

## ACTIVITY OF THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION — INTERPOL — IN FIGHTING TERRORISM

*E. S. Zaytseva,*

postgraduate of the Department of Human Rights  
and International Law, Moscow University of the Ministry  
of Internal Affairs of Russia

At the World summit which was held in New York in September, 2005, world leaders unconditionally condemned terrorism in all its forms and manifestations, regardless of whom, where and with what purpose it might be carried out as it is one of the most serious threats to the world peace and security. In the annual report of the UN Secretary General on the work of the International organization, the fight against crimes of the international terrorism is designated as a major direction of cooperation of states in achieving common objectives of the world community on maintaining international peace and security.<sup>1</sup>

In the recent years, fighting against international terrorism<sup>2</sup> has become a priority direction in the work of law enforcement organs of the member states of the International criminal police organization — Interpol, and especially after the known events in the USA on September 2001, when over 5 thousand people found their death under the fragments of the twin towers of the World trading centre in New York. Right after those acts of terrorism, the group «September 11», was created at the Interpol General Secretariat; this group is now an international information centre of the fight against terrorism, its carries out a round-the-clock information interchange through the command-coordination centre.

When investigating terrorism, there inevitably arise difficulties as to the definition of the concept of this phenomenon. Professor

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<sup>1</sup> The annual report on the work of the Organization. New York, 2007. P. 46-50.

<sup>2</sup> See in this respect: *Lyakhov E. G., Lyakhov D. E.* International institutional counter-terrorist systems. M., 2004. (in Russian); *Antipenko V.* Fighting terrorism. International legal approaches. Kiev, 2002. (in Russian); *Attar F.* Droit International Entre Ordre et Chaos, Paris, 1994. P. 564-571; *Oppenheim's International Law.* Fifth Edition. Peace. London, 1992. P. 401-403, 743, 754-755; *Politics, Values and Functions.* International Law in the 21<sup>st</sup> Century. Essays in Honor of Lonis Henkin. The Hague, Boston, London, 1997. P. 43-65; *Gross L.* Selected Essays on International Law and Organizations. Pordrechd, Boston, London, 1992. P. 43-85.

K.S. Rodionov<sup>3</sup> notes that in the materials of the VII (1985) and VIII (1990) UN congresses on the prevention of crime and the treatment of offenders, “international terrorism» and «internal terrorism” are only mentioned and much more attention is given to the former notion. The corpus delicti of «international terrorism» has been formulated by the UN International law commission in art. 24 of the Code of crimes against the peace and security of mankind as fulfillment, organization, assistance to realization, financing or encouragement of acts against other state or connivance of fulfillment of such acts which are directed against persons or the property and which by their character have for an object to intimidate statesmen, groups of persons or population as a whole. In the commentary to this article it is specified, that the international terrorism is terrorism, organized and carried out by any state against other state while internal terrorism is organized and carried out in the territory of any state by citizens of this state. Such terrorism concerns the sphere of the internal law as it does not create threat for international relations».

All crimes included in the above Code are of a political character. The same may be said about many acts of internal terrorism, which committers put forward political demands. Interpol considers terrorism as one of the major threats to the legal order all over the world. However, the Interpol Constitution strictly forbids for the Organization to undertake any intervention or activities of a political, military, religious or racial character, and terrorists, as a rule, proclaim the objectives of a political or racial character. Until the middle of the 80s such situation did not allow Interpol to carry out an active fight against terrorism. Later, in the process of strengthening of terrorist tendencies in various regions of the world, the Interpol reconsidered its position on this question and now it considers terrorism as one of the most dangerous kinds of criminality in the context of the fact that acts of terrorism result first of all in people’s suffering.

In this connection Interpol considers terrorist organizations and their members as criminal and undertakes in their relation the same measures, as in relation to other criminal organizations and persons. As a starting point Interpol takes the Composite list of physical and legal bodies belonging to the «Taliban» movement and to the organization «Al Kaide» or connected with them, which was made and updated by the Committee of the UN Security Council founded by resolution

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<sup>3</sup> Rodionov K. S. Interpol in the struggle against terrorism // International public and private law. 2002. N 2 (6). (in Russian).

1267 (1999). For today the Composite list includes the names of 362 persons and 125 terrorist groupings. As to a treaty-legal basis of the fight of the world community against the international terrorism, for today there are 13 universal and 7 regional conventions on combating terrorism.<sup>4</sup>

Since December 2005, the General secretariat of Interpol, in interaction with the «1267 Committee» has published special notices of the International criminal police organization/United Nations Organization (United Nation Notice) concerning persons and the organizations included in the UN Composite list as connected with the terrorist network «Al Kaide» and radical Islamic movement «Taliban». The release of those joint notices is carried out according to the Interpol resolution of AG-2005-RES-05 adopted at the 74th session of the Interpol General assembly held in Berlin from September 19 till September 22, 2005. Over 600 representatives of law enforcement bodies and experts on security issues from 154 states took part in that forum.

At this session of the General Assembly it has also been announced about the Interpol plans to carry out «antiterrorist training» of employees of law enforcement bodies of the member states of the United Nations Organization. In the aspect of the fight against terrorism such cooperation allows to fill up databases of the Interpol with the UN information and to help the UN with the specification of the information containing in the Composite list of physical and legal bodies belonging to the «Taliban» movement and in the «Al Kaide» organization or persons connected with them.

Interpol in its turn puts at the disposal of the United Nations states members the database of the lost and counterfeit passports and identification cards; terrorists aspiring to move freely around the world became new holders of many of such passports. For today this database contains the data of over 12 million lost passports and 100 states have access to this information system.<sup>5</sup>

Within the framework of cooperation, Interpol also assists the UN in the struggle against the illegal traffic in arms. For search of the gone weapon it is suggested to use the standards adopted in Interpol and means of identification, databases on the stolen fire-arms, access to

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<sup>4</sup>See: Savelyev V. A. On the implementation in the Russian legislation of international treaties on fighting terrorism//International public and private law. 2002. № 2 (6). P. 11-19. (in Russian).

<sup>5</sup> The statistics is borrowed from the book: Interpol at work. Annual report 2005. Interpol General Secretariat, Lyon, 2006. P. 12.

which is made through the ASF system (automatic sheet feeder) of the Interpol General secretariat, card file of the cut hand fire-arms of all states of the world, etc.

According to the plan of action developed by the International criminal police organization and the United Nations Organization which formally is a part of the cooperation agreement between the United Nations and Interpol of July 8, 1997, and the exchange of letters of December 8, 2005, and January 5, 2006, supplementing the agreement, the Interpol Secretary general publishes 2 kinds of joint notices:

- the version with a restricted access — is published on the Interpol site with a restricted access. That notice includes all information from the Composite list, and also contains additional information from the Interpol databases, including the police information. Those notices are intended only for the use of law enforcement bodies;

- the version of a general access is published on the Interpol site opened for a general access. Those notices include all information from the Composite list and some additional information, such as photos and identification materials (not classified police information) which Interpol may publish with the consent of interested member states. That information is published for not law-enforcement organizations responsible for the application of sanctions of the UN Security Council as the Interpol and the UN figurants of joint notices move, open bank accounts, draw out money from those accounts, and also carry out transactions with weapon.

National central bureaus (further — NCB) of the member states play an important role in this cooperation as they are the basic contact points for law enforcement authorities of interested member states; through them communications with not law-enforcement organizations responsible for the application of UN sanctions are carried out. Therefore NCB support the adoption of corresponding measures in a close interaction with competent organs of their states in order to provide carrying out of necessary actions for realization of UN sanctions.

The Interpol Secretariat General permanently requests NCB to carry out necessary verifications concerning figurants of UN-Interpol joint notices registered by national law enforcement authorities. Not law-enforcement organizations responsible for application of UN sanctions are also requested as to the visiting of their country by corresponding figurants with the purpose of: an official visit, private visit, transit through the country, realization of business mutual relations, opening of bank accounts or withdrawing of money from bank accounts, employment by a national or international corporation etc. The

Secretariat general has as object the publication of as much as possible information (identification materials, additional information) concerning persons included in the Composite list to assist law-enforcement and not law-enforcement organs in realization of the UN Security Council interdiction on movement of these persons, freezing their assets and of weapon embargo sanction. When directing the corresponding information to the Secretariat general, member state should specify accurately, what information can be displayed on the web site of a general access (for example, names used by a figurant, birth dates and birth places, identification documents) and what information is intended only for use by law enforcement authorities. It has for the object to arrange the storage of the provided information in the format wanted by interested member states.

In 2005, Interpol together with UN issued four notices which warned the police about groups of persons and individual persons who were objects of UN sanctions against Al Kaide and «Taliban» movement. In 2006, 278 such notices were issued.<sup>6</sup>

Authoritative Russian and foreign scientists<sup>7</sup> fairly mark, that as far as the fight against terrorism is concerned, the cooperation with the United Nations Organization allows Interpol to fill up databases with the UN information and to help UN specifying the information containing in the Composite list which concerns physical and legal persons belonging to «Taliban» movement and Al Kaide organization or those connected with them. Interpol in turn puts at the disposal of the UN member states its database of lost and counterfeit passports and identification cards many of which come to the hands of terrorists aspiring to move freely around the world. For today this database contains data of over 12 million lost passports and 100 states have access to this information system. Within the framework of such cooperation Interpol also assists UN in the struggle against illegal traffic in arms. For search of the gone weapon it is offered to use the standards adopted in Interpol and means of identification, databases on the stolen fire-arms, access to which is realized through the ASF system (Automated Search System) of the Interpol Secretary general, card index of cut hand fire-arms of all states of the world, etc.

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<sup>6</sup> United Nation Terrorism Handbook. N. Y., 2007. P. 30.

<sup>7</sup> *Trunov I. L., Olhovskiy K. P.* The struggle against terrorism and its legal aspects // International public and private law. 2002. N 2 (6). P. 20-23. (in Russian); *Shinkaretskaya G. G.* Cooperation of the CIS states in the struggle against international terrorism // International public and private law. 2002. N 2 (6). P. 2-6. (in Russian); *Attar F.* Op. cit. P. 570.

Interpol has made an important contribution to the creation of the first UN Counter-terrorism on-line handbook intended to strengthen states' mechanisms in the struggle against terrorism. The International criminal police organization together with other participants of the UN Counter-Terrorism Implementation Task Force (CTITF) have worked out a handbook with the aim to provide the states with practical recommendations concerning the prevention of acts of terrorism, reduction of threat and adoption of measures in case of incidents. The strategy of struggle against terrorism is based on five components — propaganda against application of methods of terrorism, suppression of terrorists' access to financial assets, restraining the states from commitment of acts of terrorism, elaboration of a potential for fighting terrorism and protection of human rights. CTITF includes various establishments, funds and United Nations Organization programs, and also various international organizations. Its primary task is to assist in the realization of the UN global antiterrorist strategy<sup>8</sup> adopted by the UN General Assembly in September, 2006.

The handbook sets forth the ways, through which Interpol can help law enforcement authorities all over the world to investigate acts of terrorism, including:

- Interpol communication system of I-24/7 for a safe communication between the police all over the world;

- Command and coordination centre of the Interpol Secretariat general which renders the round-the-clock help to the National central bureaus in 186 Interpol member states;

- The special Interpol notices published together with the UN Security Council concerning persons and the organizations, contained in the Composite list of the United Nations Organization as those connected with the Al Kaida terrorist network and «Taliban» radical-Islamic movement.

The handbook was submitted by the UN Secretary General Pan Gi Moon to the General Assembly on February 17, 2007.

The Council of Europe also closely co-operates with the International criminal police organization in the struggle against terrorism. The two organizations have co-operated since 1960.

Resolution<sup>9</sup> adopted by the Committee of Ministers on January 17, 2007, urges member states of the Council of Europe to use the global police communication system of Interpol I-24/7, the Organization's da-

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<sup>8</sup> *Gross L. Op. cit. P. 70.*

<sup>9</sup> See: Interpol International Fact Sheets. Leon, 2007. P. 25.

tabase, and also the round-the-clock Command and coordination centre for gathering and interchange of information when carrying out antiterrorist investigations. An important role in the cooperation of the International criminal police organization — Interpol and the Council of Europe belongs to the network of the National central bureaus and Interpol regional bureaus. The Committee of terrorism experts of the Council of Europe supervises the implementation of recommendations in cooperation with Interpol.

The Interpol Secretariat general realizes a multilevel approach to the problem of terrorism, providing:

- information to the member states concerning terrorist groups and assistance to the member states in the identification of persons suspected of terrorism which are in their territory;
- support to the member states in increasing their antiterrorist preparedness by carrying out of training and analytical activity;
- assistance to the member states in the process of acts of terrorism and their investigation by granting analytical information and databases;
- active assistance for the development of a closer cooperation between law-enforcement, customs, prospecting and military authorities in the member states the Organization.

Interpol collects and analyzes information concerning suspected persons, groups and their activity and exchanges it between 186 member states, using its telecommunication system.

In order to help the member states to inform the Secretariat general most effectively of terrorist activity, Interpol has issued practical recommendations concerning the information which must be included in the notification. It is the information on persons and groups suspected of terrorism, material evidences from the scene of the crime and new methods of commitment of acts of terrorism. Member states should also inform about crimes which can be connected with terrorism, for example suspicious financial operations, illegal delivery of weapon, money-laundering and falsification of documents, seizure of nuclear, chemical and biological material. In this connection Interpol has created the following working projects:

Project Geiger — with the purpose of gathering and analyzing of information on thefts of radioactive materials, designating the ways of committing thefts, and also possibility of using the stolen material by terrorists for assembling so-called «dirty bombs».

Co-operative Radiological Instrument Transfer (CRIT) Project — with the purpose of increasing the ability of counteraction of global ra-

biological terrorism through an increase of level and preparation of law enforcement authorities' employees to use devices for detection of radiation.

The Project Passage — with the purpose of providing the identification of organized criminal groups which assist members of terrorist organizations in their displacement (official registration of papers to enter the country, obtaining the status of immigrant, resident, refugee).

The Project Tent — with the purpose of identification of those suspected of participation in training programs in terrorists training camps and transfer of this information to the states where those persons live. There is a direct connection between a number of people who have been trained in terrorist camps and a number of acts of terrorism.

The Project on Bio-terrorism — with the purpose of increasing the awareness about a bioterrorist threat, tracing the dissemination of biological weapon, working out of training programs for employees of law enforcement authorities of the states parties, and also bringing of the existing legislation in this sphere in conformity with international treaties.

Interpol Orange Notices is a recent replenishment in the system of the Interpol international notices. Unlike all other «corners» which objects are individuals, orange «corners» are issued with the purpose of warning law-enforcement and state authorities, and also international organizations of possible threats coming from a latent weapon, bombs in parcels and other dangerous subjects and materials.

The Project Target provides the gathering of the annual lists of the persons detained for terrorist activity submitted by member states, and the identification information on them. The full list is accessible to all member states.

The «Interpol weapons and electronic tracking system (IWETS) Project» — provides member states with the mechanism of communication and submission of information which helps to investigate crimes of a general criminal character and acts of terrorism connected with the use of weapon.

The Terrorist arrest report includes the information submitted by member states, which is necessary for drawing up of the annual list of persons arrested for terrorist activity.

In September 2002, the Division on combining efforts in the struggle against terrorism — Fusion Task Force was created within the General Secretariat with the purpose of rendering all-round assistance to member states in the course of investigation of crimes connected with terrorism. The basic function of that unit is identification of members of



the criminal organizations participating in the international terrorist activity, and keeping databank.

The Division activity includes: organization of meetings of working groups, preparation of warning lists and analytical reports containing information on special questions concerning terrorism, maintenance of the limited access web site with containing the information and documents intended for the use by specially authorized communication officers all over the world, and also drawing up of photo card indexes of suspected and wanted terrorists.

This Division also carries out some Regional focused projects, created for identification of active terrorist groups and their members in concrete regions. They allow to request, collect and analyze information, provide analytical support. Six regions have been selected for realization of these projects: Project Pacific — Southeast Asia, Project Kalkan — Central Asia, Project Amazon — Central and South America, Project Baobab — Africa, Project Middle East — the Near East; and Project Europe — Europe.

Russian and foreign representatives of the science of international jurisprudence<sup>10</sup> quite reasonably note that counteraction of activity of the international terrorist organizations, prevention and suppression of commitment of acts of terrorism, are for today one of the most urgent problems of the contemporary international community. States undertake measures directed on prevention and suppression of financing of acts of terrorism, abstention of all states from granting in any form of support to organizations or persons connected with terrorist activity, qualification in national criminal laws of acts of terrorism as serious crimes subject to corresponding punishments.

There is no doubt today that the success of the struggle against terrorism depends on a combination of efforts of the entire international community. The international criminal police organization — Interpol — co-ordinates cooperation of states in this struggle. The longstanding cooperation of the Interpol with the Council of Europe in struggle against terrorism, and since the recent time also a close interaction in this aspect with the United Nations Organization testifies to the aspiration of the international community to combine their efforts with the view of counteraction of terrorism and a further growth of the authority of the International criminal police organization.

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<sup>10</sup> *Lyakhov E. G., Lyakhov D. E.* Op. cit. P. 13; *Antipenko V.* Op. cit. P. 43; *Trunov I. L., Olkhovsky K. P.* Op. cit. P. 21; *Attar F.* Op. cit. P. 568; *Oppenheim's International Law.* Op. cit. P. 402.

The establishment in 2004, of the post of the Interpol representative in the United Nations Organization for the purpose of increasing the level of cooperation between the two organizations, publication since 2005 of Interpol Special notices issued together with the UN Security Council, participation in the creation of the first UN Counterterrorism on-line handbook in 2007 — all this is a result of an active coordinated interaction of the two organizations in fighting terrorism.

Interpol possesses mechanisms promoting the coordination of cooperation of law enforcement authorities all over the world in investigating acts of terrorism, including the use of the Interpol communication system I-24/7, Command and coordination centre of the Interpol General secretariat which renders the round-the-clock help to the National central bureaus in 186 member states of the Interpol. Mechanisms of Interpol do not stand still; they develop and react to the perfection of methods and ways of commitment of crimes, in particular crimes of terrorism. The introduction by the Organization within the last three years of two new international notices which are mainly connected with counteraction of the world community to the activity of terrorist organizations, creation and effective realization of some projects directed on fighting terrorism in all its manifestations, is also connected with it.

The Organization activity on informing member states about terrorist groups, assistance in identification of those suspected of terrorism, carrying out of training and increase of antiterrorist preparation of member states; assistance to the states during investigation of acts of terrorism by granting of analytical information and databases; organization of the closest cooperation between law-enforcement, customs, intelligence and military authorities in member states of the Organization, represents an invaluable contribution to the struggle against terrorism, the purpose, process and result of cooperation of 186 member states.