Transnational policing between national political regimes and human rights norms: The case of the Interpol Red Notice system

Serdar San
University of Toronto, Canada

Abstract
Current transnational policing mechanisms such as Interpol appear to reproduce authoritarianism-like actions in democratic contexts by helping to undermine the rights and freedoms of individuals targeted by non-democratic regimes. Through an in-depth examination of the cases of Turkish and Russian police, this article seeks to explain the possible motives of the law enforcement institutions of democratic states in executing the questionable Interpol Red Notice requests by authoritarian regimes based on the existing theoretical debates in the literature on international policing. It explores three factors that foster policing cooperation between democratic and authoritarian states: 1) an aspired depoliticization of international policing that facilitates cooperation among states with different national and ideological outlooks; 2) an occupational culture that encourages professional support and solidarity among policing agents that transcends national rivalries; and 3) state cooperation against threats posed by the planning and conduct of international crime.

Keywords
authoritarian regimes, international policing, Interpol, Russia, Turkey

Corresponding author:
Serdar San, Centre for Criminology and Sociolegal Studies, University of Toronto, 14 Queen’s Park Cres W, Toronto, ON M5S 3K9, Canada.
Email: serdar.san@mail.utoronto.ca
Introduction

Over the last few decades, in response to the emergence of transnational threats such as organized crime and international terrorism, there has been a significant growth in policing activities that transcend national boundaries. With the rapid development of cross-border policing practices, recent decades have also witnessed an expansion of international policing bodies to help national police services suppress the growing problem of transnational criminal activities. The International Criminal Police Organization, Interpol, remains ‘the best-known global policing brand’ in this respect (Bowling and Sheptycki, 2015: 144). Interpol facilitates transnational police cooperation and information sharing among national police agencies with the help of its international criminal databases and its other official mechanisms. These include the Red Notice system, which consists of requests sent to law enforcement agencies of other member states that seek ‘to locate and provisionally arrest a person pending extradition, surrender or similar legal action’ (Interpol, 2021b). Recent technological improvements, such as the introduction of Interpol’s I-24/7 web-based information sharing system or the launch of the I-link program, which now allows member states to upload ‘draft Red Notices’ immediately visible to the police of other states, have made it much easier for governments to circulate such requests rapidly and globally (Apuzzo, 2019; Lemon, 2019). Interpol issued 13,377 and 11,094 Red Notices in 2019 and 2020 respectively, compared with a mere 1277 in 2002 (Interpol, 2021b; Schenkkan and Linzer, 2021: 12).

While Interpol and its cooperation mechanisms have been effective tools in policing transnational crimes, authoritarian states have increasingly taken advantage of the Red Notice system to pursue their critics abroad (Langille and Mégret, 2018; Lemon, 2019; Schenkkan and Linzer, 2021; Tsourapas, 2021; United States Department of State, 2021). For instance, Russia alone is responsible for a staggering 38% of all public Red Notices in the world (Schenkkan and Linzer, 2021: 28). Tajikistan, a Central Asian authoritarian state that accounts for 0.12% of the world’s population, had issued 2528 Red Notices by 2017—2.3% of the total in circulation at the time (Lemon, 2019). Turkey, following the failed military coup attempt of 15 July 2016, reportedly attempted to upload 60,000 names onto Interpol’s notification system (Russell, 2018). Several examples over time show authoritarian regimes have appeared to secure the cooperation of democratic states in executing their dubious arrest requests through the Red Notice mechanism. Drawing on existing debates in the literature on international policing, this article seeks to investigate what accounts for the generally cooperative response of western governments to Red Notices from authoritarian regimes through an empirical case study of Turkey and Russia—two autocratic regimes that appeared to turn to Interpol over the past decade for help in pursuing their opponents living or travelling abroad.

This article advances three arguments as to why democratic states accommodate these dubious Red Notice requests by authoritarian regimes. Part of the explanation is a historical shift towards depoliticization in the international cooperation on policing—achieved through the bureaucratization and increased professionalization of police organizations—which has eventually shaped the world’s international policing architecture largely without regard to major differences in the political institutions and judicial integrity of
the member states. This conceived interagency—rather than interstate—nature of international policing cooperation and the associated notion of formal equality between members of Interpol ironically brought about instruments of police cooperation that could be exploited by regimes engaging in police activities for political purposes (DeFlem, 2005). Second, relatedly, a transnational subculture of policing—the same norms and values police worldwide are assumed to share—possibly encourages policing organizations to accommodate one another, regardless of the regime that issues the cooperation requests. Third, some political factors may also be conducive to western police agencies’ acquiescence with Red Notices from police in Turkey, Russia and similar autocratic regimes. The need for democratic states to respond to the potential dangers posed to their capacity to secure order within their own territory by the planning and perpetration of international crimes such as terrorism, organized crime and illegal migration may encourage some measure of cooperation between their police forces and the police from authoritarian regimes.

In the next section, I outline a brief overview of the existing debates in the literature on international policing concerning the factors that are thought to be conducive to policing beyond the state. I also point to the scholarly gap about the explanation of motivations and mechanisms behind the decisions by western democratic countries to comply with autocratic regimes’ abusive Red Notice requests in studies of international policing. The following section provides the methodology and the sources of data used in the study to answer this question. This is followed by an in-depth empirical analysis of Turkey and Russia as illustrative cases of the international police cooperation with authoritarian regimes in executing Red Notices. The article concludes with a discussion linking the empirical cases with the existing theoretical debates in the literature on international policing.

**Transnational policing and the blurring distinction between democracy and authoritarianism**

Bowling and Sheptycki (2015: 143) define transnational policing as ‘any form of order maintenance, law enforcement, peace-keeping, crime investigation, intelligence sharing or other form of police work that transcends or traverses national boundaries’. Although Bowling and Sheptycki have put forth a rather broad conceptualization of transnational policing and argue that such police work does not remain limited to criminal investigations or ‘detective function’, this aspect of international policing has been exacerbated by growing public anxieties around transnational organized crime and international terrorism over the last few decades, which in turn have led to an expansion of cross-border police cooperation and further institutionalization of official bodies that facilitate and coordinate such transnational police work. As part of the internationalization of policing, police organizations have been posting liaison officers overseas, creating joint investigation teams and conducting co-operative operations to target cross-border criminal activity (Bowling and Sheptycki, 2012; Sullivan and Wirtz, 2009).

Although we may think of international or transnational policing as modern developments, they ‘are fresh materializations of historical processes and events dating back to the nineteenth century’ (Banks and Baker, 2016: 85). The earliest attempts at
international policing can be traced back to the cooperation among police forces of several European states in the 19th century for the purpose of tracking down anarchists, emigres and other political dissidents (Andreas and Nadelmann, 2006; Calcara, 2020; Deflem, 2000, 2005). From the early 20th century onward, the focus of international police activities gradually shifted from political policing tasks such as pursuing dissidents towards collaboration on non-political, distinctly criminal matters (Deflem, 2005).

The growth of international policing practices is usually justified as a response to the transnationalization or globalization of crime and insecurity (Andreas and Nadelmann, 2006; Bowling and Sheptycki, 2012). Yet, existing discussions in the literature on international policing make a distinction between political factors and professional factors conducive to the internationalization of policing. The first view argues that the growth of transnational policing is the outcome of a set of political factors (Andreas and Nadelmann, 2006; Bowling and Sheptycki, 2012; Walker, 2008). Political factors:

concern the need for states to encourage and allow some measure of liaison and co-operation between their police forces and related criminal justice agencies in order to respond to the dangers posed to their capacity to secure order within their own territory by the planning and perpetration of crime on an international scale.

(Walker, 2008: 122)

In other words, the reasons for cooperation between states are largely pragmatic, in particular in the area of ‘normal’ crime where states have similar criminal laws but even where the crime is not normal (Banks and Baker, 2016). That means, notwithstanding political sensitivities concerning transnational cooperation, states are likely to cooperate against forms of crimes with contested definitions internationally such as terrorism and organized crime for reasons of urgency and risk avoidance (Walker, 2008). Thus, international police cooperation is propelled by mutual interests between states that have grown more interdependent in a context of more intensive and expansive transnational interactions (Andreas and Nadelmann, 2006).

According to the second view, the initiative in international police cooperation has frequently been a professional one rather than a political one. Notwithstanding the national particularity of police institutions, police may find solidarity, trust and empathy working with colleagues in other states—colleagues who share and confront similar problems in their duties (Banks and Baker, 2016). Police, given their relative isolation from domestic politics, can more easily respond and adapt to the needs of international police cooperation on a professional level without having to pay attention to the concerns about the ideological fit and public acceptability of such transnational cooperation initiatives (Walker, 2008). Indeed, according to Deflem (2000, 2002, 2005), the bureaucratization of public police institutions, which has led to the institutional autonomy of national police organizations from the political centre of the state and an increased professionalization among police organizations, allowed national agencies to collaborate across the borders of their respective states on the basis of a common transnational organizational interest in the fight against international crime. According to this view, as domestic police institutions started to detach themselves from strict national political ties and
form a technical and professional identity with a genuine interest in fighting against ordinary, non-political crime, this led to the development of an independent, transnational system of police cooperation (Calcara, 2020; Deflem, 2000, 2002). This bureaucratic autonomy from the political centres of their respective states, followed by the gradual development of a common culture on the means and goals of professional policing, has allowed for the international police cooperation to extend beyond the confines of politically like-minded states; that is, national states that resemble one another in ideological respects and/or entertain close ties in international relations, to include states with diverse political and ideological outlooks (Deflem, 2000: 744). In summary, the bureaucratization or professional view considers international policing as the result of sufficiently autonomous police agencies uniting on the basis of a shared professional understanding concerning the means and objectives of controlling international crime (Deflem, 2021).

Interpol, originally created in 1923 following a series of international police conferences on fighting anarchism and the so-called white slave trade (international human trafficking for sexual exploitation), now serves as the most prominent international policing body. Interpol is not a police force that is responsible for enforcing national or international laws directly and its staff do not have powers of investigation and arrest (Langille and Mégret, 2018; Sheptycki, 2004; Stalcup, 2013: 231). Interpol serves to facilitate cooperation and information sharing among national police forces to combat transnational crime via its comprehensive databases for fugitives wanted for prosecution or serving a sentence, missing persons, unidentified bodies and stolen identity documents. Much of Interpol’s work, then, concerns processing or exchanging information about crime and insecurity, or ‘knowledge work’ (Stalcup, 2013: 231). Member agencies enter and use information from databases such as Stolen and Lost Travel Document (SLTD), Stolen Works of Arts, Fingerprints, DNA profiles, ballistics and Stolen Motor Vehicles (Sheptycki, 2017). One of Interpol’s most powerful communication and coordination tools is its system of coloured notices, in particular the Red Notice mechanism (Langille and Mégret, 2018). The Red Notice system allows member countries to arrest and return to their country of origin persons wanted by their home governments in connection with a criminal investigation or proceeding when those individuals attempt to cross an international border. Through Red Notices, member states act as each other’s proxies, functionally extending national warrants across borders, although measures such as detention, arrest and extradition are subject to review (of the evidence provided by the requesting country) by the country where the wanted individual is located (Stalcup, 2013). This process may also be subject to any existing bilateral treaties on the extradition of criminals between the requesting and the receiving states.

Over the last decade, the Interpol mechanism has been increasingly manipulated by authoritarian states to pursue their political opponents abroad, mostly under the pretext of fighting ‘terrorism’ or ‘organized crime’. Although the Interpol Red Notices are not formally binding as they are not ‘tantamount to guilty verdicts against those targeted’, simply being subjected to a Red Notice has deprived many individuals of their freedom of movement and risked placing them under sometimes quite lengthy detentions until the country in which the wanted individual is located completes its review for extradition (Fair Trials International, 2013; Sheptycki, 2017; Stalcup, 2013). This apparent weaponization of the Interpol Red Notice mechanism by non-democratic states against
their political opponents abroad has drawn growing public attention in recent years. International organizations such as the global criminal justice watchdog Fair Trials International have published comprehensive reports over the misuse of Interpol by these governments, emphasizing how such abuses serve to undermine individual liberties and threaten the security of those targeted by those systems (Fair Trials International, 2013). The US government and European countries have started to take legislative action against Interpol abuse, such as the introduction in the US Senate of the Transnational Repression Accountability and Prevention (TRAP) Act (2021), which ‘targets the abuse of INTERPOL by strengthening transparency and liability within the organization’ (Nia, 2021). Such growing advocacy on the Interpol abuse and some improvements to the Interpol vetting procedures, however, has not prevented the authoritarian states from successfully securing the cooperation of policing institutions in democratic countries to persecute critics abroad. Although the Interpol Red Notice mechanism and the potential abuses associated with it have been increasingly featured in scholarly studies on international policing and transnational repression (Langille and Mégret, 2018; Lemon, 2019; Sheptycki, 2017; Tsourapas, 2021), scholars have paid relatively little attention to understanding the origins of international police cooperation with authoritarian regimes in executing Red Notices.

This study of why western law enforcement agencies cooperate with the dubious Red Notice requests of non-democratic regimes contributes to the existing theoretical discussions in the literature on international policing. The findings of the study suggest that international police cooperation does not actually rely much on the quality of relations among particular governments, but rather derives from factors internal to police organizations themselves as well as from political features that encourage states to overcome ideological or political concerns about the acceptability of policing cooperation among them—notably against crimes such as terrorism and organized crime on the basis of the perceived threat they pose to internal security.

Methodology and data

This article uses a case study approach to explain western governments’ generally cooperative response to Red Notices from authoritarian regimes. Turkey and Russia could be considered crucial or illustrative cases as they represent the two most extreme abusers of Interpol’s notification mechanism for political ends (Farivar, 2019). Both countries are categorized as authoritarian regimes, as the term refers to an internal mode of governance and accountability to voters confined to a specific sovereign jurisdiction. As defined by Levitsky and Way (2002: 52), Russia can be categorized as a competitive authoritarian regime where ‘formal democratic institutions are widely viewed as the principal means of obtaining and exercising political authority’ yet ‘regime fails to meet conventional minimum standards for democracy’. Similarly, scholars agree that Turkey has transformed from an electoral democracy to a competitive authoritarian regime since 2010 (Esen and Gumuscu, 2016). Despite similarities in their political regimes, however, there are also important differences between the two cases. For instance, unlike Russia, Turkey has an ostensibly closer relationship with the West as a member of the North Atlantic Treaty Organization (NATO) and an EU accession
country. An analysis of these two cases—whether there seem to be any differences in the way that western countries respond to the political abuse of the Red Notice system by a NATO ally and strategic partner of the West (Turkey) versus the abusive demands of an opponent (Russia)—would allow us to speculate about the motivations of the decisions by the law enforcement organizations in western democratic countries to take action based on the dubious Red Notice requests of authoritarian states.

The article’s sources of data comprise documentary evidence, including previous scholarly research on international policing, reports from non-governmental organizations that document suspected cases of Interpol abuse, government and international organization reports on human rights and articles from Turkish and international online mainstream news outlets and periodicals. These sources of data were deemed appropriate for the current study as they provide a detailed outlook on the patterns of the abuse of Interpol’s notification system by states for political ends and, more specifically, how Russia and Turkey use Interpol for purposes of achieving their political goals. For instance, Freedom House’s recently published report ‘Out of sight, not out of reach: The global scale and scope of transnational repression’ provides a description of various methods of transnational repression—including Interpol abuse—drawing on case studies from around the world, comprising 608 physical cases of transnational repression conducted by 31 origin countries in 79 host countries since 2014 (Schenkkan and Linzer, 2021). A report from the Atlantic Council used in the study, entitled ‘Russia’s interference in the US judiciary’, outlines how Russia exploits the Interpol mechanism to manipulate the US criminal justice system (Åslund, 2018). Other government and international organization reports used as source material for this study include the US Department of State country reports on human rights and the Parliamentary Assembly of the Council of Europe (PACE) reports, which document several cases in which Turkey has abused Interpol for pursuing its political enemies living outside the country.

An additional informative source employed stemmed from the author’s previous career as a police professional. The author’s prior employment in Turkish National Police (TNP) Intelligence Department International Relations Section provided the researcher with the opportunity of having a first-hand view of some of Turkey’s international policing practices.

**How Turkey instrumentalizes Interpol to pursue its enemies abroad**

As part of an authoritarian turn since 2010, the ruling AKP government in Turkey introduced a set of controversial legal reforms that increased executive control over the judiciary and packed the courts with loyalists that were increasingly deployed against government critics. Numerous critics of President Erdogan—who has been in power since 2002—were arrested and imprisoned, dismissed from their positions or otherwise silenced. Since the failed coup attempt in July 2016, which provided the Turkish government with further justification for a wide-ranging crackdown on anyone perceived to be a threat, more than 500,000 people have been investigated over alleged links to terrorism
and some 95,000 have been arrested. The rule of law and the independence of the judiciary, in the lower courts in particular, have been seriously compromised (Russell, 2018).

Moreover, the Turkish government’s repression of its opponents is not limited to those residing within the country’s borders. In addition to managing to consolidate a state of authoritarian rule at home, the government escalated its extraterritorial operations in efforts to pursue regime opponents abroad through a campaign of abductions, extraordinary renditions, mobility controls and the misuse of certain Interpol mechanisms (Apuzzo, 2019; Russell, 2018; San, 2021; Schenkkan and Linzer, 2021; Stockholm Center for Freedom, 2017; Topcu, 2019). Several sources, including a recent report published by the PACE Committee on Legal Affairs and Human Rights, have cited Turkey to be among the most prolific abusers of the Interpol system, together with Russia, China and the Central Asian Republics of Kazakhstan, Tajikistan and Uzbekistan (Farivar, 2019; Parliamentary Assembly of the Council of Europe, 2017).

Following the failed coup attempt in July 2016, Red Notices issued on the basis of politically motivated charges filed by the Turkish judiciary resulted in the detention without trial and extradition of several Turkish nationals. Most blatantly, Turkey unsuccessfully attempted to upload the names of 60,000 people sought over alleged links to terrorism onto Interpol’s database in a further effort to apprehend suspected dissidents following the coup attempt. Most of these targeted individuals were specifically suspected of being associated with a group led by Fethullah Gülen, a Turkish cleric who was accused by President Erdogan of being associated with ‘terrorism’ and of masterminding the unsuccessful 2016 coup attempt, despite the fact that there has been little effort by the Turkish authorities to link most of the 60,000 persons sought directly to the coup attempt (Russell, 2018). As noted by Lemon (2019), the high numbers targeted more than quadrupled the total number of similar notices issued worldwide in 2016. In response to Turkey’s request, Interpol did not block Turkey’s access to Interpol’s databases. However, it appears to have rejected a number of Turkish requests to add individuals to the system owing to ‘non-occurrence’, which involves non-compliance with Interpol’s rules on avoiding any involvement in political affairs or lacking proper documentation such as a court order or an arrest warrant (Bromund, 2017).

Although Interpol has undertaken a number of steps in vetting Red Notice requests originating from Turkey, this has apparently not prevented Turkey from acquiring the cooperation of police agencies of some EU countries to detain and even extradite political exiles outside of the country. For instance, in August 2016, the Bulgarian police arrested Abdullah Büyükk, a Turkish businessman who had been residing in Bulgaria since late 2015. Büyükk was arrested ‘based on an Interpol warrant that sought [his] extradition on charges of money-laundering and terrorism linked to his alleged association with what the Turkish state has deemed the “Fethullah Gülen Terror Organisation”’ (Amnesty International, 2017: 65). Despite previous Bulgarian court decisions that refused Büyükk’s extradition to Turkey on the basis of a lack of sufficient evidence provided by Turkey and the risk of unfair trial, Büyükk was returned to Turkey by the Bulgarian authorities, apparently without any due process. Büyükk was not provided with the right to legal counsel, or the right to appeal against his transfer to Turkey (Amnesty International, 2017: 65).
In two other cases in August 2017, Spanish police detained two critical journalists, on the basis of Interpol alerts issued at the behest of Turkey. One of the arrested individuals was a German-Turkish writer, Dogan Akhanlı, a well-known critic of the Turkish government who wrote on Turkey’s human rights record and the Armenian genocide after fleeing Turkey in 1991 and obtaining political asylum in Germany. The Interpol Red Notice that prompted his arrest was based on a Turkish court decision that accused Akhanlı of alleged involvement in a 1989 robbery as the head of a terrorist organization (Üstünel, 2017). Even though Akhanlı is a German citizen, he was barred from leaving Spain for two months. Following Akhanlı’s arrest, the German Chancellor Angela Merkel criticized the abuse of the international police agency by Turkey to arrest Akhanlı, stating ‘we must not misuse international organizations like Interpol for such purposes’ (Reuters, 2017). In the other case, Hamza Yalçın—a Turkish-Swedish journalist and political refugee—was arrested by the Spanish police in August 2017 following a Turkish Red Notice issued over charges of terrorist propaganda and insulting the Turkish president (Stockholm Center for Freedom, 2017). Like Akhanlı, Yalçın remained in police custody for two months before he was finally released following a decision to this effect by the Spanish High Court.

In July 2019, İsmet Kılıç, a Turkish-German citizen who had obtained political refugee status in Germany over 20 years ago, was arrested by the Slovenian police based on an Interpol Red Notice issued by Turkey (Topcu, 2019). The Interpol notice included accusations that Kılıç had founded a trade union for civil servants and was a member of a left-wing extremist organization (Monroy, 2019). Despite the subsequent withdrawal of the Red Notice by Interpol owing to his asylum status in Germany, Kılıç was kept in police custody in Slovenia until mid-October 2019 (Monroy, 2019).

In addition to the Red Notice system that is used as an instrument to harass Turkish political exiles, Turkey has also been found to abuse Interpol’s SLTD database to control the movements of its critics who live and travel abroad. This database contains reports related to missing passports (Stalcup, 2013: 240). In this regard, the Turkish government has filed ‘cases claiming missing, lost or revoked passports and travel documents for critics and opponents who, in many instances, are not even aware that their passports and travel documents have been invalidated’ (Stockholm Center for Freedom, 2017: 26). This misuse of this Interpol information sharing mechanism by Turkey appears to have intensified in the aftermath of the failed military coup when the Turkish government arbitrarily revoked tens of thousands of passports over dubious terrorism and coup-plotting charges. Following these cancelled, stolen or lost passport reports filed by Turkey on Interpol’s SLTD database, it appears this process facilitated detentions and renditions of several targeted individuals and deprived many more of their freedom of movement (Schenkkan and Linzer, 2021; Stockholm Center for Freedom, 2017).

Although this use of Interpol’s Red Notices resulted in extraditions in a limited number of cases, it has provided Turkey with an opportunity in securing the cooperation of police agencies in several EU countries to maintain extraterritorial control over political exiles—even where the targeted individuals hold political refugee status or the citizenship of a European country. The empirical case of the Turkish police illustrates that police agencies—notwithstanding the concerns regarding ideological or policy fit between their respective national states or the national particularity of police
institutions—are likely to cooperate, even in the cases where the crime is politically contested. As Deflem (2005: 798) notes, the perceived apolitical nature of international policing cooperation has been exploited under the guise of police cooperation by the police of nations that hold extreme political ideologies and consequently engage in police activities for political purposes, involving increased surveillance of political exiles, asylum seekers and refugees under the guise of police cooperation. These Red Notice requests by the Turkish government continue to result in the detentions of perceived Turkish dissidents around the world (Schenkkan and Linzer, 2021). Still, different from the more brazen use of abductions or extraordinary renditions, the use of Interpol’s system of police cooperation confers a patina of legitimacy to the Turkish government’s extraterritorial outreach campaign via its participation in international organizations and the complicity of democratic European countries and their policing institutions.

Russia’s abuse of Interpol to hunt down its adversaries

Under Vladimir Putin’s presidency, Russia was transformed from a relatively fragile to a more stable and consolidated authoritarian regime (Levitsky and Way, 2010). As Åslund (2018: 4) notes, President Putin gradually seized control over the Russian state institutions as part of his attempts to develop the Russian state apparatus into a full-fledged authoritarian kleptocracy—‘a state that steals money and private enterprises from its citizens’. In this context, President Putin gained effective control over Russian law enforcement and judiciary through so-called judicial reforms. While these reforms have improved the financing of the courts and the status of judges, they have also served to make judges grow more dependent on the central executive rather than on regional governors—hence consolidating President Putin’s control over the ordinary court system since 2002 (Åslund, 2018). The Freedom House’s (2020) Russia country report suggests that ‘safeguards against arbitrary arrest and other due process guarantees are regularly violated, particularly for individuals who oppose or are perceived as threatening the interests of the political leadership and its allies’.

Not unlike Turkey, the Russian government pairs domestic repression with the use of extraterritorial forms of coercion—including assassinations, assaults, the abuse of instruments of transnational law enforcement, surveillance and unlawful deportations and renditions of dissidents outside Russia’s borders. Russia has abused its access to the Interpol mechanism in several cases by issuing bogus Red Notices with the intent of repressing its political enemies abroad—often levelling accusations of financial crime, such as fraud, tax evasion, theft and money laundering against the individuals in question, accusations that are ‘easy to make and hard to disprove’ (Bromund, 2018).

Russia’s abuse of the international policing body drew considerable attention following the well-known case of the British investment banker William Browder. Browder, known for having successfully lobbied for the adoption of the US legislation entitled the Sergei Magnitsky Rule of Law Accountability Act (2012) (the Magnitsky Act), helped impose sanctions on Russian officials involved in the death of Russian lawyer Sergei Magnitsky. Magnitsky had worked for Browder’s investment fund and asset management firm, Hermitage Capital, where he had uncovered a massive corruption scheme allegedly involving Russian law enforcement officials. As a result, he was arrested over
controversial tax evasion charges and later died while in pretrial detention. Following the passage of the Magnitsky legislation, Russian authorities made repeated attempts to seek Browder’s detention and extradition based on alleged ‘tax evasion’ charges filed by the Russian courts. In May 2013, the Commission for the Control of Interpol’s Files (CCF), an independent body responsible for ensuring that the processing of personal information complies with Interpol’s regulations (Sheptycki, 2017), ruled that Russia’s request to seek the location of Browder was predominantly political in nature and recommended that all data relating to Russia’s request concerning Browder be deleted (Parliamentary Assembly of the Council of Europe, 2017: 13). In July 2013, Interpol rejected another request from Russia to locate and arrest Browder based on a charge of ‘qualified swindling’ as defined by the Russian Penal Code (Parliamentary Assembly of the Council of Europe, 2017).

Nevertheless, these two refusals did not prevent the Russian authorities from continuing to pursue Browder through Interpol channels and restrict his movement abroad. Interpol pushed back against Russia’s third attempt for a Red Notice in January 2015, suspecting that charges against Browder were politically motivated. Still, in May 2018, Browder was arrested by local police in Spain and remained in police custody for a few hours, based on a Russian arrest warrant allegedly issued through Interpol accusing him of tax evasion (Dwyer, 2018). More recently, Russian authorities have opened an organized crime case against Browder for money laundering and are investigating him as a suspect in multiple murders including Magnitsky’s death in jail (Meduza, 2018).

The Russian government has successfully made use of Interpol’s Red Notice process to elicit the cooperation of western law enforcement agencies to track down and persecute its political enemies in several cases, even where the legal norm is clear that an Interpol Red Notice does not warrant such an arrest. For instance, the Kremlin’s abuse of the international policing cooperation has made law enforcement institutions in the USA appear complicit in Russia’s extraterritorial repression campaign (Smith, 2019). Notably, the US Immigration and Customs Enforcement (ICE) has displayed a disturbing pattern of reliance on Russian Red Notices to identify individuals to arrest. For instance, Russian asylum seeker Gregory Duralev, a former businessman accused of fraud by the Kremlin based on a master’s thesis he wrote on corruption in the Russian economy, was detained by ICE for 18 months in a maximum-security facility following an Interpol Red Notice issued at the request of the Russian government (Bertrand, 2020). In Duralev’s case, the Russian Red Notice was used by ICE as a pretext to detain Duralev on a charge of visa overstay although his interim status as an asylum applicant allowed him to stay in the USA legally until a decision was rendered. This incident pointed to the suspicion that Red Notices issued by authoritarian states known to abuse the system have been used by the immigration agencies in the USA as a means of targeting and arresting immigrants (Bertrand, 2020).

The case of Alexey Kharis presents a further example of the international police cooperation with authoritarian regimes in executing Red Notices. Kharis is a Russian business owner who fled to the USA in 2013 and applied for asylum after the Kremlin seized his private assets and bankrupted his company in a practice known as ‘corporate raiding’. He was detained by US immigration officials in August 2017 for exceeding his visa time allocation, which was later revoked following a Russian Red Notice that
accused him of ‘massive fraud’ (Bertrand, 2018). In the case of Kharis, Bertrand (2018) notes that the US Department of Homeland Security (DHS) used the Russian Red Notice to argue that ‘Kharis is an international fugitive who presents a serious flight risk’, which suggests that the DHS placed significant weight on the Red Notice despite the fact that Russia is known to abuse the Interpol system to extend its authoritarian reach into western democracies.

Recently, European countries such as Germany and France extradited or deported several Chechen asylum seekers back to Russia, largely based on Interpol Red Notices issued over fabricated criminal charges against these individuals (Geriev, 2021). Chechen refugees have faced arbitrary arrests, torture and disappearances upon their return to Russia. For instance, a Chechen refugee named Shamil Soltamuradov, who was included in an Interpol notice, was returned to Russia in 2018 by German immigration authorities following the rejection of his asylum case in Germany (Geriev, 2021). Soltamuradov was convicted on charges of participating in an illegal armed group—a conviction that human rights activists believe was fabricated. As part of an increasingly restrictive and exclusive policy of asylum control following the killing of a teacher in Paris by a Chechen refugee in 16 October 2020, French authorities have tightened their crackdown on Chechen asylum seekers (Amnesty International, 2021). Following these events, the French Interior Ministry reportedly made an agreement with its Russian counterparts as regards the return of Russian citizens suspected of radicalization, which made it possible to deport anyone back to Russia in the event of them losing their asylum claims and/or being listed on France’s watchlist of ‘potential threats’ known as the Fiche-S list (Geriev, 2021). Human rights activists tie the recent deportations of Chechen refugees seeking asylum in France to this cooperation agreement between the security agencies of the two states.

Interpol Red Notices are not the only international policing tool used by the Kremlin to pursue its political enemies, as illustrated by the case of Nikita Kulachenkov. Kulachenkov, an investigative accountant, worked for the Moscow-based Foundation Against Corruption headed by Russian opposition leader and anti-corruption activist Alexei Navalny (Lemon, 2019). After Russia’s Investigative Committee opened a criminal case against him over the alleged theft of a drawing valued at less than US$2 made by a street sweeper, Kulachenkov fled Russia and obtained refugee status in Lithuania based on his links with Navalny. In January 2016, Kulachenkov was arrested in Cyprus, an EU member state, on the basis of an Interpol ‘diffusion’ issued by Russian authorities. He was detained without trial for three weeks in Nicosia before the Cypriot authorities decided to refuse Russia’s extradition request and release him from custody (Parliamentary Assembly of the Council of Europe, 2017: 14).

The Russian case—similar to the Turkish case—illustrates how having opponents placed on Interpol Red Notices appears to confer external legitimacy on the repressive policies of authoritarian regimes, while providing a channel through which these nations can take tangible action against their critics abroad. The international police cooperation with Russia in executing Red Notices suggests that cooperation could take place among the police of national states that may be very different in political, legal and other respects, exacerbated by the increasing securitization of migration in democratic states. As seen in the detention of political opponents of the Kremlin in the USA.
and the deportation of Chechen asylum seekers in France and Germany, non-democratic
regimes appear to exploit the international policing cooperation to reach out to their oppo-
nents seeking asylum in western countries, usually exploiting trumped-up charges
brought against dissidents in their origin countries, such as ‘extremism’, ‘terrorism’, ‘par-
ticipating in an illegal armed group’ or ‘massive fraud’. On the other hand, such design-
nations pinned to the opponents in Red Notices have served as a convenient pretext
for western countries in denying asylum cases.

Discussion and conclusion

Findings of this study suggest that, despite the fact that Russia is an opponent of the West
whereas Turkey is a NATO ally, western governments seem to respond equally obli-
gingly to requests from both governments via Interpol. This seems to illustrate the gen-
erally cooperative response of western governments to Red Notices from authoritarian
states—irrespective of being politically hostile or friendly to the West. Overall, these
findings seem to imply that international policing cooperation does not actually rely
much on the quality of relations among particular governments, but rather derives
from factors internal to police organizations themselves as well as from political features
encouraging state cooperation.

First, a possible explanation is the presumed non-political nature of international law
enforcement cooperation—promoted by sufficiently autonomous police organizations
sharing a common interest in the fight against international crime—which has provided
the basis for the collaboration of agencies from nations with conflicting political or legal
systems (Deflem, 2000, 2002, 2005, 2021; Deflem and Bayer, 2014; Lemon, 2019;
Lemon and Jardine, 2021). In other words, as Sheptycki (2017: 74–75) notes, the
representation of police cooperation as de-politicized and neutral that is officially
declared in Article 3 of Interpol’s Constitution, which forbids ‘activities of a political,
military, religious or racial character’, allows the majority of countries in the world—
regardless of and despite political make-up, religious affiliations and ideological divi-
sions—to cooperate in police matters on the assumption that the ends of Interpol are
not politically motivated but are merely functionally oriented towards ‘ordinary law
crime control’. This approach to international police cooperation associated with the
notion of formal equality between members of Interpol ultimately renders Interpol vul-
nerable to abuse as it has so far restrained the ability of the organization and its
member agencies to assess whether the accusing warrant was issued in good faith or
the legitimacy of the accusing judicial body and has made it difficult for national
police authorities to differentiate between political and criminal cases when assessing
the legitimacy of a Red Notice request (Michaelsen and Furstenberg, 2021; Sheptycki,
2017; Stalcup, 2013).

Relatedly, police agencies in democratic states’ occasional deference to these ques-
tionable cooperation requests by police from authoritarian regimes suggests the possible
influence of a common professional culture of policing ‘which contains an implicit trust
in other law enforcement organizations as well as a feeling of unity in the common goal of
fighting crime’ (Deflem and Bayer, 2014: 1171). Earlier work on police occupational
culture cites a variety of attributes including loyalty to colleagues, secrecy, insularity
and detachment from civilians, authority, instrumentality and conservatism as common aspects of police organizations (Nadelmann, 1993; Reiner, 2000; Skolnick, 1966; Westley, 1970). For example, Skolnick (1966) suggests that police officers tend to develop distinctive ways of perceiving the world, or cognitive lenses through which to see situations and events, as a response to a variety of pressures including danger, problems of authority and the need for efficiency. Skolnick (1966) argues that because their work involves continuous occupation with potential danger, police officers tend to be suspicious of everyone and this can be socially isolating. Further, their authority, which ‘requires them to enforce laws of “puritanical morality”’ that they could never hope to adhere to themselves’ serves to make them seem hypocritical and invites hostility towards police from the public (O’Neill and Singh, 2007: 4). The elements of danger and authority, coupled with the pressure to produce results by maintaining order and making arrests, inclines police officers to be more socially isolated and encourages an unusually high degree of solidarity with work colleagues (O’Neill and Singh, 2007: 4; Skolnick, 1966).

Scholars argue that certain values, norms, attitudes, beliefs and routines are shared among police officers around the world, hence implicating that a police subculture operating transnationally exists (Banks and Baker, 2016; Bowling and Sheptycki, 2012: 82; Marks, 2000). As a corollary, notwithstanding the national particularity of police institutions, police may find trust and empathy working with foreign colleagues who share similar working conditions and priorities and even a similar sense of professional isolation within their national milieus (Walker, 2008). Further, scholars argue that a ‘subculture of transnational policing’, or a subculture shared by specialist transnational police officers, appears to be emerging in international policing cooperation and is adopted not only by police officers but also by other ‘law enforcement technocrats including customs, immigration, border officers and others who work in the transnational space between’ (Bowling and Sheptycki, 2012, 2015: 153).

Research on police occupational culture suggests that the common ‘suspiciousness’ leads the police to develop a perceptual shorthand to denote certain individuals as ‘symbolic assailants’—persons who are viewed by the police as potential threats based on their gestures, language, attire or apparent lack of ‘belonging’ within a street scene (Skolnick, 1966). This type of perceptual shorthand helps the police ‘identify certain persons, appearances, or circumstances as threats regardless of whether they pose a risk at a specific instance’ (Jiang and Erez, 2018: 19). This suspicion, which has been exacerbated by ensuing concerns over international terrorism and national security, is likely to engender a portrayal of groups such as asylum seekers, refugees and other immigrants considered undesirable as symbolic assailants or potential threats to the social, economic and political order (Jiang and Erez, 2018), hence facilitating the arrest, detention or deportation of exiles under the guise of international police cooperation.

In addition to these professional features, which may account for western police agencies’ accommodation of politically motivated Red Notices from police in Turkey, Russia and similar states, international police cooperation with authoritarian regimes is also likely to derive from the political objectives of states in matters of national security. As suggested by the existing debates in the literature on international policing, states are likely to cooperate with each other through their police forces and other criminal
justice institutions in order to respond to threats posed to their capacity to secure internal order by the planning and conduct of international crime (Banks and Baker, 2016: 84). This cooperation, while most straightforward in the area of ‘normal crime’ where states have similar criminal laws, is likely to extend beyond normal crime to include crimes such as terrorism ‘where the state is likely to be most jealous of its policing prerogatives and least trustful of the motives of other states’ (Walker, 2008: 122). That means, ‘in the case of terrorism striking at the state itself, the state will be likely to cooperate and override distrust of a transnational approach for reasons of urgency and risk avoidance’ (Banks and Baker, 2016: 84). Such pragmatic concerns might lead democratic countries to be more willing to cooperate with autocratic regimes—presumably to prevent the possible rejection of their legitimate cooperation requests in the future, which may be triggered by the rejection of certain requests of these regimes because of suspected political abuse.

Indeed, as the empirical case study of the Russian police suggests, in the wake of the murder of Parisian teacher Samuel Paty in October 2020 by an allegedly radicalized young Chechen refugee, several Chechen asylum seekers in France who were placed on the Interpol’s wanted list by the Russian authorities—apparently for political reasons via what is believed to be trumped-up criminal charges—were deported back to Russia (Geriev, 2021). Similarly, as migration has been increasingly securitized, punitive policies in democracies intended to deter migrants and asylum seekers have made it easier for the western countries’ institutions to honour the spurious Red Notice requests of authoritarian governments. As the empirical example of the Russian police reveals, US immigration enforcement authorities have relied on accusations in Russian Red Notices to target immigrants, to manufacture immigration violations by supplementing offenses like visa overstays for those awaiting asylum decisions, and to justify prolonged detention and deportation of foreign nationals (Bertrand, 2020). In these cases, inclusion in an Interpol Red Notice appears to have provided those states that do not want to accept any more refugees with a convenient pretext for denying asylum cases.

This study illustrates how international policing practices appear to involve democratic governments in helping authoritarian rulers persecute their critics abroad. The Interpol Red Notice system helps undermine rights and freedoms around the world by linking democratic and authoritarian states in nefarious ways, or, as Schenkkan and Linzer (2021: 4) argue, by ‘injecting authoritarianism into another polity, imposing the origin country’s restrictions on individuals who live in ostensibly more free environments’. Future research should investigate possible differences among western countries in terms of how they respond to Red Notices from authoritarian regimes.

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Notes

1. A faction within the Turkish military accused of having links with the US-based Turkish preacher Fethullah Gulen, a former AKP ally-turned-foe, staged a coup attempt to topple the AKP government and President Recep Tayyip Erdogan on 15 July 2016. Two hundred and fifty people were killed and more than 2000 wounded before the uprising was quelled by the government forces the following day.

2. Corporate raiding or reiderstvo (in Russian) is the practice of the unlawful seizure of private assets by the Kremlin (Åslund, 2018: 7).

3. Diffusion is an Interpol alert mechanism, which is published by a National Central Bureau and circulated exclusively to one or more NCBS without informing the General Secretariat. According to Interpol, ‘Diffusions must also comply with Interpol’s Constitution and the Rules on the Processing of Data’ (Interpol, 2021a).

4. In contrast to the traditional conceptions of police occupational culture as a homogenous and monolithic phenomenon, the literature has increasingly adopted the interpretation that there are variations in police occupational culture both within and between police forces given the agency of the individual officers and the complexity of the context within which policing takes place (Bowling and Sheptycki, 2012; Chan, 1997; Cockcroft, 2007; O’Neill and Singh, 2007). This variation, however, is not highly relevant for my argument since my analysis clearly differentiates between the idea that police subculture has certain common elements shared among policing agents working in very different circumstances around the world and the claim that policing is the same everywhere (Bowling and Sheptycki, 2012).

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Author biography
Serdar San is a PhD candidate in criminology at the Centre for Criminology and Sociolegal Studies of the University of Toronto. His research focuses on policing, homeland security, authoritarianism and Turkish politics. He has published in Policing and Society, Digest of Middle East Studies and Global Public Health, and co-authored a chapter in From Territorial Defeat to Global ISIS: Lessons Learned (2021).