

What is the e-MLA Initiative?

In full conformity with data protection standards it is:

- A way of further strengthening the effectiveness of international police and judicial cooperation efforts
- A means for simplifying and speeding up MLA procedures
- A voluntary, flexible and alternative secure means of communication dedicated to MLA transmissions



A natural mission for INTERPOL

INTERPOL has a long-standing tradition of facilitating the exchange of information between its 192 Member Countries.

Its global communication network, I-24/7, facilitates international police cooperation between law enforcement authorities from all Member countries by ensuring direct, rapid and secure exchange of information, establishing INTERPOL's position as a global police information and communication hub.

Unlike police authorities, judicial authorities are currently lacking a global and secure communication network to exchange requests for MLA with their foreign counterparts.

Building on INTERPOL's current infrastructure and experience in data exchange, the Organization is establishing new capabilities for the transmission of judicial requests at a global level.



INTERPOL e-Extradition Initiative

In 2011, INTERPOL launched the e-Extradition Initiative with a pilot phase involving several countries. The e-Extradition Initiative aims to enable INTERPOL Member Countries to transmit formal requests for extradition in an electronic format with due respect for the applicable legal framework.

Delays in the transmission of an extradition request and supporting judicial documents often lead to the premature release from custody of suspects upon the expiry of time limits set by national law.

The General Assembly of INTERPOL first endorsed the Initiative through Resolution AG-2013-RES-09 and adopted the legal instrument governing the use of the e-Extradition system (the e-Extradition Rules) during its 83rd session (Monaco, 3-7 November 2014, Resolution AG-2014-RES-20).



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INTERPOL

e-MLA INITIATIVE

Electronic Mutual Legal Assistance

INTERPOL's tool for the secure electronic transmission of mutual legal assistance exchanges



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Background

With the rise in transnational crime, cross-border cooperation has been lagging behind when it comes to the digital era. Transmission of mutual legal assistance (MLA) requests struggle to meet the faster pace needed for police investigations and judicial cooperation.

Formal MLA exchanges still follow a cumbersome, paper-heavy and time-consuming process. Traditional means of transmission of MLA requests are either slow or operated through non-secure channels (postal service, email, diplomatic pouch). Those drawbacks jeopardize criminal proceedings in cross-border cases, particularly when MLA is needed in cases of emergency or for large-scale criminal activities, such as terrorism, cybercrime or fraud.

National authorities and international organizations have called for the development of a secure, global network and expressed their support for the e-MLA Initiative to respond to this pressing need.



Goal and objectives of the e-MLA system

The e-MLA system will eventually enable all 192 INTERPOL Member Countries to exchange, electronically and securely, formal MLA requests and responses (investigative and evidentiary information) via a dedicated means of transmission.

The electronic communications through e-MLA will necessarily meet the formal requirements that are traditionally attached to MLA exchanges and respect the current chain of transmission between the competent authorities.

Thus, the e-MLA system should allow the central and diplomatic authorities of all participating countries to exchange MLA communications, thereby providing enhanced security.

The ultimate objectives of the e-MLA Initiative are to:

- foster international cooperation in judicial matters,
- guarantee the security and integrity of all documents transmitted electronically between the competent authorities,
- enable the admission into evidence of a broad spectrum of information transmitted electronically.

Purpose and outputs of the first phase of the e-MLA Initiative

With the support of the European Commission, the legal phase of the e-MLA Initiative took place over two years (2017-2018), and was led by the INTERPOL General Secretariat along with its two partners, France and Austria. The three main outputs of this phase were:

- a legal feasibility study,
- the INTERPOL Rules governing the use of the future e-MLA system,
- the functional specifications of the e-MLA system (i.e. the outline of the technical features in terms of security requirements and practical needs).

The legal study into the feasibility of such a global system was undertaken in consultation with the e-MLA Working Group, composed of legal practitioners dedicated to judicial cooperation in criminal matters from a wide range of countries.

The study involved:

- an assessment of the actual and current demand from national authorities for an INTERPOL-hosted system dedicated to MLA,
- identifying common characteristics and constraints in MLA procedures,
- an evaluation of their impact on the feasibility of creating the e-MLA system pursuant to existing international legal instruments.

Based on the positive outcomes of the feasibility study, the INTERPOL General Secretariat will prepare a set of rules for the e-MLA system that will be submitted to the INTERPOL General Assembly for approval. The e-MLA Rules will be enshrined in INTERPOL's legal framework and will allow all INTERPOL Member Countries to participate in the e-MLA Initiative.

Way forward

In the wake of the positive outcomes of the e-Extradition Initiative, the e-MLA Initiative has established a clear need for national practitioners to have access to a secure, paperless and fast mean of transmission of requests for MLA.

Building on its experience and technical know-how in data exchange, as well on the legal framework of e-MLA and e-Extradition tools, INTERPOL should be able to launch the technical development of both systems as of 2019.