

The Importance of Pre-emptive Submissions to INTERPOL to International Protection Strategies

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The best way to protect a client from [harassment through INTERPOL](#) is to prevent harassment before it materializes. That is the objective of a pre-emptive submission to INTERPOL. The advantages of these submissions for politically exposed persons are under-appreciated and can present a critical opportunity to shift legal strategy from defense to offense.



INTERPOL's communications, particularly its [Red Notices](#), are often used by regimes to threaten political opponents, high-net-worth individuals, or businesspeople engaged in contractual disputes with regime supporters. The effects of this abuse can be devastating, ranging from detention and extradition to closure of bank accounts and inability to travel internationally.

[INTERPOL](#) does have a mechanism – the Commission for the Control of INTERPOL's Files (CCF) – that individuals suffering from this abuse can use to request the deletion of abusive Red Notices. But the deletion process is slow and opaque, with most cases taking a year or more and appeals dragging on for multiple years. Most importantly, any relief obtained through the CCF is partial at best. It cannot undue the injury inflicted, and it too often leaves outdated derogatory information derived from the abuse in national police and immigration records.

This emphasizes the value of preventing INTERPOL trouble before it arises. Instead of seeking solely to fix damage after it occurs, attorneys should focus, when possible, on preventing it from happening in the first place.

INTERPOL has recently acknowledged the existence of a procedure for making pre-emptive submissions to the CCF. While the term “pre-emptive” does not appear in the CCF's Statute, INTERPOL states that it “has generally been understood to refer to those requests addressed to the Commission in which the requester asks INTERPOL not to process any future data in its files even when there are no data currently in INTERPOL's files.”

Once the CCF receives a pre-emptive submission, it passes the submission to INTERPOL's General Secretariat in order to inform the Secretariat's review of any Red Notice request received related to the individual named in the submission. The CCF will not take further

action unless it receives a separate request for access, correction, or deletion from that individual.

INTERPOL offers little guidance about what kind of information a pre-emptive submission should contain, merely stating that individuals should “submit all relevant information and corresponding documents in a concise format.”

Because a pre-emptive submission seeks to demonstrate that it would be against INTERPOL’s rules to publish a Red Notice, a pre-emptive submission should follow the same format, and contain the same types of information, as a request to delete a Red Notice. An attorney with knowledge of CCF procedures will be best able to ensure that a pre-emptive submission has the information and arguments that INTERPOL needs to arrive at the correct conclusion.

Pre-emptive submissions are not foolproof, and they do carry risks. Merely making such a submission on behalf of a client does not guarantee that INTERPOL will not publish a Red Notice on that client.

Moreover, while a pre-emptive submission is a barrier to the publication of a Red Notice, it does not prevent the publication of a Blue Notice or the transmission of a Wanted Person Diffusion (sometimes known as a ‘Red Diffusion’), which are not systematically reviewed in advance by INTERPOL. Similarly, a pre-emptive submission cannot stop abuse through INTERPOL’s Stolen and Lost Travel Documents database.

Finally, while the CCF is bound to respect the confidentiality of submissions to it, INTERPOL’s General Secretariat is not so bound. A pre-emptive submission could thus leak back to abusive national authorities through the General Secretariat. This risk is small, but it does exist, and it must be made clear to and weighed by clients.

But in many cases, the advantages of a pre-emptive submission outweigh any risks it might pose. Politically exposed or high-net-worth individuals from nations known for INTERPOL abuse—such as China, Russia, Turkey, Iran, Venezuela, India, Rwanda, and the countries of Central Asia and the Persian Gulf—should consider making pre-emptive submissions to INTERPOL. Entrepreneurs working in or with these nations should also take similar precautions instead of waiting in fear of being targeted.

Grossman Young & Hammond has a record of successful submissions to the CCF, and of using its expertise to defend clients abused through INTERPOL as part of a broader international protection strategy. It can advise on the value of a pre-emptive submission in a particular case, craft submissions, and update them as the circumstances of the client change.