HUMAN RIGHTS IN INTELLIGENCE-LED POLICING (ILP)

Annual Police Experts Meeting

9-10 June 2016
PRE-REQUISITES FOR HUMAN RIGHTS-COMPLIANT ILP

- Clear, precise and accessible laws (principle of legality)
- Principles of necessity, proportionality, non-discrimination
- Judicial supervision
- Effective democratic internal and external oversight mechanisms
NECESSITY TO CLEARLY DELINEATE ILP

- Distinction between ILP (strategic) and operational intelligence
  - Right to liberty
  - Right to a fair trial

- Complementary but distinct approaches of ILP and community-policing
  - Community-policing is not and should not be about purposeful intelligence-gathering
  - Intelligence may emerge as a by-product of effective community-policing
  - Counter-productive impact of blurred line between ILP and community-policing

Organization for Security and Co-operation in Europe
THE GATHERING, PROCESSING, EVALUATION AND STORAGE OF INTELLIGENCE

- Potential interference with the right to privacy (data protection)

- Minimum “threshold criteria” for the use of intrusive methods of collecting intelligence
  - Prohibition of discriminatory profiling
  - Risks of mass surveillance

- Guiding principles for the collection and storage of data:
  - Accuracy
  - Purpose and duration limitation
  - Access
  - Non-discrimination
RECEIVING AND SHARING INTELLIGENCE FROM / WITH THIRD COUNTRIES

- Judicial purposes:
  - Absolute prohibition on the use of information obtained through torture and ill-treatment

- Operational and strategic purposes:
  - Intelligence obtained by illegal means should be disregarded
  - Make the receiving agency complicit in international wrongful acts
Intelligence-led policing can be efficient and successful only if defined and implemented in line with OSCE commitments and international human rights standards.
THANK YOU FOR YOUR ATTENTION!

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