

RESOLUTION

Subject: Statement to Reaffirm the Independence and political Neutrality of Interpol

The ICPO-Interpol General Assembly, meeting in Rio de Janeiro, Brazil, from 19 to 22 September 2006 at its 75th session:

RECALLING that the Organization was created in 1923, under the name of the INTERNATIONAL CRIMINAL POLICE COMMISSION (ICPC), and that its constituent instrument was revised in 1939 and in 1946;

RECALLING that in 1955 it was felt necessary to revise the constituent instrument of the Organization, in order to ensure and strengthen its position as an independent and neutral intergovernmental organization;

NOTING that, to this end, during the 25th session of the General Assembly of the ICPC, held in Vienna from 7-13 June 1956, the new Constitution of the International Criminal Police Organization (ICPO-Interpol) was adopted in 1956, in which the following elements are included:

- (a) The Organization as a standing intergovernmental organization rather than a committee (Art. 1), with its own organs (Art. 5), and with a life of its own, independent of the countries which gave birth to it;
- (b) The prohibition on engaging in any activities of a political, military, racial or religious nature (Art. 3);
- (c) The freedom of member countries to appoint their delegates to the GA (composition delegations (Art. 7);
- (d) The independence of the Executive Committee (Art. 21);
- (e) The independence of the General Secretariat (Art. 30);
- (f) The duty of collaboration and creation of NCBs (Art. 31);

WELCOMES THE FACT that the Organizations' independence has been confirmed by courts and that tribunals in member countries have recognized that the Organization has an existence separate from its member countries, and, in particular, that the International Labour Organization's Administrative Tribunal (ILOAT) has expressly ruled that the Organization is an independent international organization, which is not subject to any national law;

WELCOMES also the recognition of the Organization as an international legal person by other intergovernmental organizations, particularly by the United Nations;

NOTES, however, that over the last 50 years it became evident that it was necessary to undertake steps to preserve the independence and neutrality of the Organization, which include measures:

- To establish data protection rules, and to create the Commission for the Control of Interpol's Files in order to avoid interference by national data protection bodies;
- To establish its own Staff Regulations pursuant to Article 53 of the General Regulations and adhere to the jurisdiction of the ILOAT in order to avoid being subjected to national labour laws and labour courts;

EXPRESSES concern that despite the relative success of the Constitution in preserving the neutrality and independence of the Organization, the Organization faces continuous challenges, which lately have taken the following forms:

- Measures affecting the member countries' freedom to compose delegations to statutory meetings of the Organization;
- Measures affecting the independence of the staff members seconded to the General Secretariat;
- Measures affecting the independence of the members of the Executive Committee;
- Measures affecting the venue of sessions of statutory bodies.

RESOLVES to:

1. Confirm the principles of neutrality and independence enshrined in Interpol's Constitution;
2. Thank the member countries and intergovernmental organizations for helping the Organization to uphold these principles;
3. Call upon all member countries and intergovernmental organizations to respect the independence and neutrality of either the Organization itself, the Executive Committee, or the General Secretariat;
4. Call upon the General Secretariat as well as the member countries to consult with one another or with any intergovernmental institution contemplating to take measures which would interfere with the Organization's neutrality and independence;
5. Task the Executive Committee and the Secretary General to continue to take all steps necessary to ensure the neutrality and independence of the Organization as set forth in the provisions of the Constitution and to report to the General Assembly as to the concrete steps taken in this regard.

Adopted.