

United Nations Office on Drugs and Crime

Background Guide

Dear Delegates,Welcome to the United Nations Office on Drugs and Crime. My name is Rehan Kunal Jagota, and I am beyond excited to be serving as your Chairperson for this committee at the 3rd iteration of Birla School Pilani Model United Nations. Staffing alongside me will be your Vice Chairperson, Shivank Sharma, and your Rapporteur, Shresht Jalan. The three of us look forward to watching the committee debate and collaborate to reach resolutions on the agendum, ‘the International Arrest Warrants’. Currently in my fourth year of participation in Model United Nations, I can assure you that it is one of the most challenging, but by far, the most rewarding activity I have pursued. Model UN is a platform in which like-minded individuals can work together to solve issues not only diplomatically but pragmatically, and expand their knowledge of global affairs. It rejects the notion that academia can be boring, and encourages individuals to be curious about the world that surrounds them. I encourage you all to step out of your comfort zone, and truly immerse yourself in this unforgettable diplomatic experience. If you have any questions, please feel free to email me. I look forward to meeting you all in July!

Sincerely,Rehan Kunal JagotaUNODC Chairperson

**International Arrest Warrant System**

Overview

As transnational organized crime (TOC) continues to grow and proliferate, catalyzed by globalization and technological improvement, the international community must adapt its response accordingly to address the need of the hour. The United Nations Office on Drugs and Crime (UNODC) strives to bolster all Member States’ capacities to address crime, both domestic and international, and facilitate discussions regarding the strengthening of international laws and policies.Currently, international legal enforcement exists in three distinct forms: The International Criminal Court (ICC), the International Court of Justice (ICJ), and the International Criminal Police Organization (INTERPOL).

The ICC primarily works with individuals accused of committing crimes affecting international community, such as crimes against humanity and so on. Secondly, the ICJ, the official judicial organ of the United Nations, serves as a civil court, primarily settling legal disputes between states and providing advisory opinions on transnational matters. Lastly, there is the process of international extradition, under which suspected criminals are returned to the country in which they have committed the supposed offence to face justice there. This process is often complicated to executive, requiring substantial collaboration and bilateral consensus. Extradition is facilitated by INTERPOL, a cohesive interactional platform through which global police agencies are able to share information and collaborate. Of course—as with any multinational effort—there remains the issue of willing cooperation; not all states are as ready and willing to utilize these institutions for altruistic good. Indeed, corrupt or autocratic governments are inclined to exploit them to imprison non-conformists while others may neglect their existence altogether.

Within each of these international institutions devoted to the elimination of multinational crime, many systemic flaws have yet to be addressed. Issues of widespread corruption, a lack of accountability, and underwhelming past results continue to breed mistrust in the global judicial apparatus. In the past century, crime has metamorphosed in nature; it has become increasingly sophisticated, posing a widespread threat to civilians, governments, and economies. The recent increase in organized crime can be attributed largely to globalization, tourism-related exploitation, and growing inequality. More profitable than Google, Nike, and Starbucks combined, UNODC estimates that transnational crime nets more than USD 870 billion every year. In comparison, the gross budget of the ICC is a mere USD 179 million. The global fight against crime is strenuous, but without international initiative, the world risks unravelling into chaos or simply, pandemonium.

Historical Analysis

Impact of Globalization on Crime

It is important to recognize that crime, from the perspective of a criminal, is at more than often times, no more than a business. Therefore, the economic globalization that has created *“unprecedented openness in trade, finance, travel, and communication has given rise to massive opportunities for criminals to make their business prosper*.” As crime becomes more profitable, it becomes a more likely alternative for those under financial duress; “businesses” like human trafficking easily reap USD 150 billion a year. As such black markets earn substantial amounts, they then have the means to expand and develop more complex mechanisms to exploit the victims from which they profit. Drug cartels, ransom rings, and other transnational criminal organizations have little concept of borders; they easily communicate and work across continents. Globalization facilitates international trade, but also increases the difficulty of regulating global trade. Tracing back a trade route, intentioned to be hidden, is always a herculean task and more than often, impossible. Moreover, the very existence of a lot of these trade routes and mafias is unknown to the world.

 As global financial systems have been deregulated and grown more complex, money laundering has proliferated, supporting the funding of illegal activities and businesses. As many crimes exist in an anonymous buyer-supplier relationship, the responsibility of tracking such crimes has fallen on the international community; however, states and non-state actors are increasingly challenged to deal with illicit networks and some vile counterparts of themselves. Many criminal organizations have almost no means of being tracked down, either physically or electronically; with the age of newfound digital innovations, it has never been easier to mask a digital footprint and conceal insidious activity. Globalized crime includes the trafficking and marketing of illegal and counterfeit goods, smuggling of migrants, modern-day slavery, organized crime gangs, cybercrime and fraud, piracy, and money-laundering, among other offences.

 Despite the gravity of these threats, there persists a lack of comprehensive information on crime trends and transnational criminal markets. A lot of these are essentially non-existent due to their isolation. Following increasingly-accessible trade and travel routes, trafficked goods abound, including firearms, environmental resources, and counterfeit goods, oftentimes ferried alongside licit products. In addition to these, violations such as cybercrime and maritime piracy are facilitated by enhanced communication and increased movement. Taking advantage of the forces of globalization, criminals and associated organizations have thrived and grown, using the methods outlined above to promote their activities.

However, institutions that should monitor and regulate these activities have been hindered by bureaucracy and corruption, as well as issues of sovereignty. What uniquely impedes the efficacy of transnational organizations devoted towards ending crime is a lack of cooperation and mutual trust. Though there exist many platforms for dialogue with regard to the sharing of information and intelligence aimed at curbing transnational crime, very little is done to facilitate concrete collaboration. Aside from the international presence of diplomatic missions, very few law enforcement agencies pursue and are involved in the same investigations. As well, countries such as Lichtenstein and Switzerland have tight privacy and financial regulations prohibiting the disclosure of personal data to law enforcement organs. This secrecy and protection favours organized crime and is thus exploited by criminals to evade capture and asset seizure by authorities.

With this in mind, the United Nations must combat these widespread wrongdoings using three major organs: the International Criminal Court, the International Court of Justice, and the International Criminal Police Organization.

Development of International Arrest Warrants

The most important thing to bear in mind regarding the international arrest warrant system is the purpose it serves; international criminal law is now more ethically-conscious than ever before, striving to take into account the implications of 21st-century capabilities. As globalization has muddied the waters of sovereign justice, countries have struggled to seek proper resolutions to many crimes and effect the prosecutions they wish to carry out. Notably, there are three hurdles the international arrest warrant system has yet to overcome.Firstly, securing arrests under the jurisdiction of the International Criminal Court, the International Justice Court, and INTERPOL involves many of the same challenges—*individual states must be relied upon to carry out arrests*. The United Nations has long since fought an uphill battle, toeing the line between the maintenance of national sovereignty and global justice. For example, it is a common occurrence for UN organs to defer prosecution to the ICC; an example being the Security Council’s referrals to the Court regarding the Sudan-Darfur conflict. Once these referrals made, it is then the duty of the ICC to ensure the arrests, with no follow-up whatsoever from the referring body. As well, in many of these cases, the affected state has not agreed to an Office of the Prosecutor’s (OTP) investigation, required to establish ICC jurisdiction before further action can be taken. *Thus, ICC prosecution is often rendered impossible, both due to lack of jurisdiction and the absence of an international apprehension force.*

The reason states often refuse to comply with ICC prosecutions can be ascribed to one of the following. First, citizens, especially those in the Middle East and Africa, strongly resent international justice organizations like the ICC or ICJ, deeming them to have a Western-centric political agenda and viewing them as rather imperial in nature, involving themselves unnecessarily in sovereign affairs. Indeed, international justice organizations have been known for directing attention toward the complicity of many African leaders in genocides and crimes against humanity, such as involvement in the Central African War, or any of the number of civil conflict currently embroiling the region.

Roles of various organizations in International Arrest Warrant Systems

United Nations Office on Drugs and Crime

Through the merging of the United Nations Drug Control Programme and the Centre for International Crime Prevention, the UNODC has become a figurehead in the fight against crime and drug proliferation. Depending on voluntary contributions from respective governments for 90 percent of its budget, the UNODC works closely with national governments in order to target the following areas of crime and law: organized crime, trafficking, corruption, drug crime, justice reform, and terrorism. It also facilitates the international arrest warrant system.

International Criminal Court (ICC)

The International Criminal Court is a major player in the global fight for international criminal justice. The Court aims to hold those responsible accountable for their crimes, and to assist in preventing such crimes from occurring again*. Nevertheless, the Court cannot reach these goals alone, and as a court of last resort, it seeks to complement, not replace, national judicial institutions.* Governed by an international treaty called the Rome Statute, the ICC is noted as the world’s first permanent international criminal court. Since its inception in 1988, the Court has tried only 27 cases, issued 33 arrest warrants, and achieved 8 successful convictions. As of 2018, the Court’s budget stands at EUR 147 million.

International Court of Justice (ICJ)

The International Court of Justice is the foremost recognized judicial organ of the United Nations. Established in June 1945 by the Charter of the United Nations, the ICJ took up its mandate in April 1946. With adherence to internationally-established laws in mind, the court settles legal disputes submitted to it by states, as well as undertakes the role of an advisor to voice opinions on legal issues referred to it by authorized United Nations organs and specialized agencies. Composed of 15 judges who are elected for 9-year terms by the General Assembly and the Security Council, the Court is supported by the Registry, its permanent administrative secretariat. Although established under the UN Charter, the Court is governed by the Statute of the International Court of Justice, as well as the rules of procedure adopted by the 15 judges and amended from time to time and the more recently-adopted Practice Directions. No single state is allowed more than one judge on the court at one time, and there are two main criteria that determine their appointment; candidates must be people “of high moral character, who possess qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.” Secondly, the elected body of judges must reflect “the main forms of civilization and (the) principal legal systems of the world.” The International Court of Justice is meant to select the most competent and morally-cognizant candidates.

However, the appointment process has been tainted by allegations of unfairness; the vetoes of the Security Council’s permanent members restrict the nominations of qualified but politically-unpalatable candidates. Uniquely, the ICJ holds the position of the sole international court with genuine jurisdiction over inter-state disputes.

International Criminal Police OrganizationThe International Criminal Police Organization is a multinational entity that enables cooperation between the police forces of its 190 member states. This is done through the management of various databases and the facilitation of rapid information-sharing between security authorities. An example of an arrest warrant process is the various INTERPOL notices, of which there are eight. The most notable of these is the Red Notice—essentially a request to detain a suspect wanted for extradition. Issued by the General Secretariat, the Red Notice is filed at the request of any INTERPOL member country or an international tribunal, such as the International Criminal Court. *These appeals must be based on a valid national arrest warrant, and are unique in the sense that they are not per se an international arrest warrant.* Offences must be punishable by six months or more in jail, or a minimum two-year sentence if the person is wanted for prosecution, to meet the requirements of warranting a Red Notice. Police forces of each nation are not forced to arrest these individuals, but once a government posts the Red Notice, the target is cut off from the global financial system, with all of their traceable bank accounts frozen. INTERPOL’s authorized notices span seven colour-coded levels: the Red Notice, to seek location and arrest of a person with a view to extradition; the Blue Notice, to locate or obtain information regarding a person of interest in a criminal investigation; the Green Notice: to warn about a person’s criminal activities if that person is considered to be a possible threat to public safety; the Yellow Notice, to locate a missing person or to identify a person; the Black Notice, to seek information on an unidentified body; the Orange Notice: to warn of an event, a person, an object or a process representing an imminent threat and danger to persons or property; and the INTERPOL-United Nations Security Council Special Notice, to inform INTERPOL’s members that an individual or an entity is subject to UN sanctions.

Extradition

Extradition is the formal process whereby a State requests from the requested State the return of a person accused or convicted of a crime to stand trial or serve a sentence in the requesting State. Historically, there was no general duty to extradite. Extradition was often based on informal relations between leaders of sovereign States. The increasing numbers of such cases created the need for more formal agreements. Extradition system is based on the following principles, as recognized by the UNODC;

1. Double Criminality

It is the most common principle with respect to to extradition. According to it, the offence for which extradition is being sought, should be criminal offence on both requesting and requested state.

2. The Rule of Specialty

Extradition is the formal process whereby a State requests from the requested State the return of a person accused or convicted of a crime to stand trial or serve a sentence in the requesting State. Historically, there was no general duty to extradite. Extradition was often based on informal relations between leaders of sovereign States. The increasing numbers of such cases created the need for more formal agreements.

3. Non extradition of nationals

According to the principle of non-extradition of nationals, many States decline any obligation to surrender their own citizens. Although some countries even have a prohibition of extraditing their own citizens, countries are under the obligation of extradition of individuals who have committed offences of serious nature, under the principle, *aut dedere aut judicare*.

4. Non Discrimination Clause

According to this principle, requested States have no obligation to extradite if there are reasons to believe that the person would be persecuted in the requesting State on account of gender, race, religion, nationality, ethnic origin, or political opinion.

5. Political offense exception

While in theory this principle provides the requested State with the right to refuse extradition for political crimes, the practical obligation of this principle is far from settled as there is no universally accepted definition of "political crime". Recent developments also suggest that attempts are being made to restrict the scope of the political offence exception or even abolish it. The increase, for example, in international terrorism has led to the willingness of States to limit the extent of the political offence exception, which is generally no longer applicable to crimes against international law.

6. Risk of unfair trial in Requesting State

There is no obligation for the requested State to surrender individuals in cases of the possible risk of torture and other inhuman or degrading treatment in the requesting State or in cases there are grounds to believe that the requesting State cannot provide a fair trial or secure minimum guarantees in criminal proceedings.

7. Double Jeopardy (or *ne bis in idem*)

There is no obligation for the requested State to surrender individuals in cases of the possible risk of torture and other inhuman or degrading treatment in the requesting State or in cases there are grounds to believe that the requesting State cannot provide a fair trial or secure minimum guarantees in criminal proceedings.

Most extradition agreements to date have been bilateral in nature, but increasingly multilateral agreements are signed and implemented either at the regional level or at the international level (the Organized Crime Convention is a characteristic example of international instrument in this regard). The advantage of multilateral conventions is that they offer common definitions of offenses and procedures for States that often have different legal traditions and procedures.

UNODC Technical Assistance Tools on Extradition

UNODC has prepared a Model Treaty on Extradition and a Model Law on Extradition (2004). These technical assistance tools are intended to be used by States in the negotiation of bilateral and regional agreements to promote more effective cooperation in criminal cases with transnational implications, and in enactment of relevant national laws.

There are various extradition models used by various countries and organizations. Delegates can have a real world idea about the extradition system by analyzing various existing models. They can also come up with a new idea of a model which includes the pros of the existing models and also addresses the issues which these models fail to recognize. *Although they are not required to discuss the legal technicalities or any charter or so, but can outline the main points of the so-proposed model.* But again, if the delegates have some better solutions, they are more than welcome to discuss them, and this is a pure suggestion from the Executive Board's side. Hence, here we are explaining one of the most common extradition model about the international arrest warrant system:

European Arrest Warrant (EAW)

The European Arrest Warrant (EAW), applied throughout the EU, replaced lengthy extradition procedures within the EU's territorial jurisdiction. It improves and simplifies judicial procedures designed to surrender people for the purpose of conducting a criminal prosecution or executing a custodial sentence or spell in detention. Simplifying and improving the surrendering procedure between EU countries was made possible by a high level of mutual trust and cooperation between countries

**Conditions**: An EAW may be issued by a national judicial authority if:

1. The person whose return is sought is accused of an offence for which the maximum period of the penalty is at least one year in prison;

2. He or she has been sentenced to a prison term of at least four months.

3. A decision by the judicial authority of an EU country to require the arrest and return of a person should therefore be executed as quickly and as easily as possible in the other EU countries.

**Legal basis**: The EU document governing the operation of the EAW is the Council Framework Decision of 13 June 2002. This was the first instrument to be adopted on the basis of the principle of mutual recognition of judicial decisions. It came into force on 1 January 2004 and is founded on the principle of direct contacts between the judicial authorities.

**Proportionality**: There is a need to ensure that the EAW is used proportionately so that the system is not undermined by a glut of EAWs for trivial offences. The judicial authorities in the EU Member States issuing the EAW should apply a "proportionality check" by considering the seriousness of the offence, the length of sentence and the costs and benefits of executing an EAW.

Guaranteeing fair trials and fundamental rights: The operation of the EAW will also benefit the work of the European Union on helping to guarantee fair trials by having minimum EU standards for the rights of people suspected or accused of a crime.

This includes measures setting out common rules in the EU on:

1. The right to interpretation and translation during criminal proceedings;

2. The right of suspects to be informed of their rights;

3. The right to have access to a lawyer and the right of persons in custody to communicate with family members and employers;

4. The presumption of innocence;

5. The right to legal aid.

The EAW process introduces the following novelties compared to the former extradition procedures:

**Expeditious proceedings**: The final decision on the execution of the EAW should be taken within a maximum period of 90 days after the arrest of the requested person. If that person consents to the surrender, the decision shall be taken within 10 days after consent has been given (art. 17).

Abolition of double criminality requirement in prescribed cases: The deeply ingrained in traditional extradition law double criminality principle shall not be verified for a list of 32 offences, which, according to Article 2 Paragraph 2 of the Framework Decision, should be punishable in the issuing Member State for a maximum period of at least 3 years of imprisonment and defined by the law of this Member State. These offences include, inter alia, participation in a criminal organization, terrorism, trafficking in human beings, sexual exploitation of children and child pornography, illicit trafficking in narcotic drugs and psychotropic substances, illicit trafficking in weapons, munitions and explosives, corruption, fraud including that affecting the financial interests of the European Communities, laundering of the proceeds of crime, computer-related crime, environmental crime, facilitation of unauthorized entry and residence, murder and grievous bodily injury, rape, racism and xenophobia, trafficking in stolen vehicles, counterfeiting currency etc. For offences which are not included in the abovementioned list or do not fall within the 3 years threshold, the double criminality principle still applies (art. 2 para. 4).

"Judicialization" of the surrender: The new surrender procedure based on the EAW is removed outside the realm of the executive and has been placed in the hands of the judiciary. Both the issuing and executing authorities are considered to be the judicial authorities which are competent to issue or execute a EAW by virtue of the law of the issuing or executing Member State (art. 6). Consequently, since the procedure for executing a EAW is primarily judicial, the administrative stage inherent in extradition proceedings, i.e. the competence of the executive authority to render the final decision on the surrender of the person sought to the requesting State, is abolished.

 Surrender of nationals: The EU Member States can no longer refuse to surrender their own nationals. The Framework Decision does not include nationality as either a mandatory or optional ground for non-execution. Furthermore, art. 5, para. 3 provides for the option of making execution conditional on a guarantee that, upon conviction, the individual is returned to his/her State of nationality to serve the sentence there.

Abolition of the political offence exception: The political offence exception is not enumerated as mandatory or optional ground for non-execution of a EAW. The sole remaining element of this exception is confined to the recitals in the preamble of the Framework Decision (recital 12) and takes the form of a modernized version of a non-discrimination clause.

Additional deviation from the rule of specialty: Article 27 paragraph 1 of the Framework Decision enables Member States to notify the General Secretariat of the Council that, in their relations with other Member States that have given the same notification, consent is presumed to have been given for the prosecution, sentencing or detention with a view to carrying out of a custodial sentence or detention order for an offence committed prior to surrender, other than that for which the person concerned was surrendered.

Delegates can also look into the American Interstate Extradition System, German theory and practice of extradition, the Extradition system of England/Wales, the extradition system of Scotland and so on. They can also look up to cases like Puidgemont Case for a better understanding of the subject.

Current Situation

In countries like the United Kingdom, governments are attempting to reform laws that prohibit the completion of an arrest warrant issued by a non-sovereign authority—even when they indicted is a suspect of international crimes such as torture, war crimes, piracy, or hijacking; the only status quo alternative is to have such a case approved by the Director of Public Prosecutions. States have justified this inefficient process by instead emphasizing the potential negative ramifications on international relations. While William Hague, former British foreign secretary, was visiting Israel, media attention focused on his inability to address (and prevent) the privately-issued war crime accusations against former Israeli foreign minister Tzipi Livni. With the ever-changing sphere of both law and crime, nations are struggling to reform their own sovereign and international legislative processes.

International Court of Justice

The International Court of Justice retains authority over a wide variety of cases, the most notable being aerial incidents, border disputes, diplomatic relations, and the “use of force” incidents. As widely-used as the ICJ once was, many member states and regions fail to comply with the ICJ’s demands today. Thus, many issues surrounding the efficacy of the ICJ have arisen, as the Court does not appear to have the legitimacy required to resolve major global controversies—especially those surrounding permanent Security Council members. Disregarding the era following the resolution of the Cold War in the 1980s, the ICJ has indisputably declined in popularity; countries have ceased actively bringing forth multinational disputes, and stopped openly investing in and recognizing the ICJ. The Court has been abandoned by several major powers; China, Japan, Brazil, and Russia have yet to bring up a proceeding and to be a respondent beyond the filing stage of a prosecution. In 1950, 60% of member states submitted readily to the Court’s jurisdiction, but today that fraction stands at a mere 34%. Controversy arose with the distinct biases the 15 elected judges showed; even when their home state was not involved, they would still vote in favour of nations with closer political ties or similar religious and cultural identifiers.Another factor that has compromised the legitimacy of the ICJ is difficulty in finding common ground. In order to attract cases, the Court must, contrary to legal principles, base its judgements and convictions on popular approval. Thus, when unpopular opinions are rendered, the Court’s membership contracts resultingly. The Court’s increasingly regional and political nature was evidenced in 1966, when conflict in South Africa that arose due to a dispute over a UN trust territory was brought before it. Much to many developing countries’ dismay, the ICJ ruled in favour of South Africa, a racist regime condemned by many nations. Subsequently, many developing states halted their participation in the ICJ. Today, the Court’s justices hail from China, Madagascar, France, Sierra Leone, Russia, the United Kingdom, Venezuela, the Netherlands, Brazil, Jordan, the United States, Egypt, Japan, Germany, and Slovakia. The diversity of such a group highlights many global orders—geopolitical, economical, and ideological. Returning to the issue of arrest warrants directly, the reason many countries fail to respect or comply with such warrants resides in their distrust of the judicial body’s impartiality.

International Criminal Court

The International Criminal Court is unique in the sense that it lacks half of the major powers in the UN—the United States, Russia, and China. While many states have signed its establishing treaty, many have failed to ratify it and formally accede to the Court. While the ICC can prosecute crimes committed in member countries or prosecute the citizens of member countries elsewhere, it is incumbent upon member states to provide funding for Court’s operations. Even with the immense legal power and authority the court holds, many member states are continuing to withdraw. The Philippines has been the most recent nation to pull out of the Court, condemning it as a “useless tribunal.” The source of such dissatisfaction perhaps stems from the supposedly “anti-developing nation” standpoint numerous countries, specifically African states, accuse the ICC of having. The reason for such regionally-concentrated backlash happens to pertain to the work the ICC devotes itself to; specifically that of war crimes and genocide. These crimes are concentrated on the African continent, which has drawn the criticism of many African nations which feel arbitrarily or unjustly targeted. In such disagreeable circumstances, the ICC cannot function, as it depends on the full cooperation of its member states in order to carry out any convictions. Without an international task force, local authorities are responsible for delivering indictees to the Court. If states do not trust the ICC to make proper decisions, there is no way for them to accede to their convictions. Thus, countries will not accordingly apprehend the convicted perpetrators and uphold the global justice system. As a result of the ICC’s alienated and limited membership, the effectiveness of international justice is directly undermined.

International Criminal Police Organization

Currently, numerous nations seek to use INTERPOL’s Red Notices as a form of political leverage; such ploys have led to a deletion rate even higher than that of approved notices.24 Autocratic countries find Red Notices a desirable form of eliminating escaped political offenders or opposition figureheads. There have been many instances in which Red Notices have been “deleted” by Interpol but still appear on an outdated copy of an Interpol database that is maintained by a member state.25 The impacts of such delays often trap victims in foreign countries, unable to use their assets, and suspected by all member states. Red Notices can be mobilized by offences ranging from murder to unpaid car fees and post the suspect’s name publicly on the INTERPOL website. INTERPOL’s “wanted person” alerts have more than tripled over recent years, even with many being ruled inapplicable. Originally, the target of such alerts was meant to be those involved in international crime, but those “wanted” in the status quo are not always indicted criminals. Allegedly, the organization has failed to edit and responsibly approve many such alerts, especially Red Notice requests, subsequently used by some governments to hunt down political opponents and human rights campaigners. Examples of alert abuses include the case of award-winning Venezuelan investigative journalist Patricia Poleo, who was targeted for 18 months due to wrongful political motivation by her government. In another notable case, Russia issued warrants for political refugees, Petr Silaev, an environmental protester, and Anastasia Rybachenko, a student activist. Individuals subject to Red Notices are labelled “wanted international criminals,” and as a result, can be separated from family for months or years, lose their jobs and livelihoods, have travel visas refused, asylum applications rejected, bank accounts closed, and loan applications denied; businessmen lose clients, and journalists their credibility. Repeatedly, notices in INTERPOL have been abused as tools for the advancement of political agendas by autocratic regimes. Without a proper screening process in order, such misuse will only continue. In order to restore credibility to international arrest warrants, reforms must be made to INTERPOL’s system.

Possible Solutions and ControversiesThe initiation of international criminal tribunals propelled the concept of international justice, but it has also exposed the limits of these very institutions. International trials are slow, expensive and ultimately dependent upon the involved cooperation of member states. National courts must be a big part of any general strategy for the enforcement of international criminal law, and a proper balance must be struck between national and international criminal jurisdiction. The establishment and operation of international criminal courts and tribunals is certainly an important historic accomplishment, but this success does not mitigate the fact that these international institutions have limited economic and political resources and influence. In seeking to reconcile these circumstances, UNODC must consider the role of international courts and seek a solution allowing them to complement their national counterparts in the formation of a coordinated judicial network.

Enhanced Notices Screening

INTERPOL notices of varying colours represent the corresponding types of situations they are flagging. As explained, notices have been misused in the past to apprehend individuals who have spoken out, opposed, or pose a threat to autocratic governments. As the Washington Post articulates, “INTERPOL circulates what are called red notices at the request of a member country seeking to help catch a fugitive, and it also shares diffusions, which are less formal and are intended to request the arrest or location of a person, or to acquire more information for a police investigation.” INTERPOL’s constitution has stated it is “strictly forbidden” to intervene in political affairs, and that it must carry out its work in the spirit of the Universal Declaration of Human Rights. In order to combat this misuse of Red Notices, the reporting system must be reformed to provide for better oversight and stricter approval. As well, inconsistencies in the disparate versions of INTERPOL databases maintained by member states must also be addressed in order to restore credibility and prevent Red Notices’ abuse as a punitive tool.

International Courts ReformStable ICC and ICJ values and structures present the opportunity for these institutions to become even more capable and forceful in dealing with war crimes and international violations. However, perceptions of imbalanced representation must be addressed in order to encourage continued participation; a special focus should be placed on including developing nations with the goal of ensuring ideological parity. The ICC and ICJ also need to reform multilateral agreements over the enforcement of prosecutions and the rendering of the indicted—achieved through strengthening existing agreements and coordination with national police forces. Incrementally, the court should aim to counter negative connotations in media by attempting to halt the withdrawal of member states through recognizing internal operational failings, so as to not create a snowball effect of dwindling membership. To this end, the ICC must demonstrate that it can be an effective and permanent institution with clear standards, goals, and successes in convicting war criminals around the world. With these considerable hurdles tackled, the Court’s future may allow it to become a fruitful and effective pillar of the international community.

Crime-Fighting CooperationIn the status quo, the world lacks an international program that genuinely facilitates the sharing of information and effort between countries. While the ICC, ICJ, INTERPOL, and UNODC all strive for this goal, these organizations ultimately depend solely on individual nations to devise their own means of apprehending criminals. Nations are reluctant to expose their own assets and information, and oftentimes government officials are the targets of many such international cases. The global order requires a platform in which efforts may be combined and utilizing states’ existing pools of information. Currently, several of these security-related information initiatives exist, notably the Five Eyes agreement between Australia, Canada, New Zealand, the United Kingdom, and the United States.29 Similar fora should be established in order to promote transparency and cooperation; intrinsic components to a globe with safety and agreement in justice. At least initially, a regional approach may be taken prior to integration on a global scale. Delegates must keep in mind the expected natural reluctance of each nation to expose its information and assets, striving to keep both safety and sovereignty in mind.

Discussion Questions

1. What is the alternative to requiring individual nations to apprehend and try their own perpetrators? Does this alternative infringe upon national security and sovereignty?2. Does your country support the current functions and compositions of the international courts?3. What international justice organizations is your country part of? Has it participated?4. How can states more successfully cooperate and comply with international judicial procedures?

5. What issues do these crime-fighting organizations address? Does your nation support the manner in which this is done?6. Is your country fairly represented in UN justice organs? If not, how can this be remedied?

7. How, if any, apprehensive is your country about the international judicial system? What are the reasons behind this apprehensiveness?

Additional Resources

*Question on Arrest:*https://iccforum.com/arrest

*The Decline of the International Court of Justice:*https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1499&context=law\_and\_economics

*The International Criminal Court: Reputation and Reform:*https://globalpublicpolicywatch.org/2017/01/27/the-international-criminal-court-reputation-and-reform/

*Interpol Faces Scrutiny over Its Global Arrest Alerts:*https://www.theglobeandmail.com/report-on-business/industry-news/the-law-page/interpols-widening-net-faces-scrutiny-over-global-arrest-alerts/article26550633/

*Issues With The European Arrest Warrant International," October 2013,* https://www.lawteacher.net/free-law-essays/international-law/issues-with-the-european-arrest-warrant-international-law-essay.php.

*Claire Garbett, "The International Criminal Court and restorative justice:* victims, participation and the processes of justice," Restorative Justice, 5:2, 198-220, DOI:10.1080/20504721.2017.1339953. 2017. https://www.tandfonline.com/doi/full/10.1080/20504721.2017.1339953?src=recsys.

*Ida Karlsson, "Interpol accused of undermining justice," Al Jazeera, March* 20, 2014, https://www.aljazeera.com/humanrights/2014/03/interpol-accused-undermining-justice-201432010467639126.html

For any query, feel free to contact the Executive Board members. Their e-mail addresses are given below:

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Happy Researching!