

Interpol Red Notices as Surrogate Tools of Political Persecution: Normative Failure and Reform

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ABSTRACT

Background. INTERPOL Red Notices are designed to facilitate international police cooperation by assisting member countries in locating and provisionally arresting wanted persons pending extradition or similar legal proceedings. However, in practice, Red Notices may produce coercive effects despite their non-binding character, particularly when used by authoritarian regimes to pursue political opponents, journalists, human rights defenders, refugees, and exiled critics across jurisdictions.

Purpose. This study aims to analyze the normative failure of existing protection mechanisms, particularly Article 3 of the INTERPOL Constitution and the Commission for the Control of INTERPOL's Files (CCF), in preventing the misuse of Red Notices as surrogate tools of political persecution, and to formulate a reconstructed normative oversight framework.

Method. This research employs doctrinal legal research with a prescriptive-analytical specification, using statutory, conceptual, case-based, comparative, and historical approaches. The legal materials consist of INTERPOL legal instruments, CCF-related documents, international human rights norms, selected cases, scholarly literature, and comparative legal materials.

Results. The study finds that the normative failure arises from the abstract formulation of Article 3, formalistic assessment of ordinary criminal charges, reactive nature of CCF remedies, limited procedural transparency, reliance on information supplied by requesting states, and fragmented domestic implementation of Red Notices.

Conclusion. The oversight of INTERPOL Red Notices should be reconstructed through a preventive, contextual, and rights-based framework, including a contextual political-motivation test, heightened scrutiny for vulnerable political targets, rebuttable presumptions in refugee or asylum-related cases, burden-shifting to requesting states, stronger interim measures, and greater procedural transparency.

KEYWORDS

Political Persecution, Article 3, Transnational Criminal Law

INTRODUCTION

Transnational criminal law has developed as a response to the increasing mobility of offenders, victims, evidence, and criminal assets across national borders. In this context, international police cooperation becomes an important mechanism for preventing impunity, facilitating information exchange, and supporting extradition or surrender proceedings. INTERPOL occupies a central position in this architecture because it connects law

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enforcement authorities from different jurisdiction through notices, databases, and communication channels. Among these instruments, the Red Notice is the most prominent because it allows a member country to request law enforcement authorities worldwide to locate and provisionally arrest a wanted person pending extradition, surrender, or similar legal action. Although a Red Notice is not an international arrest warrant, it often produces significant practical consequences, including border stops, detention, visa refusal, reputational harm, banking difficulties, employment obstacles, and exposure to extradition proceedings (Pinto, 2022).

The legal ambiguity of Red Notices lies in the gap between their formal status and their practical effect. Formally, Red Notices are non-binding alerts that depend on domestic law for their implementation. Practically, however, they may operate as coercive instruments because national authorities, immigration agencies, and private institutions may treat them as indicators of criminality. This makes Red Notices a form of “soft” international administrative power that is not binding in the traditional legal sense, but may still affect fundamental rights, especially liberty, mobility, reputation, and access to protection (Argomaniz, 2024; Goalwin, 2021). The problem becomes more serious when this instrument is used not to pursue genuine fugitives, but to extend state repression beyond borders. In such circumstances, a mechanism designed for transnational criminal cooperation may be transformed into a surrogate tool of political persecution (Ionescu, 2023).

The misuse of INTERPOL Red Notices is closely connected to the broader phenomenon of transnational repression. Authoritarian regimes may use criminal law, extradition requests, and international police cooperation to pursue dissidents, journalists, human rights defenders, opposition figures, business critics, refugees, and exiled political opponents abroad. This practice does not always appear in explicitly political language. Instead, it is often framed through ordinary criminal allegations such as corruption, fraud, embezzlement, terrorism, extremism, tax offences, or national security crimes. The use of ordinary criminal labels enables requesting states to present politically motivated persecution as legitimate law enforcement. As a result, the central legal issue is not merely whether the alleged offence is formally criminal, but whether criminal procedure is being instrumentalized to achieve a political objective that would otherwise be prohibited under INTERPOL’s neutrality principle (Braun, 2021; Gallagher, 2022).

INTERPOL’s legal framework already contains safeguards against this form of abuse. Article 3 of the INTERPOL Constitution expressly prohibits the Organization from undertaking any intervention or activities of a political, military, religious, or racial character. This provision is the normative foundation of INTERPOL’s political neutrality and is intended to ensure that international police cooperation does not become a vehicle for political intervention (Hamilton, 2022). In addition, the Commission for the Control of INTERPOL’s Files (CCF) serves as an independent body responsible for ensuring that personal data processed through INTERPOL’s channels comply with the Organization’s rules. Through the CCF, individuals may request access to, correction of, or deletion of data concerning them in INTERPOL’s Information System (Fiori, 2023). These safeguards demonstrate that INTERPOL has formally recognized the need to balance police cooperation with individual rights and institutional neutrality.

However, the existence of Article 3 and the CCF does not fully eliminate the risk of political abuse. Article 3 is formulated as a broad prohibition, but it does not provide a detailed and binding test for identifying disguised political motivation. This creates difficulty when the requesting state frames persecution through ordinary criminal charges. The CCF also provides an important avenue for individual remedies, but its function remains primarily connected to data compliance rather than full judicial adjudication of political persecution or human rights violations. Moreover, affected

individuals often challenge a Red Notice only after they have suffered legal or practical harm, such as arrest, detention, immigration consequences, or reputational damage. This shows that the current framework still tends to operate reactively rather than preventively (Snorek, 2022).

Previous scholarship has discussed several important aspects of this issue. Gottlieb analyzed Article 3 of the INTERPOL Constitution and explained the difficulty of balancing international police cooperation with the prohibition of political, military, religious, and racial activities (Gottlieb, 2011). Savino examined Red Notices from the perspective of global administrative law and argued that even non-binding international administrative measures require legal accountability because of their practical impact on individual liberty (Golian, 2022). Lemon highlighted how authoritarian regimes may weaponize INTERPOL's notice system to target political opponents abroad (Lemon, 2019). San further developed this debate by examining how non-democratic states may use Red Notices against political opponents in the context of transnational policing and human rights norms (San, 2022). More recent scholarship by Kanetake and Daugirdas has emphasized the continuing challenge of ensuring human rights safeguards and durable protection against abuse within INTERPOL's institutional framework (Madsen, 2023; Paget, 2021).

Although these studies provide important foundations, there remains a specific normative gap that requires further analysis. Existing scholarship has often focused separately on Article 3 interpretation, global administrative accountability, the political abuse of INTERPOL, or human rights safeguards for targeted individuals. However, less attention has been given to the reconstruction of Article 3 and CCF oversight as an integrated preventive framework against Red Notices used as surrogate tools of political persecution. This research therefore seeks to fill that gap by connecting doctrinal analysis of INTERPOL's legal framework with the concept of transnational repression and the need for rights-based oversight in transnational criminal law.

Based on this background, this research addresses two main questions. First, why do the available protection mechanisms, particularly Article 3 of the INTERPOL Constitution and the CCF, experience normative failure in preventing the instrumentalization of Red Notices as tools of political persecution across jurisdictions? Second, how should the normative oversight framework for INTERPOL Red Notices be reconstructed when such notices function as surrogate tools of political persecution? These questions are important because the legitimacy of transnational criminal law depends not only on the effectiveness of cross-border enforcement, but also on its ability to prevent cooperation mechanisms from being captured by authoritarian interests. Without stronger safeguards, international police cooperation may unintentionally support the exportation of political repression beyond national borders (Jenkins, 2021; Santambrogio, 2025).

The objective of this research is to analyze the normative failure of existing safeguards and to formulate a reconstructed oversight framework for INTERPOL Red Notices. This research argues that the future regulation of Red Notices must move from a formal and reactive model toward a preventive, contextual, and rights-based model. Such reconstruction requires the operationalization of Article 3 through clearer indicators of political motivation, heightened scrutiny for vulnerable political targets, stronger interim protection, greater procedural transparency, and more effective access to remedies through the CCF. This approach is necessary to ensure that Red Notices remain instruments of legitimate transnational criminal cooperation rather than mechanisms for disguising political persecution as ordinary criminal enforcement (Evener, 2021; Lukasik, 2021).

This research employs doctrinal legal research with a prescriptive-analytical specification. The study uses statutory, conceptual, case-based, comparative, and historical approaches to examine the INTERPOL Constitution, INTERPOL's data-processing rules, CCF procedures, selected cases of alleged abuse, comparative domestic responses, and the historical development of INTERPOL's

neutrality principle. Through these approaches, the article seeks to contribute to the development of transnational criminal law by proposing a normative framework that protects both the effectiveness of international police cooperation and the fundamental rights of individuals targeted by politically motivated Red Notices.

RESEARCH METHODOLOGY

This research employs doctrinal legal research with a prescriptive-analytical specification. This method is used to examine, interpret, and reconstruct the legal norms governing INTERPOL Red Notices, particularly their potential misuse as surrogate tools of political persecution. The research applies statutory, conceptual, case-based, comparative, and historical approaches. The statutory approach examines the INTERPOL Constitution, particularly Article 3, INTERPOL's data-processing rules, CCF procedures, and relevant international human rights instruments. The conceptual approach is used to clarify the notions of political persecution, normative failure, transnational criminal law, and institutional accountability. The case approach examines selected controversies involving alleged misuse of Red Notices, while the comparative approach observes how selected jurisdictions respond to politically motivated Red Notices through asylum, extradition refusal, judicial review, or domestic safeguards. The historical approach is used to trace the development of INTERPOL's neutrality principle and the institutional role of the CCF (Evener, 2021; Lukasik, 2021). The legal materials were selected through purposive sampling based on their relevance to the research questions. Primary legal materials include the INTERPOL Constitution, INTERPOL rules and procedures, CCF-related documents, and international human rights instruments concerning due process, liberty, non-refoulement, and protection against politically motivated prosecution. Secondary legal materials consist of journal articles, academic books, institutional reports, and scholarly commentaries on Red Notices, transnational repression, extradition, and political offence exceptions.



Figure 1. Flowchart of the Doctrinal Legal Research Process on INTERPOL Red Notice Misuse

The analysis was conducted qualitatively through grammatical, systematic, teleological, historical, and comparative legal interpretation. These methods were used to identify the normative weaknesses of existing safeguards and to formulate a prescriptive reconstruction of Red Notice oversight. Validity was maintained through triangulation of legal instruments, institutional documents, scholarly literature, and selected case materials, while reliability was ensured by applying consistent criteria for selecting and analyzing sources. Since this research is doctrinal and qualitative, it does not use statistical tests. The scope of the study is limited to the misuse of INTERPOL Red Notices as surrogate tools of political persecution and does not examine all forms of INTERPOL cooperation or all categories of notices (Knolle, 2022; Monge, 2022).

RESULT AND DISCUSSION

The findings of this research show that the misuse of INTERPOL Red Notices as surrogate tools of political persecution is rooted not only in the political intention of authoritarian regimes, but also in the normative fragility of the existing protection mechanisms. A Red Notice is formally designed as a request to law enforcement authorities worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action, and it is not legally equivalent to an international arrest warrant (INTERPOL, 2026). However, its practical consequences often exceed its formal legal status because states, immigration authorities, banks, employers, and border officials may treat the existence of a Red Notice as a strong indication of criminality. This creates a structural gap between the legal nature of a Red Notice as a non-binding cooperative instrument and its social, administrative, and coercive effects in domestic legal systems. In this gap, authoritarian regimes may instrumentalize criminal law language to pursue political opponents, journalists, human rights defenders, dissidents, refugees, and exiled critics beyond their territorial jurisdiction.

The first research question concerns why the available protection mechanisms, particularly Article 3 of the INTERPOL Constitution and the Commission for the Control of INTERPOL’s Files (CCF), experience normative failure in preventing the instrumentalization of Red Notices as tools of political persecution across jurisdictions. Article 3 of the INTERPOL Constitution expressly prohibits INTERPOL from undertaking any intervention or activities of a political, military, religious, or racial character (INTERPOL, 2024a). At the doctrinal level, this provision is the central neutrality clause within INTERPOL’s legal framework because it draws the boundary between legitimate international police cooperation and prohibited political intervention. Nevertheless, the weakness of Article 3 lies in the fact that it is formulated as a broad principle rather than as an operationally detailed legal test. It prohibits political intervention, but it does not comprehensively define how political motivation should be identified when a requesting state disguises persecution through ordinary criminal allegations.

Table 1. Summary of the Main Findings on the Misuse of INTERPOL Red Notices and Proposed Oversight Reform

Research Aspect	Main Findings	Proposed Normative Reconstruction
Article 3 of the INTERPOL Constitution	Article 3 is formulated as a broad neutrality principle but lacks clear operational criteria to identify politically motivated requests disguised as ordinary criminal cases.	Introduce a contextual political-motivation test with explicit indicators of political persecution.
INTERPOL Red Notice Review	Formal reliance on criminal charges allows authoritarian regimes to conceal political persecution through	Shift from offence-based assessment to contextual and function-based legal analysis.

	ordinary-law offences.	
Commission for the Control of INTERPOL's Files (CCF)	CCF remedies are primarily reactive, limited to data compliance, and often occur after individuals have already suffered legal or reputational harm.	Strengthen preventive oversight through interim protective measures and enhanced procedural transparency.
Procedural Transparency	Limited access to evidence and confidentiality rules reduce the effectiveness of legal challenges against abusive Red Notices.	Improve transparency by providing clearer reasoning and broader procedural access for affected individuals.
Domestic Implementation	Member States apply Red Notices differently, resulting in inconsistent legal protection across jurisdictions.	Promote stronger judicial review, proportionality assessment, and domestic safeguards before enforcement.
Institutional Accountability	Oversight depends heavily on information provided by requesting States, creating opportunities for abuse.	Establish burden-shifting mechanisms, enhanced scrutiny for high-risk requests, and accountability measures for States that repeatedly misuse the system.
Overall Conclusion	Existing safeguards remain insufficient to prevent the instrumentalization of Red Notices as surrogate tools of political persecution.	Develop a preventive, contextual, rights-based, and accountability-oriented oversight framework that strengthens both human rights protection and INTERPOL's institutional legitimacy

This weakness is highly significant because authoritarian regimes rarely submit Red Notice requests in openly political terms. Instead, politically motivated requests are usually framed as ordinary-law crimes, such as corruption, fraud, embezzlement, terrorism, extremism, tax offences, or national security crimes. The formal appearance of ordinary criminality allows the requesting state to claim that the case falls within the scope of legitimate law enforcement cooperation, even when the broader context suggests that the criminal accusation is being used to punish dissent or exile. This is why the distinction between a genuine criminal request and a politically instrumentalized request cannot be made merely by reading the label of the offence. It requires contextual analysis of the requesting state’s legal system, the status of the targeted person, the timing of the prosecution, the nature of the allegations, the history of political conflict, and the risk of unfair trial or persecution upon return (Gorman, 2021; Varas-Daz, 2023).

The INTERPOL Rules on the Processing of Data already require Red Notices to concern serious ordinary-law crimes and to serve the purpose of international police cooperation (INTERPOL, 2024b). The Rules also create a compliance framework for assessing whether data processed through INTERPOL channels are compatible with the Constitution and INTERPOL’s internal rules (INTERPOL, 2024b). However, these requirements still leave a substantial area of discretion. The concept of “ordinary-law crime” may be manipulated when authoritarian states criminalize political activities through domestic laws or use formally neutral offences to neutralize

critics abroad. In such circumstances, the problem is not the absence of legal rules, but the insufficiency of the existing rules to detect the transformation of ordinary criminal procedure into a mechanism of political control. The normative failure therefore arises from the inability of Article 3 and related processing rules to consistently capture disguised, indirect, or hybrid forms of political persecution.

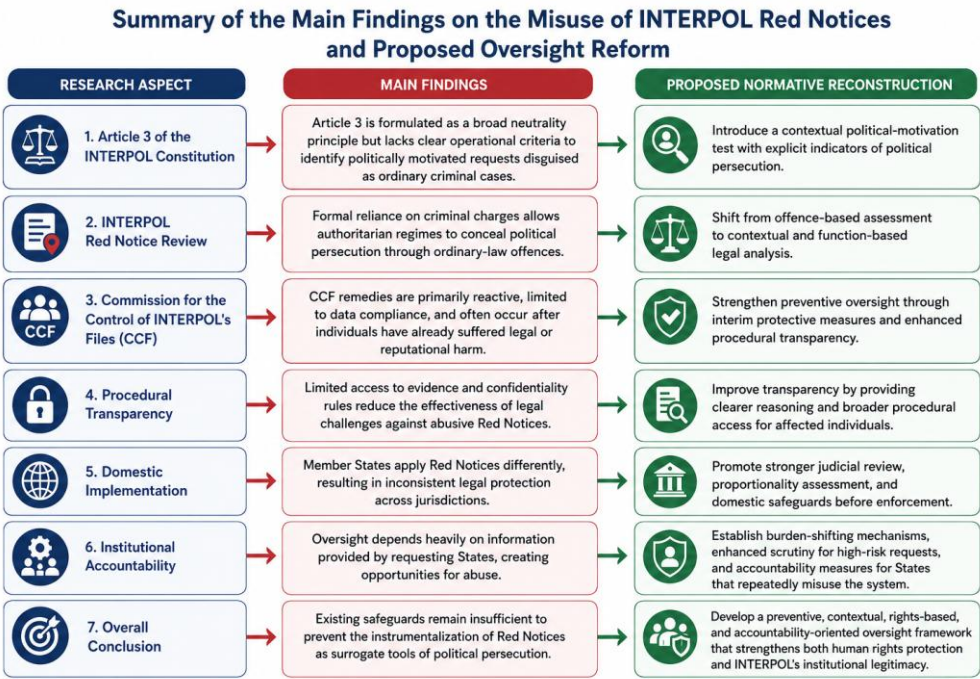


Figure 2. Summary of the Main Findings on the Misuse of INTERPOL Red Notices and Proposed Oversight Reform

The problem becomes more complex because INTERPOL is not a judicial body. INTERPOL does not determine whether the targeted person is guilty, nor does it conduct a full review of the substantive criminal case pending in the requesting state. Its role is primarily to facilitate international police cooperation by processing and circulating information among member countries. This institutional design is understandable because INTERPOL is not intended to replace domestic courts or extradition judges. However, in the context of authoritarian abuse, the same institutional restraint may produce a protection deficit. A domestic arrest warrant or prosecution may be formally valid under the law of the requesting state, but that formal validity does not necessarily mean that the process is legitimate under international human rights standards. Authoritarian legal systems may produce formally valid criminal processes through politically dependent prosecutors, courts, or investigative bodies (Herrington, 2021; Liu, 2022).

The normative failure of Article 3 is therefore connected to the deeper problem of formalism in transnational criminal cooperation. If INTERPOL’s review gives excessive weight to the formal existence of a domestic warrant, indictment, or conviction, it may fail to identify that the underlying process is politically motivated. This is especially dangerous where the requesting state uses ordinary offences as legal camouflage. For example, corruption charges may be used against former officials who defect from the regime, terrorism charges may be used against opposition activists, and economic crimes may be used against business figures who support political dissent. In these situations, the political character of the request lies not only in the legal category of the offence, but also in the function of the prosecution within the broader pattern of state repression (Donfrancesco, 2024; Turkoglu, 2023).

The CCF was established to address some of these risks by providing an institutional mechanism through which individuals may request access to, correction of, or deletion of personal data processed through INTERPOL's files. The CCF is described as an independent body responsible for ensuring that personal data processed through INTERPOL's channels comply with the Organization's rules, and it performs supervisory, advisory, and individual request-processing functions. Its existence is an important safeguard because it gives individuals a formal avenue to challenge data that may violate INTERPOL's Constitution, including Article 3. In this sense, the CCF represents progress from the perspective of global administrative law because it introduces an element of individual accountability into an international police cooperation system that historically operated with limited transparency (Pinto, 2022).

However, the CCF also experiences normative limitations. First, the CCF is primarily designed as a data-protection and compliance body, not as an international human rights court. It can examine whether the processing of data complies with INTERPOL's rules, but it does not function as a judicial institution with full authority to adjudicate political persecution, review the fairness of domestic criminal proceedings, or determine state responsibility. This distinction matters because the misuse of Red Notices is not merely a technical problem of inaccurate data. It is often a structural problem involving criminalization of dissent, manipulation of extradition processes, and cross-border repression. When the institutional remedy is framed mainly through data correction or deletion, it may fail to address the broader rights-based harm caused by politically motivated notices (James, 2023).

Second, CCF protection is largely reactive. An individual often becomes aware of a Red Notice only after experiencing arrest, detention, visa refusal, immigration consequences, reputational harm, or difficulties in travel and financial activity. This means that the remedy is frequently activated after the damage has already occurred. Such an *ex post* model is normatively inadequate in cases of political persecution because the harm may be immediate, severe, and difficult to reverse. A person may lose liberty, employment, immigration status, or protection from *refoulement* before the CCF has completed its review. Thus, the problem is not merely whether an abusive notice can eventually be deleted, but whether the system can prevent it from producing coercive consequences in the first place.

Third, the CCF mechanism is limited by confidentiality and unequal access to information. In many cases, the targeted individual does not have complete access to the evidence, reasoning, or communications submitted by the requesting state. This weakens the ability of the individual to challenge the notice effectively. Procedural fairness requires that a person affected by a coercive measure should have meaningful knowledge of the basis of the measure and an effective opportunity to contest it. Although INTERPOL must balance transparency with confidentiality in police cooperation, excessive opacity can turn confidentiality into a shield for abusive requests. This is particularly problematic where the requesting state is itself the source of the alleged persecution.

Fourth, the CCF's capacity to prevent abuse depends heavily on cooperation from National Central Bureaus and the quality of information submitted by states. INTERPOL operates through a decentralized network of national authorities, and the accuracy of data often depends on the requesting state. This creates a structural asymmetry. The state that allegedly abuses the system is also the actor that provides the information needed for the system to process the notice. If the requesting state frames the case as ordinary criminal prosecution and withholds the political background, the screening mechanism may not immediately detect the abusive character of the

request. The risk is particularly acute where the requesting state has a documented pattern of persecuting exiled critics through criminal allegations.

Fifth, the domestic implementation of Red Notices varies significantly across jurisdictions. INTERPOL itself states that member countries apply their own laws in deciding whether to arrest a person subject to a Red Notice. This means that the consequences of the same Red Notice may differ from one country to another. In some jurisdictions, a Red Notice is treated only as an alert and cannot independently justify arrest without a domestic warrant or judicial authorization. In other jurisdictions, it may trigger detention, immigration enforcement, extradition proceedings, or border restrictions with limited judicial scrutiny. This fragmentation of domestic responses produces unequal protection. A politically targeted person may be protected in one country but vulnerable in another, even though the underlying notice is the same (Áníček, 2021; Gholampour, 2023).

These weaknesses demonstrate that the normative failure of Article 3 and the CCF is not a total absence of protection, but a failure of preventive precision, procedural accessibility, and institutional depth. Article 3 provides the principle of neutrality, but it does not fully operationalize the criteria for detecting disguised political persecution. The CCF provides a remedy, but it often works after harm occurs and remains limited by confidentiality, data-processing logic, and dependence on state-provided information. Domestic courts and immigration authorities may provide additional safeguards, but these safeguards vary across jurisdictions and cannot substitute for stronger internal review within INTERPOL. Therefore, the existing system protects against the most obvious political abuses but remains vulnerable to sophisticated forms of authoritarian legalism.

The second research question concerns how the normative oversight framework for INTERPOL Red Notices should be reconstructed when Red Notices operate as surrogate tools of political persecution. The starting point of reconstruction is to redefine the object of oversight. The current framework should not only ask whether the alleged offence is formally political or ordinary. It should ask whether the Red Notice, in its context, purpose, and foreseeable effects, functions as an indirect instrument of political persecution. This shift is important because modern authoritarian repression often does not appear as direct political punishment. It frequently appears as legality, prosecution, counterterrorism, anticorruption enforcement, or national security action. The reconstructed framework must therefore move from a formal offence-based analysis toward a contextual and function-based analysis (Guiler, 2021; Tsapenko, 2021).

Under this reconstructed framework, Article 3 should be interpreted as a substantive anti-persecution safeguard, not merely as an institutional neutrality clause. The prohibition of political activities should be understood to include not only cases where the offence is explicitly political, but also cases where criminal law is used as a substitute for political repression. This requires a contextual political-motivation test. The test should examine the identity and public role of the targeted person, the political situation in the requesting state, the timing of the prosecution, the proportionality of the alleged offence, the independence of the judiciary in the requesting state, the existence of asylum or refugee status, and credible reports from international institutions or human rights organizations. These indicators would make Article 3 more operational and reduce the risk that authoritarian states can evade scrutiny through formal criminal labels (Guiler, 2021; Shipton, 2023).

The first element of reconstruction is the adoption of a contextual political-motivation test. This test should require INTERPOL to examine whether the person targeted by the Red Notice belongs to a category that is particularly vulnerable to transnational repression, such as opposition

figures, journalists, human rights defenders, political activists, whistleblowers, refugees, asylum seekers, or members of persecuted groups. The status of the person should not automatically invalidate a Red Notice, because political figures may also commit ordinary crimes. However, such status should trigger heightened scrutiny. Heightened scrutiny is necessary because authoritarian regimes often use ordinary criminal allegations precisely against individuals who are politically inconvenient.

The second element is a rebuttable presumption of political motivation in specific high-risk situations. Such a presumption should arise where the targeted person has been granted refugee status, asylum, or international protection in another jurisdiction on grounds related to persecution by the requesting state. It should also arise where credible international bodies have documented systematic repression, unfair trials, torture, arbitrary detention, or misuse of criminal justice against dissidents in the requesting state. This presumption should not mean that every request from an authoritarian state is automatically invalid. Rather, it means that the requesting state must provide stronger justification to show that the case is genuinely criminal and not a disguised form of persecution. This approach would better align Red Notice oversight with the principle of non-refoulement and the right to effective protection.

The third element is a burden-shifting mechanism. In ordinary cases, it may be reasonable to presume that a requesting state acts in good faith. However, in politically sensitive cases, especially where the person is a dissident, refugee, or recognized critic of the requesting government, the burden should shift to the requesting state to demonstrate the ordinary-law character of the case. The requesting state should be required to provide sufficient information on the factual basis of the charge, the independence of the proceedings, the proportionality of the alleged offence, and the absence of political motive. Without such burden-shifting, the targeted individual may be forced to prove political persecution while lacking access to the state's evidence, procedural documents, and domestic case file. That situation would reproduce the same power imbalance that makes transnational repression effective.

The fourth element is the strengthening of interim measures. Where there is a credible Article 3 or human rights challenge, INTERPOL should be able to restrict, suspend, or limit the visibility of the disputed Red Notice while the review is pending. This preventive mechanism is essential because the effects of a Red Notice may occur before a final decision is issued. If the notice remains fully visible during a prolonged review, the targeted individual may still be arrested, detained, denied entry, or exposed to extradition proceedings. Interim measures would not prejudice the final outcome, but they would prevent irreversible harm while the legality of the notice is being examined. This would transform protection from a purely corrective model into a preventive model.

The fifth element is stronger procedural transparency. The CCF should provide clearer reasoning in its decisions, particularly in cases involving Article 3, refugee status, political persecution, or human rights concerns. The targeted individual should receive sufficient information to understand the basis of the notice and to respond meaningfully to the allegations, subject only to narrowly defined confidentiality exceptions. Greater transparency would also improve the predictability of Article 3 interpretation and help lawyers, courts, and domestic authorities understand how INTERPOL distinguishes ordinary criminal cooperation from political abuse. Transparency is not merely a procedural preference; it is a condition for accountability in a global administrative system that produces significant effects on individual liberty and reputation.

The sixth element is stronger integration between INTERPOL review and domestic legal safeguards. Since member countries decide under their own laws whether to arrest a person subject to a Red Notice, domestic authorities should not treat a Red Notice as sufficient proof of

criminality. Courts and immigration authorities should independently examine whether the request is politically motivated, whether extradition would violate fair trial guarantees, and whether removal would breach non-refoulement obligations. Domestic law should require judicial authorization before deprivation of liberty based on a Red Notice, especially where the person has refugee status, asylum protection, or a pending CCF challenge. This would reduce the risk that INTERPOL's non-binding alert becomes a shortcut for coercive state action (Lemon, 2023).

The seventh element is the creation of a clearer normative distinction between legitimate transnational criminal cooperation and surrogate political persecution. A Red Notice should be considered a surrogate tool of political persecution when criminal law is used as a procedural substitute for political repression. This occurs where a state uses an ordinary criminal accusation to silence dissent, punish exile, delegitimize opposition, force return, intimidate diaspora communities, or pressure refugees. The "surrogate" character lies in the fact that the requesting state does not openly request international assistance to suppress political opposition. Instead, it borrows the legitimacy of transnational criminal law to achieve the same persecutory outcome indirectly. This concept is important because it explains why formal legality may coexist with substantive abuse.

The eighth element is the adoption of a proportionality and necessity review. Red Notices should not be published merely because a domestic authority has issued a warrant. They should be assessed according to whether the request is necessary for legitimate international police cooperation and proportionate to the alleged offence. Where the alleged offence is minor, stale, politically contextual, or unsupported by credible evidence, the Red Notice should not be used because its consequences are too severe. The proportionality inquiry is especially important because Red Notices can restrict movement, damage reputation, affect access to employment and financial services, and expose individuals to detention. A mechanism with such consequences must be controlled by safeguards that are stronger than mere formal compliance.

The ninth element is the improvement of institutional accountability. INTERPOL should develop a more systematic mechanism for identifying requesting states that repeatedly submit abusive or politically questionable notices. Repeated abuse should trigger institutional consequences, such as enhanced scrutiny of future requests, temporary restrictions, or mandatory additional documentation. Without consequences for abusive requesting states, the cost of misuse remains low. Authoritarian regimes may continue to submit questionable requests because even unsuccessful notices can intimidate dissidents, restrict movement, or create reputational damage. Accountability must therefore operate not only at the level of individual deletion requests, but also at the level of state conduct within the INTERPOL system.

The tenth element is the protection of refugees and asylum seekers. When an individual has been recognized as a refugee because of persecution by the requesting state, INTERPOL should apply the strongest possible presumption against maintaining the Red Notice. Refugee recognition is not a mere administrative status; it reflects a legal finding that the person faces a risk of persecution. Maintaining a Red Notice in such circumstances may indirectly undermine asylum protection by exposing the person to arrest abroad, reputational harm, or pressure to return. Therefore, the reconstructed framework should treat refugee and asylum status as central indicators in Article 3 and human rights review, not as peripheral considerations.

This reconstruction would not weaken international criminal cooperation. On the contrary, it would strengthen the legitimacy of INTERPOL by ensuring that Red Notices remain tools for locating genuine fugitives rather than instruments for exporting authoritarian repression. The purpose of transnational criminal law is to prevent impunity for serious crimes that cross borders, not to provide authoritarian regimes with an international mechanism for pursuing critics abroad. If

Red Notices are perceived as vulnerable to political manipulation, states and individuals may lose trust in INTERPOL's neutrality. Stronger safeguards would therefore protect both individual rights and institutional credibility.

The implications of this finding are significant for the development of transnational criminal law. Transnational criminal cooperation increasingly depends on fast information exchange, database interoperability, and mutual trust among states. However, mutual trust cannot be unconditional where legal systems differ sharply in judicial independence, human rights protection, and political accountability. The abuse of Red Notices shows that cooperation mechanisms can be captured by states that use criminal procedure as a language of repression. Therefore, the future of transnational criminal law requires not only efficiency in cross-border enforcement, but also rights-based filters that prevent legal cooperation from becoming complicity in persecution.

The main limitation of this discussion is that the analysis is doctrinal and does not measure the total number of politically motivated Red Notices. Such measurement is difficult because many notices are not publicly available and INTERPOL's internal data are not fully accessible to external researchers. Nevertheless, the doctrinal analysis remains important because the core issue is not simply the frequency of abuse, but the normative structure that allows abuse to occur. Even a limited number of politically motivated Red Notices can seriously affect liberty, asylum protection, family life, reputation, and freedom of movement. Therefore, the central contribution of this research is to show that Article 3 and the CCF should be reconstructed through a preventive, contextual, rights-based, and accountability-oriented framework.

Based on the foregoing analysis, the first research question is answered by showing that the normative failure of Article 3 and the CCF arises from abstract norm formulation, formalistic review, reactive remedies, limited transparency, dependence on state-provided information, and fragmented domestic implementation. The second research question is answered by proposing a reconstructed oversight framework based on a contextual political-motivation test, rebuttable presumption in high-risk cases, burden-shifting, interim measures, procedural transparency, domestic judicial safeguards, proportionality review, institutional accountability, and enhanced protection for refugees and asylum seekers. Through this reconstruction, INTERPOL Red Notices can be returned to their legitimate function as instruments of international police cooperation, rather than being allowed to operate as surrogate tools of political persecution.

CONCLUSION

This research concludes that the normative failure of INTERPOL's existing protection mechanisms lies not in the absence of safeguards, but in their limited ability to prevent disguised forms of political persecution. Article 3 of the INTERPOL Constitution provides an essential neutrality principle by prohibiting political intervention, while the Commission for the Control of INTERPOL's Files (CCF) offers an institutional mechanism for challenging data processed through INTERPOL's system. However, both mechanisms remain insufficient when authoritarian regimes frame politically motivated persecution as ordinary criminal prosecution. The abstract formulation of Article 3, the formalistic assessment of criminal allegations, the reactive nature of CCF remedies, limited procedural transparency, dependence on information supplied by requesting states, and fragmented domestic implementation allow Red Notices to function beyond their formal character as police cooperation alerts. As a result, Red Notices may become surrogate tools of political persecution across jurisdictions, particularly against dissidents, opposition figures, journalists, human rights defenders, refugees, and exiled critics.

The reconstruction of INTERPOL Red Notice oversight must therefore move from a purely formal and reactive model toward a preventive, contextual, and rights-based framework. Such reconstruction requires the operationalization of Article 3 through a contextual political-motivation test, heightened scrutiny for vulnerable political targets, rebuttable presumptions in cases involving refugees or asylum seekers, burden-shifting to requesting states in politically sensitive cases, stronger interim measures during review, clearer reasoning in CCF decisions, and more consistent domestic judicial safeguards against automatic enforcement of Red Notices. These reforms are necessary to ensure that INTERPOL's mechanisms remain instruments of legitimate transnational criminal cooperation rather than channels for exporting authoritarian repression.

The significance of this study lies in its contribution to the development of transnational criminal law by emphasizing that efficiency in international police cooperation must be balanced with legality, neutrality, due process, and human rights protection. Strengthening Red Notice oversight would not weaken INTERPOL's role in combating serious cross-border crime; rather, it would preserve the credibility of INTERPOL by ensuring that its mechanisms are not manipulated for political persecution. Therefore, the future legitimacy of INTERPOL depends on its capacity to distinguish genuine criminal cooperation from the instrumentalization of criminal law as a surrogate mechanism of political repression.

DECLARATION OF AI AND AI ASSISTED TECHNOLOGIES IN THE WRITING PROCESS

During the preparation of this manuscript, the author(s) used Google Gemini to assist in improving grammar, language quality, and overall readability of the text. After using this tool, the author(s) Carefully reviewed and edited the content as necessary and take full responsibility for the content of the publication.

AUTHORS' CONTRIBUTION

Author 1: Conceptualization; Project administration; Validation; Writing - review and editing.

Author 2: Conceptualization; Data curation; In-vestigation.

DECLARATION OF COMPETING INTEREST

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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