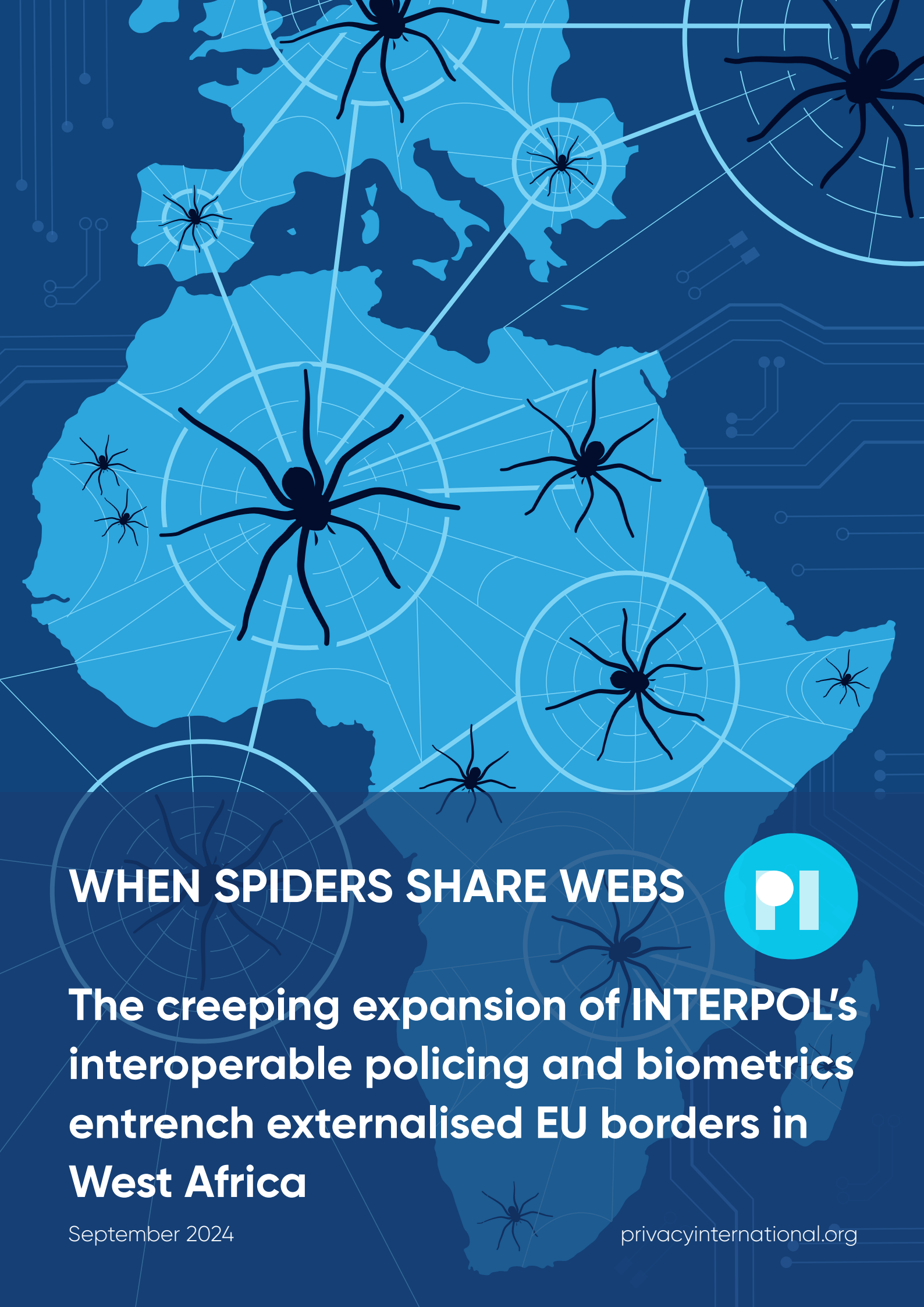




WHEN SPIDERS SHARE WEBS



The creeping expansion of INTERPOL's interoperable policing and biometrics entrench externalised EU borders in West Africa

September 2024

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Summary

This report explores the human rights implications of the use of interoperable data sharing practices and biometric technology in West African countries under INTERPOL's European Union (EU)-funded West African Police Information System (WAPIS) programme. The report places this within the wider context of EU-funded surveillance transfers and INTERPOL's expanding use of biometrics and interoperable data-driving policing methods, and how such practices serve to entrench externalised EU borders.

WAPIS aims to digitise police information in West African countries, including by collecting personal biometric data, and for this data to be stored in national police databases with a view to connecting databases to make them interoperable across the region, internationally with global INTERPOL databases and with third parties. The purported objective is to prevent crimes such as terrorism, human trafficking and drug smuggling.

The report finds that without improved transparency surrounding WAPIS and its interoperability with third parties, combined with robust human rights and data protection due diligence and safeguards governing data-

sharing between such entities that, the risks of human rights abuses, as well as mission creep soar. It further cautions that by facilitating the processing of sensitive personal data under WAPIS without either effective legal frameworks and/or functioning independent data protection authorities, INTERPOL fails to uphold its responsibilities to protect human rights and mitigate risks of data protection abuses.¹

The report lays out an introduction to WAPIS and places WAPIS in the context of INTERPOL's wider support of interoperable biometric databases. It then unpacks the role that interoperability between databases plays in the WAPIS programme, as well as how INTERPOL's data-driven policing can lead to mission creep, particularly with regards to migration management and border management. The report goes on to discuss the role that EU funding plays when it comes to WAPIS and related human rights and data protection implications. Lastly, the report makes concluding remarks and a series of enquiries and demands addressed to both the European Commission and INTERPOL in light of human rights and data protection concerns.

PI acknowledges responses received from INTERPOL, the European Commission (EC) and the International Organisation for Migration (IOM) on the findings of this report which were shared with each organisation prior to publication. We incorporated into our report the information provided in these responses, which are also included in full as annexes. We also followed up with INTERPOL with a letter which reiterated our enquiries and demands to them and welcomed engaging in constructive dialogue.

¹ INTERPOL has its own rules on data processing. While many international organisations are maintaining that data protection legislation, such as the EU General Data Protection Regulation, is not applicable to them, they have confirmed that they should ensure an alignment with data protection principles and obligations. Hence their principles and obligations should be read in conjunction with international data protection principles. INTERPOL's Rules on the Processing of Data (RPD) were adopted by INTERPOL's General Assembly in 2011 and entered into force in July 2012. <https://www.interpol.int/en/Who-we-are/Legal-framework/Data-protection> See further Section 6 of this Report.



Methodology

This report is the result of qualitative research carried out by PI, consisting of the analysis of documents disclosed to PI by the European Commission under access to documents requests. PI also conducted expert interviews with academics who have done in-country research in WAPIS programme countries and consulted with representatives of domestic Civil Society Organisations in WAPIS programme countries. Further, research drew more broadly from industry reports, journalistic sources, academic literature and INTERPOL authored publications and sources. This research drew from, and builds upon, PI's legacy work of past years pertaining to research into the EU funding of surveillance transfers to third countries.²

² Privacy International, "Complaint on EU surveillance transfers to third countries" <https://privacyinternational.org/legal-action/complaint-eu-surveillance-transfers-third-countries>



1. Introduction: WAPIS and EU-funded border externalisation

The International Criminal Police Organisation (INTERPOL)'s global roll-out of mammoth, rapidly expanding,³ interconnected databases is serving to entrench cross-border systems of mass surveillance. The African continent in particular has become a "*laboratory*"⁴ for the use of biometric technologies as INTERPOL, with the support of the European Union (EU), facilitates the harvesting of data from certain populations, including highly sensitive biometric data, and the blanket proliferation of technologies to surveil them.

The ramping up of processing biometric data using interoperable databases for INTERPOL's EU-backed policing operations betrays a

3 Statewatch, "Interpol: multi-million dollar "predictive analytics" system under construction" (2023) <https://www.statewatch.org/news/2023/september/interpol-multi-million-dollar-predictive-analytics-system-under-construction/>

4 Alizée Dauchy, "Dreaming biometrics in Niger: The security techniques of migration control in West Africa", *Security Dialogue*, 54:3 (2023) <https://doi.org/10.1177/09670106231158893>

sustained narrative of techno-solutionism, which sees the increased use of technologies as the answer to societal problems, such as crime and terrorism. INTERPOL's deployment of these technologies is often centred on border locations, reinforcing the EU's policy of border externalisation⁵ and securitisation⁶ which works to outsource EU border management to countries of transit to the EU (non-EU member-states, third countries) and manage population flows towards the continent.

As part of the EU border regime, transfers of surveillance technologies and capabilities to third countries have been implemented through multi-million-euro programmes.⁷ Without robust legal frameworks, regular human rights due diligence and effective safeguards, these technologies risk perpetuating human rights abuses.⁸ In particular, the rights to privacy, to leave one's country, to seek asylum, and freedoms of expression, assembly and association of potentially millions of people are at risk of being undermined.⁹

5 Agnese Pacciardi and Joakim Berndtsson, "EU border externalisation and security outsourcing: exploring the migration industry in Libya", *Journal of Ethnic and Migration Studies*, 48:17, (2022) <https://www.tandfonline.com/doi/full/10.1080/1369183X.2022.2061930>

6 Kaamil Ahmed and Lorenzo Tondo, "Fortress Europe: the millions spent on military-grade tech to deter refugees", *The Guardian* (2021) <https://www.theguardian.com/global-development/2021/dec/06/fortress-europe-the-millions-spent-on-military-grade-tech-to-deter-refugees>

7 Privacy International, "Complaint to the European Ombudsman under Article 228 TFEU: EU Transfers of Surveillance Capabilities to Third Countries", (2019) https://privacyinternational.org/sites/default/files/2021-10/21.10.19_EU_Ombudsman_Complaint_Final.pdf

8 In addition to the decision on the European Commission mentioned below in footnote 8, the European Ombudsman saw fit to make "Suggestions for improvement" to the EEAS' human rights due diligence, implying that existing due diligence was not entirely adequate. See:

Privacy International, "Complaint on EU surveillance transfers to third countries" <https://privacyinternational.org/legal-action/complaint-eu-surveillance-transfers-third-countries>; European Ombudsman, "Decision on how the European External Action Service (EEAS) assesses human rights risks before providing support to non-EU countries to develop surveillance capabilities (case 1472/2022/MHZ)" (2023) <https://www.ombudsman.europa.eu/en/decision/en/177962>

9 The European Ombudsman has already found that the European Commission had not taken the necessary human rights due diligence steps regarding one EU Emergency Trust Fund for Africa (EUTF for Africa) funded project. See:

European Ombudsman, "Decision on how the European Commission assessed the human rights impact before providing support to African countries to develop surveillance capabilities (case 1904/2021/MHZ)" (2022) <https://www.ombudsman.europa.eu/en/decision/en/163491>

1.1. What is the West African Police Information System (WAPIS)?

One such programme is INTERPOL's West African Police Information System (WAPIS).¹⁰ WAPIS is a budgeted €37.4 million project funded by the EU through the EU Emergency Trust Fund for Africa (EUTF for Africa)¹¹ and European Development Fund (EDF),¹² which has received at last €58 million from the EU to date, and aims to *"strengthen information exchange and coordination among the region's law enforcement agencies"*.¹³ It is rolled out in all nations of the Economic Community of West African States (ECOWAS), a free-movement area between Benin, Burkina Faso, Cabo Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo, with the addition of Mauritania and often Chad.

The EU-funded WAPIS programme is part of INTERPOL's effort to support interoperable databases. WAPIS is in part a counter-terrorism initiative, as it aims to *"increase the efficiency of law enforcement agencies in tackling crime and terrorism"* by creating a regional data-sharing platform. It also aims to address drug trafficking, people smuggling and human trafficking.¹⁴ The programme was originally set to run from 2017 to 2023 (with its biometric sub-project set to end in 2024) and requires each participating country to sign a memorandum of understanding prior to implementation. Due to the

10 INTERPOL, "WAPIS Programme" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

11 European Union, "Emergency Trust Fund for Africa: Support to the strengthening of police information systems in the broader West Africa region", https://trust-fund-for-africa.europa.eu/our-programmes/support-strengthening-police-information-systems-broader-west-africa-region_en

12 INTERPOL, "WAPIS Programme" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

13 INTERPOL, "WAPIS Programme" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>; INTERPOL, "WAPIS Newsletter August 2023" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

14 *ibid.*

scarcity of public information, it is not possible to know the exact stage the process is at, at the time of writing.

WAPIS aims to digitise paper police information systems throughout programme countries in West Africa at national levels and, to this end, provides an electronic national police information system to local law enforcement agencies. These national systems are then networked into a "*regional information sharing platform for police*", a platform which WAPIS aims to set-up, as well as being linked up at an international level to INTERPOL's own global police communications system, named I-24/7, which has been extended in at least 47 African countries.¹⁵

WAPIS facilitates the digitisation and centralisation of police intelligence at national levels in West African countries, as well as the collection and sharing of data – including biometric data – by law enforcement agencies regionally across West Africa and beyond, as part of INTERPOL's support of states' data-sharing capabilities. It involves the provision of operational and technical support (including the provision of technological equipment and software), and trainings, to programme countries.¹⁶

Furthermore, WAPIS has an important and specific component relative to biometric technology and the use of biometric data. Within WAPIS there is a specific and separate WAPIS/AFIS (Automated Fingerprint Identification System) Project, a €15 million EU-funded project set to take place from 2022-2024, which aims to "*to strengthen or introduce a criminal [...] (AFIS) in participating countries*".¹⁷ Biometrics have been argued to "*augmen[t] the capacity to trace ECOWAS citizens and reinforce the EU border regime*".¹⁸

15 INTERPOL, "INTERPOL conference calls for a common security agenda for a safer Africa" (2023) <https://www.interpol.int/en/News-and-Events/News/2023/INTERPOL-conference-calls-for-a-common-security-agenda-for-a-safer-Africa>

16 INTERPOL, "Support to the strengthening of police information systems in the broader West Africa region – Description of the Action", *Contract number: 390-579* (2021)

17 *ibid.*

18 Alizée Dauchy, "Dreaming biometrics in Niger: The security techniques of migration control in West Africa", *Security Dialogue*, 54:3 (2023) <https://doi.org/10.1177/09670106231158893>

2. INTERPOL's expanding support of biometric databases

INTERPOL adopts a broad spectrum of activities around the world which place increasing emphasis on the collection, storage and analysis of biometric data for international policing, including as part of its effort to *"figh[t] terrorism through biometrics"*.¹⁹ Biometric data is a particularly sensitive category of personal data, and the data that INTERPOL leverages includes DNA, iris scans, fingerprints, palm prints, and faces.²⁰

To this end, at least four of INTERPOL's nineteen global databases are comprised of biometric data, and in June 2023 at a conference in Singapore, INTERPOL launched its *"Biometric Hub"*²¹ which uses technology from the French company Idemia.²² INTERPOL stated: *"Underpinning the BioHub is a 'biometric core' that encompasses INTERPOL's existing fingerprint and facial recognition databases together with a matching system based on technology developed by the company IDEMIA."*²³ The Biometric Hub centralises all four of these databases and will *"enable officials at borders and in the field to carry out mobile biometric*

19 INTERPOL, "Identifying terrorist suspects", <https://www.interpol.int/en/Crimes/Terrorism/Identifying-terrorist-suspects>

20 *ibid.*

INTERPOL, "INTERPOL unveils new biometric screening tool" (2023) <https://www.interpol.int/en/News-and-Events/News/2023/INTERPOL-unveils-new-biometric-screening-tool>; Open Access Government, "Using biometrics to fight crime" (2016) <https://www.openaccessgovernment.org/using-biometrics-fight-crime/24160/>

21 INTERPOL, "Innovation and enhanced data-sharing key to countering emerging security threats" (2023) <https://www.interpol.int/en/News-and-Events/News/2023/Innovation-and-enhanced-data-sharing-key-to-countering-emerging-security-threats>

22 Jessica Lyons, "Interpol makes first border arrest using Biometric Hub to ID suspect", The Register (2023) https://www.theregister.com/2023/12/01/interpol_biohub_arrest/; IDEMIA, "IDEMIA provides INTERPOL with an enhanced Multibiometric Identification System to support its 196 member countries" (2023) <https://www.idemia.com/press-release/idemia-provides-interpol-enhanced-multibiometric-identification-system-support-its-196-member-countries-2023-11-29>

23 INTERPOL, "INTERPOL unveils new biometric screening tool" (2023) <https://www.interpol.int/en/News-and-Events/News/2023/INTERPOL-unveils-new-biometric-screening-tool>

checks against watch lists in almost real time".²⁴ Indeed, in December 2023 it was reported that the first ever arrest had been made using INTERPOL's Biometric Hub, which is now available to law enforcement in all 196 member countries.²⁵

Moreover, INTERPOL is looking to introduce Artificial Intelligence (AI) into its policing tools in combination with biometrics. This is being done via the production of an EU-funded AI toolkit²⁶ and a new initiative, named INSIGHT – a multi-million dollar predictive analytics system which relies upon the organisation's internal datasets, but has further ambitions. According to reports from Statewatch, INSIGHT aims to incorporate *"all internal sources, external sources such as commercial databases, etc"* between 2024 and 2026, including open-source information, social media information and biometrics.²⁷

INTERPOL's biometric databases include its INTERPOL Face Recognition System (IFRS) which the company, Idemia, provide capabilities towards,²⁸ a global DNA database and an Automatic Fingerprint Identification System (AFIS) (also developed with the help of Idemia).²⁹

INTERPOL also facilitates countries to share and compare fingerprints to

24 INTERPOL, "I-CORE Newsflash September 2022" (2022) https://www.interpol.int/content/download/19038/file/OSA_I-CORE_Flash_Info_02_aug22_EN.pdf

25 INTERPOL, "INTERPOL unveils new biometric screening tool" (2023) <https://www.interpol.int/en/News-and-Events/News/2023/INTERPOL-unveils-new-biometric-screening-tool>

26 INTERPOL, "Artificial Intelligence Toolkit" <https://www.interpol.int/en/How-we-work/Innovation/Artificial-Intelligence-Toolkit>

27 Statewatch, "Interpol: multi-million dollar "predictive analytics" system under construction" (2023) <https://www.statewatch.org/news/2023/september/interpol-multi-million-dollar-predictive-analytics-system-under-construction/>

INTERPOL, "INSIGHT" (2020) <https://www.youtube.com/watch?v=IAxGBrymK6Q>

28 Jessica Lyons, "Interpol makes first border arrest using Biometric Hub to ID suspect", *The Register* (2023) https://www.theregister.com/2023/12/01/interpol_biohub_arrest/; IDEMIA, "IDEMIA provides INTERPOL with an enhanced Multibiometric Identification System to support its 196 member countries" (2023) <https://www.idemia.com/press-release/idemia-provides-interpol-enhanced-multibiometric-identification-system-support-its-196-member-countries-2023-11-29>

29 *ibid.*

identify any persons of interest, via AFIS. AFIS is the one biometric database to have been rolled out under the WAPIS programme in West Africa. AFIS is a global biometric fingerprint database containing over 220,000 fingerprint records and more than 17,000 crime scene marks.³⁰ Authorized users in member countries can cross-check records from their national fingerprint databases against INTERPOL AFIS via the Biometric Hub. INTERPOL appears to be replacing its AFIS system with a broader database that also includes facial images, the Automated Biometric Identification System (ABIS),³¹ which will be integrated into its new Biometric Hub.

Under WAPIS, the WAPIS/AFIS Project is implemented with the support of CIVIPOL,³² and introduces INTERPOL's AFIS system into participating countries to *"help countries in West Africa make the shift from a manual to an automated fingerprint identification system"*³³ and foresees cooperation with the Biometric Hub, as well as greater general reliance upon biometric data in the future, stating: *"The use of fingerprinting is a first step and must be followed in future by other technologies such as DNA and facial recognition, among others"*.³⁴ The project thus forms a central and coherent component of the organisation's efforts to digitise borders in the region – introducing biometric data into local policing, including by allowing member countries to share said biometric data. We have not received sufficient information regarding the difference between WAPIS /AFIS and INTERPOL/AFIS, and any relation between them, but have asked INTERPOL to disclose this information.

30 INTERPOL, "Fingerprints" <https://www.interpol.int/en/How-we-work/Forensics/Fingerprints>

31 *ibid.*

32 *ibid.* See further on Civipol: PI, "Here's how a well-connected security company is quietly building mass biometric databases in West Africa with EU aid funds" (10 November 2020), <https://privacyinternational.org/news-analysis/4290/heres-how-well-connected-security-company-quietly-building-mass-biometric>

33 INTERPOL, "WAPIS/AFIS Project" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme/WAPIS-AFIS-Project>

34 INTERPOL, "WAPIS/AFIS Project" (October 2022) https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.interpol.int/content/download/18916/file/project-sheet-WAPIS-AFIS-EN.pdf&ved=2ahUKEwieleGOxpKFAXVq9AIHhZ_SIVMQFnoECA4QAw&usq=AOvVaw0qiPGPWx3-smb8xDoD02hv

Through WAPIS, INTERPOL explicitly foresees the integration of biometric information into its interoperable data-sharing complex. As stated above, WAPIS has a separate €15 million EU-funded sub-project, "WAPIS/ AFIS", dedicated to the use of biometric technology and biometric data, which aims to *"to strengthen or introduce a criminal Automated Fingerprint Identification System (AFIS) in participating countries"*.³⁵ Although all WAPIS programme countries are earmarked as beneficiaries for AFIS,³⁶ pilot WAPIS/ AFIS countries include Benin, The Gambia and Togo,³⁷ and the system was reportedly already being implemented in The Gambia as of November 2023.³⁸

In an EU project related document disclosed to PI, the use of biometric information as part of WAPIS is highlighted under *"Priority areas for support/problem analysis"*, where it is stated that *"the identification of criminals is considerably enhanced by fingerprint identification. This is particularly true in West Africa, where civil registry information and national ID systems are weak. The WAPIS Programme must therefore set-up Automated Fingerprint Identification Systems (AFIS) in countries that do not already possess an operational AFIS and that have the capacity to maintain one [...]"*.³⁹ INTERPOL goes on to explicitly link the use of biometric information to its counter-terrorism objectives, partly betraying the technosolutionism driving its policing operations. Indeed, one activity laid out by the WAPIS programme is to *"Integrate the necessary fingerprints-based identification capability to enable an accurate and reliable identification of criminals and terrorists"*.⁴⁰

35 *ibid.*

36 European Commission, "Action Document for the 'Introduction of criminal Automated Fingerprint Identification System (AFIS) in West African countries'" (2020)

37 INTERPOL, "WAPIS Newsletter August 2023" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

38 Mr. Gaye, "GPF, Interpol Launches Awareness Creation Campaign" in The Voice (2023) <https://www.voicegambia.com/2023/11/24/gpf-interpol-launches-awareness-creation-campaign/>

39 INTERPOL, 'Activity 2.18' in "Support to the strengthening of police information systems in the broader West Africa region – Description of the Action", Contract number: 390-579 (2021)

40 *ibid.*

WAPIS also foresees the execution of an *“Operation Infra”* conducted by INTERPOL's Fugitive Investigative Support Sub Directorate in order to locate and facilitate the arrest of fugitives believed to be beyond their national jurisdiction in programme countries and thus promote WAPIS. To achieve this, INTERPOL states in documents disclosed to PI that *“All information, including biometric, will be inserted into the respective countries' WAPIS System or WAPIS-like System, as well as into INTERPOL databases, thus augmenting the quantity and quality of available data on international fugitives available locally and globally.”*⁴¹ Biometric data is a special category of personal data which should be subject to heightened safeguards as per internationally recognised data protection standards.

41 Annex 3 in *ibid.*

3. INTERPOL's interoperability and WAPIS

WAPIS is a project that supports data sharing and interoperability⁴² between numerous databases, and works at national, regional and international levels. Database interoperability risks interfering with the right to privacy on an immense scale, as large quantities of personal data, including sensitive biometric data, are shared across borders between various international organisations and made accessible to numerous national law enforcement and state agencies, unbeknownst to the individuals whose data has been harvested.

The emphasis on interoperability as a fundamental component and objective of WAPIS is clear. Indeed, a 2024 INTERPOL vacancy posting for an *“Analyst Developer – WAPIS Programme”* describes duties as including to *“ensure interoperability of the WAPIS system with external systems (INTERPOL web services, Regional platform...)”*, and to *“oversee on the ground implementation of interoperability between the national WAPIS systems if necessary”*, whilst naming one aim of the programme as being to *“Enable police officers in West African countries to access critical police information from their national criminal databases and from databases of countries across the region”*.⁴³

42 EC DEVCO, “CTR – Support to the strengthening of police information systems in the broader West Africa region” (2016) <https://eutf.akvoapp.org/dir/project/5372#report>

On concerns related to interoperable biometric databases, see for example PI report: <https://privacyinternational.org/sites/default/files/2020-07/Responsible%20use%20and%20sharing%20of%20biometric%20data%20in%20counter-terrorism.pdf>

43 INTERPOL, “Analyst Developer – WAPIS Programme” (2024) <https://www.unjobnet.org/jobs/detail/65942224>

3.1. WAPIS at a national level

WAPIS aims to centralise and digitise⁴⁴ police information in programme countries and, as stated in an EU document disclosed to PI, to “*offe[r] the possibility of sharing the information collected at national, regional and international levels*”.⁴⁵ INTERPOL boasts that as of October 2022, over 450,000 items of data were registered in WAPIS systems and 750 agents had been trained on the use of these systems.⁴⁶

Within programme countries, above establishing a national WAPIS system which is housed within WAPIS Data Collection and Registration Centres (DACORE) in each country,⁴⁷ documents disclosed to PI show that WAPIS aims to connect the DACORE to remote sites, such as police outposts, throughout the territory of a given programme state.

This is listed as outputs entitled “*The extension of the WAPIS system beyond DACORE*” and show that as of May 2020, Niger had connected 20 remote sites to its DACORE, with an expected 31 more pending that year; Mali had connected 21 remote sites; whilst remote sites had been identified in other countries, including 4 in Ghana.⁴⁸ A 2023 WAPIS newsletter stated of Togo

44 The national “*electronic national police information system*” that WAPIS establishes in programme countries, centralises the following types of data:

- “*Criminal cases and events;*
- *Suspects, victims and witnesses;*
- *Legal proceedings;*
- *Weapons and objects;*
- *Vehicles;*
- *Identity documents.” See:*

INTERPOL, “WAPIS Programme” <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

45 INTERPOL, “WAPIS Executive Summary Progress Report” (October 2018)

46 *ibid.*

47 Global Illicit Flows Programme of the European Union, “WAPIS” <https://illicitflows.eu/projects/wapis/>

48 INTERPOL, “Executive Summary WAPIS Progress Report” (May 2020)

that “Around fifty of the country's law enforcement agencies, including at the borders, will soon be connected to WAPIS and to INTERPOL's databases”,⁴⁹

3.2. WAPIS interoperability at a regional level

Documents disclosed to PI reveal that a key aim of WAPIS, beyond centralising and digitising police data at a national level in programme countries, is the creation of a regional WAPIS data-sharing platform which would link up these respective national WAPIS systems across borders throughout West Africa (specifically, ECOWAS countries and Mauritania).⁵⁰

The documents show that the WAPIS Programme sets out to establish digitised ‘WAPIS System[s]’ of electronic police information at national levels in programme countries whose data “[...] could, if authorized[3], subsequently be shared regionally and globally”.⁵¹ The regional sharing is carried about by a centralised regional data-sharing platform, set up by INTERPOL in collaboration with ECOWAS and national authorities, and the establishment of such a platform is a key activity envisaged by the WAPIS Programme in order to “strengthen police cooperation within the ECOWAS region and increase the efficiency of law enforcement agencies in tackling crime and terrorism”.⁵²

49 INTERPOL, “WAPIS Newsletter August 2023” <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

50 INTERPOL, “WAPIS Executive Summary Progress Report” (November 2019); INTERPOL, “WAPIS Programme” (2016) <https://docplayer.net/13303589-Wapis-programme-west-african-police-information-system-this-programme-is-funded-by-the-european-union.html>

51 INTERPOL, “Support to the strengthening of police information systems in the broader West Africa region – Description of the Action”, Contract number: 390-579 (2021)

52 *ibid.*

To achieve this, INTERPOL planned to provide IT infrastructure for regional data sharing and support the instalment of the regional WAPIS software in programme countries. This would allow national authorities from one country to access information about a citizen from another country and use this for law enforcement purposes.⁵³

At the 25th INTERPOL African Regional Conference in Benin in 2022, the design and development of a regional coordination framework was approved as part of WAPIS *"to enhance the interoperability of the cyber law enforcement community"*⁵⁴ and an INTERPOL press release on its 2023 African Regional Conference affirmed that *"[a]t the centre of tackling Africa's crime threats is greater information-sharing, the lifeblood of international police cooperation"*.⁵⁵ PI has been unable to ascertain the status of implementation of this regional project.

3.3. WAPIS interoperability at an international level

Creating interoperability between national WAPIS systems and INTERPOL's international databases is another key result foreseen by the project, as revealed by documents disclosed to PI.⁵⁶ One project result is that *"National*

53 See Annex B: In its response to the report INTERPOL stated: *"The WAPIS Regional Platform is not yet implemented. This platform will not be connected to INTERPOL databases, and each member country will decide whether it will share data on individuals via the platform or not."*

54 INTERPOL, "WAPIS Newsletter August 2022" https://www.interpol.int/en/content/download/18009/file/Wapis_Newsletter_no._20_August_2022%29.pdf?inLanguage=eng-GB

55 INTERPOL, "INTERPOL conference calls for a common security agenda for a safer Africa" (2023) <https://www.interpol.int/en/News-and-Events/News/2023/INTERPOL-conference-calls-for-a-common-security-agenda-for-a-safer-Africa>

56 *"Finally, at the global level, each WAPIS System will be connected to the country's INTERPOL National Central Bureau (NCB) in order to share authorized national data globally through INTERPOL's I-24/7 system."* In: INTERPOL, "WAPIS Executive Summary Progress Report" (October 2018)

WAPIS systems are linked up with INTERPOL channels through INTERPOL National Central Bureaus”, which includes activities to establish “direct connectivity” between WAPIS systems to INTERPOL’s international I-24/7 system, through National Central Bureaus in each programme country and “to share authorized national police data globally through INTERPOL’s I-24/7”.⁵⁷ Niger was the first country to have its WAPIS system connected to I-24/7 in 2019 with Burkina Faso, Sierra Leone Benin and Mali cited in 2020 as the next programme countries expected to be connected to I-24/7.⁵⁸

This international level interoperability with WAPIS systems gives national bodies what Nigeria’s Economic and Financial Crimes Commission (EFCC) alleged to be *“unrestricted access”* to nine of INTERPOL’s global databases (including AFIS),⁵⁹ containing at least 114 million records of 195 countries, hosted on INTERPOL’s I-24/7 secure global records and communication system.⁶⁰ INTERPOL explicitly links this interoperability to counter-terrorism objectives, stating that *“Interconnection via INTERPOL’s I-24/7 helps strengthen the operational link between West African law enforcement and the rest of the world, which is crucial to effectively combating transnational organized crime and terrorism”*.⁶¹

Interoperability of databases set up using EU funds could make accessible the biometric information of people in West Africa and could allow the tracking of their movement at and beyond borders under the banners of crime fighting and counter terrorism. Local level law enforcement agencies are granted access to, and can feed data into, INTERPOL’s international databases.

57 INTERPOL, ‘Result 4’ in “Support to the strengthening of police information systems in the broader West Africa region – Description of the Action”, Contract number: 390-579 (2021)

58 INTERPOL, “WAPIS Executive Summary Progress Report” (November 2019); INTERPOL, “WAPIS Executive Summary Progress Report” (May 2020)

59 Economic and Financial Crimes Commission Nigeria, X post (2022) <https://twitter.com/officialEFCC/status/1532687967948615681>

60 INTERPOL, “Databases” <https://www.interpol.int/en/How-we-work/Databases>

61 INTERPOL, “WAPIS Programme” <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

3.4. WAPIS and third party interoperability

As well as INTERPOL's own databases, WAPIS also has the potential to be connected to databases of third parties such as other international organisations, although the details of these links remain largely obscure. These organisations include the United Nation's International Organisation of Migration (IOM) which is named in reference to WAPIS "*partner projects*";⁶² as is the EU border agency, Frontex.⁶³

An EU document disclosed to PI reveals that WAPIS is explicitly intended to be made interoperable with the IOM's Migration Information and Data Analysis System (MIDAS), and states: "*The WAPIS team is in contact with the International Organization for Migration (IOM) regarding their Migration Information and Data Analysis System (MIDAS) border management tool being implemented in some countries of the region in order to develop interoperability with the WAPIS System*".⁶⁴ Contrary to this, the IOM said in a response to PI that "*MIDAS is not interoperable with WAPIS and FIELDS, nor is it interoperable with the EURODAC database*",⁶⁵ however it remains unclear whether there exist any data sharing capabilities or practises between MIDAS and WAPIS systems in WAPIS programme countries.

The New Humanitarian identifies the IOM's MIDAS biometric border management database as a "*rugged, low-cost solution to monitor*

62 INTERPOL, "WAPIS Newsletter December 2022" https://www.interpol.int/content/download/18784/file/WAPIS_Newsletter_no._21_December_2022.pdf

63 *ibid.*

64 INTERPOL, 'Complementary Action' in "Support to the strengthening of police information systems in the broader West Africa region – Description of the Action", Contract number: 390-579 (2021)

65 Annex A

migration flows" which itself has been heavily employing interoperability.⁶⁶ MIDAS, partly EU-funded, sees biometric data such as fingerprints and facial images collected from travellers at borders.⁶⁷ It is connected⁶⁸ to INTERPOL databases and *"automatically checks all recorded entry and exit data against national and INTERPOL Alert Lists"*,⁶⁹ including already being connected to some WAPIS systems,⁷⁰ in at least Niger.

Documents seen by PI further vaguely assert that other actors including the EU's SEACOP and the United Nations Office for Drugs and Crime's Aircop projects *"should benefit from the electronic police data created in the framework of WAPIS"*, and go on to state with regards to a criminal AFIS installed in Niger by the EDF-funded Support Programme for Justice and the Rule of Law (PAJED)⁷¹ project, that: *"The WAPIS team is in contact with EU officials to ensure interoperability and [...] to couple the AFIS with the national WAPIS system"*.⁷²

As part of the WAPIS Programme, INTERPOL has also signed agreements with EUCAP Sahel Niger and EUCAP Sahel Mali, and plans to seek *"synergies"* with the World Customs Organisation, the United Nations Office on Drugs and Crime through their Regional Office for West and Central Africa, and programmes related to the ECOWAS Integrated Maritime

66 Giacomo Zandonini, "Biometrics: The new frontier of EU migration policy in Niger" in The New Humanitarian (2019) <https://www.thenewhumanitarian.org/news-feature/2019/06/06/biometrics-new-frontier-eu-migration-policy-niger>

67 *ibid.*

68 International Organization for Migration, "MIDAS: A COMPREHENSIVE AND AFFORDABLE BORDER MANAGEMENT INFORMATION SYSTEM"

<https://rosanjose.iom.int/sites/g/files/tmzbd1446/files/documents/midas-brochure-3-v1-web-english.pdf>

69 Alizée Dauchy, "Dreaming biometrics in Niger: The security techniques of migration control in West Africa", Security Dialogue, 54:3 (2023) <https://doi.org/10.1177/09670106231158893>

70 Giacomo Zandonini, "Au Niger, l'UE mise sur la police locale pour traquer les migrants", MediaPart (2019) <https://www.mediapart.fr/journal/international/280219/au-niger-l-ue-mise-sur-la-police-locale-pour-traquer-les-migrants?onglet=full>

71 European Commission, "Enhanced cooperation between the European Union and Niger", (2016) https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_4375

72 INTERPOL, 'Complementary Actions' in "Support to the strengthening of police information systems in the broader West Africa region – Description of the Action", Contract number: 390-579 (2021)

Strategy.⁷³ One document outlining expected results when it comes to the implementation of WAPIS/ AFIS also envisages *"interfacing with other relevant databases"* including MIDAS, border and immigration control databases of PISCES and SECURIPORT.⁷⁴

There is almost no publicly available information about data exchange capabilities between Frontex and WAPIS, and whether or not WAPIS data is shared with other EU agencies. Whilst INTERPOL have stated that *"The national WAPIS systems do not share data with Frontex or any other EU agency"*,⁷⁵ we remain in the dark about whether governments can choose to share data from their WAPIS systems with EU agencies via other means, including via INTERPOL platforms.

These data sharing practices are worryingly opaque, as it is unclear which external actors already have, or are set to gain, access to WAPIS databases in which countries, how this data is being shared and used, and what safeguards are in place. This lack of transparency is even more worrying in a context in which more and more databases are made interoperable around the world.

For example in 2022, the EU announced plans to pass an *"EU security-related information sharing law"*.⁷⁶ The law envisages a *"Security-related information sharing system between frontline officers in the EU and key partner countries"* as part of a trend of increasing use of large-scale processing of the personal data of non-EU citizens for combined criminal law and immigration control purposes. PI and others filed a joint submission raising concerns over insufficient safeguards surrounding the law and the

73 *ibid.*

74 European Commission, "Action Document for the 'Introduction of criminal Automated Fingerprint Identification System (AFIS) in West African countries'" (2020)

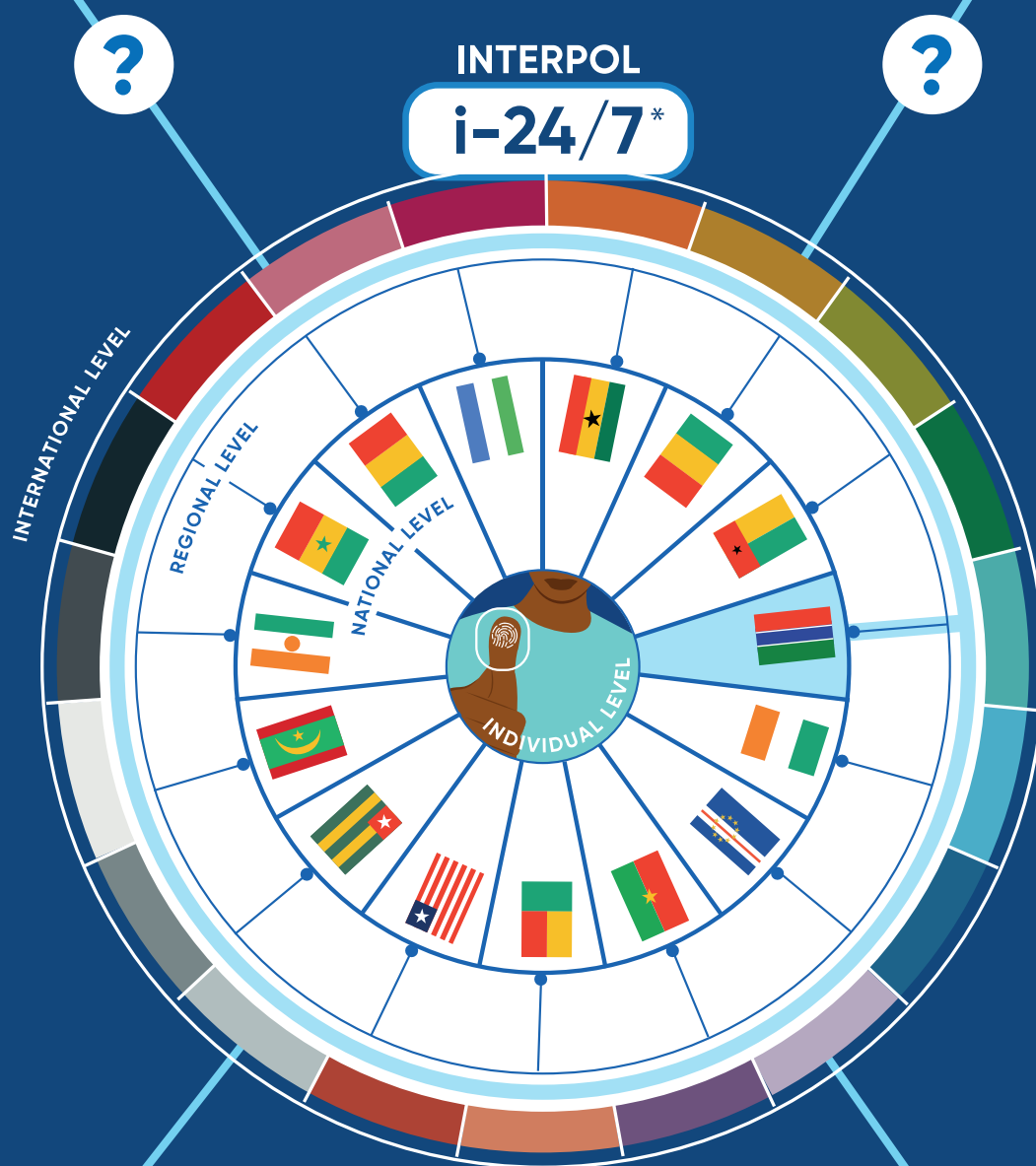
75 Annex B

76 European Commission, "Security-related information sharing – reciprocal access for frontline officers in the EU and key partner countries" (2022) https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13243-Security-related-information-sharing-%E2%88%92-reciprocal-access-for-frontline-officers-in-the-EU-and-key-partner-countries_en

risk that it poses to human rights (see more details on this in Sections 4 and 5).

WEST AFRICAN POLICE INFORMATION SYSTEM (WAPIS)

Map of interoperability envisaged by WAPIS



*INTERPOL's global I-24/7 police communications system, which accesses 19 different INTERPOL databases.

4. Mission creep of INTERPOL's digitised policing in West Africa

4.1. Migration and border management in WAPIS programme countries

Although INTERPOL pedals WAPIS as a crime prevention and counter terrorism capacity building programme, in 2016, the European Commission named WAPIS as one of the *"new measures adopted to tackle the root causes of irregular migration and displaced persons in the Sahel region and Lake Chad Basin"*.⁷⁷ It is clear that the project serves to conflate counter terrorism with migration control, securitisation with the data-driven tracking of certain populations across borders and to externalise the EU border, using millions of Euros in aid and development funding to do so.

Documents disclosed to PI show that despite WAPIS's purported objectives of countering crime and terrorism in West Africa, the programme also features explicit elements of border and migration management, whilst envisioning the restriction of freedom of movement regionally as one of the broader and underpinning rationales for WAPIS's deployment. This is a prime example of mission creep, as the purported crime and terror fighting data-sharing operation also sets out to restrict the freedom of movement of people from programme countries who migrate across borders, and anticipates the sharing of their data with migration management bodies such as the IOM and other third-party migration databases.

⁷⁷ European Commission, "Description of the new measures adopted to tackle the root causes of irregular migration and displaced persons in the Sahel region and Lake Chad Basin" (2016) https://ec.europa.eu/commission/presscorner/detail/en/MEMO_16_1426

Document disclosures obtained by PI reveal that one of the rationales for the WAPIS programme includes curbing the free movement nature of the ECOWAS area, as the WAPIS data-sharing platform is seen as *"the natural balancing measure to the Commission's initiative to create a free movement and free establishment zone within the ECOWAS area"*.⁷⁸ The *"natural balancing"* would be introduced by WAPIS since *"the free movement of persons would be accompanied by the ability of law enforcement to share and access information across the free movement zone"*.⁷⁹ According to this logic, increased data-driven policing is seen as a necessary counterbalance to free movement of people.

A 2021 document disclosed to PI further revealed that *"border crossing points"*, including airports, were singled out and highlighted as locations prioritised for the extension of the national WAPIS systems beyond the DACORE within programme countries, namely Benin, Ghana, Mali and Niger.⁸⁰ It is possible that extensions have proliferated in programme countries other than these four since this document was produced. Official programme documents openly admit the interest in migration control when it comes to deploying biometrics through WAPIS/ AFIS specifically, stating that AFIS will *"address the crosscutting issue of migration [...] The AFIS programme comes as a response to that migration concern as well"*.⁸¹

INTERPOL's efforts to entrench biometric data processing at borders in West Africa and share data with migration bodies such as IOM are a clear example of the blurring of lines between counter terrorism and migration control. Technology originally intended to fight crime and terrorism becomes subject to 'mission creep' and is used for other purposes such as border and migration management through the identification and

78 INTERPOL, "Support to the strengthening of police information systems in the broader West Africa region – Description of the Action", Contract number: 390-579 (2021)

79 *ibid.*

80 INTERPOL, "Support to the strengthening of police information systems in the broader West Africa region – Description of the Action", Contract number: 390-579 (2021)

81 European Commission, "Action Document for the 'Introduction of criminal Automated Fingerprint Identification System (AFIS) in West African countries'" (2020)

tracking of migrants.⁸² As E. Stambøl states in *Border Criminologies* in 2021: *“WAPIS was initially deployed to fight drug trafficking from Latin America through West Africa to Europe as part of the EU’s flagship Cocaine Route Programme(€50 million) [...] [it] is a good example of a ‘mission creep’: the project’s objective has been re-oriented from drugs to combating migrant smuggling, in line with a broader shift in the EU’s security agenda”*.⁸³

82 Alizée Dauchy, “Dreaming biometrics in Niger: The security techniques of migration control in West Africa”, *Security Dialogue*, 54:3 (2023) <https://doi.org/10.1177/09670106231158893>

83 Eva Magdalena Stambøl, “Border Externalization to West Africa: Three Logics of Border Security Technologies”, *Oxford University Law Faculty Blog* (2021) <https://blogs.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2021/09/border>

European Union, “What is the Global Illicit Flows Programme?” <https://illicitflows.eu/programme/>

5. The role of EU funding of WAPIS and due diligence failures

INTERPOL's WAPIS is fully funded by the EU through the EUTF for Africa and the EDF,⁸⁴ the former of which has been found to have failed to enact appropriate human rights and data protection due diligence when transferring surveillance capabilities.

PI has long been deeply concerned over the human rights implications of EU transfers of surveillance technologies to third countries under funds such as the EUTF for Africa, and has thus carried out years of investigations and advocacy into the matter. Through FOI requests to EU agencies, PI secured the release of hundreds of documents in late 2020 that revealed EU bodies were training and equipping law enforcement and border authorities in non-member countries, including in West and North Africa, with surveillance tools and techniques. Reviewing these documents led to concerns that the deployment of such tools was posing serious threats to the right to privacy and other fundamental freedoms of entire populations.

Within these disclosures were documents pertaining to WAPIS drawn upon and referred to throughout this report. These documents reveal that the EU was aware of data protection and privacy risks that the programme posed. These documents included the Description of the Action, the Best Practice Guide on Personal Data Protection and a number of Executive Summary WAPIS Progress Reports.⁸⁵

84 European Union, "Emergency Trust Fund for Africa: Support to the strengthening of police information systems in the broader West Africa region", https://trust-fund-for-africa.europa.eu/our-programmes/support-strengthening-police-information-systems-broader-west-africa-region_en

INTERPOL, "WAPIS Programme" <https://www.interpol.int/en/How-we-work/Capacity-building/WAPIS-Programme>

85 INTERPOL, "WAPIS GUIDE: Best Practise on Personal Data Protection" (2020) https://www.interpol.int/en/content/download/16379/file/20COM0370-WAPIS_Best_Practice_Guide_on_data_protection_EN_04_LRchapter_Optimized.pdf; INTERPOL, "WAPIS Executive Summary Progress Report" (November 2019)

Indeed, the Executive Summary WAPIS Progress Report explicitly highlights concerns over the inadequacies of data protection legislation in WAPIS participating countries, including that *“Not all countries have put in place the required data protection legislation [...] while some WAPIS beneficiary countries do have data protection legislation, the content of this legislation may not necessarily be uniform across all countries and may also not specifically address issues unique to data processing through WAPIS”*. The document also raises the concern that *“Law enforcement authorities participating in WAPIS in countries with no data protection legislation do not appear to have leverage with those state authorities whose mandate it is to adopt data protection legislation”*.⁸⁶

Such revelations made by the disclosed documents⁸⁷ led PI and 13 other civil society organisations to call⁸⁸ upon the European Commission in November 2020 to stop the diversion of aid funds and enact strict due diligence and risk assessment procedures. In 2021, PI followed up with a joint complaint to the EU Ombudsman backed by Access Now, the Border Violence Monitoring Network, Homo Digitalis, the International Federation for Human Rights, and Sea-Watch, regarding the failure of the European Commission to carry out human rights risk and impact assessments prior to transferring surveillance capabilities to authorities of third countries.⁸⁹

After launching a year-long inquiry into our complaint, on 5 December 2022, the EU Ombudsman confirmed our concerns by coming to the decision that the European Commission had failed to take necessary measures to ensure the protection of human rights in the transfers of technology with potential surveillance capacity supported by its multi-billion EUTF

86 INTERPOL, “WAPIS Executive Summary Progress Report” (November 2019)

87 Privacy International, “Surveillance Disclosures Show Urgent Need for Reforms to EU Aid Programmes” (2020) <https://privacyinternational.org/long-read/4291/surveillance-disclosures-show-urgent-need-reforms-eu-aid-programmes>

88 Privacy International et. al., *Letter to EU Commission* (2020) <https://privacyinternational.org/sites/default/files/2020-11/Letter%20Calling%20for%20Reforms%20to%20the%20EU%20Funding-1.pdf>

89 Privacy International, “Complaint on EU surveillance transfers to third countries” (2021) <https://privacyinternational.org/legal-action/complaint-eu-surveillance-transfers-third-countries>

for Africa, of which WAPIS is just one of many funded programmes.⁹⁰ In particular, the Ombudsman concluded that *"the Commission was not able to demonstrate that the measures in place ensured a coherent and structured approach to assessing the human rights impacts of EUTF for Africa projects"*.⁹¹

In Security Dialogues in 2023, academic Alizée Dauchy commented that *"The implementation of biometrics under the EU Trust Fund for Africa reflects the European Union's preoccupation with migration containment in the region"* and aims to *"stem Mediterranean crossings towards Europe"*.⁹²

In a response to PI, INTERPOL stated that *"At the outset of the WAPIS Programme, INTERPOL conducted a comprehensive legal assessment, including Impact Assessments for both Human Rights and Data Protection [...]"*,⁹³ whilst the EC referenced the same due diligence, stating: *"In 2014, Interpol conducted a comprehensive legal assessment, which encompassed a Human Rights impact assessment and a Data Protection impact assessment in the ECOWAS region [...]"*.⁹⁴

PI has not yet seen the documents of said due diligence, and there is no information that any further due diligence or impact assessments have been conducted in the course of implementation of the WAPIS programme since 2014, which is still as far as we know in process of being implemented a decade later. In light of the Ombudsman's 2022 decision that the EC could not demonstrate EUTF for Africa projects had been subject to

90 European Ombudsman, "Decision on how the European Commission assessed the human rights impact before providing support to African countries to develop surveillance capabilities (case 1904/2021/MHZ)" (2022) <https://www.ombudsman.europa.eu/en/decision/en/163491>.

91 *ibid.*

92 Alizée Dauchy, "Dreaming biometrics in Niger: The security techniques of migration control in West Africa", Security Dialogue, 54:3 (2023) <https://doi.org/10.1177/09670106231158893>

93 Annex B

94 Annex C

appropriate due diligence,⁹⁵ this raises serious concerns over the adequacy of any due diligence conducted under the fund, and PI has requested that the due diligence referenced by the EC and by INTERPOL be disclosed in full.

95 European Ombudsman, "Decision on how the European Commission assessed the human rights impact before providing support to African countries to develop surveillance capabilities (case 1904/2021/MHZ)" (2022) <https://www.ombudsman.europa.eu/en/decision/en/163491>.

6. WAPIS's threats to human rights and data protection

The WAPIS programme has been implemented across programme countries, many of which score poorly on international indexes⁹⁶ monitoring civil liberties and fundamental freedoms,⁹⁷ including to states experiencing ongoing armed conflicts, states retaining the death penalty and those known for stifling civic space by practising violent repression against their populations.

Documents disclosed to PI reveal INTERPOL to have identified political risks during the implementation of WAPIS, stating in 2019 that *"Some countries are facing political crises which lead to constant personnel changes at a high level or even a regular restructuring of Law Enforcement Agencies"*.⁹⁸ Indeed, WAPIS is being rolled out in a region where there are high levels of political instability and security crises in some countries and where a series of military coups have taken place in recent years in Burkina Faso, Mali and Niger,⁹⁹ prompting the withdrawal from ECOWAS (a key WAPIS partner) of these three states subsequent to their subjection to ECOWAS-imposed sanctions and formation of the *"Alliance of Sahel States"*.¹⁰⁰ Such situations serve as prime examples to highlight the need for continued due diligence in the process of implementing such programmes.

96 Freedom House, "Countries and Territories" (2023) <https://freedomhouse.org/countries/freedom-world/scores>; The Economist, "The world's most, and least, democratic countries in 2022" (2023) <https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022>

97 Reporters Without Borders, "Index 2023" (2023) <https://rsf.org/en/index>

98 INTERPOL, "WAPIS Executive Summary Progress Report" (November 2019)

99 BBC World Service, "What's the point of Ecowas and other regional blocs?", *Africa Daily* [podcast] (2024) <https://open.spotify.com/episode/75ULJ93X8B6u9vbA0QS4rX?si=ea25828fbfcb4ca1>

100 *ibid.*

6.1 Data protection concerns

Whilst WAPIS is reported to have resulted in some positive outcomes¹⁰¹ related to its crime prevention mandate, it appears to have been implemented in the absence of repeated and adequate human rights due diligence,¹⁰² including data protection impact assessments, in third countries lacking the data protection infrastructure to safely and securely process the vast amount of data that the project demands. The extent of the potential harms it may have facilitated in light of these critical oversights are not known.

Even in WAPIS programme countries where national data protection legislation does exist, much of this legislation is new,¹⁰³ having been introduced in recent years, and often such laws contain exceptions to the data protection provisions they stipulate when it comes to data collection or processing by national law enforcement agencies, such as the 2023 Nigeria Data Protection Act.¹⁰⁴ In such cases, personal data in WAPIS systems is subject to reduced legal safeguards despite the existence of a data protection law.¹⁰⁵

101 INTERPOL, "West Africa: 56 minors rescued from exploitation" (2022) <https://www.interpol.int/en/News-and-Events/News/2022/West-Africa-56-minors-rescued-from-exploitation>

102 As outlined in Section 5, INTERPOL stated that they conducted "a comprehensive legal assessment, including Impact Assessments for both Human Rights and Data Protection" in 2014 but we have not seen these documents. See Annex B.

103 Annex B, INTERPOL: "The Programme has consistently encouraged countries without personal data protection legislation to adopt such a legislation. In 2012, only four WAPIS participating countries had adopted a national Act on Data Protection (Benin, Ghana, Senegal, Cabo Verde). However, by 2024, a Data Protection Act had been adopted in 13 countries (the latest being Nigeria, in 2023), and the process is ongoing in the remaining four countries (The Gambia, Guinea Bissau, Liberia and Sierra Leone)." See also Annex C, the EC: "By 2024, a Data Protection bill has been adopted in 13 countries (including Chad and Mauritania), and the process is ongoing in the remaining four countries (The Gambia, Guinea Bissau, Liberia and Sierra Leone)."

104 Nigeria Data Protection Act 2023, Section 3(2) https://ndpc.gov.ng/Files/Nigeria_Data_Protection_Act_2023.pdf

105 Privacy International, "Briefing on the Responsible Use and Sharing of Biometric Data in Counter-terrorism" (2020) <https://privacyinternational.org/advocacy/4064/briefing-responsible-use-and-sharing-biometric-data-counter-terrorism>

As acknowledged internally by the EU themselves in the Executive Summary WAPIS Progress Report November 2019, programme countries lack robust data protection frameworks. Some do not have any dedicated data protection legislation in place, including the Gambia, Guinea Bissau, Liberia and Sierra Leone, whilst Liberia and Togo do not yet have established data protection authorities.¹⁰⁶ In Chad, the authority in charge of data protection only became fully operational in late 2020, whilst in Niger the equivalent authority became fully operational in 2021.¹⁰⁷ In such contexts, it will not be possible for the Data Protection Officers WAPIS envisages being appointed at national levels to *"liaise with data protection authorities"* as stipulated by INTERPOL's programme guidelines.¹⁰⁸

Furthermore, data revealing biometric information is categorised by international data protection frameworks as sensitive personal data which should be subject to increased privacy safeguards.¹⁰⁹ Biometric data collection and processing activities which are applied in such a blanket manner are unlikely to comply with data protection principles such as data minimisation and purpose limitation. It is unclear which actors in which countries have access to an individual's biometric data collected under WAPIS, and how this data will be stored and protected.

106 One Trust Data Guidance, "The Gambia – Data Protection Overview", <https://www.dataguidance.com/notes/gambia-data-protection-overview>;

One Trust Data Guidance, "Guinea-Bissau", <https://www.dataguidance.com/jurisdiction/guinea-bissau>;

One Trust Data Guidance, "Liberia", <https://www.dataguidance.com/jurisdiction/liberia>; One Trust Data Guidance, "Sierra Leone", <https://www.dataguidance.com/jurisdiction/sierra-leone>; One Trust Data Guidance, "Liberia", <https://www.dataguidance.com/jurisdiction/liberia>; One Trust Data Guidance, "Togo", <https://www.dataguidance.com/jurisdiction/togo>

107 Hogan Lovells, "Recent developments in African data protection laws – Outlook for 2022" (2022) https://www.engage.hoganlovells.com/knowledgeservices/news/recent-developments-in-african-data-protection-laws-outlook-for-2022_1_1

108 INTERPOL, "WAPIS GUIDE: Best Practise on Personal Data Protection" (2020) https://www.interpol.int/en/content/download/16379/file/20COM0370-WAPIS_Best_Practice_Guide_on_data_protection_EN_04_LRchapter_Optimized.pdf

109 Privacy International, "Data Protection Guide" (2018) <https://privacyinternational.org/report/2255/data-protection-guide-complete-guide-full>

Whilst WAPIS has developed¹¹⁰ a series of guidance documents pertaining to good practice when it comes to data handling and data protection, the earliest of these was published in 2020,¹¹¹ when the programme had already been running for years. Moreover, these are not binding provisions but only guidance. By facilitating the processing of sensitive personal data under WAPIS without either effective legal frameworks and/or functioning independent data protection authorities, INTERPOL fails to uphold its responsibilities to protect human rights and mitigate risks of data protection abuses.¹¹²

6.2. Human rights concerns

The protection of personal data is a human right, both as a standalone right and as part of the right to privacy. Human rights concerns surrounding the WAPIS programme are thus compounded due to the propensity for the surveillance capabilities transferred to WAPIS countries to undergo mission creep, particularly in light of the European Ombudsman's decision that transfers made under the EUTF for Africa have been carried out without adequate human rights due diligence. In many cases, WAPIS is being delivered to states with appalling human rights records, which were named "authoritarian" by the Economist's 2022 Democracy Index¹¹³ and whose law enforcement agencies have long histories of abuse.

110 INTERPOL, "WAPIS Programme" <https://www.interpol.int/en/How-we-work/Capacity-building/Capacity-building-projects/WAPIS-Programme>

111 *ibid.*

112 INTERPOL has its own rules on data processing. While many international organisations are maintaining that data protection legislation, such as the EU General Data Protection Regulation, is not applicable to them, they have confirmed that they should ensure an alignment with data protection principles and obligations. Hence their principles and obligations should be read in conjunction with international data protection principles. INTERPOL's Rules on the Processing of Data (RPD) were adopted by INTERPOL's General Assembly in 2011 and entered into force in July 2012. <https://www.interpol.int/en/Who-we-are/Legal-framework/Data-protection>. See also footnote 103.

113 "The world's most, and least, democratic countries in 2022", The Economist, (2023) <https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022>

For example, in 2021 and 2022,¹¹⁴ state security forces in Chad were reported to have enacted violent crackdowns upon thousands of peaceful protestors, resulting in mass arrests and reports of torture and ill-treatment, and state security forces in Mali were implicated in enforced disappearances and over 40 unlawful killings “during counter terrorism operations”.¹¹⁵ Mali and Mauritania retain the death penalty, with Mali holding people on death row at the time of writing.¹¹⁶ Armed conflicts are ongoing in Mali and Burkina Faso with state security forces in both countries implicated in abuses against civilians.¹¹⁷

Transferring surveillance capabilities without firm safeguards in place is at best an act of egregious irresponsibility. In turn, WAPIS poses a threat to the fundamental human rights of numerous West African populations, namely the right to privacy, whilst also undermining the rights to freedoms of expression, association and assembly, the right to leave one's country and the right to seek asylum, all of which are firmly enshrined in international human rights law.

114 Human Rights Watch, “Chad: events of 2021” (2022) <https://www.hrw.org/world-report/2022/country-chapters/chad>

Human Rights Watch, “Chad: Killings by Security Forces in East” (2022) <https://www.hrw.org/news/2022/03/09/chad-killings-security-forces-east>

115 Human Rights Watch, “Mali: events of 2021” (2022) <https://www.hrw.org/world-report/2022/country-chapters/mali>

116 World Coalition Against the Death Penalty, “Mali”, <https://worldcoalition.org/pays/mali/>

117 Human Rights Watch, “Africa: Conflicts, Violence Threaten Rights” (2023) <https://www.hrw.org/news/2023/01/12/africa-conflicts-violence-threaten-rights>

Concluding remarks

INTERPOL's WAPIS programme and expansion of interoperable and biometric databases for policing, counter-terrorism and borders management, into ECOWAS countries, and Mauritania and Chad, is fraught with serious human rights concerns, including with respect to the right to privacy of affected populations.

The lack of transparency surrounding INTERPOL's support of increasingly interoperable databases and which actors have access to them is a point of concern, as any sharing of this data raises the risk of it being exploited or misused to the detriment of the affected person, for example to forcibly return displaced people seeking asylum in Europe to their countries of origin or otherwise restrict their freedom of movement, as well as other human rights. Moreover, the emphasis on expanding the use of highly sensitive biometric data in order to conduct policing operations in West Africa raises additional privacy, data protection and broad human rights concerns.

Enquiries and demands

Privacy International calls on:

The European Commission:

1. To disclose what human rights due diligence was conducted before and during the implementation of the WAPIS programme, including human rights impact assessment(s) and data protection impact assessment(s), and the content of this due diligence;

2. Explain how the safeguarding of special category sensitive biometric data whose collection is facilitated by this project is ensured in WAPIS programme countries lacking in data protection legislation, and/or a dedicated national Data Protection Authority.

INTERPOL:

1. Publish a named breakdown of databases external to INTERPOL that could receive data from, or share data with, national WAPIS systems via INTERPOL's platforms should the government in question choose to allow such data exchange, including naming any national and EU databases, and actors external to both INTERPOL and the national authorities of a given programme country that may have access to WAPIS/AFIS databases;
2. Disclose in full the human rights due diligence conducted in 2014, before the provision of technologies or capabilities (including trainings) to WAPIS programme countries, as well as any subsequent due diligence conducted as part of the programme, and prior to the contracting of private entities for the provision of such technologies or capabilities, and including data protection impact assessments and human rights impact assessments;
3. Publish the memorandums of understanding between INTERPOL and authorities of WAPIS programme countries; the annual narrative and financial reports, revised work plans, and mid-term, as well as final evaluations; as well as the minutes of both WAPIS Programme Steering and Coordination Committee meetings and AFIS project Steering and coordination committee meetings;
4. Provide information to detail at what stage of implementation the WAPIS programme is currently at in each programme country, and what plans if any exist for the implementation of the WAPIS Regional Platform since it is not yet in operation;
5. Provide information to detail what is the relationship between

INTERPOL's AFIS database and national WAPIS/AFIS systems, including what data sharing capabilities exist between the two systems;

6. Provide information to detail how permission is secured and/or granted for a given member country to access data shared on an individual by another member country, via INTERPOL.

Annex A

The Deputy Director General



Geneva, 18 July 2024

Dear Dr Hosein,

Thank you for your letter of 18 July and for enclosing an advanced copy of your upcoming report. IOM's top strategic objective is to save lives and protect people on the move, and as the leading intergovernmental organization in the field of migration, IOM has a clear and distinct mandate to help interested Member States manage migration and build capacity in the field of border and identity management.

Carrying out that mandate includes assisting with effective traveller identification, using a computerized border management system. The work is not done in a vacuum, for it enables greater facilitation of regular pathways that can optimize the economic, social and political benefits of international migration and mobility. Doing so advances the United Nations Sustainable Development Goals and the objectives of the Global Compact for Safe, Orderly and Regular Migration.

Concerning your queries on the IOM-developed Migration Information and Data Analysis System (MIDAS), please allow me to clarify that MIDAS is not interoperable with WAPIS and FIELDS, nor is it interoperable with the EURODAC database.

In view of your report's imminent release, we are putting you on notice prior to publication that it is inaccurate. Its description of MIDAS is incorrect and is not aligned with the outcome of the engagement our Border & Identity Solutions Unit held in early 2022 with Privacy International's Dr. Ilia Siatitsa.

At IOM, we work with a wide variety of stakeholders who share our vision of making migration work for all. We do that because it takes a whole-of-society approach to ensure the orderly and humane management of migration, promote international cooperation on migration issues, and provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

In the spirit of that mission and that vision, we would welcome additional opportunities to engage with Privacy International, to hear your concerns and feedback, and to foster a greater understanding of IOM's processes, procedures and strategic goals.

Sincerely,

A handwritten signature in dark blue ink, which appears to read 'Ugochi Daniels', is positioned above the printed name.

Ugochi Daniels
Deputy Director General for Operations

Dr Gus Hosein
Executive Director
Privacy International

Annex B



Jürgen Stock

The Secretary General | Le Secrétaire Général | El Secretario General | الأمين العام

Dr Gus Hosein
Executive Director
Privacy International
62 Britton Street
London EC1M 5UY
United Kingdom

Date: 26 July 2024
Our Ref.: SG/2024/PI/DCS738406/sb
Contact: Cabinet of the Secretary General
cbweb@interpol.int

Subject: Privacy International's report on the West African Police Information System (WAPIS) Programme

Dear Dr Hosein,

Thank you for your letter dated 9 July 2024 and for sharing the Privacy International report (the "Report") regarding the West African Police Information System (WAPIS) Programme.

If the General Secretariat had been contacted prior to the drafting of the report, we would have been pleased to answer your questions and provide accurate information about the WAPIS Programme, in addition to what is already published on our website.

Regrettably this was not the case and, in addition to showing a lack of understanding of what the WAPIS Programme is, the report contains a number of misleading or inaccurate claims.

This in turn means that the 'enquiries and demands' of INTERPOL at the end of the report are difficult to address as they are not areas where the Organization has any remit or are based on incorrect information.

INTERPOL places a high priority on the protection of personal data and human rights in all its initiatives and undertakings. Given this, we remain committed to ensuring that the WAPIS Programme is implemented in compliance with all relevant data protection laws and human rights standards.

A detailed response to address the claims made in the report is attached, and we would expect that given these corrections and clarifications, your original report is either edited or re-written prior to its publication.

We believe that engaging in a constructive dialogue with civil society organizations, such as Privacy International, is essential to promoting transparency and accountability, and look forward to any future exchanges.

Yours sincerely,

Jürgen Stock
Secretary General

Encl.



INTERPOL corrections and clarifications – Privacy International report

From the very start, the report demonstrates a significant lack of understanding about both WAPIS and INTERPOL, resulting in the vast majority of its allegations and claims being either misleading or false especially when based on unsubstantiated or unrelated third-party reports.

While there are significant errors throughout, below is a summary of the most misleading, or wrong, claims and suppositions.

Page 5 - WAPIS is not part of any INTERPOL network, biometric or otherwise. The WAPIS Programme is not a migration or borders management system for West Africa.

Page 7 - INTERPOL's global databases are designed to support international police cooperation and fight against crime, not to facilitate mass surveillance of individuals or populations.

INTERPOL does not 'harvest' data. It is each member country which decides what information it shares with INTERPOL, and further, which other countries can then have access.

Any extension of INTERPOL's network within a member country is decided by that member country based on its own national needs.

Pages 11, 12, 13 - INTERPOL does not have, nor has ever maintained, a voice print database. The claim, therefore, that it is the Organization's third largest biometric database is clearly wrong. Roxanne was not an INTERPOL project and no data from that project was entered into INTERPOL's databases.

Page 12 – A significant error in referring to the arrest of a 'fugitive migrant' while including a footnote to the press release which clearly states that the person arrested was a 'fugitive migrant smuggler'.

Page 12 - INTERPOL's DNA and I-Familia databases are totally unconnected and were wrongly conflated in the report.

Page 13 - The AFIS component in WAPIS are national databases owned by the countries, they are not connected to INTERPOL's AFIS database.

Page 15 - Since 2010, INTERPOL has conducted a range of International Fugitive Round Up and Arrest, or INFRA, operations, some with regional focus and others with crime area focus, such as environmental crime.

There is a reference to a section 8.1?

Page 16 – WAPIS does not rely on interoperability between databases internal and external to INTERPOL. Nor does INTERPOL have a 'hyper-focus' on database interoperability. Again, INTERPOL does not harvest data - please see the point re the error on page 7 above.

Page 19 (first paragraph) - The WAPIS Regional Platform is not yet implemented. This platform will not be connected to INTERPOL databases, and each member country will decide whether it will share data on individuals via the platform or not.

Page 19 – As per the previous correction to page 7, any data shared by a member country via INTERPOL remains under the ownership of that country, which also decides which other country may view its data. Therefore, a country can only access data on an individual if it has been given permission to do so.

Page 20 (second paragraph) – as per previous correction on page 7, countries can only access data if the providing country has given permission.

Page 20 (third paragraph) – INTERPOL's databases, and again to be clear WAPIS is NOT an INTERPOL database, are not used to 'make accessible the biometric information of people in West Africa and to track their movement at and beyond borders'. This is both false and egregious.

Page 21 – The national WAPIS systems do not share data with Frontex or any other European agency.

Section 4 – rather than addressing the litany of errors and what appears to be a wilful disregard for accuracy, this whole section is misleading given its mixing of a wide range of unconnected events, reports and bias. Again, WAPIS is not a border management tool.

Section 6 - At the outset of the WAPIS Programme, INTERPOL conducted a comprehensive legal assessment, including Impact Assessments for both Human Rights and Data Protection. The objective was to examine the potential consequences, taking into account the unique context of West African countries and the risks associated with managing personal data, including sensitive biometric data.

Adhering to the recommendations from the assessment to mitigate any adverse effects, INTERPOL has therefore implemented robust measures to ensure the protection of personal data collected and processed through the national WAPIS systems, while also upholding the rights of individuals.

The Programme has consistently encouraged countries without personal data protection legislation to adopt such a legislation. In 2012, only four WAPIS participating countries had adopted a national Act on Data Protection (Benin, Ghana, Senegal, Cabo Verde). However, by 2024, a Data Protection Act had been adopted in 13 countries (the latest being Nigeria, in 2023), and the process is ongoing in the remaining four countries (The Gambia, Guinea Bissau, Liberia and Sierra Leone).

Page 36 (second paragraph) – given the clarifications and corrections above, it is clear that the report's 'conclusion' is false.

A general explanation of WAPIS

A major challenge in combating security threats in Western Africa is the predominance of paper-based police data, which significantly hinders police investigations due to the difficulty in retrieving, searching, analyzing, and sharing this information.

To tackle this issue, in 2011 the Economic Community of West African States (ECOWAS), via the West African Police Chiefs Committee (WAPCCO), sought European Union (EU) support in creating a regional police information system - the West African Police Information System (WAPIS).

The WAPIS Programme provides national law enforcement authorities with an automated police information system enabling them to: collect, manage, and share files on criminal cases and events, persons suspected of having committed or participated in a crime or offense, as well as victims and witnesses of crimes, weapons and objects used to commit crimes, stolen vehicles and those associated with a crime, and stolen identity documents and those of individuals linked to criminal activities.

Each participating country operates its own exclusive national WAPIS system, which is not accessible to INTERPOL or any other external institution. They are exclusively owned, managed, and operated by the national authorities.

Finally, information about INTERPOL's Due Diligence guidelines can be found on our website <https://www.interpol.int/Our-partners/Private-sector-partners>

Annex C

 Ref. Ares(2024)5578431 - 01/08/2024


EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNATIONAL PARTNERSHIPS

Africa
The Director (acting)

Brussels, 01/08/24
intpa.a.3(2024)6012609

Dear Dr Gus Hosein,

I am writing in response to your letter dated 9 July 2024, which was addressed to Mr Josep Borrell Fontelles, High Representative of the European Union for Foreign Affairs and Security Policy/Vice-President of the European Commission, who asked me to reply on his behalf. We welcome Privacy International's initiative to share with us its findings regarding the West African Police Information System (WAPIS) programme and the concerns it raises on the potential impact on human rights and data protection.

We appreciate that the report is largely based on information disclosed by the European Commission through its access to documents procedure, which is characterised by a high degree of transparency. We would like to reaffirm that the European Union (EU) is firmly committed to the promotion and protection of human rights and of democratic principles and the rule of law. These values are essential elements of the EU's partnerships and cooperation with partner countries. The respect of human rights is a Treaty obligation that covers all EU financial instruments, including the EU Trust Funds.

Through applying the European Commission's mandatory [Human Rights Based Approach](#) and using the [HRBA tool box](#) since 2014, projects funded by the EU aim to preserve and promote the rule of law and human rights' safeguards in partner countries' national regulations and procedures. This also includes tackling the threat posed by terrorism and organised crime around the world, while protecting people's rights.

On 19 February 2024, EU Foreign Ministers approved the "EU Human Rights and International Humanitarian Law Due Diligence Policy" on Security Sector Support to third parties. The adoption of this Policy is a major step forward in consolidating EU's long-standing commitment to the promotion and protection of human rights and International Humanitarian Law in its external action.

Regarding Data protection, the European Commission and EU implementing partners are also bound by the European legal framework and must comply with the EU Data Protection legal framework. The EU's [General Data Protection Regulation](#) is acknowledged as a good practice and it is showcased in our programmes to help partner countries strengthen their own legal framework.

The WAPIS Programme originates from the Economic Community of West African States (ECOWAS) request, via the West African Police Chiefs Committee (WAPCCO) in 2011,

By email:
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