

Remarks – Galit Chamin Greenberg

Executive Directorate of Legal Affairs

Updating of the UNODC Manual on Extradition and Mutual Legal Assistance (2012)

Good afternoon, my name is Galit Chamin Greenberg and I am presently a Counsel with the Executive Directorate Legal Affairs at INTERPOL. Prior to my current position at INTERPOL, I worked for 14 years at Israel's Ministry of Justice, Department of International Affairs in the Office of the State Attorney, which serves as Israel's Central Authority under bilateral and multilateral mutual legal assistance and extradition treaties. I am familiar with the challenges that practitioners face when tackling complex cases of international cooperation. My remarks today will focus on the Manual's description of INTERPOL's role in the MLA and extradition processes and its value to practitioners in the furtherance of informal communication and I will suggest one proposed update with regards to the use of INTERPOL channels for the transmission of MLA requests.

When considering an update of the Manual, we would first like to acknowledge that in its current form, the Manual already does an excellent job of describing various INTERPOL tools and the different ways practitioners may use INTERPOL channels. These references appear primarily in Section V of the Manual in reference to Central Authorities, regarding the importance of communicating with the right people, and clearly describes INTERPOL's complementary interaction with central authorities, as well as under Sections VI, related to the extradition process, and Section VII, related to the preparation, issuance and follow up of MLA requests.

For example:

- the manual notes that INTERPOL may be used for the transmission of MLA requests in urgent circumstances via INTERPOL channels, under Art. 18(13) of the Convention (*par. 73, p. 31 and par. 154, p. 67 of the manual*), as well as for the transmission of requests for provisional arrest via INTERPOL channels (*par. 136 of the manual, pg. 58*)

- The manual also accurately references that INTERPOL requests (blue or red notices) made early in the investigation may help in locating the suspect (*par. 132 of the Manual, page 56*);
- The manual indicates to practitioners that the online directory of competent national authorities contains information on which requests may be made through INTERPOL (*p. 43 of the manual*)
- Finally, and importantly, the manual highlights INTERPOL's important role in the often crucial stage of police-to-police communication, noting INTERPOL's consistent role in assisting its members in investigations (*par. 153 of the manual, p. 66*)

INTERPOL, as an intergovernmental Organization composed of 195 Member States, is the largest and oldest intergovernmental organization dedicated to ensuring the widest possible mutual assistance and cooperation among police and law enforcement authorities and offers concrete operational support to law enforcement authorities of its Members States for the prevention, detection, investigation and disruption of transnational organized crime, within the limits of the national laws of its Member States and in the Spirit of the Universal Declaration of Human Rights.

INTERPOL's secure communication network is an essential tool, available to all member countries and allowing for the real-time, early, and secure exchange of information as well as allowing for the transmission of MLA, provisional arrest, and extradition requests between Member States.

As my time is short, I would like to focus on one of the elements that has been proposed for amendment or update – Section V, relating to Central Authorities. **The manual encourages Central Authorities to “actively promote cooperation with established networks such as those provided and maintained by INTERPOL”**. In this respect, INTERPOL welcomes the suggestion (*Sec. 11 of the outline*) that the manual highlight the flexibility offered by the Organized Crime Convention in relation to the use of various communication channels for the transmission of MLA requests, including through INTERPOL in urgent circumstances. As the expression “urgent circumstances” is not explicitly defined in the text of the convention, this can be subject to contrasting interpretations.

Thus we propose that the manual may reflect that the term “urgent” can be interpreted broadly to include time-sensitive legal needs, in addition to more extreme situations such as imminent threat to life.

With regards to law enforcement cooperation, the manual highlights INTERPOL's availability to practitioners in the pre-MLA phase, where informal communication may assist practitioners in formulating an accurate and effective MLA request that and ensuring that once it is sent via the formal channels, it will be received by the appropriate authority in the requested country and can be acted upon quickly.

The manual may further highlight the importance of law enforcement cooperation in the pre-extradition phase. INTERPOL has unique tools to assist in the location, and provisional arrest of fugitives, to initiate the extradition process. INTERPOL's notices and diffusions -requests for location and arrest of fugitives – can be sent through the I/24-7 communications platform to one, several, or all INTERPOL members. Its Member States can act or not on these notices in accordance with their national laws.

We encourage the experts to continue with their important work and provide practitioners with the full range of information on how to best use these tools.

Thank you