as an evolving concept; characterized by its transnational aspects and its quick evolution.

The major characteristic of terrorism is the use of violence, deadly or not, toward civilians, with the goal of promoting a group, a cause or an individual, or to extort in a large scale. With the constant interference of occidental countries in region in war, the intensity of terrorism has risen, and its forms have diversified. Important terrorists' organizations have created huge funding networks, the cyber-world has become a new battlefield hosting cyber-terrorism, new technologies have also allowed terrorists to act in an even more discrete and dangerous way... All those new concerns are raising an issue concerning the role of states and of INTERPOL. Should the states deal with terrorism in all its forms, or should INTERPOL build a new international cooperation, adapt itself, strengthen its capabilities and help to fight terrorism?

Cooperation between member states

Terrorism has been one of the major issues handled by the United Nations. For the past twenty years, resolutions have been adopted to fight organisations that were rising all around the world. For instance, the 20th of July 2017, the Security Council has adopted unanimously a new resolution to detail measures that must be taken against Daesh and Al-Qaida. Discussed within the chapter "Threats against peace and international security resulting from terrorists acts", it exposes the different types of sanctions against the Islamic State and Al-Qaeda, as well as against any person, group, company, or entity associated to them. It mostly insists on their effective implementation and details the different types of measures possible: freezing of the assets, embargo on weapons and interdiction to travel. It also exposes the criteria of

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inscription on the list of persons and entity associated with the terrorist's organisations.

Nevertheless, it does not seem to be enough. Indeed, there are still no ways to make the difference between a tourist coming back from Syria and a person that was there to train in a terrorist organisation; interdictions to travel are then inefficient. Furthermore, even if the Security Council encouraged its member state to apply the recommendations of the Financial Action Task Force on the "fight against money laundering and the financing of terrorism", the freezing of assets is no longer enough as organisations have found new ways of financing getting hold for instance of natural resources as oil or art pieces. Last but not least, if the respect of sanctions is crucial it is not sufficient as measures should be taken by state members to prevent their citizens from joining those terrorist's organisation.

In addition to that, cyberterrorism is still an issue addressed mostly at a national scale and not within the international cooperation. During the Security Council Meeting of the 25th of September 2019, Antonio Guterres has expressed "concerns about the unprecedent threat in terms of intolerance, violent extremism, terrorism and the new frontier created by cyberterrorism to coordinate attacks and recruit soldiers" and as called the States Member to cooperate. Besides that, measures have been taken at a national scale or at a regional scale. It is for instance the case between the members of the CIS (Commonwealth of Independent States) or between the members of the Council of Europe. In 2015, they have indeed adopted a resolution to "increase the cooperation against cyberterrorism and other huge attacks on internet". The Council of Europe also took this meeting as an opportunity to regret the important obstacles that are still hindering the inquiries and the legal proceedings about cyber-infractions as well as the lack of transnational cooperation while national legislations are often not adapted. It called for an international discussion about problems linked to cyberterrorism and every other form of attacks against informatic systems that threatens national security, public security, or economic well-being of the states.

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What about the role of Interpol?

INTERPOL functions as followed. It is a huge data base in which national police forces are notifying various types of information: criminals on the run, some networks, fraudulent companies financing criminal activities ... Nonetheless, one of the major problems is concerning the efficiency of this data base. Indeed, the state members have no obligation to notify anything. The all-INTERPOL system is based on good will whether it is for the collect of information or its own financing.

Furthermore, another issue is its warrant: it concerns only criminals, meaning persons who have committed a proven criminal act. That is why its action is limited: a terrorist who has not committed any attack yet is not concerned by an INTERPOL mandate. Should this mandate be then extended? Another problem is the fact that all countries, member of the INTERPOL committee are not always willing to exchange information. Indeed, after the terrorist's attacks in France in 1995 or 2015 or after those in the United States in 2001, various countries have linked them to the rise of conflicts wrongly managed. It is the same in the cyber world. The strong technological competition between countries have made it complicated to share information and develop cooperation.

Finally, the protocols inter-State are slowing down the possibility of working at an international scale. The mechanism of extradition for instance or of extraterritorial judgement are determined by international law. In the end, the countries are settling those issues thanks to treaties, and therefor there are a lot of differences. Some countries are for instance not extraditing their citizen towards other countries while some countries are not extraditing any citizen towards other countries. A standardized procedure could be useful to judge some terrorists; and INTERPOL could be a leader in this direction and act as a mediator.

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Is this cooperation a utopia?

The real issue is to figure out, as a diplomat for your country if the sharing of information is really a benefit. Indeed, a lot of countries are reluctant to share those, trying to maintain national issues at a national scale. That is why, most of them will not apply extradition for their citizen, or won't share the criminal companies and organization, trying to settle everything. And that is the case for a lot of countries, even the most democratic ones (USA, France ...). Furthermore, whether it is for terrorism or cyberterrorism, most countries will keep the information for them to try to get a strategic advance and use them properly. Governments are encouraging the cooperation between Intelligence Services and national police, but not necessarily at the international scale.

Should the sharing of information become mandatory, to help INTERPOL's action to become more efficient and help the fight against terrorism and cyber-terrorism?

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Chair Interpol Committee:
Louise Roussel

Louise.roussel@edhecnationsunies.com



EDHEC Nations Unies
24 Avenue Gustave-Delory
CS 50411
59057 Roubaix Cedex 1
France



www.edhecnationsunies.com
contact@edhecnationsunies.com