

Explainer: what is an Interpol red notice and how does it work?

Written by Lorraine Finlay, Lecturer in Law, Murdoch University

The arrest and detention of former Bahraini national, footballer Hakeem Al-Araibi, has gained [international attention](#)

. Al-Araibi fled Bahrain in 2014 and was subsequently granted refugee status in Australia. He was arrested after travelling to Thailand on his honeymoon late last year, and has now spent [over 60 days inside Bangkok's Remand Prison](#)

Thai authorities arrested Al-Araibi on the basis of an [Interpol](#) red notice that Bahrain had requested. Despite the red notice now being withdrawn, Al-Araibi remains in jail and [Bahrain has formally filed extradition documents](#)

. [There are fears Al-Araibi may be jailed and tortured if extradited to Bahrain](#)

. This week, Prime Minister Scott Morrison [has written to his Thai counterpart](#)

, urging him to prevent Al-Araibi's extradition and release him.

The footballer's case raises important questions about how this arrest was able to take place. The case has also highlighted concerns about some states' misuse of Interpol red notices to pursue refugees.

Read more: [Explainer: how Australia decides who is a genuine refugee](#)

What an Interpol red notice is (and is not)

The most common misconception about Interpol red notices is that they are international arrest warrants. They are not. Interpol is [an international organisation of 194 member states](#) (including Australia) created to enhance worldwide police cooperation. It does not have the power itself to arrest or detain anybody.

Interpol does, however, coordinate an international notice system that allows police in member

Explainer: what is an Interpol red notice and how does it work?

Written by Lorraine Finlay, Lecturer in Law, Murdoch University

states to share critical information. Interpol issues (or publishes) red notices as part of this system.

A red notice is effectively a request by a member state for other states to help locate and arrest a person wanted in a criminal matter, so that person can be extradited. Red notices are an increasingly significant law enforcement tool, [with 13,048 issued in 2017](#).

While Interpol publishes and disseminates red notices, it is the requesting country that's actually seeking help to find a wanted person. It is also important to note that this is a voluntary system. No state is legally obliged to arrest somebody based on a red notice. Interpol recognises that “[each member country decides for itself what legal value to give a red notice within their borders](#)”.

Read more: [***FactCheck: are Interpol red notices often wrong?***](#)

Certain criteria govern whether a red notice is published. Importantly, Interpol is strictly forbidden under its constitution from undertaking “[any intervention or activities of a political, military, religious or racial character](#)”, and is meant to act in “[the spirit of the Universal Declaration of Human Rights](#)”.

In terms of the red notice system, this means Interpol should not publish notices that are politically motivated or violate obligations imposed under international human rights law.

How about refugees?

There has been growing concern about the potential misuse of red notices to target refugees. The case of Hakeem Al-Araibi is unfortunately not an isolated incident.

Explainer: what is an Interpol red notice and how does it work?

Written by Lorraine Finlay, Lecturer in Law, Murdoch University

Recent high profile examples include the arrest and detention of [Russian activist Petr Silaev in Spain](#), [Indian refugee Paramjeet Singh Saini in Portugal](#) and [Algerian human rights lawyer Rachid Mesli in Italy](#).

Reforms have been introduced to address these concerns, [including a new Interpol refugee policy in 2015](#). In essence, this says that a red notice should not be issued against a refugee when it has been requested by the country from which the refugee initially fled.

Given this, Al-Araibi's confirmed refugee status meant Interpol should have rejected Bahrain's request for a red notice.

Read more: [***A triple execution in Bahrain has provoked national outrage – and international silence***](#)

Clearly, the red notice against Al-Araibi did not comply with Interpol rules. This is reinforced by the fact that it was so quickly withdrawn. Of course, by then the damage had already been done, as Al-Araibi had already been arrested and detained.

The difficulty lies in how this refugee policy is applied. Interpol examines red notice requests for compliance before publication. But it does not automatically have access to refugee status decisions by member states, nor should it, given the sensitivity of that information.

There is also too often a disconnect at the national level between law enforcement and immigration agencies. What this means is that information about refugee status may not automatically or necessarily be shared with the national law enforcement officers dealing with red notices.

What does this mean for Hakeem Al-Araibi and other refugees?

Hakeem Al-Araibi's case highlights significant flaws in this system. A red notice should never have been issued. But it is easy to see how this could occur.

Interpol would not necessarily have been aware of Al-Araibi's refugee status. [However, questions have been raised about the involvement of Australian authorities](#)

, with confirmation that the

[Australian Federal Police advised Thai authorities of Al-Araibi's scheduled arrival in Thailand](#)

. This type of information is routinely shared under red notices and it is entirely possible that the relevant Australian officers did so without being alerted to Al-Araibi's refugee status.

While it is easy to see how this could occur, it is critical to ensure it never happens again. At the very least, Australia should make sure someone's refugee status is routinely checked before it shares any information related to a red notice. We should also be conducting proactive screening to make sure no-one who is granted refugee status in Australia is subject to a red notice.

An important tool

The red notice system is an important tool for facilitating international police cooperation. Similarly, Australia has a strong national interest in maintaining cooperative relationships with neighbouring law enforcement agencies.

However, Al-Araibi's case highlights the life-threatening consequences that can result from the misuse of cooperative mechanisms like red notices.

Australia needs to do everything it can to bring Hakeem Al-Araibi home. And we must also immediately put in place safeguards to ensure it never happens again.

Lorraine Finlay is affiliated with the Liberal Party of Australia, being a former President of the Liberal Women's Council (WA).

Explainer: what is an Interpol red notice and how does it work?

Written by Lorraine Finlay, Lecturer in Law, Murdoch University

Authors: Lorraine Finlay, Lecturer in Law, Murdoch University

Read more <http://theconversation.com/explainer-what-is-an-interpol-red-notice-and-how-does-it-work-110688>