



This article is the second in a four-part series analyzing the latest 2025 decisions from the Commission for the Control of INTERPOL's Files (CCF). Here, we explore how the CCF applies INTERPOL's 2022 policy on offenses for which Red Notices cannot be issued, with a focus on tax evasion and licensing violations.

INTERPOL Red Notices and Administrative Offenses: The CCF's Strict Application of the 2022 List of Prohibited Offenses

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The Commission for the Control of INTERPOL's Files (CCF) recently issued a decision that further refines its approach to Red Notices for administrative offenses.ⁱ This ruling provides insight into how the CCF applies INTERPOL's 2022 policy on prohibited offenses, reinforcing the organization's commitment to ensuring that Red Notices are reserved for serious ordinary-law crimes rather than regulatory infractions.

The case under review involved allegations of tax evasion and illegal entrepreneurship. The Commission examined whether the charges met the criteria for a serious criminal offense under INTERPOL's framework, focusing on two key issues: whether the applicant personally gained from the alleged offenses and whether there was clear evidence of criminal intent. The CCF ultimately found the data noncompliant with INTERPOL's rules and ordered its deletion, setting an important precedent for cases involving licensing and tax-related allegations.

INTERPOL's 2022 Restrictions and Their Application

Since 2022, INTERPOL's General Secretariat has maintained a list of offenses for which Red Notices cannot be issued, in accordance with Article 83 of the Rules on the Processing of Data (RPD).ⁱⁱ These restrictions are designed to prevent the misuse of INTERPOL's channels for non-serious crimes, such as regulatory breaches, private matters, and administrative disputes. Among the offenses excluded from Red Notice eligibility are violations of licensing regulations related to buildings and construction, as well as offenses related to causing damage to public funds where there is no personal gain, gross negligence, corruption, or fraud.



In this case, the applicant—a commercial director of a construction company—was the subject of a Red Notice for tax evasion and conducting business without the necessary permits. The applicant challenged the Red Notice, arguing that the case was administrative rather than criminal in nature, that he had no direct decision-making authority over the company’s tax and licensing compliance, and that he derived no personal benefit from the alleged infractions.

The National Central Bureau (NCB) of the INTERPOL member country that requested the Red Notice maintained, however, that the applicant was responsible for falsified tax declarations and unauthorized business activities. The core question before the CCF was whether these offenses met INTERPOL’s criminality threshold (i.e., whether they constitute a serious ordinary-law crime) or whether they fell squarely within the excluded category of administrative offenses for which Red Notices cannot be published under the 2022 policy.

CCF’s Findings: The Absence of Personal Gain or Criminal Intent

The CCF undertook a detailed analysis to determine whether the case met the standard for serious ordinary-law crime under RPD Article 83. A key factor in the Commission’s reasoning was whether the applicant had personally benefited from the alleged offenses. The NCB asserted that the applicant gained financially, but the Commission found that no substantive evidence was provided to support this claim. The CCF concluded as follows:

“While the NCB stated that the Applicant personally gained from the alleged acts, it did not provide supporting elements but rather general statements as to the existence of evidence against the Applicant, nor are there clear elements provided by the NCB that ascertain the Applicant was aware of the falsification of tax declarations, and that he received funds beyond his salary.”

This passage underscores the CCF’s position that a Red Notice cannot be justified solely on an unsubstantiated claim of personal gain. The Commission requires concrete evidence demonstrating that the individual directly benefited from the alleged criminal conduct. The passage further implies that receipt of a salary does not constitute personal benefit.

The CCF also paid particular attention to whether the applicant acted with criminal intent. Specifically, whether he intended to commit fraud or deliberately evade the company’s legal obligations. The Commission observed that the case



documentation did not establish that the applicant knowingly engaged in fraudulent activity. The NCB failed to provide any specific documentation, instead relying on “general statements” that evidence existed, which the Commission found insufficient. Moreover, the arrest warrant for the applicant primarily referenced the company’s activities, rather than those of the applicant individually, further weakening the case for a Red Notice.

The CCF’s findings were consistent with INTERPOL’s 2022 list of prohibited offenses, which explicitly excludes regulatory infractions such as building violations and financial mismanagement unless they are connected to serious crime or organized crime. The Commission concluded that the allegations of tax evasion and unlicensed business operations fell squarely within this category, rendering the Red Notice non-compliant with INTERPOL’s rules.

Implications for Practitioners

For practitioners representing clients facing Red Notices for financial and regulatory matters, this case highlights several key considerations.

- First, demonstrating the absence of personal gain is crucial. If an individual did not financially benefit from the alleged violations—beyond receiving a salary—INTERPOL is unlikely to maintain a Red Notice. Where an applicant has received funds, it is therefore essential to establish the source of the funds and their intended purpose.
- Second, challenging vague allegations of criminality is essential. The CCF requires specific evidence that an individual knowingly engaged in wrongdoing, rather than merely being associated with corporate decisions.
- Finally, highlighting the administrative nature of the offense can strengthen a challenge. If the allegations involve licensing issues, tax matters, or procedural violations without fraudulent intent, they likely fall within the 2022 prohibited offense list.

This ruling is part of a broader trend in the CCF’s evolving jurisprudence, ensuring that INTERPOL’s Red Notice system remains a tool for serious transnational crime rather than a mechanism for enforcing domestic regulatory disputes.



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- ⁱ CCF, Decision Excerpt No. 02 (2025), “Due Process, Lawfulness or Validity of the proceedings, Description of criminal activities.”
- ⁱⁱ INTERPOL, List of Specific Offences for which Red Notices may not be Issued (Jan. 28, 2022).