

COMMENTS

Interpol’s Silver Notice: The Next Step in Transnational Asset Recovery

Anna Arrigo*

I.	INTRODUCTION	235
II.	THE FIRST SILVER NOTICE	237
	A. <i>What Came Before: The Mutual Legal Assistance Request</i>	237
	B. <i>Interpol Launches the Silver Notice</i>	238
	1. Money Laundering	239
	2. The Notice’s Legal Framework.....	240
	3. Italy’s Request	242
	4. Compliance	243
III.	INTERPOL’S SUITE OF COLOR-CODED NOTICES.....	245
	A. <i>General Overview</i>	245
	B. <i>Comparing the Red Notice to the Silver Notice</i>	246
	1. Controversies of the Red Notice	247
	2. Potential Policy Implications of the Silver Notice.....	248
	3. Updating Interpol’s Notice System Through the Silver Notice	250
IV.	CONCLUSION	251

I. INTRODUCTION

Criminal organizations around the globe utilize asset laundering, trafficking, and smuggling mechanisms to grow their enterprises, making asset tracing and recovery an important tool to combat transnational criminal activity. Crimes are becoming increasingly more international, making it extremely necessary for there to be institutions and protocols in place to navigate the complexities of modern criminal enterprises.¹ The

* © 2026 Anna Arrigo.

1. *What is Interpol?*, INTERPOL, <https://www.interpol.int/en/Who-we-are/What-is-INTERPOL2> (last visited Apr. 6, 2025).

International Criminal Police Organization (Interpol) serves the unique role of global policing, managing transnational criminal databases, and offering support and expertise for tackling specialized crime in the global arena among 196 member countries.² These areas of specialized crime primarily include terrorism, cybercrime, organized crime, financial crime, and anti-corruption.³

This organization was founded in Vienna in 1923 at the Second International Criminal Police Conference and was originally known as the International Criminal Police Commission (ICPC).⁴ The main aim of the ICPC was to provide mutual assistance between police forces in different countries.⁵ In 1956, the ICPC modernized, becoming what is now known as Interpol, but its mission remains the same.⁶ To effectively achieve its goals, Interpol utilizes color-coded Notices and Diffusions,⁷ with each color corresponding to various goals of the organization, such as tracking wanted persons,⁸ missing persons,⁹ threats,¹⁰ and the like.¹¹ In 1947, Interpol issued its first Notice, a Red Notice, and also rolled out the Blue, Yellow, Black, Purple, and Green Notices.¹² In 2004, Interpol added the Orange Notice to its Notice scheme.¹³ In January 2025, Interpol launched the pilot phase for its newest Notice, the Silver Notice, with Italy leading the charge to target transnational organized criminal activity.¹⁴ The Silver

2. *Id.*

3. *Id.*

4. *How Our History Started*, INTERPOL, <https://www.interpol.int/en/Who-we-are/Our-history/How-our-story-started#:~:text=Participants%20at%20the%20second%20International,between%20police%20in%20different%20countries%20> (last visited Apr. 5, 2025).

5. *Id.*

6. *Id.*

7. *About Notices*, INTERPOL, <https://www.interpol.int/en/How-we-work/Notices/About-Notices> (last visited Apr. 5, 2025) (stating that diffusions are distinct from Notices in that they allow Interpol member countries to request cooperation from each other, and they are circulated directly by a member country's National Central Bureau to that of all or some other member countries).

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. *Key Dates*, INTERPOL, <https://www.interpol.int/en/Who-we-are/Our-history/Key-dates> (last visited Apr. 5, 2025).

13. *Id.*

14. *INTERPOL publishes first Silver Notice targeting criminal assets*, INTERPOL (Jan. 10, 2025), <https://www.interpol.int/en/News-and-Events/News/2025/INTERPOL-publishes-first-Silver-Notice-targeting-criminal-assets>.

Notice was added to enhance global law enforcement cooperation in asset recovery and is claimed to be especially suited to target organized crime.¹⁵

This Comment examines the Silver Notice in its initial stage of development, considering the former mechanism for transnational asset recovery, addressing the Notice's potential implications for the member countries involved and the criminal enterprises it seeks to address, evaluating potential human rights concerns and other policy implications, and the necessity of such a notice in the current global legal framework. Furthermore, this Comment provides a comparative analysis of Interpol's Notice scheme, primarily focusing on the Silver Notice and Interpol's controversial Red Notice.

II. THE FIRST SILVER NOTICE

A. *What Came Before: The Mutual Legal Assistance Request*

Before Interpol launched its Silver Notice, the judiciary of a nation would have to issue a Mutual Legal Assistance Request (MLAR), which was then typically transmitted through diplomatic channels.¹⁶ The Mutual Legal Assistance Request grew out of Treaties on Mutual Legal Assistance in Criminal Matters (MLATs), which enable law enforcement authorities and prosecutors to obtain evidence, information, and testimony abroad in a form admissible in the courts of the requesting state.¹⁷ These treaties have the force of law,¹⁸ but that does not make them expeditious, or even necessarily effective. In fact, the issuance of an MLAR is a slow process that rarely serves to give countries in need the information or assistance they desperately seek.¹⁹

MLARs can be requested for a multitude of purposes, including (1) taking evidence or statements from persons, (2) effecting service of judicial documents, (3) examining objects and sites, (4) providing

15. *Id.*

16. *Mutual Legal Assistance (MLA)*, UNITED NATIONS OFFICE ON DRUGS AND CRIME, <https://www.unodc.org/e4j/ru/organized-crime/module-11/key-issues/mutual-legal-assistance.html> (last visited Apr. 5, 2025).

17. *Mutual Legal Assistance Treaties of the United States*, U.S. DEP'T OF JUST., at 2 (Apr. 2022), <https://www.justice.gov/d9/pages/attachments/2022/05/04/mutual-legal-assistance-treaties-of-the-united-states.pdf>.

18. U.S. Dep't of Justice, *Criminal Resource Manual* § 276, *Treaty Requests*, U.S. DEP'T OF JUST. ARCHIVES, <https://www.justice.gov/archives/jm/criminal-resource-manual-276-treaty-requests> (last visited Apr. 5, 2025).

19. Jonah Anderson et al., *Interpol's first Silver Notice: Increasing global law enforcement cooperation to facilitate international asset recoveries*, WHITE & CASE, LLP (Jan. 27, 2025), <https://whitecase.com/insight-alert/interpol-s-first-silver-notice-increasing-global-law-enforcement-cooperation>.

information, evidentiary items, and expert evaluations, (5) providing originals or certified copies of relevant documents and records, (6) identifying or tracing proceeds of crime, property, instrumentalities, or other things for evidentiary purposes, (7) facilitating the voluntary appearance of persons, and (8) any other type of assistance that is not contrary to the domestic law of the requested State.²⁰ The fact that this list includes so many possible requests means that there is no streamlined process specifically targeted at transnational asset recovery.²¹ Furthermore, differing jurisdictional requirements for MLARs often made them difficult to process and ultimately satisfy, leaving requesting countries in a state of limbo as they awaited assistance.²²

B. *Interpol Launches the Silver Notice*

Interpol's General Assembly met for its ninety-first session in 2023 and, "[welcoming] the efforts undertaken by [Interpol] in recent years to coordinate a global response against financial crime and corruption . . .," decided to approve the recommendation of Interpol's Expert Working Group²³ on Asset Tracing and Recovery to create a new Notice targeting transnational asset recovery.²⁴ Interpol introduced the Silver Notice as part of its multi-colored scheme of Notices and Diffusions with the specific goal of transnational asset tracing and recovery in January 2025.²⁵ This newest Notice is currently in the pilot phase, which will last at least until November 2025, with fifty-two Interpol member countries and territories involved.²⁶ The Notice allows the National Central Bureaus (NCBs) of the fifty-two Interpol member countries participating in the program to request information on assets linked to a person's criminal activities, such as fraud, corruption, drug trafficking, environmental crime, and other serious offenses.²⁷

20. *Mutual Legal Assistance*, *supra* note 16.

21. *Id.*

22. *Mutual Legal Assistance*, STOLEN ASSET RECOVERY INITIATIVE, <https://star.worldbank.org/mutual-legal-assistance> (last visited Apr. 5, 2025).

23. Interpol's "Expert Working Groups" devise creative solutions to various law enforcement issues presented by Interpol's member countries or the General Secretariat that Interpol is tasked with combatting.

24. INTERPOL, Res. GA-2023-91-RES-11, at 1 (Nov. 28-Dec. 1, 2023).

25. *Mutual Legal Assistance*, *supra* note 16.

26. *Id.*

27. *Id.*

1. Money Laundering

Perhaps the most important goal of the creation of the Silver Notice is its focus on one of the weakest parts of the asset recovery process: the detection of illicit financial flows, also known as money laundering.²⁸ “Money laundering is concealing or disguising the origins of illegally obtained proceeds so that they appear to have originated from legitimate sources.”²⁹ It often works in conjunction with other serious crimes, such as drug trafficking, extortion, and many other activities associated with organized crime.³⁰ In today’s global economy, criminals seek to move their money between jurisdictions to stifle law enforcement’s efforts to track and seize the gains of their illicit endeavors, making it increasingly difficult for individual jurisdictions to effectively combat money laundering.³¹ In 2015, only 3-5% of global illicit financial flows were reported to have been seized and confiscated, leading to an increasing need for better asset tracing and recovery.³²

Interpol, as an international law enforcement agency, is in perhaps the best position to use its channels of interconnectivity to facilitate the tracing of illicit funds by corresponding with local police throughout Interpol member country jurisdictions and providing a common base for local law enforcement to find information on relevant money laundering schemes in their respective jurisdictions.³³ Without this kind of interconnectivity, it may be difficult for local authorities to acquire information on this important facet of the criminal enterprise, but Interpol’s new Silver Notice seeks to provide a legitimate, legal framework for doing so.³⁴

28. Rita Simões, *Interpol’s Silver Notice: paving the way to improved asset recovery*, BASEL INSTITUTE ON GOVERNANCE (Jan. 14, 2025), <https://baselgovernance.org/blog/interpol-silver-notice-paving-way-improved-asset-recovery>.

29. *Money Laundering*, INTERPOL, <https://www.interpol.int/en/Crimes/Financial-crime/Money-laundering> (last visited Apr. 5, 2025).

30. *Id.*

31. *Helping Countries Keep Track of the Money*, UNITED NATIONS OFFICE ON DRUGS AND CRIME (May 24, 2013), <https://www.unodc.org/unodc/en/frontpage/2013/May/helping-countries-keep-track-of-the-money.html>.

32. Dennis Miralis, *Reviving the Silver Notice: INTERPOL’s Path to Enhanced Asset Recovery*, NYMAN GIBSON MIRALIS, <https://ngm.com.au/interpol-silver-notice> (last visited Oct. 20, 2025).

33. *Money Laundering*, *supra* note 29.

34. *INTERPOL Publishes First Silver Notice Targeting Criminal Assets*, *supra* note 14.

2. The Notice's Legal Framework

Interpol developed guidelines for member countries to utilize when requesting a Silver Notice as a barrier to entry to hopefully prevent misuse of the Silver Notice program.³⁵ Article 1 of the *Legal Framework Governing The 2025 Silver Notice/Silver Diffusion Pilot* (Legal Framework) lists the purposes of the Notice as locating and identifying assets, obtaining information about assets, and monitoring assets discreetly and/or continuously with the goal of asset forfeiture.³⁶ Such forfeiture, however, is not contingent upon criminal conviction, giving member countries ample leverage to combat transnational organized crime by allowing them to stifle criminal operations in the form of asset seizure before seeking more extreme measures, such as arrest.³⁷ It is important to note that the Legal Framework has not yet been adopted by Interpol's General Assembly, so it is therefore best considered a "draft" or "temporary" framework for the regulation of the Silver Notice.³⁸

Section 1 of Article 2 of the Legal Framework sets out specific criteria for the publication and circulation of Silver Notices, which simply requires that (1) the Notice relates to a natural person³⁹ subject to a criminal investigation, and (2) the Notice relates to a serious crime punishable by a maximum deprivation of liberty of at least four years or a more serious penalty, as governed by Article 2(b) of the United Nations Convention Against Transnational Organized Crime.^{40,41}

Section 2 of the same article of the Legal Framework goes further to provide the minimum data that must be included in the Silver Notice for it to be published.⁴² These minimum requirements include (1) sufficient information to identify the individual, including their name, sex, date of

35. *Legal Framework Governing the 2025 Silver Notice/Silver Diffusion Pilot*, INTERPOL (Jan. 16, 2025).

36. *Id.*

37. *Id.*

38. *Red Notice Abuse Report: Silver Notices and Diffusions Can Be Challenged During Their Pilot Phase, INTERPOL Says*, NEMETS LAW (Jan. 19, 2025), <https://www.nemetslaw.com/post/red-notice-abuse-report-silver-notices-and-diffusions-can-be-challenged-during-their-pilot-phase-interpol-says>.

39. Although the Notice may target organized criminal organizations, the name of a criminal organization on its own is insufficient to fulfill the Notice requirements and requires the name of a person or representative of the organization, specifically, however, the associated criminal organization should be included in a full and complete description of the Notice.

40. *United Nations Convention Against Transnational Organized Crime*, G.A. Res. 55/25, U.N. Doc. A/RES/55/25, at 4 (Nov. 15, 2000), https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_55_25.pdf.

41. *Legal Framework*, *supra* note 35, at 2.

42. *Id.*

birth, and a description of physical characteristics, which may include a photograph of the individual; (2) a summary of the facts of the case and/or investigation, including establishing the link between the criminal activity and the individual targeted by the notice and whether the assets targeted are proceeds of the criminal activity; (3) reference to a valid judicial decision indicating that the targeted assets are linked to the natural person's criminal activity; and (4) the particular charges and/or laws covering the criminal activity.⁴³ It is important to have these minimum requirements for issuance and publication of the Silver Notice because it would be inefficient and ineffective for Interpol to issue notices of this kind without a proper foundation, especially since the pilot program allows member nations to collectively issue up to 500 Silver Notices.⁴⁴ To issue such a large amount of Silver Notices without providing the kind of information required by the Legal Framework would render the program impotent in attaining its goal and subject to misuse and abuse.

Finally, Article 3 of the Legal Framework provides the steps to be taken following the location of targeted assets.⁴⁵ When an asset belonging to the subject of a Silver Notice is located, the country where the asset has been located must (1) immediately inform the requesting NCB and Interpol's General Secretariat⁴⁶ of the fact that the asset has been located and (2) provide information concerning the appropriate procedures the requesting country should take to pursue further actions regarding the asset.⁴⁷ The requesting NCB then must act immediately to ensure the swift transmission of data and supporting documents requested by the country where the asset was located or by the General Secretariat.⁴⁸ Finally, the General Secretariat will assist the relevant NCBs by facilitating the transfer of documents related to the monitoring, restraint, or confiscation order in accordance with the relevant national laws and international treaties governing the parties.⁴⁹ Once assets have been recovered, Interpol, the NCB of the requesting country, and the NCB of the locating country must ensure efficient communication in order to capitalize on the asset

43. *Id.* at 3.

44. *INTERPOL Publishes First Silver Notice*, *supra* note 14, at 3.

45. *Legal Framework*, *supra* note 35, at 3.

46. *General Secretariat*, INTERPOL (Nov. 20, 2024), <https://www.interpol.int/en/Who-we-are/General-Secretariat#:~:text=INTERPOL%20is%20a%20membership%2Dbased,General%20Assembly%20in%20November%202024> (explaining that the General Secretariat runs Interpol's day-to-day activities to support member countries in their international policing).

47. *Id.* at 1.

48. *Id.*

49. *Id.*

recovery and decide a course of action for the next steps to be taken.⁵⁰ Thus, cooperation between participating member countries will be vital in the successful implementation of the pilot program and the future of the Silver Notice.

What constitutes an “immediate” response is not explicitly stated, but based on the purpose of the Silver Notice, which is to locate and recover the assets of criminal organizations, it can be assumed that the NCBs should act as soon as reasonably possible to fulfill the Article 3 criteria so as not to repeat the similar fate of MLAR requesting nations who begrudgingly wait for assistance to little avail.⁵¹

3. Italy’s Request

Italy was the first of the fifty-two participating member countries to request a Silver Notice.⁵² The Notice consisted of a request by Italy for information on assets belonging to a “senior member of the mafia.”⁵³ Prefect Raffaele Grassi, Deputy Director General of Public Security and Director of the Italian Criminal Police, expressed Italy’s pride in being the first to utilize Interpol’s newest Notice, noting the particular significance of the Notice coming out of a request from Florence, a “city synonymous with the Transnational Organized Crime Convention⁵⁴ and its emphasis on the ‘follow-the-money’ principle.”⁵⁵ Italy is well-known as a nation with deeply embedded organized crime, due in large part to the immense assets of these criminal enterprises, making Italian mafia groups among the most threatening organized crime groups in Europe.⁵⁶ These groups grow their power in part by laundering their money and assets as a means to evade law enforcement, and they are largely successful due to the difficulty that law enforcement has had in the tracing of their illicit financial flows.

Italian organized crime groups often launder their money through real estate investments, where they can hide a substantial sum of their assets, but other cash-driven businesses, like restaurants, hotels, and bars,

50. *Id.*

51. Anderson, *supra* note 19, at 2.

52. *INTERPOL Publishes First Silver Notice*, *supra* note 14, at 1.

53. *Id.*

54. *Id.* at 2.

55. *Id.*

56. *Mafia-Structured Organised Crime Groups (OCG)*, EUROPOL, <https://www.europol.europa.eu/crime-areas/mafia-structured-organised-crime-groups-ocg> (last visited Apr. 5, 2025).

are also likely to be vessels for money laundering operations.⁵⁷ Importantly, Italian organized crime groups spread far beyond the territorial lines of Italy.⁵⁸ These groups operate around the globe, including in the United States, France, Spain, the Netherlands, Africa, Eastern Europe, Canada, and Latin America, making international assistance vital to effective law enforcement in Italy, at least where organized crime is concerned.⁵⁹ Furthermore, these groups are also engaged in trafficking and counterfeiting,⁶⁰ examples of other criminal conduct that Interpol hopes to target with the introduction of the Silver Notice.

The power and influence that these groups wield allows them to infiltrate the European and global economy, leading to potentially disturbing effects in the international political arena.⁶¹ Hopefully, utilization of the Interpol Silver Notice will facilitate the recovery of illicit assets by the mafia. However, the results of this venture remain undetermined. If the program produces results, it would make sense for Italy to capitalize on the new program by submitting more requests, so long as they can be substantiated with the requisite information required by the Legal Framework.⁶²

4. Compliance

Like its other color-coded Notices, the Silver Notice is subject to Interpol's compliance procedures.⁶³ Member countries are primarily responsible for ensuring that their requests comply with Interpol rules, national laws, and other international obligations.⁶⁴ Furthermore, Interpol's General Secretariat is tasked with examining the compliance of Notices submitted for approval.⁶⁵ To assist in this endeavor, Interpol created the Notices and Diffusions Task Force (NDF) in 2016.⁶⁶ The NDF consists of lawyers, police officers, and operations specialists with

57. *Threat Assessment—Italian Organised Crime* (June 2013), EUROPOL, at 14, https://www.europol.europa.eu/sites/default/files/documents/italian_organised_crime_threat_assessment_0.pdf?utm_.

58. *Id.* at 3.

59. *Id.*

60. *Id.*

61. *Mafia-Structured Organised Crime Groups*, *supra* note 56.

62. *Helping countries keep track of the money*, *supra* note 31.

63. *Compliance and Review*, INTERPOL, at 1, <https://www.interpol.int/How-we-work/Notices/Compliance-and-review> (last visited Apr. 5, 2025).

64. *Id.*

65. *Id.*

66. *Id.*

a wide range of experience and language skills.⁶⁷ Interpol formed the NDTF with the stated goal of allowing the task force to conduct a robust quality and legal compliance review of incoming Notice requests prior to their authorization by the General Secretariat.⁶⁸ The NDTF also delivers training and develops guidance on Interpol Notices for member countries.⁶⁹

When conducting its review, the NDTF verifies that the Notice satisfies the requirements of Interpol's Rules on the Processing of Data (RPD)⁷⁰ regarding identity details, judicial data, purpose, and other required criteria.⁷¹ The NDTF also reviews the Notice for compliance with Interpol's Constitution.⁷² Particularly, the Notice must comply with Articles 2(1) and (3) of the Constitution, which state, respectively, that the Organization must conduct its activities in the spirit of the Universal Declaration of Human Rights⁷³, and that it is strictly forbidden for the Organization to undertake activities of a political, military, religious or racial character.⁷⁴ If a doubt over compliance arises, the NDTF may block the Notice's visibility pending review.⁷⁵ Ultimately, after the NDTF review is completed, the General Secretariat will issue either an authorization or denial of the Notice.⁷⁶ Once a Notice is authorized, Interpol publishes it and notifies the NCBs of all Interpol member countries, or, in the case of the Silver Notice, to the fifty-two member countries participating in the pilot program.⁷⁷

Compliance is extremely important in safeguarding the rights of targets of the Silver Notice and adhering to Interpol's Constitution.⁷⁸ Though Interpol is an international organization operating with the stated goal of "mak[ing] the world a safer place,"⁷⁹ it cannot be allowed to use its immense power and support to bypass the necessary concepts of due process and fairness, something Interpol has been accused of perpetuating

67. *Id.*

68. *Id.*

69. *Compliance and Review*, INTERPOL, at 1, <https://www.interpol.int/How-we-work/Notices/Compliance-and-review> (last visited Apr. 5, 2025).

70. INTERPOL, *Rules on the Processing of Data*, AG-2011-RES-07, at 2 (June 30, 2012).

71. *Compliance and Review*, *supra* note 63.

72. *Id.*

73. *Constitution of the ICPO-INTERPOL*, INTERPOL (June 13, 1956), <https://www.interpol.int/en/Who-we-are/Legal-framework/Legal-documents>.

74. *Id.*

75. *Compliance and Review*, *supra* note 63.

76. *Id.* at 4.

77. *Id.*

78. *Constitution of the ICPO-INTERPOL*, *supra* note 73.

79. *What is Interpol?*, *supra* note 1.

through some of its other Notices, which is discussed in detail below. With the power of an international police organization, therefore, comes the duty to police in accordance with the standards set out by Interpol's own rules, as well as the rules of the United Nations and other similarly situated organizations, to ensure that Interpol's Notices are not wrongfully used to harass, intimidate, or discriminate.

To ensure that the member countries participating in the pilot program are acting legally and legitimately in their use of the Silver Notice, NCBs should adhere to the Legal Framework as closely as possible and provide as much information as is required in order to ensure that the rights of the targets of the Notice are not trifled with. The member countries should aim for legality and legitimacy so that, when the information they request comes in and/or the assets they seek are seized, they can utilize their respective judiciary systems to bring charges against their targets or use the recovered information and assets to further the prosecution of organized criminal enterprises in their jurisdictions.

III. INTERPOL'S SUITE OF COLOR-CODED NOTICES

The introduction of the Silver Notice brings the total number of Interpol's Notices to eight.⁸⁰ As stated before, each Notice corresponds to a different goal of the organization, but they are all "international requests for cooperation or alerts allowing police in member countries to share critical crime-related information."⁸¹ Interpol's Notices Database houses all of the color-coded Notices, making them readily available for member countries to view.⁸² However, most Notices are available only for police use and, thus, not available to the public, except in certain circumstances, such as where the police wish to alert the public to a threat or request public assistance.⁸³ The fact that most notices are not publicly available, however, does not stifle the effectiveness of the notice system since the law enforcement agencies of the NCBs are the entities that will ultimately utilize the notices.

A. General Overview

The Red, Yellow, Blue, Black, Green, Orange, Purple, and now Silver Notices make up Interpol's eight color-coded Notices.⁸⁴ To provide

80. *About Notices*, *supra* note 7.

81. *Id.* at 1.

82. *Id.*

83. *Id.*

84. *Id.* at 4.

a brief description: Red Notices are used to seek the location and arrest of persons wanted for prosecution or to serve a sentence; the Yellow Notice is used to help locate missing persons, often minors, or to help identify persons who are unable to identify themselves; the Blue Notice is used to collect additional information about a person's identity, location, or activities in relation to a criminal investigation; the Black Notice is used to seek information on unidentified bodies; the Green Notice is used to provide warning about a person's criminal activities, where the person is considered to be a possible threat to public safety; the Orange Notice is used to warn of an event, a person, an object, or a process representing a serious and imminent threat to public safety; the Purple Notice is used to seek or provide information on modus operandi, objects, devices, and concealment methods used by criminals; and the Silver Notice is used to identify and trace criminal assets, as previously discussed.⁸⁵

B. Comparing the Red Notice to the Silver Notice

The Red Notice is by far the most utilized Notice by Interpol member countries, with over 10,000 Red Notices authorized and issued every year.⁸⁶ The Red Notice is also the most controversial and most subject to abuse, which is why this Comment addresses the legal and policy implications of the Red Notice to consider the potential implications of the Silver Notice under this framework and understand how the Silver Notice can avoid similar controversy and opportunities for abuse. The Silver Notice can easily be distinguished from the Red Notice by their respective functions.⁸⁷ However, there is a potential link between the two notices in that assets recovered by the Silver Notice may lead the NCB of the requesting nation to seek the location or arrest of the targeted individual of the Silver Notice, which could be accomplished by the issuance of a Red Notice.⁸⁸ While this potential interconnectivity of the Notices may helpfully lend itself to the goals of Interpol and the NCBs of its member nations, it may also create greater opportunities for abuse.

85. *Id.*

86. *Id.* at 5.

87. *Id.* at 2.

88. *Id.*

1. Controversies of the Red Notice

The Red Notice is most commonly criticized for allowing authoritarian regimes to target political dissidents, opponents, and rivals.⁸⁹ As stated above, over 10,000 Red Notices are authorized and issued by Interpol's General Secretariat each year,⁹⁰ which is two to three times more than the next most commonly authorized notice, the Blue Notice.⁹¹ It is easy to see how potentially abusive notices may slip through the cracks of the NDTF's Compliance Review, but bureaucratic inefficiency is undoubtedly a weak excuse for allowing these Red Notices to be improperly authorized and issued. After all, a primary purpose of the NDTF is to ensure compliance with Interpol's Constitution, which explicitly states that it is strictly forbidden for Interpol to undertake activities of a political, military, religious, or racial character.⁹²

Those commonly targeted by Red Notices are high-profile human rights activists and other similarly situated political dissidents.⁹³ Red Notices often lead to the target's detainment in the country where they are found and forced to await their fate, often in dismal circumstances.⁹⁴ High-profile targets are more likely to escape detainment thanks to the help of public outcry and lawyers who work to right such injustices, but lesser-profile targets are often not so lucky.⁹⁵ Regardless of the target's profile or status, a Red Notice detainment and/or arrest can have serious consequences on its target, including, but certainly not limited to, the indignity of being labeled a criminal or terrorist.⁹⁶ Frighteningly, an active Red Notice can doom a targeted dissident's application for asylum in the United States,⁹⁷ essentially allowing Interpol to be complicit in gross human rights violations.

In the past five years, Interpol has rejected or deleted an average of 1,000 Red Notices each year, with nearly half of those deleted for human rights violations or because they were of a political, military, religious, or

89. Rebecca Niblock, *Interpol Launches Silver Notices: A Game-Changer for Asset Recovery?*, KINGSLEY NAPLEY (Jan. 14, 2025), <https://www.kingsleynapley.co.uk/insights/blogs/criminal-law-blog/interpol-launches-silver-notices-a-game-changer-for-asset-recovery>.

90. *About Notices*, *supra* note 7.

91. *Id.*

92. *Constitution of the ICPO-INTERPOL*, *supra* note 73, at 3.

93. Sam Meachem, *Weaponizing the Police: Interpol as a Tool of Authoritarianism*, HARV. INT'L. REV., (Apr. 11, 2022), <https://hir.harvard.edu/weaponizing-the-police-authoritarian-abuse-of-interpol/>.

94. *Id.*

95. *Id.*

96. *Id.*

97. *Id.*

racial character.⁹⁸ A notification of Red Notice deletions is sent to all member countries every twenty-four hours.⁹⁹ The frequency of these notifications represents the importance of removing improper and/or abusive Red Notices quickly so that targets are not unduly affected by them for longer than is necessary to right the wrong.

Lack of oversight and accountability are the fundamental reasons as to why improper, abusive Red Notices are authorized and circulated.¹⁰⁰ There are claims that Red Notices are “based on nothing more than the word of the government that made the charge,”¹⁰¹ and the review task force remains “understaffed, overworked, and inexperienced,”¹⁰² culminating in a trifecta of inefficiency that essentially makes approval and authorization of a Red Notice by Interpol a formality and nowhere near a guarantee of legitimacy.¹⁰³ Since Interpol relies at least partly on the claims of a requesting member country to determine whether there is sufficient justification to issue a Red Notice against a target, there needs to be a way for the NDTF to check that the information provided is accurate. This could possibly be achieved by requiring additional screening procedures for countries most likely to abuse Red Notices, based on data from past deleted Red Notices, and a similar framework could be applied to the Silver Notice, as well.

2. Potential Policy Implications of the Silver Notice

Just as authoritarian governments and similar regimes have misused Red Notices under their own political agendas, there is fear that the same misuse may be attributed to the new Silver Notices.¹⁰⁴ Specifically, such governments may exploit the Silver Notice to locate and freeze assets belonging to individuals who may be targeted by their governments without proper legal justification.¹⁰⁵ These individuals are often political

98. *INTERPOL: New Data Reveals 1,000 Red Notices and Wanted Person Diffusions Rejected or Deleted Each Year*, FAIR TRIALS (Nov. 7, 2022), <https://www.fairtrials.org/articles/news/interpol-new-data/>.

99. *Compliance and Review*, *supra* note 63.

100. FAIR TRIALS, *supra* note 98.

101. Ted Bromund, *What Not To Believe About Interpol—Exploding Five Myths*, HERITAGE FOUND. (Nov. 28, 2018), <https://www.heritage.org/global-politics/commentary/what-not-believe-about-interpol-exploding-five-myths>.

102. Meachem, *supra* note 93.

103. *Id.*

104. *Examining Interpol's New Silver Notices: Tracking Criminal Assets or Targeting Dissidents?*, RED NOTICE EXAM'R, <https://www.rednoticemonitor.com/post/examining-interpol-s-new-silver-notices-tracking-criminal-assets-or-targeting-dissidents> (last visited Jan. 2024).

105. *Id.*

dissidents, journalists, or human rights activists who are not the kind of serious criminals or members of organized crime that the Silver Notice is intended to target.¹⁰⁶

Furthermore, though the Silver Notice should undoubtedly be a means for expediting transnational asset recovery in legitimate cases, by foregoing the requirements of a traditional MLAR, certain jurisdictional legal requirements may be foregone, eliminating what some may consider necessary and vital legal protections for those individuals who find themselves the target of Silver Notices.¹⁰⁷ Since Interpol, as an international organization, enjoys the privileges and protections of the International Organizations Immunities Act (IOIA),¹⁰⁸ it is not subject to judicial review by the member countries of its organization.¹⁰⁹ This ultimately means that the Silver Notice is not subject to the fundamental due process requirements of the democratic NCBs that make up Interpol, making it incredibly difficult for those individuals who are unfairly targeted by an Interpol Silver Notice (or other Notice) to find any valid recourse from the abuses of this system.¹¹⁰

This can be seen in the 2021 case of Oussama El Omari who filed suit against Interpol in the Eastern District of New York for negligent infliction of emotional distress and a violation of his due process rights.¹¹¹ El Omari is a citizen of the United States who had a Red Notice issued against him at the request of the United Arab Emirates, where he had been convicted for embezzlement and abuse of power.¹¹² Before filing suit, El Omari requested deletion of the Notice and a hearing to defend himself, but Interpol refused.¹¹³ The District Court dismissed the action against Interpol due to its privileges under the IOIA, leaving an American citizen with no recourse against a powerful international institution that may have violated his due process rights.¹¹⁴

Of course, there are valid policy reasons for immunizing organizations like Interpol. If Interpol was subject to liability for its

106. *Id.*

107. *Id.*

108. *International Organization Immunities Act*, 22 U.S.C. § 288 (2018).

109. Yuriy Nemets, *INTERPOL Claims Immunity, Escapes Judicial Review of Lack of Due Process*, IELR BLOG (June 17, 2021), <https://ielrblog.com/index.php/2021/06/17/interpol-claims-immunity-escapes-judicial-review-of-lack-of-due-process/>.

110. *Id.*

111. *El Omari v. Int'l Crim. Police Org.*, 2021 U.S. Dist. LEXIS 91701, at 1 (E.D.N.Y. 2021).

112. *Id.* at 2.

113. *Id.*

114. *Id.* at 16.

actions, this would likely open the floodgates of litigation, something that would stifle the effectiveness and efficiency of the courts and Interpol. This demonstrates a distinct trade-off between global policing and individual liberty. Since the IOIA is a product of contract law, an international organization may waive its immunity, a contractual right, under the Act, but the default standard of the Act is a guarantee to international organizations of immunity from lawsuits and courts unless expressly waived.¹¹⁵

While some international organizations may choose to waive this privilege, it is unlikely that an organization like Interpol would waive their immunity because doing so would likely have negative consequences for the organization and also create difficult legal problems, potentially involving multiple international parties. For instance, in the *El Omari* case,¹¹⁶ it would be difficult to prosecute Interpol without bringing in the government of the United Arab Emirates, culminating in not only burdensome and expensive litigation for all of the parties but also potential international conflicts between the governments and entities involved. It can be difficult for courts to balance these conflicting concerns, but having a bright-line rule, in the form of the IOIA, that international organizations are immunized from liability in the United States is likely the most efficient way to protect the policy interest of maintaining an organization like Interpol, which benefits the masses, even if that occurs at the expense of the few.

3. Updating Interpol's Notice System Through the Silver Notice

The type of trade-off just discussed infringes upon individual liberties but has been deemed necessary for an effective administration of justice by the countries that participate in Interpol's notice program.¹¹⁷ That is why it is of the utmost importance for Interpol and its member countries to ensure compliance with the Legal Framework of the Notices they issue and to heighten the standards for the NDTF to make sure that abusive Notices do not slip through the cracks. There have already been improvements in Interpol's Notice system, which can be seen through the lens of Interpol's Legal Framework for the Silver Notice.¹¹⁸ By requiring that the requested assets be linked to a valid judicial decision or investigation, rogue governments should have a more difficult time using

115. *International Organization Immunities Act*, *supra* note 108, at §288(a).

116. *El Omari*, 2021 U.S. Dist. LEXIS 91701 at 11.

117. *Id.* at 14.

118. *Legal Framework*, *supra* note 35, at 1.

the Silver Notice to seize the assets of dissidents.¹¹⁹ However, authoritarian governments may quickly sidestep this requirement by knowingly instituting frivolous judicial proceedings or other investigations against their targets to fulfill the requirement.

This is why the NDTF would likely be better served with greater resources and manpower to investigate and ensure that the targets of the Silver Notices have valid justifications for being targeted, such as actually being involved in criminal activity like organized crime, trafficking, and smuggling, rather than political dissidence. While political dissidence may be a crime in some countries, because it would violate Interpol's Constitution,¹²⁰ it does not fit the criteria for the valid issuance of a Silver Notice, so rogue governments that attempt to abuse the Silver Notice by concocting a different crime to accuse their targets of committing should be stifled in their efforts since a robust compliance review by the NDTF should be able to catch illegitimate accusations.

IV. CONCLUSION

The introduction of Interpol's Silver Notice pilot program is an exciting next step in the international asset tracing and recovery process. By facilitating communication between the NCBs of Interpol member countries, the Silver Notice should increase the recovery of illicit financial flows, which will hopefully have the effect of deterring money laundering, arresting criminals associated with organized crime and other serious criminal endeavors, and improving networks of international law enforcement.¹²¹ In order to achieve these goals and prevent further abuse of the Notice system, however, Interpol will need to heighten its oversight of the Notice review process. While the Legal Framework for the Silver Notice already calls for oversight by a specialized compliance committee, the NDTF, as well as the General Secretariat of Interpol,¹²² there clearly needs to be greater mechanisms for accountability in place to ensure that the kind of abuses which occur under the Red Notice do not get swiftly swept up by the Silver Notice.

As mentioned earlier, one mechanism that could be implemented is to automatically flag Notices coming out of Interpol member countries that are known to perpetuate abuse through the improper issuance of Red Notices. By flagging these Notice requests, compliance reviewers can be

119. *Id.* at 2.

120. *Constitution of the ICPO-INTERPOL*, *supra* note 73, at 4.

121. *INTERPOL Publishes First Silver Notice Targeting Criminal Assets*, *supra* note 14.

122. *Legal Framework*, *supra* note 35, at 3.

sure to give extra care to those notices that might otherwise slip through the cracks and be improperly issued. Furthermore, the General Secretariat could appoint a special compliance officer, perhaps one with a legal background, to make sure that Notice requests comply with the language of Interpol's Constitution¹²³ and other relevant international guidelines for protecting human rights, free speech, and individual due process.

As of April 2025, only one Silver Notice has been requested, the one by Italy mentioned above.¹²⁴ However, the pilot phase of the program is set to continue through November 2025, so it will be interesting to see what other requests emerge in that time period and the results of the Notices, including whether they are successful or not. The pilot phase will likely need to extend beyond the period stated in order to accurately gauge the effectiveness of the new Notice, but this could be a positive for Interpol's Notice system as it should allow the NDTF and General Secretariat to work out the details of the new Notice and address the understandable concerns associated with it so that the Silver Notice does not share the same controversial fate as the Red Notice.

123. *Constitution of the ICPO-INTERPOL*, *supra* note 73.

124. *INTERPOL Publishes First Silver Notice Targeting Criminal Assets*, *supra* note 14.