

How Much Political Motivation is Too Much for INTERPOL?

By Michelle A. Estlund on October 13, 2011

A good number of people who complain about unfairly issued Red Notices argue that the charges underlying their Red Notices are politically motivated. Many times, the claim of political motivation is true.

A government's basis for bringing charges against one of its citizens or residents may stem from the governing regime's desire to control dissidents, to quiet whistleblowers, or to discourage political opposition. As any human rights non-governmental organization can attest, politically motivated criminal charges are brought with frequency in many countries.

INTERPOL's Constitution prohibits INTERPOL from becoming involved in any matter of a political character. Nonetheless, the argument that a Red Notice is politically based can be made, substantiated, and submitted with proof to INTERPOL, and the subject's request to remove the Red Notice can still be validly denied.

How can such a claim fail? For INTERPOL, the existence of political motivation is not the only determining factor regarding whether a Red Notice is properly issued or not. There are certainly numerous criminal cases in any country which are brought based on legitimate criminal violations, but which are also partially based on the political motivation of a government official. Because of this reality, INTERPOL will only categorize a Red Notice request as impermissibly politically motivated when the primary character is political.

If this sounds a bit like the old, "[I know it when I see it](#)" standard articulated for pornography by American Supreme Court Justice Stewart, take solace in this: INTERPOL does have actual criteria that it applies to each case to determine whether it is primarily politically motivated or based on the stated crime. If INTERPOL agrees that the primary motivation for the Red Notice request is political, then it will be deemed inappropriate for INTERPOL's involvement.

As always, thoughts and comments are welcomed.