Hennebel Avocats

PRAXIS · GUIDE

What to do in the event of an INTERPOL red notice, an extradition request or transnational criminal proceedings?

Practical guide · INTERPOL, extraditions and transnational defence

BY LUDOVIC HENNEBEL

SEPTEMBER 3, 2026

INTERPOL, EXTRADITION AND TRANSNATIONAL DEFENCE

Before reading: if the situation is ongoing, contact the firm in confidence.

Crisis Room - Praesidium · 24/7
An arrest, a risky transit, extradition proceedings, a bank freeze or an urgent summons requires an immediate confidential assessment, not a full reading of the guide. Urgent situations are examined as a priority (Crisis Room). Encrypted channels: Signal, Threema. WhatsApp for rapid coordination. Secure deposit for sensitive documents. *This guide does not replace a consultation: it provides direction, it does not decide.*

Urgent contact

Operational summary

A red notice, an INTERPOL diffusion or an extradition request is not an isolated incident and must not be treated as one. It may simultaneously engage individual liberty, international mobility, bank accounts, reputation, business relationships, family security and the diplomatic balance between States. Hennebel Avocats treats these cases as transnational architectures that coordinate the quasi-judicial procedure before the Commission for the Control of INTERPOL's Files (CCF), the defence before the national courts of arrest and extradition, the invocation of the United Nations and regional human rights mechanisms, and the management of banking, consular and reputational effects. The thesis of this guide can be stated in one sentence: INTERPOL litigation is litigation over international police data, and data travels faster, further and for longer than any national judicial decision - the defence must therefore be conceived at the scale of the system, never at the scale of a single territory.

The twelve steps of this guide describe the strategic order of intervention. First step: precisely qualify the real threat and distinguish notices, diffusions, warrants and mutual assistance requests, since each of these instruments has its own regime, effects and avenues of challenge. Second: map the diffusions and the data recorded outside notices - databases of stolen and lost travel documents (SLTD), nominal data, alerts circulated from one national central bureau to another - whose less visible regime often produces more insidious effects than the published notice. Third: identify the applicable legal framework by combining Articles 2 and 3 of the INTERPOL Constitution, Article 83 of the Rules on the Processing of Data, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the

relevant extradition instruments. Fourth: understand the CCF as an independent, non-judicial body with a bicameral structure.

Fifth step: choose the architecture of remedies by combining the CCF, the national court, international mechanisms and asylum proceedings, anticipating the interactions between forums. Sixth: build the substantive case by invoking the concepts of lawfare and of the misuse of cooperation channels, non-refoulement, immunities and the presumption of innocence, with the evidentiary discipline that the public practice of the Requests Chamber demands. Seventh: prepare the file within the formal constraints of the CCF portal that entered into force on 26 March 2026. Eighth: handle access, revision, linked or preventive requests according to their distinct regimes. Ninth: conduct the defence in the extradition procedure itself - provisional arrest, judicial supervision, dual criminality, speciality, grounds for refusal - which follows its own logic, distinct from data litigation.

Tenth step: build the preventive strategy where the threat is probable but unconfirmed - an access request before any travel, risk mapping by transit jurisdiction, preparation of the emergency arrangements. Eleventh: deal with the banking and compliance effects, which follow the private logic of commercial databases and not the legal standards of INTERPOL. Twelfth: protect representation before the CCF, stabilise the situation after the decision and carry out post-deletion rehabilitation, a long and technical phase without which a legal victory remains a theoretical one. The order of these steps is not decorative: in most cases, inverting a sequence - filing before qualifying, communicating before coordinating, travelling before verifying - constitutes the most costly strategic error.

01

Qualify the real threat

Timing: **immediate** · Consequence of an error: arrest, lasting loss of the remedy

The first error is to treat every INTERPOL alert as a single instrument. A red notice, a diffusion, a blue notice, a yellow notice, a green notice, an international criminal mutual assistance request, a European arrest warrant or an extradition request do not have the same legal regime and do not produce the same effects, yet they may generate similar practical consequences for mobility, banking relationships and reputation. Precise qualification of the instrument actually in play is the prerequisite for any strategy.

The taxonomy of notices deserves to be mastered with precision, because confusion is frequent, including among experienced practitioners. The red notice requests the location and provisional arrest of a person with

a view to extradition or surrender; it is the gravest instrument, but it is not an international arrest warrant - no text confers on INTERPOL the power to order an arrest, and each State remains free as to the effect it attaches to a notice in its domestic order. The blue notice requests information on the identity, location or activities of a person in the context of an investigation: it does not request arrest, but it triggers checks, border interrogations and alerts whose cumulative effect can be severe. The yellow notice concerns missing persons; the green notice flags a person considered likely to commit offences; other notices still serve specific purposes. Each is governed by the Rules on the Processing of Data and each may, on that basis, be challenged before the CCF - but the relevant arguments differ according to the declared purpose of the instrument.

It is then necessary to distinguish the notice, an act of the Organization published by the General Secretariat after a compliance review, from the diffusion, an alert circulated directly by a national central bureau to the countries of its choice - the distinction is so structuring that it warrants step 02 of this guide. Finally, all INTERPOL instruments must be distinguished from judicial cooperation instruments proper: the European arrest warrant, governed by Framework Decision 2002/584/JHA, circulates between judicial authorities of the Union under an autonomous regime; the extradition request is a State-to-State act subject to the applicable conventions; the mutual assistance request seeks to obtain evidence, not arrest. The same person may be targeted by several of these instruments simultaneously, and the disappearance of one does not make the others disappear: the withdrawal of a red notice leaves in place the national arrest warrant that underpinned it, and a refusal of extradition leaves the INTERPOL data intact.

Hennebel Avocats analyses the situation on the basis of a grid of objective indicators: possible publication on the INTERPOL public website, unexplained visa refusals, border checks, a bank report or the termination of a relationship by a financial institution, enhanced requests for information by a bank (Know Your Customer), arrest in a third State, notification of foreign criminal proceedings, a national extradition decision, or a credible rumour of a forthcoming request confirmed through confidential channels. None of these indicators amounts to proof on its own: most red notices are not published on the INTERPOL public website, and the absence of a public extract in no way allows the conclusion that no data exists. Conversely, a banking incident may stem from a private compliance database without any INTERPOL data existing. Qualification therefore requires cross-checking the indicators, then verifying them through the appropriate channel - most often an access request to the CCF, described in step 08.

To gather

- Any document relating to a **recent border check** (visa refusal, detention, refusal of entry, denied entry stamp)
- **Bank correspondence** mentioning enhanced verification or the termination of a relationship
- **Documents from the foreign proceedings** where known (indictment, arrest warrant, certified translation)
- **Political and economic chronology** of the case (transition, complaint, business dispute, media coverage)
- **Any protection status** (asylum, refugee status, residence, statelessness)
- **Mobility history** for the last twenty-four months (flights, stopovers, incidents)

What not to do

- **Travelling to test the situation**: the cardinal error that turns a vulnerability into an arrest
- **Contacting the authorities of the requesting State directly** or its embassy: proof of knowledge that can be used against the defence
- **Filing a poorly qualified request before the CCF alone**: in practice, the Commission does not examine the same request twice without a substantial change
- **Communicating publicly** before precise qualification and coordination of channels
- **Concluding from the absence of a published notice** that there is no data in the system

> *Warning*
> A premature referral to the CCF durably closes off access to the mechanism: it follows from the revision regime (Article 42 of the Commission's Statute) that, in practice, the Commission does not re-examine the same request in the absence of a substantial new element, and the revision route is subject to strict filtering (step 08). A request filed without preparation can thus sterilise for years the main remedy available.

Qualification also requires identifying the political and economic chronology of the case. A notice issued immediately after a political transition, a commercial breakdown, an asylum procedure, a media complaint or a change in the sanctions regime is a significant indication that the real purpose of the request is not the administration of criminal justice. This temporal and contextual analysis is central in lawfare and transnational repression cases: it turns an intuition - “this procedure is political” - into an articulated

demonstration, the only kind admissible before the CCF as before an extradition judge. It must be carried out from the first day, because the elements of the chronology degrade: publications disappear, witnesses disperse, archives become inaccessible.

Finally, qualification includes assessing the personal scope of the threat. Police cooperation instruments target one person, but their effects frequently extend to those close to them: a spouse who co-signs bank accounts, business associates, children holding derived visas, collaborators travelling the same routes. The public practice of the Requests Chamber knows of family configurations - the panel cited in the annex includes some - where the real purpose of the alerts was assessed in the light of the overall family configuration. Mapping this scope from the outset prevents a family member from triggering, through an innocuous journey, the very incident that the strategy sought to prevent.

> *Key takeaway*
> Precise qualification of the instrument actually in play (red notice? diffusion? blue notice? SLTD data? mutual assistance request? European arrest warrant?) is the **absolute prerequisite**. Without qualification, there is no strategy. A poorly qualified case is a case lost in advance - and the absence of a published notice does not prove the absence of data.

02

Map the diffusions and the non-notice data

Timing: **immediate to 2 weeks** · At stake: the invisible risk, discovered at the border

INTERPOL litigation is all too often reduced to red notice litigation. That is an error of scope. In addition to notices, the INTERPOL information system contains categories of data that are less visible and whose practical effects may be equivalent, or even greater: diffusions, nominal data recorded without a notice, and entries in specialised databases such as the database of stolen and lost travel documents (SLTD). A defence that does not map all of these layers leaves in place vectors of risk that the deletion of a notice does not purge.

The diffusion is the most frequent blind spot. Unlike the notice, which is published by the General Secretariat after a prior compliance review, the diffusion is an alert circulated directly by a national central bureau to the bureaux of its choice, then recorded in the Organization's information system. Compliance review takes place for the most part after circulation. This difference in sequence has considerable strategic consequences: a diffusion can produce its effects - border alerts, provisional arrest in the recipient States -

before any in-depth examination of its compliance with Articles 2 and 3 of the Constitution. For a requesting State pursuing a purpose foreign to the administration of justice, the diffusion is a faster, more discreet instrument, subject to less control upstream than the notice. The practitioner must therefore make it a systematic reflex: every access request to the CCF covers all the data concerning the applicant, and every deletion request covers the data in whatever form - notice, diffusion or nominal entry.

The Rules on the Processing of Data govern all of these categories. For red notices, Article 83 of the Rules sets precise substantive conditions: the request must concern a serious ordinary-law criminal offence, satisfy thresholds relating to the penalty - a custodial sentence incurred or a remaining sentence to be served of a minimum level - and contain a minimum body of data, both identifying the person and describing the judicial elements (legal characterisation of the facts, reference to the arrest warrant or conviction decision). These conditions are not formalities: failure to meet them - a minor offence overcharged, a generic description of the facts or one copied from a statute, the absence of a verifiable reference to the detention order - constitutes an autonomous ground of non-compliance, independent of any political demonstration. Diffusions are subject to analogous conditions of adequacy to their purpose, data quality and compliance with the Constitution, which the CCF applies according to the same analytical grid; the practitioner will nonetheless take care to base arguments on the rules actually applicable to the category of data in question, which the consolidated version of the Rules makes it possible to identify precisely.

The SLTD database deserves particular vigilance. The recording of a passport as stolen, lost or invalidated by the State of origin has a radical effect: the document becomes unusable at borders that query the database, independently of any notice and of any criminal proceedings. In transnational repression configurations, the invalidation of the passport by the State of nationality, followed by its entry in the SLTD database, turns the exile into a blocked traveller, without any criminal charge having to be formulated or reviewed. The public practice of the Requests Chamber knows of this: in its *Decision Excerpt No. 3 (2024), Article 3 and Misuse of Interpol's channels*, the Commission was seised of a challenge to the recording of a passport in the SLTD database; it rejected the request, the applicant not having supported his allegations of a political nature with concrete elements specific to his case - an outcome that the table of the twenty decisions in the annex carries with the mention “not documented”, the published extract not formally recording the operative part. The lesson is twofold: the route of challenge exists for SLTD data as for notices, and the evidentiary discipline there is identical - a general allegation is not enough.

Finally, the mapping of data must take into account the specific temporality of the system. INTERPOL data are subject to periodic review and entries have regulated retention periods; an old entry may have been deleted, maintained or renewed at the request of the source State. Moreover, the deletion of data in the INTERPOL system does not reach national copies: States that have downloaded or transcribed the alert in their own border files may retain it in accordance with their domestic law. This national persistence explains why a

person whose data have been deleted may still undergo checks - and it underpins the rehabilitation process described in step 12, which includes requests addressed to the national authorities concerned.

To gather

- **A copy of all travel documents** held, including expired ones, with the history of renewals and refusals
- Any **notification of passport invalidation** by the State of origin, even informal
- Detailed accounts of **border incidents**: place, date, duration, questions asked, documents checked
- Elements indicating a **targeted circulation** of the alert (incidents limited to certain States)

What not to do

- **Limiting the access request to notices alone**: target all the data in the information system
- **Travelling with a passport potentially flagged in the SLTD database**, even when holding a second valid passport
- **Neglecting national copies**: INTERPOL deletion does not purge the border files of States

Spotlight

The notice is checked **before** publication; the diffusion circulates first and is fully checked only **afterwards**. For a requesting State acting in bad faith, the diffusion is the instrument of least resistance. For the defence, it imposes a reflex: every request to the CCF targets **all the data** - notices, diffusions, nominal entries, SLTD data - and not only the visible red notice.

03
Identify the applicable legal framework

Timing: 1 to 3 days · Output: written qualification note

The challenge to a red notice does not rest solely on Article 3 of the INTERPOL Constitution. Article 3 is central: it forbids the Organization from undertaking any intervention or activities of a political, military, religious or racial character. But Article 2 is equally structuring. It provides that INTERPOL acts in the spirit of the Universal Declaration of Human Rights. This normative reference brings into the analysis, under the authority of the Constitution itself, the presumption of innocence (Article 11 UDHR), the right to a fair trial (Article 10 UDHR), the right to privacy (Article 12 UDHR), freedom of movement (Article 13 UDHR), the principle of non-refoulement and protection against torture, inhuman treatment or arbitrary detention (Article 9 UDHR). The interpretation of these two articles is not mechanical: the "predominant" character of the political dimension of a case is assessed in the light of a body of evidence - the nature of the alleged offence, the status of the person, the general context of the case - and the practice of the Requests Chamber proceeds by weighing, not by automatic application of categories.

The request before the CCF must therefore not be framed as a mere political protest against a State. It must demonstrate that the processing of the data by INTERPOL would be incompatible with the normative framework of the Organization. Article 2 makes it possible to broaden the reasoning beyond political motivation alone. Article 3 makes it possible to rule out political instrumentalisation. The Rules on the Processing of Data make it possible to challenge factual insufficiency, disproportion, the absence of a legitimate police purpose, a lack of formal compliance - notably in light of the conditions of Article 83 for red notices, described in step 02 - or interference with the right to privacy. This triple entry point - Article 2, Article 3, the Rules - structures most serious requests, and their combination is often more effective than invoking any one of them in isolation: the public practice of the Requests Chamber shows that deletions are frequently founded on cumulative grounds.

To this internal INTERPOL foundation is added the treaty framework applicable to international criminal cooperation. The European Convention on Extradition of 13 December 1957, the Merida Convention on corruption (2003), the Palermo Convention on transnational organised crime (2000) and bilateral extradition treaties set the substantive and procedural conditions. Council Framework Decision 2002/584/JHA of 13 June 2002 governs the European arrest warrant, whose links with INTERPOL notices are frequent and too often overlooked: an INTERPOL alert may coexist with an alert in the Schengen Information System, and the lifting of one does not entail the lifting of the other. The written qualification

note - the deliverable of this step - must inventory all of these instruments applicable to the case, including the bilateral conventions between the requesting State and the States of residence, transit and asset interest of the person concerned.

Recent European case law is decisive. *The Aranyosi and Căldăraru judgment of the Court of Justice of the European Union (C-404/15 and C-659/15 PPU, 5 April 2016)* established that an executing judicial authority must defer surrender where there is a real risk that the person will suffer, in the issuing State, inhuman or degrading treatment, following a two-stage examination - systemic or generalised deficiencies, then a concrete individual risk. *The LM (Celmer) judgment of 25 July 2018 (C-216/18 PPU)* extended this logic to the risk of a breach of the right to a fair trial where the independence of the judiciary of the issuing State is seriously compromised. *The OG and PI judgment of 27 May 2019 (C-508/18 and C-82/19 PPU)* clarifies the independence requirements of the issuing authority itself, ruling out public prosecutors exposed to instructions from the executive issuing a European arrest warrant on their own. *The Petruhhin judgment (C-182/15, 6 September 2016)* adds a valuable piece for citizens of the Union: where an extradition request is made for a citizen of another Member State to a third State, the requested Member State must inform the Member State of nationality and allow it to claim the person under a European arrest warrant, and it must in any event verify that extradition will not infringe the rights guaranteed by the Charter of Fundamental Rights. These decisions build an analytical grid that can be imported, by analogy, into the substantive case before the CCF - and that can be invoked directly before the judges of surrender and extradition (step 09).

The case law of the European Court of Human Rights also feeds the argument. *The Soering v. United Kingdom judgment of 7 July 1989* enshrined the principle that a State may not surrender a person to a State where he or she runs a real risk of suffering penalties or treatment contrary to Article 3 of the Convention. *The Mamatkulov and Askarov v. Turkey judgment (Grand Chamber, 2005)* held that the interim measures indicated by the Court under Rule 39 of its Rules bind States: an extradition carried out in disregard of an interim measure engages the responsibility of the State under Article 34 of the Convention - which makes the request for an interim measure an operational instrument of last resort in extradition proceedings in Europe. *The Othman (Abu Qatada) v. United Kingdom judgment of 17 January 2012* clarified that the risk of a flagrant denial of justice constitutes an autonomous ground for non-refoulement and set the grid for assessing diplomatic assurances. *The Trabelsi v. Belgium judgment of 4 September 2014* confirmed the scope of the guarantees against truly irreducible sentences. These judgments do not formally bind the CCF, but their authority is considerable, and invoking them effectively structures the demonstration of risk.

This articulation is decisive in lawfare cases. The requesting State may present an ordinary criminal offence (fraud, misuse of corporate assets, forgery and use of forged documents, illicit financing) when the real purpose is to neutralise an opponent, a journalist, a former minister, a business leader, a lawyer, a member of an exposed family, an inconvenient witness or a rival in an economic or political dispute. The defence must dismantle this formal presentation by invoking the context, the chronology, the procedural contradictions

and the international documentation. The choice of economic characterisations is not innocuous: it aims precisely to take the case out of the category of "pure" political offences and to meet, in appearance, the thresholds of Article 83. The practitioner's response is to shift the debate from formal characterisation to real purpose - terrain on which Articles 2 and 3 of the Constitution, read together, give purchase.

The practice of the Requests Chamber confirms this grid. In its *Decision Excerpt No. 8 (2018), Article 2 (torture) and political nature*, the Commission ordered the deletion of data concerning a former member of parliament and former minister prosecuted on the basis of evidence alleged to have been obtained by torture, finding at the same time the predominantly political nature of the prosecution. In its *Decision Excerpt No. 10 (2018), political nature, Status of the person and Misuse of INTERPOL's channels*, the Commission deleted the data concerning a former regional official, relying on both the political motivation and the instrumentalisation of the Organization's channels. Conversely, in its *Decision Excerpt No. 3 (2024), Article 3 and Misuse of Interpol's channels*, the Commission rejected the deletion request of an applicant who relied on the political nature of the recording of his passport in the SLTD database without supporting his allegations with concrete elements specific to his individual case. This line requires of the practitioner a rigorous evidentiary discipline: invoking the political nature is not enough, it must be demonstrated factually, case by case.

CASE STUDY · POLITICAL CONFIGURATION

Former member of parliament targeted on the basis of *evidence alleged to have been obtained by torture*

Anonymised configuration inspired by the public practice of the Requests Chamber.

Profile	Eminent political figure of [Country 1], former member of Parliament and former minister, exiled after a political transition.
Instrument	Red notice published by INTERPOL at the request of the National Central Bureau of [Country 1]; extract published on the public website; actual arrest in a third State followed by a national release.

Grounds invoked	Article 2 of the INTERPOL Constitution (evidence alleged to have been obtained by torture); Article 3 of the Constitution (predominantly political nature); interference with liberties and reputation.
Issue type	**Deletion of data** ordered by the Requests Chamber on grounds of non-compliance with the applicable rules. *Cf. Decision Excerpt No. 8 (2018), Article 2 (torture) and political nature.*

> *Spotlight*
> **Article 2** of the INTERPOL Constitution opens the door to human rights: presumption of innocence, right to a fair trial, privacy, freedom of movement, non-refoulement. **Article 3** closes the door to politics: no intervention in matters of a political, military, religious or racial character. The **Rules on the Processing of Data** (Article 83 for red notices) provide the technical ground: penalty thresholds, minimum data, quality and purpose. A solid request invokes all three registers together.

04

Understand the CCF: an independent body, not a national court

Timing: **preliminary** · CCF calendar: periodic sessions, lengthy examination

The Commission for the Control of INTERPOL's Files is the independent body responsible for monitoring the compliance of data processing in INTERPOL's files. It was established on the basis of Article 36 of the Constitution of the Organization and its functioning is governed by its own Statute, adopted in 2017, Articles 29 and 42 of which set out in particular the nature and effects of decisions and the revision regime. The CCF is not a national court. It rules neither on guilt nor on innocence, neither on the legality of an extradition, nor on the validity of a foreign arrest warrant, nor on the merits of criminal proceedings. Its object is more specific but strategically decisive: it examines whether the data processed by INTERPOL comply with the internal rules applicable to the Organization. This delimitation of the object of review must govern the drafting of the request: submissions devoted to the person's innocence, relevant before a trial court, are

ineffective before the CCF unless they are translated into grounds of non-compliance - lack of a sufficient factual basis, a breach of fair trial affecting the reliability of the data, a purpose foreign to police cooperation.

The CCF comprises two chambers with distinct functions. The Requests Chamber examines individual requests for access, correction, deletion and revision. It is composed of independent members, lawyers and data protection specialists, elected by the INTERPOL General Assembly, whose independence from States and from the General Secretariat is a statutory guarantee. **The Supervisory and Advisory Chamber** deals with general questions of compliance, data protection and the functioning of the system. This duality explains the singular nature of CCF litigation: it is institutional litigation over international police data, a hybrid between administrative litigation, a quasi-judicial mechanism for the protection of data and a body of institutional oversight. The decisions of the Requests Chamber are binding on the Organization, which must implement them in the information system; they are not open to appeal, the only route of return being the request for revision based on new facts (step 08). This absence of appeal raises the cost of any negligence in the preparation of the initial request.

A favourable decision of the Requests Chamber may lead to the deletion or correction of data in the INTERPOL system. It may also have an important strategic effect in parallel proceedings: extradition (by weakening the credibility of the foreign request), asylum (by reinforcing the persecutory dimension of the case), pre-trial detention (by removing the basis of the alert), non-refoulement proceedings, United Nations communications, banking rehabilitation and reputational restoration. A deletion decision, notified by the Commission, is a document whose persuasive authority before a European extradition judge or before an asylum authority is real: it emanates from an independent body that has examined the police cooperation file itself, which no other international body does. Conversely, a decision of compliance may be exploited by the requesting State; the decision to refer a matter to the CCF must therefore take this risk into account, which refers back to the overall architecture (step 05).

The time factor must be integrated from the outset. The examination of a correction or deletion request extends in practice over many months - commonly more than a year in complex cases - the calendar of sessions of the Requests Chamber remaining the limiting factor despite the procedural structuring introduced by the portal that entered into force on 26 March 2026. For emergency situations, the request for temporary blocking of the data is the relevant acceleration mechanism: it aims to neutralise the effects of the data provisionally during the examination, and its timescale, appreciably shorter than that of the examination on the merits, makes it the tool of first resort when a journey, a banking deadline or national proceedings cannot wait. Blocking is never a given: it requires a demonstration of urgency and of specific risk, distinct from the demonstration on the merits.

CASE STUDY · MISTAKEN IDENTITY

Namesake and *data quality*

Anonymised configuration illustrating the evidentiary discipline required to invoke mistaken identity.

Profile	National of [Country 2] with no criminal record, exposed to several border checks because of data recorded in the INTERPOL information system that in fact concerned a namesake.
Instrument	Notice or diffusion recorded for an ordinary-law offence; repeated practical effects despite the non-personal nature of the measure.
Grounds invoked	Article 12 of the Rules on the Processing of Data (quality); Article 2(1) of the INTERPOL Constitution; documented demonstration of the absence of any link between the applicant and the facts.
Issue type	Outcome varies according to the quality of the demonstration. Where the source State confirms the validity of the procedures, the Requests Chamber may conclude to **compliance**, which requires the practitioner to steer the applicant towards additional factual material. *Cf. Decision No. 4 (2025).*

> *Key point*
> The CCF is **neither a court nor an appellate court**. It is a quasi-judicial body that monitors the compliance of INTERPOL data with its internal rules. Its decisions bind the Organization but are not open to appeal. In practice, it does not examine the same request twice without a substantial change: any premature referral can durably sterilise the remedy.

05

Choose between the CCF, the national court and international remedies

Timing: 3 to 7 days · Output: coordinated strategic architecture

The question is almost never one of choosing between the CCF and a national court. In serious cases, the two must be combined, and often United Nations and regional mechanisms added. The national court can review a provisional arrest, extradition detention, an extradition request, an asset freeze, a visa refusal or certain domestic effects of a notice. It generally cannot order INTERPOL directly to delete data from its global system: the Organization, a subject of international law, is not amenable to domestic courts through ordinary channels, and actions brought against it before national judges run into obstacles of immunity and jurisdiction that the defence must understand before committing costs to a course doomed to fail.

The national court acts on one territory. The CCF acts on the INTERPOL file. This difference is strategically structuring. A refusal of extradition pronounced in France, Switzerland, the United Kingdom, Spain, Belgium or the United States may protect within that State, but if the notice or diffusion remains accessible in the INTERPOL system, the risk may reappear at another international airport, before another transit jurisdiction, with a correspondent bank or in a compliance database used by a business partner. Conversely, a CCF deletion without treatment of the underlying national warrant leaves the risk in place in the requesting State and in the States linked to it by direct cooperation agreements. A complete defence deals with all three layers: the international data (CCF), the national enforcement procedure (the judge of arrest and extradition), and the source (criminal proceedings in the requesting State, where remedies there remain practicable and safe).

United Nations mechanisms form the third pillar. The United Nations Working Group on Arbitrary Detention may be seised when a person is detained on the basis of foreign proceedings whose misuse can be demonstrated; its opinions, acts of an expert body and not judicial decisions, nonetheless carry real persuasive authority before the CCF as before national judges. **The Human Rights Committee** may be seised on the basis of the Optional Protocol to the International Covenant on Civil and Political Rights for violations resulting from an extradition or a detention. **The Committee against Torture** may be seised on the basis of Article 22 of the 1984 Convention for risks of return to torture, and its requests for interim measures have frequently suspended surrenders in practice. The special rapporteurs of the Human Rights Council may intervene by communications when the profile of the case warrants it. Each of these mechanisms has

its own admissibility conditions, timescale and effects: the opinion of the Working Group does not bind the State, the views of a treaty body engage the State party with regard to its treaty obligations without domestic enforceability, and only the European Court of Human Rights hands down binding judgments backed by supervision of execution. Presenting these statuses accurately is also a requirement of credibility before the forums seised.

The articulation with the asylum procedure requires specific attention. The asylum application and the CCF challenge feed each other - recognition of refugee status considerably strengthens the position before the CCF under the Organization's policy on refugees (step 06), and conversely a CCF deletion supports the account of persecution - but their timescales and evidentiary logics differ. An inconsistency between the asylum account and the CCF request will be exploited; coordination of the two written submissions is therefore imperative. Care must also be taken to keep information watertight: the documents of the asylum procedure are covered by confidentiality, and their production before other forums must be calibrated so as not to expose the person or relatives who remained in the State of origin.

Hennebel Avocats therefore builds cases as coordinated architectures: the CCF procedure for the INTERPOL data, the national court for individual liberty and extradition, European mechanisms (European Court of Human Rights, Court of Justice of the European Union via preliminary ruling) or United Nations mechanisms for the risk of human rights violations, a confidential banking approach for the compliance effects, and a reputational strategy where the case has received media coverage. Consistency between these forums cannot be taken for granted: an argument made before the CCF may harm an argument made before an extradition judge if the defence has not anticipated the interaction - acknowledging the existence of regular criminal proceedings for the purposes of a technical ground before the CCF may, for example, weaken a ground based on denial of justice before the extradition judge. Sequencing matters as much as content: filing the CCF request before, during or after the extradition procedure does not have the same effects on the availability of documents, on the position of the requesting State and on the overall timetable. This coordination is precisely what distinguishes a transnational defence from a mere addition of parallel proceedings.

> *Key takeaway*
> A national refusal of extradition **protects within that State**. A CCF deletion decision **protects within the global INTERPOL system**. Neither, on its own, purges the underlying national warrant or the national copies of the alert. The routes are almost always **complementary**, and their sequencing is a strategic decision in itself.

Contact Hennebel Avocats

An urgent situation, a confidential qualification to obtain, a defence architecture to coordinate? Urgent situations are examined as a priority.

Approach the firm

06

Build the substantive case: lawfare, non-refoulement, immunities

Timing: 2 to 6 weeks · Main strategic act of the case

The core of the case is substantive. The portal is a channel. The strategy remains the demonstration. An effective request identifies the specific violations of the INTERPOL rules, but it also sets out the context that reveals the real purpose of the request: political persecution, reprisals, flagrant denial of justice, lack of judicial independence, documented torture or ill-treatment, arbitrary detention, violation of the presumption of innocence, disproportion, interference with privacy or the absence of a sufficient factual basis. The demonstration is built as a body of evidence: no single element carries conviction, but the convergence of independent elements - chronology, profile, procedure, international documentation - makes the conclusion difficult to dismiss. This is the method that emerges from the public practice of the Requests Chamber, whose deletion decisions almost all rest on cumulative grounds.

Lawfare must be named where criminal proceedings become a weapon - it being understood that the term designates here a concept of analysis, not a characterisation that the guide would apply to any particular real case. In these configurations, the requesting State converts the appearance of a criminal charge into an instrument of constrained mobility, de facto exile, economic neutralisation, diplomatic pressure or reputational destruction. The CCF must not merely verify whether an offence is alleged. It must assess whether the international police cooperation requested genuinely serves the administration of criminal justice. The opinions of the Working Group on Arbitrary Detention provide recurring grids of analysis: independence of the judicial authority of the requesting State, effective characterisation of the facts, proportionality between the alleged offence and the measure requested, chronology of the prosecution in relation to the political, journalistic or trade union engagement of the person concerned. The practice of the Requests Chamber bears witness to this: in its *Decision Excerpt No. 13 (2018), Accuracy-Quality, Due process and political nature*, the Commission ordered the deletion of the data after finding a combination of defective

quality of information, violations of fair trial and underlying political motivations, illustrating the cumulative character of the substantive demonstration. The European Parliament report *Misuse of Interpol's Red Notices and impact on human rights - recent developments* (EXPO_STU(2019)603472) documented the recurrence of these configurations at the international level, and Resolution 2161 (2017) of the Parliamentary Assembly of the Council of Europe on the abusive use of the INTERPOL system attests to it at the pan-European level.

Non-refoulement constitutes a powerful autonomous argument. Where the person concerned has obtained refugee status, is an asylum seeker, or demonstrates a real risk of torture, inhuman treatment, flagrant denial of justice or arbitrary detention in the requesting State, the treaty architecture comes into play: Article 3 of the European Convention on Human Rights and the Soering and Othman judgments, Article 3 of the Convention against Torture, Article 33 of the 1951 Geneva Convention, Articles 6 and 7 of the International Covenant on Civil and Political Rights. A red notice issued by the State of persecution against a person who has obtained international protection in another State is one of the configurations in which the public practice of the Requests Chamber most clearly finds non-compliance with Articles 2 and 3 of the Constitution. This practice confirms it: in its *Decision Excerpt No. 7 (2018), Asylum-Refugee, Access to files and political nature*, the Commission ordered the deletion of the data concerning an applicant arrested on the basis of INTERPOL data and then released on bail pending extradition proceedings, finding both infringements of the right of access to files and the political dimension of the case. In its *Decision Excerpt No. 5 (2023), Extradition, Refugee Policy, Description of criminal activities and Due process*, the Commission deleted the data concerning an applicant whose extradition had been refused by a third State, expressly relying on the *Resolution AGN/2017/86/RES/09 on INTERPOL's policy on refugees*, on Article 14 of the Universal Declaration of Human Rights and on Article 33 of the 1951 Geneva Convention. The practitioner will note the dual condition that structures this policy: it benefits the person whose status is recognised, where the cooperation request comes from the State in respect of which protection was granted - outside that configuration, the argument must be rebuilt on the general ground of non-refoulement.

Immunities may become determinative in certain cases. Some situations concern heads of State, former heads of State, ministers, diplomats, public officials, representatives of sovereign entities or persons prosecuted for acts performed in the exercise of official functions. *The judgment of the International Court of Justice of 14 February 2002 in the Arrest Warrant of 11 April 2000 case* (Democratic Republic of the Congo v. Belgium) enshrined the personal immunity of the serving Minister for Foreign Affairs and fixed the strict contours of that immunity. *The Pinochet (No. 3) judgment* of the House of Lords (1999) set aside, within the framework of the Convention against Torture, the functional immunity of a former head of State for acts of torture - with a scope whose exact measure remains debated. The defence must then combine personal immunity, functional immunity, official acts, diplomatic protection, sovereignty and abuse of process. A police cooperation request targeting a person covered by an immunity in office raises a question of compliance with international law that the CCF request can raise; it connects INTERPOL litigation to

sovereign defence and requires discreet diplomatic coordination that goes beyond the CCF procedure alone. On these questions, the guide International Immunities in the same collection develops the analysis.

The presumption of innocence deserves specific attention. It appears in Article 11 of the Universal Declaration of Human Rights and in Article 14, paragraph 2, of the International Covenant on Civil and Political Rights. It is infringed not only by public statements of authorities presenting the person as guilty before a final conviction, but also by the publication of an extract of a red notice accompanied by a tendentious presentation, by the circulation of documents implying guilt, or by media instrumentalisation organised around the proceedings. The practice of the CCF gives real weight to these infringements where they are objectively documented: dated screenshots, press archives, time-stamped official statements. Here again, documentary discipline takes precedence over vehemence: a single official declaration of guilt, dated and sourced, weighs more than a rhetorical development.

CASE STUDY · REFUGEE CONFIGURATION

Recognised refugee targeted by a red notice from his *country of persecution*

Anonymised configuration illustrating the articulation of Asylum / Refugee Policy / INTERPOL.

Profile	National of [Country 1] who obtained international protection status in [Country 2] after a documented flight from political persecution.
Instrument	Red notice or diffusion published at the request of [Country 1] for facts that are formally ordinary-law offences (fraud, misuse of corporate assets, forgery and use of forged documents).
Grounds invoked	Resolution AGN/2017/86/RES/09; Article 14 UDHR; Article 33 1951 Geneva Convention; principle of non-refoulement; Articles 2 and 3 of the INTERPOL Constitution.

Issue type	**Deletion of data** on the ground of the incompatibility between the police cooperation requested and the international protection granted. *Cf. Decisions Excerpts No. 7 (2018) and No. 5 (2023).*

> *Spotlight - Evidentiary discipline*
> Invoking the political nature of proceedings is **not enough**. The recent practice of the Requests Chamber (*Decision Excerpt No. 3 of 2024*) rejects requests based on general allegations not supported by concrete elements specific to the case. A substantive demonstration is built piece by piece: political chronology, profile of the person concerned, procedural contradictions, international documentation.

07

Prepare the file according to the CCF portal that entered into force on 26 March 2026

Timing: **1 to 2 weeks** · Strict ceiling: 10 pages of written submission, 20 annexes

Since 26 March 2026, the CCF portal has been the normal and mandatory channel for filing, management and communication. The *Operating Rules of the Commission for the Control of INTERPOL's Files* in their version amended on 26 March 2026 require transmission through the portal, save in exceptional circumstances expressly authorised by the Commission. The *CCF Portal User Guide for Applicants* (March 2026) specifies that information or documents sent by email or post are not taken into consideration, save with specific prior authorisation. In practice, email is now ineffective for opening new requests. This procedural reform, still unevenly mastered by practitioners, transforms the method of filing: it standardises formats, structures fields and shifts the bulk of the design work to preparation outside the portal.

For correction or deletion requests, the summary of arguments is strictly limited to ten pages. This limit is not a stylistic preference. It is presented by the Commission, in the portal documentation, as a formal requirement conditioning the examination of the request. These ten pages must contain a hierarchised factual presentation, legal arguments organised according to the INTERPOL rules allegedly violated, and a clear summary of the object of the request. The constraint changes the method of drafting: one must not say everything, one must say what matters and demonstrate it with the documents produced in the annexes. A discipline of writing comparable to that of briefs before national supreme courts is required.

The recommended architecture proceeds from the operative part to the demonstration: precise object of the request, identification of the data challenged, grounds of non-compliance in order of priority - placing at the head the most objectifiable ground, often the technical ground drawn from the Rules, before the contextual grounds drawn from Articles 2 and 3 - then a recapitulation of the decisive documents. Each factual assertion must refer to an identified annex; each ground must designate the precise rule whose violation is alleged.

The file may comprise up to twenty annexes. Documents must be selected as strategic items of evidence, not as a complete archive. Freely accessible sources must be cited by URL in the summary of arguments, while restricted-access sources must be produced as PDFs. Audio and video documents are not examined as such by the CCF; only written transcripts of the relevant extracts may be taken into consideration, which requires targeted, contextualised and, where appropriate, translated transcription work. The numbering, naming and indexing of the annexes must be designed to facilitate reading by the rapporteur of the Requests Chamber: each annex must be precisely referenced in the body of the summary, with an indication of what it proves - an annex whose evidentiary contribution is not made explicit is a lost annex. The internal hierarchy of the schedule of exhibits follows a grid of probative force: judicial decisions and official acts first, reports of international organisations and reference NGOs next, press documentation last, reserved for establishing the chronology and the media coverage.

Requests before the CCF may be submitted in any of INTERPOL's working languages: Arabic, English, French or Spanish. The choice of language is not neutral: it may influence the speed of processing and the articulation with the available documentation and the courts concerned. In practice, English remains the dominant language of the work of the Requests Chamber, but French and Spanish are fully operational and may be strategically preferable for cases concerning the corresponding linguistic areas. The linguistic consistency of the file - summary, annexes, translations - is a factor in the smoothness of the examination: a summary in French supported by twenty annexes not translated into a working language slows the examination and weakens the demonstration.

The portal's messaging function (Send Message) replaces email for communications after filing. Automatic notifications come from a no-reply address: any reply sent to that address is lost. Practitioners must organise their internal monitoring so as not to miss requests for further information or notifications of decisions - a missed response deadline may lead the Commission to rule on the file as it stands. The constraint of the single draft on the portal (only one draft can be saved per account) imposes a discipline of preparation outside the portal, generally at the firm, with final validation before the filing is opened. Finally, the portal structures the identification fields of the applicant and the representative: any discrepancy between the power of attorney, the identity documents and the fields entered is a source of avoidable delay.

> *Key point*
> Since 26 March 2026, **the portal is the mandatory channel**: ten pages of summary, twenty annexes, INTERPOL working languages, internal messaging. Email is ineffective for new requests. The formal constraint is strict - but the portal is only a channel: the decision turns on the substantive demonstration, not on the form.

08

Handle access, revision, linked or preventive requests

Timing: **variable by type** · Revision: 6 months after discovery of the new fact

The portal now distinguishes three main types of request, to which are added the particular configurations of linked and preventive requests. Each type has its own regime, formats, time limits and strategy. Confusing these regimes is one of the most costly procedural errors, because it uses up the one useful passage before the Commission.

The access request (Access request) makes it possible to verify whether data concerning a person or an entity are recorded in the INTERPOL system. It is now simplified: no covering letter is required, the structured fields of the portal suffice. The absence of a publicly visible red notice does not mean that no data exist, because most red notices are not published on the INTERPOL public website and remain reserved for law enforcement services. The access request is the diagnostic step prior to any substantive action. It does not itself trigger a challenge, but it conditions the subsequent strategy. Its limit must be known: the response may be constrained by the applicable confidentiality rules, notably where the source State objects to disclosure, and the content communicated may give only a partial view of the data. The practitioner integrates this information asymmetry into the design of the deletion request: where appropriate, he or she argues on the basis of reasoned hypotheses that are explicitly acknowledged.

The correction or deletion request (Correction or Deletion request) is the main litigation. It seeks to obtain the modification or deletion of data processed in violation of the INTERPOL rules. It must set out the substantive demonstration described in step 06. It is subject to the ceiling of ten pages for the summary of arguments and twenty annexes. The distinction between correction and deletion must be strategically embraced: a partial correction request may be more effective than a total deletion request where the factual basis does not allow complete elimination but makes it possible to neutralise the most damaging effects -

correction of an inaccurate characterisation of the facts, updating of a judicial decision that has been handed down, rectification of identity data. The request may be accompanied by a request for temporary blocking where urgency justifies it (step 04).

The application for revision (Application for revision) is subject to a particularly demanding filter. The applicant must first produce a two-page summary describing the newly discovered facts that could have led the Requests Chamber to a different conclusion. Only after a first favourable examination may the CCF request a full brief and annexes. This two-page document must be treated as a decisive document and not as a formality. Filing must take place within six months of the discovery of the new fact, and the characterisation of the novelty of the fact is itself a point of law that the CCF assesses strictly: a fact that was known but not produced in the initial request is not a new fact, which refers back to the requirement of completeness of the first request. Practice illustrates the two possible outcomes. In its *Decision Excerpt No. 6 (2019), Article 2 (right to life) and Ne bis in idem*, the Commission admitted the revision, found that the conditions for examination were met and ordered the deletion of the data after re-examination. In its *Decision Excerpt No. 9 (2023), Application for revision and Ne bis in idem*, the Commission admitted the revision and carried out a fresh examination on the merits, but confirmed the compliance of the data with the applicable rules. The pairing of revision admitted / compliance confirmed is not a failure of the procedural route: it shows that the mechanism works, but that the merits withstand revision.

The linked request (Linked request) concerns files attached to another request relating to the same applicant, the same criminal case or members of the same family. Each linked request nevertheless remains autonomous: it must contain its own arguments and documents. The elements of a linked file cannot be presumed to have been transferred into another file. This procedural autonomy requires additional drafting work but allows interpretive consistency to be obtained between files - the public practice of the Requests Chamber includes family configurations in which the real purpose of the cooperation requested (pressure on a relative, an internationalised private dispute) was assessed at the scale of all the requests.

The situation of preventive requests remains delicate since the reform. The portal does not provide an autonomous category for asking INTERPOL not to process future data, whereas this practice fulfilled a protective function in cases of credible risk of abuse. A prudent strategy may consist in filing a deletion request while making its preventive character explicit, but acceptance of this approach by the CCF cannot be presumed. A complementary option, in certain situations, is the combination of a preventive United Nations referral (special rapporteurs) with active monitoring of the INTERPOL system through periodic access requests - the overall preventive strategy is dealt with in step 10.

CASE STUDY · APPLICATION FOR REVISION

Post-decision new facts: *reopening before the Requests Chamber*

Anonymised configuration illustrating Article 42 of the Commission's Statute.

Profile	Applicant who obtained a first decision of compliance. Subsequent occurrence of new elements: foreign judicial decision, final acquittal in a third State, recent international report, declassification.
Instrument	Application for revision via the CCF portal within the six-month period following the discovery of the new fact; initial summary limited to two pages as required by the Statute.
Grounds invoked	Article 42 of the Commission's Statute; demonstration of the new and potentially decisive character of the elements; articulation with ne bis in idem (Article 14(7) ICCPR) where relevant.
Issue type	Two possible outcomes: **revision admitted and deletion granted** (Cf. Decision No. 6 (2019)) or **revision admitted and compliance confirmed** on the merits (Cf. Decision No. 9 (2023)). The procedural route works in both cases.

> *Classic error*
> Confusing the **access request**, the **correction/deletion request**, the **application for revision** and the **linked request**. Each type has its own distinct regime, formats, time limits and strategy. Confusing them - typically filing a deletion when one should have started with an access request - durably closes the remedy. The CCF does not examine the same request twice without a substantial change.

> **Before any international travel, CCF filing, contact with the requesting State or referral to a United Nations mechanism.**
>
> *When to approach Hennebel Avocats*
>
> Before a change of representative, a filing before a national extradition judge, a public communication or a response to an enhanced banking request. The firm acts as direct counsel or as co-counsel with criminal lawyers, extradition lawyers, diplomatic advisers or confidential communication providers, depending on the configuration of the case. Urgent requests are handled as a priority (Crisis Room).
>
> Approach the firm

09

Conduct the defence in the extradition procedure

Timing: from arrest to final decision · At stake: liberty, then surrender itself

Extradition proceedings follow their own logic, distinct from INTERPOL data litigation, and they deserve a step in their own right because that is where liberty is physically at stake. The typical sequence comprises four phases: provisional arrest, judicial review of the detention, examination of the extradition request by the judicial authority, and - in most systems - the final decision of the executive. Each phase has its own time limits, grounds and actors, and the defence must be organised for each of them before the first even occurs: an arrest at the airport leaves no time to assemble a team.

Provisional arrest is the most brutal and the most closely regulated phase. A person who has been the subject of an alert may be arrested at the request of the requesting State before any formal extradition request - this is precisely the function that many States attach to the red notice or the diffusion, depending on the value their domestic law recognises in them. But this arrest is bound by strict time limits: under the European Convention on Extradition of 13 December 1957, Article 16 allows provisional arrest to be terminated if the formal extradition request and its supporting documents have not been received within eighteen days of the arrest, and in any event excludes such detention from exceeding forty days. Bilateral treaties contain analogous mechanisms, with varying time limits. The first battle of the defence is therefore twofold: to challenge the basis of the arrest - regularity of the alert, identity, characterisation - and to obtain release under judicial supervision pending the proceedings, by demonstrating guarantees of appearance. The CCF decision, where

one exists, and the elements of the CCF file in preparation can feed this phase, provided that their translation and presentation for the national judge have been anticipated.

Examination of the request then engages the classic substantive conditions of extradition law. Dual criminality requires that the facts constitute an offence in both States; it is assessed on the facts, not on the labels, and the exotic economic characterisations of certain requesting States offer serious ground for challenge here. The rule of speciality - Article 14 of the 1957 Convention - forbids prosecuting the surrendered person for prior facts other than those that motivated the extradition: it must be argued prospectively, demonstrating where appropriate that the requesting State in fact intends to prosecute other facts, which a comparison between the extradition request and the internal criminal file sometimes reveals. To these are added the political offence exception, the non-extradition of nationals in many systems, limitation periods, ne bis in idem, and humanitarian grounds - state of health, age, family situation - which most systems recognise in various forms, up to refusal where the surrender itself would expose the person to consequences of exceptional gravity.

Human rights-based grounds for refusal form the modern heart of the litigation. The *Soering* judgment (1989) forbids surrender where there is a real risk of treatment contrary to Article 3 of the European Convention on Human Rights; the *Othman (Abu Qatada)* judgment (2012) adds flagrant denial of justice and fixes the criteria for assessing diplomatic assurances - specificity, verification mechanism, the requesting State's prior practice with regard to its commitments; the *Trabelsi v. Belgium* judgment (2014) applies these requirements to truly irreducible life sentences. In the European Union, the *Aranyosi and Căldăraru / LM* grid structures the review for surrender between Member States, and the *Petruhhin* judgment (2016) specifically protects the citizen of the Union who is the subject of an extradition request from a third State in another Member State. Finally, when all domestic remedies are exhausted and surrender becomes imminent, the request for an interim measure under Rule 39 of the Rules of the European Court of Human Rights constitutes the ultimate safeguard: since the *Mamatkulov and Askarov v. Turkey* judgment (Grand Chamber, 2005), non-compliance with an interim measure engages the responsibility of the respondent State. This request is prepared in advance: form, statement of the risk, decisive documents translated - improvisation in the last forty-eight hours before a surrender flight is the scenario that preparation must precisely exclude.

Coordination between extradition litigation and CCF litigation finally requires a single point of direction. A refusal of extradition based on the risk of human rights violations is a major document for the CCF deletion request - the public practice of the Requests Chamber takes extradition refusals into account, as the *Decision Excerpt No. 5 (2023)* attests -, whereas a badly prepared failure before the extradition judge can weaken the position before the Commission. The order of the battles is therefore a strategic decision: in some cases, the extradition must be adjudicated first and the refusal capitalised on before the CCF; in others, the blocking or deletion of the data must be obtained first in order to deprive the foreign request of its vector of circulation.

To gather

- **Pre-assembled emergency case file**: identity documents, guarantees of appearance, ties in the State of residence
- **Documentation of the risk** in the requesting State: international reports, earlier refusal decisions concerning that State
- **Medical and family elements** capable of founding humanitarian grounds
- **Certified translations** of the key documents, ready to be produced before the national judge

What not to do

- **Waiting for the arrest to assemble the extradition defence team** in at-risk States
- **Arguing innocence on the merits** before the extradition judge, who does not judge it - argue the conditions and the risks
- **Accepting a simplified "voluntary" surrender** without weighing the waiver of guarantees, notably speciality
- **Improvising the request for an interim measure** on the eve of the surrender flight

CASE STUDY · EXTRADITION AND ASSURANCES

Extradition request backed by contested *diplomatic assurances*

Anonymised configuration inspired by the public case law of the European Court of Human Rights.

Profile	Person arrested in a European State on the basis of an alert, subject to an extradition request from a third State accompanied by assurances concerning conditions of detention and the sentence incurred.
Instrument	Provisional arrest, extradition detention, favourable judicial opinion conditional on the assurances, decision of the executive pending.
Grounds invoked	Article 3 ECHR and the grid for assurances (Othman, 2012); irreducible sentences (Trabelsi, 2014); interim measure under Rule 39 of the Rules (Mamatkulov and Askarov, 2005); in parallel, a CCF request targeting the data at the origin of the alert.
Issue type	Outcome depends on the quality of the demonstration of risk and of the examination of the assurances: **refusal of surrender, conditional surrender or surrender suspended** by interim measure. The CCF strand follows its own course, whatever the national outcome.

> *Key takeaway*
> The extradition judge does not judge guilt: the judge assesses **the conditions of surrender and the risks** it entails. Arguing innocence is an error of forum; arguing dual criminality, speciality, grounds for refusal and risk within the meaning of the **Soering, Othman and Trabelsi** judgments is the effective route. As a last resort, the interim measure under Rule 39 has bound the State since **Mamatkulov and Askarov (2005)**.

10

Build the preventive strategy

Timing: before any incident · At stake: never discovering the risk at the border

The most effective transnational defence is the one that begins before the incident. When a person has serious reasons to fear an instrumentalisation of police cooperation - business disputes involving interests close to a State, political or journalistic engagement, a break with a regime, membership of an exposed family -, waiting for the first arrest before acting amounts to surrendering the initiative. The preventive strategy rests on three pillars: know, map, prepare.

Know: the access request before any travel. The access request to the CCF (step 08) is the central diagnostic instrument. Filed before any sensitive journey, it makes it possible to verify the existence of data in the INTERPOL system and, where appropriate, to launch the challenge before the data produce their effects. Its timescale must be factored in: the examination of an access request takes months, and the snapshot it delivers is dated - data may be recorded after the response. That is why monitoring is conceived over time: periodic access requests in high-risk situations, surveillance of weak signals (banking incidents, visa refusals, unusual questions during checks), and updating of the mapping with each development in the political or litigation context. It must be said without detour: there is no way to query the system in real time, and anyone who promises an "immediate verification" of INTERPOL files promises what the law does not allow.

Map: risk by jurisdiction. Every international journey passes through jurisdictions whose exposure is not equivalent. The risk mapping cross-checks, for each State of destination and transit: the existence of an extradition treaty with the potential requesting State and that State's actual practice in matters of extradition; the value that its domestic law recognises in a red notice or a diffusion as a basis for provisional arrest; its diplomatic and economic relations with the requesting State; the quality of its judicial review and its adherence to protection instruments (European Convention on Human Rights, Convention against Torture, jurisdiction of United Nations committees); and finally the concrete configuration of the journey - a technical stopover at an air hub exposes the traveller to the law of the State of transit, and the choice of a non-stop itinerary through protective jurisdictions is a legal decision as much as a logistical one. This mapping must be written, dated, reasoned and updated: it is the reference framework for the mobility decisions of the person and those close to them.

Prepare: the emergency arrangements. Preparation turns a crisis scenario into an executable procedure. It comprises: an emergency case file held by counsel - up-to-date powers of attorney for the relevant courts and

for the CCF, identity documents, key items of evidence translated, contact details of local correspondents in at-risk States; a first-contact protocol in the event of arrest, known to the family and close collaborators, specifying who calls whom, in what order, through which encrypted channels; the prior identification of extradition counsel in the usual transit jurisdictions; and the preparation of protective steps - draft interim measure request, arguments for release - which will then only need to be updated. In the most exposed configurations, preparation includes the consular dimension (notification under Article 36 of the 1963 Vienna Convention on Consular Relations, the invocation of which presupposes having decided in advance what consular protection is wanted - that of the State of nationality possibly being precisely the requesting State) and the protection of relatives, dealt with in the guide Transnational Repression in the same collection.

To gather

- **Written risk mapping** by State of destination and transit, dated and reasoned
- **Powers of attorney and emergency case file** deposited with counsel, kept up to date
- **Family crisis protocol**: contacts, encrypted channels, order of steps
- **Monitoring calendar**: periodic access requests, surveillance of weak signals

What not to do

- **Travelling "to see"**: testing the border is a roulette wheel whose stake is detention
- **Treating the access response as a lasting blank cheque**: it is a dated snapshot
- **Choosing itineraries on purely logistical criteria** without legal validation of transits
- **Believing promises of "immediate verification"** of INTERPOL files: that service does not exist

Key point

Prevention rests on three pillars: **know** (access request before any sensitive journey, periodic monitoring), **map** (risk by jurisdiction of destination and transit, extradition treaties, State practice), **prepare** (emergency case file, crisis protocol, pre-identified counsel). The cost of preparation is out of all proportion to that of an arrest in transit.

II

Deal with banking and compliance effects

Timing: **parallel to all steps** · At stake: access to financial services, a condition of any defence

The banking effects of an international alert are frequently faster, more lasting and more destabilising than its judicial effects. They follow a logic of their own that the defence must understand: banks and financial institutions do not consult the INTERPOL system - to which they have no access - but commercial compliance databases (World-Check and its equivalents), which aggregate public sources, official lists, extracts of published notices and adverse press coverage (adverse media). A red notice published for a few days on the INTERPOL public website can thus survive for years in these databases, in the form of a risk profile that every account opening, every cross-border transfer and every periodic client review will bring back to the surface.

The correspondence between INTERPOL data and private compliance data is neither automatic nor symmetrical. An entry in a private database may precede the discovery of the notice - it is often the banking incident that reveals the alert - and survive it indefinitely: a deletion ordered by the CCF does not propagate by itself to commercial providers, who have no institutional obligation to follow the Commission's decisions. The practical consequences range from enhanced checks (requests for information under Know Your Customer, de facto freezing of transactions during the review) to termination of the relationship, by way of silent de-risking: the bank states no reason, it simply closes. For a person concerned, the loss of banking access has cascading effects - inability to pay counsel, to maintain activities, to evidence guarantees of appearance before the extradition judge. The banking defence is therefore not an accessory to the case: it is a condition of its viability.

The conduct to adopt combines controlled transparency and structured challenge. With regard to banks, concealment is the worst option: an inaccurate response to a KYC request for information destroys the relationship of trust and may constitute an autonomous fault. Good practice consists in responding accurately, with documentation and in a calibrated manner - producing, where the strategy allows, the demonstration that the alert is being challenged before the CCF, the favourable decisions already obtained and the objective elements of context. With regard to providers of compliance databases, avenues of correction exist: the main providers have procedures for requesting the rectification or updating of an inaccurate or obsolete profile, and, for processing subject to Union law, the General Data Protection Regulation opens rights of access and rectification whose structured invocation supports the approach. These steps require method and documents: a CCF deletion decision, a refusal of extradition, an acquittal or a

dismissal of proceedings are the documents that make profiles move. The detail of this rehabilitation, which continues after the deletion of the data, is dealt with in step 12.

To gather

- **Inventory of banking relationships** and of the jurisdictions where accounts are held, including key correspondent banks
- **Copies of all KYC requests** received and of the responses given
- **Extracts of the compliance profiles** concerning the person, where the person can obtain them
- **Rehabilitation documents**: CCF decision, refusal of extradition, favourable criminal decisions, translated and certified

What not to do

- **Responding inaccurately or incompletely** to a banking request for information
- **Multiplying workaround account openings**, which read as an additional risk signal
- **Neglecting correspondent banks**: a foreign-currency transfer may fail at a correspondent even when the account-holding bank is confident
- **Waiting for the end of the CCF litigation** to engage in dialogue with the banks

Spotlight

Banks do not consult INTERPOL: they consult **World-Check and private compliance databases**, which archive published extracts and adverse press. CCF deletion **does not propagate by itself** to these databases: banking rehabilitation is a separate, documented process, conducted profile by profile and bank by bank.

12

Protect representation, stabilise and rehabilitate after deletion

Timing: **multi-year** · At stake: turning the favourable decision into an effective return to normal

The power of attorney must be signed personally by the applicant. A power of attorney signed by a lawyer appointing another lawyer is not accepted. If no expiry date is indicated, the CCF considers it valid for two years. The CCF template power of attorney makes it possible to designate a principal representative and up to two additional contacts within the same firm or organisation. This possibility should be used to ensure continuity of representation in the event of the unavailability of the principal contact - in litigation whose examination is counted in years, continuity of representation is a guarantee of strategic consistency as much as a practical convenience.

A change of representative must be managed. A newly designated representative becomes the sole interlocutor of the CCF and must state explicitly whether his or her submissions replace those of the former representative or are added to them. This precision has important procedural consequences: "replacing" submissions erase the earlier argumentative gains, which a hurried successor may not appreciate. More sensitive still: if the applicant contacts the CCF directly through the portal while represented, the CCF may consider that he or she becomes the sole point of contact, which interrupts procedural representation. This rule must be explained in writing to the client at the start of the engagement and recalled at each key stage of the procedure, particularly in moments of anxiety - notification of a request for further information, waiting for a decision - when the temptation of direct contact is strongest.

After a favourable decision, the case is not over. The formal withdrawal of a notice or the deletion of the data does not immediately purge banking alerts, private compliance databases, the national files of States that copied the alert, consular files, earlier media reports or the risk of border checks in States that maintain their own lists. Post-deletion rehabilitation is a phase of work in its own right, sometimes as long as the procedure itself, which is conducted on five fronts. First front, banking: notification of the CCF decision to the institutions concerned, with a constructed rehabilitation file - decision, context, favourable judicial documents - and an identified contact within the compliance function; the objective is not only to retain existing accounts but to restore the capacity to open accounts and the fluidity of cross-border payments. Second front, private compliance databases: requests for updating or deletion of profiles with each provider,

supported by the decision and, within the scope of Union law, by the rights of rectification opened by the General Data Protection Regulation; follow-up must be checked over time, because profiles can be regenerated by automatic aggregation of old sources.

Third front, State: requests addressed to the authorities of the States in which incidents occurred, in order to obtain the updating of national border files that have kept a copy of the deleted alert - a step all the more necessary because INTERPOL deletion is not binding on sovereign files. Fourth front, consular and migration: notification to the consulates that refused visas on the basis of the alert, re-examination of applications, reconstruction of the travel history. Fifth front, reputational and digital: requests for updating or removal addressed to media outlets that relayed the alert, exercise of de-indexing where the conditions are met, and production of an accurate documentary account - the deletion decision, a citable document, is here the central instrument. On each of these fronts, periodic verification is essential: a control CCF access request, one year after deletion, makes it possible to ensure that no new data have been recorded, and subsequent banking reviews confirm - or not - the effective propagation of the updates.

This stabilisation phase is largely underestimated in INTERPOL litigation practice. It is nevertheless decisive for the effective return to international mobility and to access to financial services - that is, for what the client legitimately calls the end of the case. Hennebel Avocats builds post-deletion rehabilitation into the architecture of the engagement from the outset, with a multi-year roadmap, verification milestones and coordination with banks, family offices and confidential communication providers.

> *Classic error*
> Treating the deletion decision as the end of the case. The deleted data **survive as copies**: private compliance databases, national border files, press archives, consular files. Without methodical rehabilitation - banking, State, consular, digital - the victory before the CCF remains a victory on paper.

TWELVE ERRORS TO AVOID

The errors that *compromise the defence*

These errors are listed not as an abstract warning, but as a map of the most costly faults revealed by public litigation on international police cooperation.

01 Travelling on the assumption that an unpublished notice does not exist, or that the absence of incidents on recent journeys constitutes lasting protection. The INTERPOL system evolves constantly. No alert yesterday does not prejudge enforcement tomorrow.

02 Reducing the threat to the red notice alone and neglecting diffusions, nominal entries and the SLTD database. A defence that targets only the notice leaves in place the least visible vectors, which are often the most durable.

03 Filing a CCF request without having distinguished access, correction, deletion, revision and preventive strategy. In practice, the CCF does not examine the same request twice without a substantial change in circumstances. A premature referral can durably sterilise the remedy.

04 Attaching too many documents instead of selecting the twenty most decisive annexes according to the grid of probative force. A diluted annex is a lost annex, and an annex whose contribution is not made explicit in the summary is not read as it should be.

05 Producing an audio or video document without a targeted, contextualised written transcript. The procedure before the CCF is strictly written; the raw medium will not be examined.

06 Confusing a victory before a national judge with a worldwide deletion of INTERPOL data. A refusal of extradition protects in the State that pronounced it, not in the global system or in the files of other States.

07 Arguing innocence before the extradition judge instead of arguing the conditions of surrender and the risks incurred. The extradition judge is not a trial judge; the error of forum consumes precious procedural time without producing any effect.

08 Communicating publicly about the case before precise legal qualification and coordination of channels. A badly prepared media statement provides arguments to the requesting State and complicates the strategy before the quasi-judicial forums.

09 Contacting the authorities of the requesting State or its embassy directly. This step produces proof of knowledge that can be reused by the prosecution and interpreted as an admission of circumstances.

10 Responding inaccurately or evasively to a banking request for information, or multiplying workaround accounts. The banking relationship is defended through controlled and documented transparency, never through concealment.

11 Neglecting post-deletion rehabilitation. A favourable CCF decision does not by itself erase private compliance databases, national border files, consular files or the media record. Without a methodical approach, the effects outlive the cause.

12 Changing representative without procedural coordination, or letting the client contact the CCF directly in parallel with the representation. These breaks can forfeit the benefit of the ongoing procedure and erase the argumentative gains of the case.

How the first exchange with Hennebel Avocats works

The first exchange with the firm is confidential and commits only to the qualification of the situation. It typically lasts between forty-five and ninety minutes and takes place by encrypted videoconference or secure messaging (Signal, Threema; WhatsApp for rapid coordination), or in person depending on the configuration of the case. A secure deposit is made available for sensitive documents. The confidentiality of this exchange is complete, regardless of what follows.

The exchange covers three areas: the precise nature of the measure or threat (red notice, diffusion, SLTD data, foreign arrest warrant, extradition request, foreign criminal proceedings, banking alert), the political, economic and procedural chronology of the case, and the preliminary strategic architecture (CCF, national courts, international mechanisms, banks, communication). At the end of this first exchange, the firm provides a written qualification note setting out the defence options, their recommended sequence and the scope of the engagement that could be envisaged.

Fees are discussed in a second, dedicated exchange, after receipt of the qualification note. Hennebel Avocats favours fixed fees structured by phase over billing at an hourly rate, which are particularly suited to multi-year transnational architectures. In certain transnational repression cases affecting journalists, human rights defenders or exiled opponents, the firm may adapt the terms of the initial review to the humanitarian or institutional nature of the situation.

Urgent situations - imminent or ongoing arrest, active bank block, a judicial summons at short notice, immediate risk linked to air transit - are examined as a priority (Crisis Room · Praesidium), with the activation of a team coordinating legal intervention, confidential communication and banking steps in parallel.

ANNEX - CCF PRACTICE INVOKED

Twenty decisions cited in this guide

Case-law panel invoked throughout the guide. Decisions cited according to the anonymisation convention specific to the Commission. Outcome indicated for guidance: D = deletion granted, C = compliance confirmed. Summary table at the end for readers wishing to cross-check the references.

REFERENCE	MAIN THEME	OUTCOME
2017, No. 2	Political nature · Lack of action for extradition	C · caveat
2017, No. 9	Ne bis in idem	C
2017, No. 12	Due process · Political nature	C · caveat
2018, No. 7	Asylum-refugee · Access to files · Political nature	D · deletion
2018, No. 8	Article 2 (torture) · Political nature	D · deletion
2018, No. 10	Political nature · Status of the person · Misuse of channels	D · deletion
2018, No. 11	Lawfulness-Validity · Status of the person · Misuse of channels	C
2018, No. 13	Accuracy-Quality · Due process · Political nature	D · deletion
2018, No. 15	Article 2 (torture) · Lack of action for extradition	D · revision admitted + deletion

2018, No. 17	Article 2 (right to life) · Access to files	D · deletion
2019, No. 6	Article 2 (right to life) · Ne bis in idem	D · revision admitted + deletion
2023, No. 5	Extradition · Refugee Policy · Due process · Description criminal activities	D · deletion
2023, No. 9	Application for revision · Ne bis in idem	C · revision admitted, compliance confirmed
2023, No. 10	Ne bis in idem · Transfer of proceedings	C · caveat
2024, No. 1	Purpose · Family Matter · International Interest · Due process	D · deletion
2024, No. 2	Due process · Human rights · Article 3 · Description criminal activities	D · deletion
2024, No. 3	Article 3 · Misuse of Interpol's channels	C · not documented
2025, No. 1	Purpose · Family Matter · International Interest · Ne bis in idem	D · deletion
2025, No. 2	Due process · Lawfulness-Validity · Description criminal activities	D · deletion
2025, No. 4	Article 2 · Quality of the data (namesake)	C

ANNEX - TABLE OF AUTHORITIES INVOKED

Instruments and decisions cited in this guide

Exact reference · subject · contribution to practice. The CCF decisions are the subject of the separate table above.

REFERENCE	SUBJECT	CONTRIBUTION TO PRACTICE
INTERPOL Constitution, Art. 2	Action of the Organization in the spirit of the UDHR	Brings human rights into the review of data
INTERPOL Constitution, Art. 3	Prohibition of interventions of a political, military, religious or racial character	Basis for the exclusion of predominantly political cases
INTERPOL Constitution, Art. 36	Establishment of the Commission for the Control of INTERPOL's Files	Statutory basis of the CCF
RPD, Art. 83	Conditions for red notices: gravity, penalty thresholds, minimum data	Technical ground of non-compliance, independent of the political ground
CCF Statute (2017), Arts. 29 and 42	Effects of decisions; revision for new facts	Decisions binding on the Organization; filtered revision, six-month time limit
CCF Operating Rules, version of 26 March 2026, and Portal User Guide (March 2026)	Mandatory portal, formats, ceilings	10 pages, 20 annexes, internal messaging, single draft
Resolution AGN/2017/86/RES/09	INTERPOL policy on refugees	Protection of the refugee against data requested by the State of persecution

European Convention on Extradition (1957), Arts. 14 and 16	Speciality; provisional arrest and time limits	Release possible at eighteen days, mandatory at forty days without a formal request
Framework Decision 2002/584/JHA	European arrest warrant	Autonomous regime of surrender between Member States
Merida (2003) and Palermo (2000) Conventions	Corruption; transnational organised crime	Frequent treaty bases for cooperation requests
Geneva Convention (1951), Art. 33; CAT (1984), Art. 3; ICCPR, Arts. 6, 7 and 14	Non-refoulement and fair trial guarantees	Foundation of the non-refoulement ground before the CCF and national judges
Vienna Convention on Consular Relations (1963), Art. 36	Consular notification and assistance	To be decided in advance: consular protection may come from the requesting State
ECtHR, Soering v. United Kingdom (1989)	Non-refoulement, Art. 3 ECHR	Prohibition of surrender where there is a real risk of ill-treatment
ECtHR, Mamatkulov and Askarov v. Turkey (GC, 2005)	Binding force of interim measures (Rule 39 of the Rules)	Ultimate safeguard against imminent surrender
ECtHR, Othman (Abu Qatada) v. United Kingdom (2012)	Flagrant denial of justice; diplomatic assurances	Grid for assessing the assurances of the requesting State
ECtHR, Trabelsi v. Belgium (2014)	Irreducible life sentences	Limit on extraditions to sentences without effective review
CJEU, Aranyosi and Căldăraru (C-404/15 and C-659/15 PPU, 2016)	Surrender and inhuman treatment	Two-stage examination: general deficiencies then individual risk

CJEU, Petruhhin (C-182/15, 2016)	Extradition of a Union citizen to a third State	Information of the State of nationality; review in light of the Charter
CJEU, LM (C-216/18 PPU, 2018)	Judicial independence of the issuing State	Extension of the Aranyosi grid to fair trial
CJEU, OG and PI (C-508/18 and C-82/19 PPU, 2019)	Independence of the EAW issuing authority	Exclusion of public prosecutors exposed to instructions from the executive
ICJ, Arrest Warrant of 11 April 2000 (DRC v. Belgium, 2002)	Personal immunity of the serving Minister for Foreign Affairs	Framework for immunity grounds in sovereign cases
House of Lords, Pinochet (No. 3) (1999)	Functional immunity and torture	Limit on the immunity of the former head of State, scope debated
PACE Resolution 2161 (2017)	Abusive use of the INTERPOL system	Pan-European institutional documentation of the phenomenon
European Parliament, EXPO_STU(2019)603472	Misuse of Interpol's Red Notices and impact on human rights	Documentation of the recurrence of abuse configurations

Main sources

- Constitution of the International Criminal Police Organization (INTERPOL), notably Articles 2, 3 and 36.
- INTERPOL Rules on the Processing of Data (Rules on the Processing of Data), notably Article 83 (red notices) and Article 12 (data quality).
- Statute of the Commission for the Control of INTERPOL's Files (2017), notably Articles 29 and 42.
- Operating Rules of the Commission for the Control of INTERPOL's Files, version amended on 26 March 2026; CCF Portal User Guide for Applicants (March 2026).

- Published decisions of the CCF Requests Chamber (Excerpts of decisions), panel of twenty decisions listed in the annex.
- Resolution AGN/2017/86/RES/09 of the INTERPOL General Assembly on the policy on refugees.
- European Convention on Extradition of 13 December 1957; United Nations Convention against Corruption (Merida, 2003); United Nations Convention against Transnational Organized Crime (Palermo, 2000); Framework Decision 2002/584/JHA on the European arrest warrant.
- Convention relating to the Status of Refugees (Geneva, 1951); Convention against Torture (1984); International Covenant on Civil and Political Rights and its Optional Protocol; Universal Declaration of Human Rights; Vienna Convention on Consular Relations (1963).
- Case law of the European Court of Human Rights (Soering, 1989; Mamatkulov and Askarov, 2005; Othman, 2012; Trabelsi, 2014) and of the Court of Justice of the European Union (Aranyosi and Căldăraru, 2016; Petruhhin, 2016; LM, 2018; OG and PI, 2019); International Court of Justice, Arrest Warrant of 11 April 2000 (2002); House of Lords, Pinochet (No. 3) (1999).
- Resolution 2161 (2017) of the Parliamentary Assembly of the Council of Europe; European Parliament study EXPO_STU(2019)603472.

Keywords

interpol red notice · interpol diffusion · SLTD database · CCF procedure · CCF portal 2026 · extradition · provisional arrest · dual criminality · rule of speciality · diplomatic assurances · European arrest warrant · transnational defence · lawfare · non-refoulement · political asylum · article 2 INTERPOL constitution · article 3 INTERPOL constitution · article 83 RPD · international immunities · CCF application for revision · temporary blocking · World-Check · post-deletion rehabilitation · crisis room

Hennebel Avocats

Pr. Ludovic Hennebel

Paris

Aix-en-Provence

Bruxelles

Genève

global@hennebel.legal

To cite this document

Ludovic Hennebel, 'What to do in the event of an INTERPOL red notice, an extradition request or transnational criminal proceedings?' (Praxis, Hennebel Avocats 2026) <https://hennebel.legal/en/praxis/guide-interpol> accessed October 28, 2026.

Generated on October 28, 2026