


# THE BASICS OF INTERNATIONAL COOPERATION IN FORENSIC ACTIVITY ON THE EXAMPLE OF THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION – INTERPOL


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## ABSTRACT

This article discusses the current areas of international cooperation in the fight against crime based on the example of the International Organization of Criminal Police – Interpol. In research we use dialectical dispositions, general scientific methods and special methods. Not correcting the study, also used private scientific methods: formal-legal, formal-logical, systemic and comparative. The results will show that international cooperation in forensic activities must be carried out with an agile management, which brings together the national interests of two States and various instruments of regulation of the interaction. In order to understand two objectives, functions, principles and means of mutual activities through Interpol, it will provide the police and judicial authorities of two member states to obtain greater efficiency from their cooperation.

**Keywords:** International cooperation. International Criminal Police Organization – Interpol. National Central Office. Forensic activity. Forensic records.

## NOÇÕES BÁSICAS DE COOPERAÇÃO INTERNACIONAL EM ATIVIDADE FORENSE, A PARTIR DO EXEMPLO DA ORGANIZAÇÃO INTERNACIONAL DE POLÍCIA CRIMINAL – INTERPOL

LOS FUNDAMENTOS DE LA COOPERACIÓN INTERNACIONAL EN LA ACTIVIDAD FORENSE EN EL EJEMPLO DE LA ORGANIZACIÓN INTERNACIONAL DE POLICÍA CRIMINAL – INTERPOL

## RESUMO

Este artigo discute as áreas atuais da cooperação internacional na luta contra o crime ou com base no exemplo da Organização Internacional de Polícia Criminal - Interpol. Na pesquisa, usamos disposições dialéticas, métodos científicos gerais e métodos especiais. Não corrigindo o estudo, também utilizou métodos científicos privados: formal-legal, formal-lógico, sistêmico e comparativo. Os resultados mostrarão que a cooperação internacional em atividades forenses deve ser realizada com uma gestão ágil, que reúna os interesses nacionais dos dois Estados e diversos instrumentos de regulação da interação. A fim de compreender dois objetivos, funções, princípios e meios de atuação mútua por meio da Interpol, ela proporcionará às autoridades policiais e judiciais de dois Estados membros a obtenção de maior eficiência em sua cooperação.

**Palavras-chave:** Cooperação internacional. Organização Internacional de Polícia Criminal – Interpol. Escritório Central Nacional. Atividade forense. Registros forenses.

## RESUMEN

Este artículo discute las áreas actuales de cooperación internacional en la lucha contra el crimen a partir del ejemplo de la Organización Internacional de Policía Criminal - Interpol. En la investigación utilizamos disposiciones dialéticas, métodos científicos gerais e métodos especiales. No corrigiendo el estudio, también se utilizaron métodos científicos privados: formal-legal, formal-lógico, sistêmico y comparativo. Los resultados mostrarán que la cooperación internacional en actividades forenses debe realizarse con una gestión ágil, que aúne los intereses nacionales de dos Estados y diversos instrumentos de regulación de la interacción. Para comprender dos objetivos, funciones, principios y medios de actuación mutua a través de Interpol, se pondrá a disposición de las autoridades policiales y judiciales de dos Estados miembros para obtener una mayor eficiencia de su cooperación.

**Palabras-clave:** Cooperación internacional. Organización Internacional de Policía Criminal – Interpol. Oficina Central Nacional. Actividad forense. Registros forenses.

## INTRODUCTION

International cooperation in the fight against crime is one of the relevant areas of interstate relations. This situation is due to the growth of transnational organized crime, affecting the interests of many states, the complication of methods of committing criminal acts (including IT technologies), which determines the importance and significance of the timely pooling of efforts of most states to solve the key task - the fight against crime.

Invaluable assistance in the disclosure and investigation of crimes is provided by the International Criminal Police Organization - Interpol. Over the past year, searches in the Interpol databases reached 5.4 billion times, which is 18% more than in the previous year (ABOUT INTERPOL. Available: <https://www.interpol.int/fr>. Access: 25 Dec. 2019). Such a significant increase is primarily due to the modernization of equipment and the introduction of new information systems.

## METHODS

The research used the provisions of dialectics, general scientific, and special methods. In the course of the study, private scientific methods were also used: formal-legal, formal-logical, systemic and comparative.

## DISCUSSION AND RESULTS

Significant growth at the end of the XX - beginning of the XXI centuries of transnational crimes, caused by economic, scientific, technical, and social reasons, justifiably necessitated the preparation of the conceptual foundations of international cooperation of the Russian Federation and European states in the field of forensic activities. The implementation of such cooperation was expressed in the adoption of various regulatory legal acts.

Recently the Russian Federation has signed and ratified such international acts as the Convention against Transnational Organized Crime (New York, November 15, 2000); Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters (Chisinau, October 7, 2002); Council of Europe Convention on the Laundering, Detection, Seizure and Confiscation of the Proceeds of Crime and on the Financing of Terrorism (CETS No. 198) (Warsaw, May 16, 2005); Convention for the Suppression of Counterfeit Medical Products and Similar Crimes Endangering the Health of the Population ETS No. 211 (Moscow, October 28, 2011) and others.

The Russian Federation has been carrying out international cooperation with law enforcement bodies of other states since the decree of the President of the Russian Federation No. 1113 of July 30, 1996 "On the participation of the Russian Federation in the activities of the International Criminal Police Organization - Interpol" entered into legal force. In accordance with Art. 2 of the Constitution of Interpol (came into force on June 13, 1956, as amended in 2017) (AG-2015-RES-01 - Pilot project concerning a new category of notice specifically devoted to the tracing and recovery of assets («Silver Notice») - 84TH INTERPOL GENERAL ASSEMBLY KIGALI, RWANDA, 2-5 NOVEMBER 2015. (Available at: <http://www.interpol.int/About-INTERPOL/Structure-and-governance/GeneralAssembly-Resolutions/Resolutions-2010>. Access: 25 Dec. 2019). The objectives of this organization are the cooperation of all criminal police authorities in accordance with the current legislation of the country and the Universal Declaration of Human Rights (adopted UN General Assembly 10.12.1948), as well as the creation and development of units aimed at the prevention of crime. The fundamental task of Interpol is to unite the efforts of national law enforcement agencies of the participating countries in the fight against crime.

To ensure continued mutual assistance of the police services of member states, each country defines a special body - the National Central Bureau, which interacts with law enforcement and judicial authorities at the national level, at the international level with the National Central Bureau of other participating States and the Interpol General Secretariat. The order of the Ministry of Internal Affairs of Russia No. 305 dated March 31, 2012 "On the Approval of the Regulations on the National Central Bureau of Interpol of the Ministry of Internal Affairs of the Russian Federation" regulates the place and status of the bureau in the system of the Ministry of Internal Affairs of Russia, tasks, functions, powers, organization, and support of its activities.

Interpol acts on the basis of its established rules for data processing (Constitution of the INTERPOL [I/CONS/GA/1956/2017]). They contain rules governing the general principles of international cooperation, the legal status of participants, the procedure for processing and using the information received, supervision and monitoring of users and information, and other provisions. Data processing rules govern the international exchange of forensic information (INTERPOL: Red Notices. July 2010) between 194 participating

countries (INTERPOL's Rules on the Processing of Data. III/IRPD/GA/2011 2019). These rules determine the possibility of using modern information technologies that are aimed at respecting human rights (Lorraine Finlay What is an Interpol red notice and how does it work? 31 Jan 2019). Interpol does not have the right to intervene in matters related to a political, military, religious or racial orientation (Michelle Estlund, Isabel Alcántara INTERPOL's tools and the increase in searches for wanted individuals. January 21, 2020).

Interpol database searching is possible in real time as part of investigations of crimes by participating countries. Access to the information retrieval system is carried out through an electronic network that connects the law enforcement agencies of all participating countries and allows authorized users to exchange confidential information with their colleagues around the world.

The information received by Interpol is processed and used to create and maintain forensic records. The basic identification elements of such accounts are general demographic features of a person, external characteristics of an object, methods of committing a crime, specific characteristics of a person, etc.

Forensic records of Interpol are in the form of card files, such as alphabetical files; criminal appearance data; fingerprint; photo library; missing persons and unidentified corpses; documents; fake money and other means of payment with numbered data; ways of committing crimes; stolen vehicles, works of art, cultural property and antiques, jewelry; hand rifled firearms. The Interpol General Secretariat updates these records with operational information and provides access to authorized users in accordance with the Data Processing Rules.

Requests from the General Secretariat and the National Central Bureau of the Member States are sent directly to the head of the bureau of their country. This information is labeled in accordance with their hazard category. The Interpol General Secretariat issues the so-called color notifications ("cards"), the upper right corner of which is marked with the corresponding color: red (Red Notice), yellow (Yellow Notice), blue (Green Notice), green (Purple Notice), black (Black Notice), and orange (Orange Notice). In addition, one of the types of "cards" is the notification of the Security Council of the United Nations (United Nation Notice), which informs the members of Interpol that an individual or legal entity is subject to UN sanctions.

With the participation of the National Central Bureau of Interpol of the Ministry of Internal Affairs of Russia, a Silver Notice (Nyman Gibson Miralis INTERPOL's Rules on the Processing of Data (RPD): Changes on the horizon? URL: <https://www.lexology.com/library/detail.aspx?g=b0dc6adf-d9b6-49f0-901b-5fdc7633ad91>. Accessed: 25 Dec. 2019). was developed to combat money laundering.

Membership in the organization makes it possible to use Interpol records in order to obtain reference, forensic and other information, cooperate with law enforcement agencies of the participating states, publish forensic information about wanted persons, vehicles, works of art, cultural property, antiques, stolen and lost documents, etc.

In order to increase the efficiency of the capabilities of Interpol, various forms of interaction between Member States and representatives of this organization are being implemented. In particular, joint conferences are held to study individual problematic issues in the field of forensic activity. Over the past three years, international conferences on the exchange of experience have been held in Singapore ("Innovative Assistance to Counteract Security Threats", 2017), in France ("Towards Modern Police Activities - the Future Today", 2018), in Poland (47th European Regional Conference of Interpol, 2019), etc.

## SUMMARY

International cooperation in forensic activities should be carried out with its flexible management, which combines the national interests of states and various instruments for regulating such interaction. An understanding of the objectives, functions, principles, and means of mutual activities through Interpol will provide law enforcement and judicial authorities of the member states to achieve the greatest effectiveness of such cooperation.

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