



Grossman Young & Hammond Authors Call for Rejection of INTERPOL's New Privileges and Immunities Agreement

By [Dr. Ted R. Bromund](#)

Three GYH authors – [Sandra Grossman Esq.](#), [Charlie Magri Esq.](#), and [Dr. Ted R. Bromund](#) – have published [a major article](#) in *Just Security* calling on the United States not to sign the new “General Agreement on the Privileges and Immunities of INTERPOL.”

In the United States, the General Agreement will almost certainly be treated as a [congressional-executive agreement](#), not a treaty, and thus will not come before the Senate. This is because Congress has already given the Executive Branch wide powers to grant immunities to public international organizations, and the Executive Branch has used those powers to give INTERPOL a full suite of immunities. The authors explore the history of INTERPOL's legal immunity in the United States, including the untold story of the case of Leon Steinberg, whose 1977 lawsuit against INTERPOL prompted the Reagan Administration to extend the first tranche of immunities to INTERPOL.

The authors then turn to an analysis of INTERPOL's reforms since 2015. Citing many published INTERPOL sources, the authors demonstrate that the meaningful and important reforms that INTERPOL has undertaken since 2015 are a legal risk-mitigation strategy directed partly at its legal vulnerability in Europe and partly at its member nations that are not concerned with those vulnerabilities. The article includes the first official statement by INTERPOL justifying its claim that national courts have recognized the Commission for the Control of INTERPOL's Files as an “effective remedy,” an important concept in European law.

Next, the authors turn to the General Agreement itself. They conclude that the General Agreement does not give INTERPOL absolute immunity. But none of the limitations on INTERPOL's immunity in the General Agreement touch substantially on the only reason INTERPOL is of significant interest to public policy: its information processing and the abuses of it. The General Agreement raises a barrier to suing INTERPOL in domestic courts, limits enforceable monetary awards to contractual counterparties, and channels data-

processing disputes into the internal CCF mechanism designed to correct files, not compensate losses.

Finally, the authors examine the consequences that will follow if the General Agreement is widely adopted. They conclude that threat of European lawsuits has been central to all the major reforms in INTERPOL since 2015. To the extent that the General Agreement reduces the threat of lawsuits – and that is precisely what it is intended to do – it reduces the leverage of individuals and nations inside and outside INTERPOL who believe it needs further reform. The General Agreement thus should not be viewed solely from a legal perspective.

The authors conclude signing the General Agreement would signal that the United States accepts the CCF as an effective remedy and would endorse the reduction of external legal accountability that INTERPOL has pursued since 2015. They therefore believe that the U.S., and INTERPOL's member nations more broadly, should decline to sign the General Agreement – and should signal that refusal publicly. The authors are proud to offer this analysis, which breaks new ground on the history and contemporary public policy of INTERPOL, its legal immunities, and its reform agenda in the past and today.