

# Do human rights violations hinder counterterrorism cooperation? Evidence from the FBI's deployment abroad

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Published online: 21 September 2014  
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**Abstract** The impact of human rights on counterterrorism cooperation has been the subject of speculation, but not of systematic analysis. This study offers such an analysis by examining an important channel of cooperation against terrorism: international police liaisons, such as the FBI agents deployed worldwide. It is hypothesized that police liaisons are less likely to be sent to countries where human rights violations are widespread, since repressive governments see threat in foreign agents stationed on their territory. Survival analysis finds support for this hypothesis. An FBI presence does not require democratic government or a strong rule of law in the host country; but human rights abuse reduces the likelihood of an FBI deployment. These findings substantiate a link between human rights and counterterrorism cooperation, offering insights for the study of cross-border law enforcement and transgovernmental networks.

**Keywords** Terrorism · Counterterrorism · Crime · Law enforcement · Police · Human rights · FBI · International cooperation · Transgovernmental networks

**JEL Classifications** F52 · F55

The relationship between human rights and terrorism has been the subject of an increasing study and debate. A growing body of literature has sought to identify whether government respect for human rights results in fewer terrorist attacks, or whether it facilitates and increases terrorism (Choi 2010; Walsh and Piazza 2010; Findley and Young 2011). Within the ongoing debate on human rights and terrorism, an important dimension has been neglected: international cooperation. Indeed, while the effects of human rights violations on cooperation against terrorism have seen some discussion, systematic empirical evidence has been nearly nonexistent. One of the primary causes of this gap is the absence of data. Unlike the occurrence of terrorist attacks, counterterrorism ties among governments are typically shrouded in secrecy.

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**Electronic supplementary material** The online version of this article (doi:10.1007/s11558-014-9202-8) contains supplementary material, which is available to authorized users.

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This article addresses this gap in the literature by empirically examining an important, yet less secretive, manifestation of counterterrorism cooperation: international police liaisons. In recent years, a growing number of police organizations from different countries have deployed representatives abroad in order to obtain assistance in combating transnational security threats, especially terrorism (Aydinli and Yön 2011). The most extensive network of police liaisons with counterterrorism responsibilities is that of the Federal Bureau of Investigation (FBI or the Bureau). While the FBI's primary area of activity is within U.S. boundaries, FBI agents are also stationed in 64 *Legal Attaché* offices worldwide. The Legal Attachés, or Legats, establish communication and cooperative ties with law-enforcement agencies in the host countries. Through the Legats, U.S.-based FBI staff transmits requests for investigative assistance from those foreign agencies and receives information and evidence necessary for locating, extraditing, and prosecuting terrorists and criminals. The Legats are also a channel through which the foreign agencies obtain assistance from the U.S.-based FBI. In 2011, upon request of the Russian authorities that was conveyed through Legat Moscow, the FBI interviewed Tamerlan Tsarnaev, a Massachusetts resident originating from the Russian republics of Chechnya and Dagestan. Two years later, in April 2013, Tsarnaev would carry out the Boston Marathon bombings (Schmitt and Schmidt 2013).

How do human rights affect the deployment of international police liaisons, such as the FBI's Legal Attachés? This study's central hypothesis is that international police liaisons are less likely to be deployed in countries where human rights violations are widespread, since repressive governments lack trust in and willingness to cooperate with foreign law-enforcement agents stationed on their soil. I test this hypothesis through survival analysis to capture the accumulation of "risks" over time that influence the FBI's decision to establish a presence abroad. Specifically, I use a Cox proportional hazards model to examine the considerations that may affect the likelihood of an FBI office's being opened in a foreign country. The analysis reveals that widespread human rights violations significantly reduce the chances of a Legat's being opened – a direct and systematic evidence that human rights violations indeed hinder cooperation against terrorism. In the absence of a Legat – a key channel of communication – it is more difficult for the United States to provide and receive information and assistance that is essential for detecting, thwarting, and investigating terrorist plots.

Beyond its contribution to the human rights-terrorism debate, this study advances the literature on international cooperation by shedding light on cross-border policing ties. To date, the field of international police cooperation has been accorded but little attention from international relations (IR) scholars. Cooperation among police forces in Europe predates World War I, and the United States has engaged in significant international law-enforcement activities since the end of World War II. Yet few studies have examined cross-border policing ties (e.g., Deflem 2002; Barnett and Coleman 2005; Andreas and Nadelmann 2006). In recent years, an important contribution to the analysis of policing cooperation has been made by a series of studies that empirically examined Interpol's counterterrorism activities and their effectiveness (Sandler, Arce, and Enders 2011; Enders and Sandler 2011; Gardeazabal and Sandler 2014). The current study shifts the focus from global police cooperation through Interpol to a national police organization – the FBI – that establishes bilateral cooperative ties with fellow agencies abroad. The FBI's worldwide presence provides a window into understanding the influences and dynamics that shape international police cooperation.

While some suggest that police cooperation rests on foundations that are professional and depoliticized (Deflem 2006), the findings here indicate that repressive governments may perceive such cooperation as politically threatening.

## 1 Human rights and counterterrorism cooperation

The impact of the domestic political environment on the incidence of terrorism has been the subject of numerous studies, most of which examined the link between regime type and terrorist attacks. Many of these studies have found that democracies experience more terrorism than nondemocracies (e.g., Eubank and Weinberg 2001; Lai 2007; Chenoweth 2010; Wilson and Piazza 2013). An intuitively appealing explanation for the democracy-terrorism link is human rights and checks on government action: democratic regimes guarantee rights and liberties that facilitate terrorist activity and restrict counterterrorism operations. Yet this explanation has received limited empirical support. In fact, several studies suggest that respect for civil liberties, personal integrity rights, or the rule of law *reduces* terrorist activity (Kurriid-Klitgaard et al. 2006; Choi 2010; Walsh and Piazza 2010; Findley and Young 2011).

As the study of the relationship between human rights and terrorism continues to evolve, a substantive gap persists: the existing literature takes *terrorist attacks* as the phenomenon of interest and overlooks another issue of importance: international cooperation against terrorism (Hafner-Burton and Shapiro 2010). Indeed, some have speculated about how the United States' violations of human rights in the War on Terror might have affected its ability to obtain counterterrorism cooperation. Several observers have suggested that the American practices – such as “enhanced interrogation techniques” and extraordinary rendition (the extrajudicial transfer of suspects to secret detention centers for interrogation) – have made foreign governments, especially in Europe, reluctant to cooperate with the United States (Koschut 2007, 48; The Economist 2009; Deutsche Welle 2010). Yet others argue that European politicians have publicly denounced the American practices, while covert cooperation with the U.S. government remained largely intact (Aldrich 2009; Svendsen 2011). To date, the issue remains a matter of speculation. Little systematic evidence has been presented to support the claim that human rights violators do – or do not – find it more difficult to obtain cooperation against terror. Nor do we know how a government's human rights violations affect its willingness to *offer* cooperation against terrorism.

Why the lack of evidence? Studying the link between human rights and counterterrorism cooperation faces a fundamental challenge of data (Hafner-Burton and Shapiro 2010, 418). Joint counterterrorism operations – especially recent and current ones – are typically shrouded in secrecy and are thus not amenable to systematic empirical research. Enders and Sandler (2011) overcome this challenge in a study of Interpol's MIND/FIND: a technology that allows a fast, accurate check of people, motor vehicles, and travel documents against Interpol's global databases – thereby facilitating the arrest of suspected terrorists. They find that countries with a high level of democratic freedoms are more likely to install this technology. In this article, I offer another solution to the difficulty of studying the counterterrorism-human rights relationship. This solution highlights one of the primary channels of cooperation against terrorism: international police liaisons.

Police liaisonship – the deployment of law-enforcement officers from country A in country B – is a tool long used by governments to tackle transnational security threats, from anarchism to drug trafficking. In the 1990s, and even more so since the attacks of September 11, 2001, the number of police liaisons has dramatically increased, and they have become a major component of counterterrorism cooperation: by coordinating cross-border investigations and exchanging information, the liaisons enhance states' ability to thwart and respond to terrorist attacks. In fact, the informality of this channel of cooperation often makes it more convenient and useful than formal modes of cooperation based on treaties or international organizations. As of 2009, at least 54 countries deployed police officers to a total of 647 sites worldwide (Aydinli and Yön 2011, 63). The United States takes the lead in deploying law-enforcement agents abroad. Several U.S. law-enforcement agencies have an international presence, each with its own focus. Among those agencies are the Drug Enforcement Administration (DEA), the Secret Service, U.S. Immigration and Customs Enforcement (ICE), and the FBI.

The study of international police liaisons promises to overcome the problem of data availability that impedes the study of counterterrorism cooperation. Indeed, specific details about the investigations in which the liaisons are involved are not made public. Yet the liaisons' existence in itself is not confidential, and information about their deployment, mission, and the general nature of their activity can be found in open sources; it may even be provided by the police organizations themselves upon request. The question is whether the host government's human rights practices influence the liaisons' deployment. I answer this question by examining the international deployment of the FBI: the most significant national police organization with counterterrorism responsibilities. To carry out its mission – dismantling terrorist cells and networks in the United States and worldwide – the FBI cooperates with foreign police agencies through its system of Legal Attachés. Are Legats less likely to be present in countries where human rights violations are widespread? The next section provides background on the FBI's Legat program, preparing the ground for hypothesizing and empirically testing the impact of human rights on the deployment of police liaisons.

## 2 The international presence of the FBI: Background

The FBI is the United States' primary law-enforcement organization in matters of federal jurisdiction. Established in 1908, the FBI's contemporary mandate includes both national security priorities and criminal priorities. Counterterrorism became a national-security priority in the early 1980s, following a wave of terrorist incidents worldwide. In the aftermath of the 1993 bombing of the World Trade Center, and even more so following the 9/11 attacks, the FBI's focus on counterterrorism grew substantially, and today it is designated as the Bureau's top priority (Masse and Krouse 2003; FBI 2004; FBI website).

While the FBI's law-enforcement mandate is primarily domestic, the Bureau's activity has long had an international dimension. In 1940 the Bureau's director, J. Edgar Hoover, established a Special Intelligence Service (SIS) whose agents deployed in Latin America to counter Axis activities. Starting in 1943, in the face of a growing communist threat, the Bureau opened new positions in American embassies in the

Western hemisphere and Western Europe: Legal Attachés responsible for “clandestine intelligence matters, particularly in the field of subversive activities” (Nadelmann 1993, 150–153; Weiner 2012, 95–100, 116–118, 127). Overtime, the FBI’s presence overseas gradually increased. In 1953, there were 6 Legat offices; by 1968, their number had risen to 12, reaching 17 in 1971. The Legat program further expanded in the 1980s and 1990s, as globalization and the lowering of barriers to economic exchange escalated the threat of organized crime. The increasing threat of international terrorism in the 1990s, and especially after the 9/11 attacks, provided further motivation for expanding the FBI’s presence abroad (Nadelmann 1993, 153, 157; U.S. Department of Justice 2004).

The internationalization of the FBI’s activities reflected the vision of FBI Director Louis Freeh (1993–2001). Freeh believed that an overseas presence is essential for the FBI’s mission. As he put it before the Senate:

The FBI’s Legal Attaché Program is the single most significant factor in the Bureau’s ability to detect, deter, and investigate international crimes in which the United States or our citizens are the victims. By stationing agents abroad and establishing operational links with foreign police, the FBI substantially expands the nation’s perimeter of law enforcement protection. ... the FBI’s Legal Attachés are truly our first line of defense. ... It is essential to station highly-skilled agents in other countries to prevent foreign terrorism and foreign crime from reaching the United States (U.S. Senate 1996).

This study takes 1993 – the beginning of Freeh’s tenure – as its starting point. It was under Freeh that the Legal Attaché program experienced dramatic expansion and assumed greater significance in the FBI’s work than heretofore. Most importantly for this study, the bombing of the World Trade Center – the first strike of Islamic terrorism on American soil – took place in 1993. That attack made terrorism a higher priority for the FBI and demonstrated the importance of international police cooperation for thwarting and investigating terrorist plots. Beginning in 1993, the Legat program has placed an increasing emphasis on terrorism – a trend reinforced following the 9/11 attacks. Thus, it is an appropriate starting point for investigating the link between human rights and counterterrorism cooperation.<sup>1</sup>

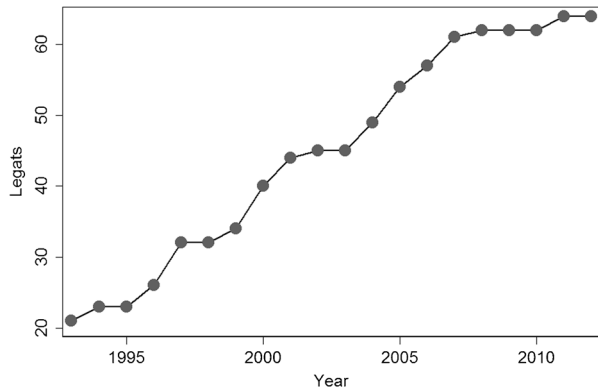
Figure 1 shows the increasing number of FBI offices worldwide. From 1993 to 2012 the number of offices grew more than threefold from 21 to 64 international offices.

The geographic coverage of the FBI’s international offices has also expanded significantly over time, as shown in Fig. 2. The offices established during World War II and the Cold War were located primarily in Latin America and Western Europe. Since 1993, the FBI has established a presence in Eastern Europe, the Caucasus, South and East Asia, and across the Middle East and Africa.

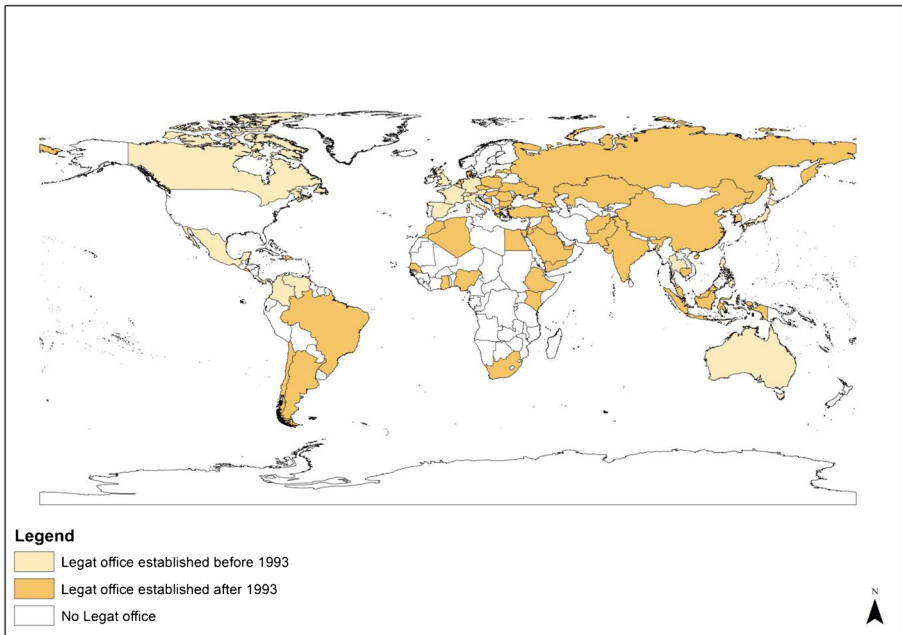
A typical Legat office includes the Legal Attaché (a senior agent with many years of investigative experience), a second agent who acts as an Assistant Legal Attaché, and

<sup>1</sup> Combating crime is an important part of the FBI’s work and of the Legats’ mission. Nonetheless, this study focuses on the counterterrorism mission of the Legats, rather than their efforts against crime. The reason is that counterterrorism became the FBI’s “overriding priority” following the 9/11 attacks, and it is also the Legats’ top priority (FBI 2004; U.S. Department of Justice 2004, iv). Indeed, some Legats – especially in Latin America and the Caribbean – are primarily occupied with criminal investigations. Yet counterterrorism constitutes most of the workload in many of the Legats established during the period considered here.

**Fig. 1** FBI's Legal Attaché offices worldwide, 1993–2012



an Office Assistant that provides administrative support. Legat personnel are a part of the U.S. embassy staff; the Legat office is located within the diplomatically protected premises of the embassy. What does this office do? Through their ties to and cooperation with foreign law-enforcement agencies, the Legats assist in detecting, deterring, and investigating international criminal and terrorist acts against U.S. citizens and interests. In practical terms, the Legats communicate requests from the U.S.-based FBI staff and facilitate a rapid response through their contacts with local police authorities in the host countries. The requests can involve simple tasks, such as tracing telephone numbers or obtaining copies of documents, or more complex missions, such as tracking financial transactions, locating suspected terrorists or criminals, and interviewing persons relevant to the investigation. In addition, the Legats channel



**Fig. 2** Deployment of the FBI's Legal Attaché offices, 2012

communication in the other direction: they convey the foreign police's requests for investigative assistance from FBI domestic offices. Legats may also deliver presentations at local law-enforcement training sessions and interview candidates to attend law-enforcement training programs in the United States (Nadelmann 1993, 153–159; U.S. Department of Justice 2004, 7–9, 25, 54).

It should be noted that while Legal Attachés may occasionally take a direct part in specific investigations, they have no law-enforcement authority in the host countries. This means that they lack powers to conduct independent investigations and arrests and typically cannot carry weapons. Any investigation is conducted together with the host country's law-enforcement officials, under the local laws and policies (U.S. Department of Justice 2004, 8). I now turn to examining how that cooperation is affected by the host country's human rights practices.

### 3 International police cooperation and the impact of human rights

Do human rights affect the establishment of counterterrorism cooperation in the form of international police liaisons? Specifically, is the FBI less likely to deploy its agents in countries with a poor human rights record? It may be argued that by establishing policing ties with a repressive regime, the U.S. government risks a domestic or international backlash. The American public, the public in the host country, and audiences worldwide might interpret the presence of U.S. police liaisons as American complicity in human rights abuse. Cooperation with human rights violators might be difficult to justify publicly, and it could cast doubt on the sincerity of the U.S. commitment to promote human rights (Sikkink 2004; Kristof 2011). And yet, it is unlikely that such concerns would guide the deployment of U.S. police liaisons, given the latter's low political salience. As indicated above, the liaisons do not conduct independent counterterrorism work in the host country; they are primarily channels for exchange of information and sharing of ideas, experiences, and practices. These functions are of great importance: the information that the liaisons receive from their local police contacts may be crucial for thwarting a terrorist plot at home. Yet, notwithstanding its importance, the liaisons' work commands little public attention; it is less likely to provoke criticism than other forms of counterterrorism cooperation that directly infringe human rights, such as extraordinary rendition. Furthermore, as the voluminous literature on foreign aid has shown, the United States and other donor countries have been reluctant to withhold aid from human rights violators and thereby sacrifice the strategic and commercial interests that aid provision serves (e.g., Neumayer 2003; Carey 2007; Demirel-Pegg and Moskowitz 2009). Given this record, it is unlikely that human rights violations would lead the United States to forgo law-enforcement ties that are essential for combating terrorism. In fact, the nonobservance of human rights may enhance the investigative capacity of rights-violating governments, making them more valuable partners.

While repression in the host country will not necessarily deter the United States from cooperating with that country's law-enforcement authorities, those authorities themselves might be uninterested in cooperation. In such case, the deployment of U.S. agents would be futile: without the host government's willingness to cooperate, there is little point in opening an FBI office. On the one hand, we might expect repressive

governments to make a commitment for cooperation with U.S. law-enforcement agents, as such cooperation may be useful for domestic policing and spying. For example, communication between two computer users within a country may go through a U.S.-based server; a request to the FBI – through the Legat – may result in information on that communication. Yet, on the other hand, repressive governments that engage in human rights violations might fear the presence of foreign police officers on their soil. Typically, repressive governments are highly concerned about actual or potential threats to their hold on power – threats that they counter through repressive measures (Davenport 1995; Regan and Henderson 2002; Carey 2010). Given their threat perception and concerns about challenges to their authority, repressive governments are unlikely to trust foreign law-enforcement agents who are deployed on their territory. While these foreign agents are supposed to work in full coordination with the host country's authorities, repressive governments might fear *unauthorized* actions by the agents that could pose a political risk. Importantly, the foreign agents might share information that they receive from their host-country counterparts with the government's domestic opponents. Leakage of information on policing methods and practices or on specific investigations might increase the internal threat that the repressive government faces.

Another reason for worrying about the presence of foreign law-enforcement officers is that it might compromise the secrecy surrounding the host government's human rights practices. Repressive governments typically seek to hide information and evidence of human rights abuse from the domestic public, nongovernmental organizations (NGOs), and the media. The cloak of secrecy is particularly thick with respect to personal integrity rights, which are the most fundamental human rights. To prevent rights violations from being exposed, repressive governments use various methods, such as killing the victims and hiding the bodies (“disappearances”) or threatening reprisal if the violation is reported (Lupu 2013). In addition, repressive governments seek to prevent information transmission to external actors, which might bring international condemnation and pressure for human rights improvement. The “boomerang model” demonstrates how information channeled internationally through NGO networks could pose a risk to repressive governments (Keck and Sikkink 1998; Levitsky and Way 2010, 45–46). To counter that risk and shield themselves from international criticism and pressure, repressive governments sometimes crack down on international NGOs active in the country or on local NGOs that work with foreign counterparts. In July 2012 Russia enacted a law requiring NGOs that receive money from abroad to register as foreign agents; in March 2013, Russian authorities carried out inspections and raids of dozens of NGOs, including Amnesty International and Human Rights Watch. Local and international NGOs have also come under increasing scrutiny and restrictions in post-Mubarak Egypt (Shane and Nixon 2012; Elder 2013). The recent Russian and Egyptian moves against civil society are, in fact, part of a broader trend of repressive governments' resistance to foreign-supported NGOs (Carothers 2006).

For a repressive government seeking to hide its violations of human rights from the international community, the deployment of foreign law-enforcement agents is potentially even more dangerous than the presence of international NGOs. Not only do police officers possess greater investigative capacity than NGOs, but the nature of their job could teach them much about the host government's use of repressive tactics. Indeed, police liaisons work with the local agencies in charge of law enforcement and



internal security – precisely those bodies that might be engaging in arrests, torture, killings, and other forms of repression. Furthermore, compared to information provided by NGOs, the information that police liaisons convey is more likely to be taken seriously by foreign governments, since the liaisons are their governments' own representatives. To block this channel of information, repressive governments would prefer not to cooperate with international police liaisons. Without the watchful eye of foreign law-enforcement agents, hiding human rights violations is easier.

Overall, I expect human rights violations in the host country to negatively affect the deployment of international police liaisons. Repressive governments are unlikely to welcome and cooperate with foreign law-enforcement agents that, in their view, might meddle in the domestic arena, collude with the regime's internal opponents, and expose its human rights violations internationally. From this follows this study's central hypothesis:

**Hypothesis 1:** International police liaisons are less likely to be deployed in countries where human rights violations are widespread.

#### **4 Research design**

To examine the impact of human rights on counterterrorism cooperation, this study focuses on the FBI: one of the major U.S. law-enforcement agencies tasked with combating terrorism. Specifically, I seek to assess the impact of human rights on the international deployment of the FBI's Legats. For that purpose, I employ survival analysis, which focuses on the time to the occurrence of an event. In our case, the event of interest is the opening of an FBI office abroad. Through a Cox proportional hazards model (a type of survival model), I seek to explore whether the probability over time of a Legat's being opened is systematically associated with the human rights record of the host country and with other variables. The hazard ratio expresses the influence of each factor: a ratio higher than 1 increases and a ratio lower than 1 reduces the likelihood of a Legat's being opened in any given year for which a Legat has not already existed. Once a Legat has been established in a given country, that country exits the analysis. My focus is thus on the first "failure," that is, the first time that an FBI office opens in a given country. Closing of an FBI office is rare: in the period considered here only one Legat – that in Uruguay – closed; it did not reopen. Thus, there are no cases of repeated "failure."

The unit of analysis is country-year, and the temporal coverage is 1993–2010: the period during which the Legat program experienced the most significant expansion and rise in importance and a time in which counterterrorism became the FBI's top priority. This means that the 20 countries in which Legats existed prior to 1993 are excluded from the analysis. Also excluded are micro-states of less than 500,000 population and observations in which the country in question had no diplomatic relations with the United States. Without diplomatic relations, law-enforcement cooperation between the FBI and local authorities is a priori impossible, and there is no U.S. embassy to house the Legat.

## 4.1 Variables

The dependent variable is the opening of an FBI office in a country. The data are taken from a 2004 audit report of the Legal Attaché program, prepared by the Department of Justice (U.S. Department of Justice 2004). The data were updated through 2010 using information from the FBI website.

The main explanatory variable is the host country's human rights record. Given the centrality of this variable, it is captured through two measures. The Political Terror Scale (PTS) ranks violations of physical integrity rights, such as extrajudicial killing, disappearances, torture, and political imprisonment, on a 5-level scale: 1 indicates rare violations; 5 means widespread abuse of human rights (Gibney, Cornett, and Wood 2013). The Cingranelli-Richards human rights index (CIRI) measures respect for physical integrity rights on a 0–8 scale, which I invert here to correspond to the PTS data, so that 0 indicates full government respect for human rights and 8 indicates widespread rights violations (Cingranelli, Richards, and Clay 2013). While PTS and CIRI capture the same category of human rights violations and are coded from the same source material, there are some notable differences between the two (Wood and Gibney 2010). I use both variables to increase the robustness of the results. Both these variables, as well as the controls, are lagged 1 year.

### 4.1.1 Controls

Beyond the host country's human right practices, the model includes additional influences on the deployment of U.S. police representatives abroad. First and foremost, these are influences that relate to the American interest in establishing counterterrorism cooperation with the foreign country.

All else equal, we would expect the United States to establish a police presence in countries of greater size and population. Given that law-enforcement agencies have limited resources, they are likely to focus their efforts on large countries which generally are of greater significance to American interests than smaller countries. *Population* is the (logged) size of the host country's population.<sup>2</sup>

In the period examined here – the 1990s and 2000s – the terrorist threat to the United States came primarily from Islamic groups, first and foremost Al-Qa'ida (Mendelsohn 2009). Given the American concern about Islamic terrorism, we would expect a U.S. police presence in countries with a significant Muslim population in order to thwart or investigate terrorist plots. *Muslim Majority* is coded 1 for countries in which a majority of the population is Muslim.<sup>3</sup> We might also expect U.S. agents to deploy in countries that raise more specific concerns of terrorism: countries where Americans have indeed been targeted by terrorists; and countries with a considerable money-laundering activity, which is linked to the financing of terrorism (FATF 2008). Money laundering further indicates criminal activity, which is also within the mandate of police liaisons. *U.S. fatalities of terrorism* is the cumulative number of Americans killed in terrorist incidents in the

<sup>2</sup> Source: World Bank's World Development Indicators.

<sup>3</sup> Source: CIA World Factbook.

host country.<sup>4</sup> *Money laundering* ranges from 1 to 3; 3 indicates a significant money-laundering activity.<sup>5</sup>

While concerned about terrorism – as well as organized crime – globally, the United States may be particularly concerned about these threats in countries that are of economic or strategic importance to American interests. By providing training and assistance, U.S. law-enforcement agents can improve the local authorities' ability to tackle terrorism and crime. Another consideration is the large volume of trade, financial transactions or people that the United States receives from countries of economic or strategic importance. U.S. police investigations are more likely to lead to countries from which these large flows originate than to countries that have a limited exchange with the United States. It therefore makes sense to locate police liaisons in the former, rather than the latter. *Trade with U.S.* – the total value of American exports to and imports from the foreign country – indicates the latter's economic importance for the United States.<sup>6</sup> *U.S. military aid* indicates the country's strategic importance.<sup>7</sup> Both variables are logged.

In addition to considerations of American interest, the presence of U.S. law-enforcement agents in foreign countries may be influenced by the domestic institutions in these countries as well as the countries' ties to the United States.

Democracies are generally more willing to participate in international cooperative endeavors (Mansfield, Milner, and Rosendorff 2002; Bättig and Bernauer 2009). Democracies' inclination toward cooperation may make them more willing to engage in law-enforcement cooperation through police liaisons. *Democracy* ranges from –10 (autocracy) to 10 (democracy).<sup>8</sup> The strength of the rule of law may also affect the deployment of U.S. law-enforcement agents. Where the rule of law is strong, U.S. agents are more likely to forge fruitful working ties with their local counterparts. By contrast, weak law-enforcement institutions would make poor partners, as they cannot be relied on to apprehend suspects or obtain evidence. *Rule of law* ranges from 1 (weak) to 6 (strong).<sup>9</sup>

While common-law countries are less inclined toward treaty-based cooperation (Simmons 2009, chap. 3; Chapman and Chaudoin 2013), one would expect *civil-law* countries to pose greater challenges for U.S. law-enforcement agents that are used to operating within the common-law-based American system. Various asymmetries between the two legal traditions – such as differences in police-prosecutor relations and evidence gathering – might create difficulties for U.S. agents at the operational level and complicate their efforts in civil-law countries (Nadelmann 1993, 7, 332; Gerspacher 2008, 178). *Common law* is coded 1 for countries whose legal system is based on the common law.<sup>10</sup>

A history of previous cooperation makes future cooperation more likely (Axelrod 1984; Tomz 2007). Therefore, if the United States and the host country have already engaged in law-enforcement cooperation through a mutual legal assistance treaty,

<sup>4</sup> Source: Global Terrorism Database.

<sup>5</sup> Source: State Department's annual International Narcotics Control Strategy Reports.

<sup>6</sup> Source: Foreign trade data of the U.S. Census Bureau.

<sup>7</sup> Source: U.S. Overseas Loans and Grants.

<sup>8</sup> Source: Polity IV.

<sup>9</sup> Source: Law and Order rating from International Country Risk Guide (ICRG).

<sup>10</sup> Source: La Porta et al. (1999).

further cooperation in the form of a police liaison may be easier to establish. *Legal-assistance treaty with U.S.* is coded 1 if the country has an mutual legal assistance treaty in force with the United States.<sup>11</sup> The host country's dependence on U.S. aid may also facilitate the establishment of cross-border police ties: American economic assistance makes aid recipients less likely to risk the negative consequences of rebuffing the United States (e.g., Simmons and Lloyd 2010). *Dependence on U.S. economic aid* is the logged ratio between the economic assistance that the host country receives and its GDP.<sup>12</sup>

## 5 Results

Table 1 presents the influences on the deployment of the FBI's Legat offices abroad, as captured through a Cox proportional hazards model. The table reports hazard ratios.

Models 1 and 2 present the starting point to the analysis of the FBI's international deployment – U.S. interest in counterterrorism cooperation – combined with the main variable of interest: human rights violations (Model 1 uses PTS; Model 2 employs CIRI). As expected, an FBI presence is more likely in countries where Muslims constitute a majority of the population and in countries where Americans have been victimized by terrorism. The risk of terrorist financing and major crime, as indicated by a significant money-laundering activity, is positively associated with an FBI presence. Countries that are of economic or strategic importance to the United States, as captured by trade and military assistance, respectively, are also more likely to host an FBI office. So do countries with a greater population, given that the FBI's limited resources do not allow the opening of an office in each and every country. Most importantly, in line with H1, the likelihood of a Legat's being opened is lower in countries where human rights abuse is widespread. This finding – demonstrated by both the PTS and CIRI measures – is consistent with the concerns that repressive governments likely have regarding cooperation with police liaisons. From these governments' point of view, the liaisons might be meddling in the domestic political arena and aiding the regime's opponents. They might also reveal evidence of human rights violations and expose the government to international criticism. In such an environment, FBI representatives are unlikely to win the host government's trust that is necessary for meaningful cooperation.

Models 3 and 4 include additional influences on the international presence of the FBI and its ability to forge counterterrorism ties. All the indicators of U.S. interest are statistically significant: the likelihood of an FBI deployment in a country increases with the size of the overall population, the existence of a sizable Muslim population, the number of American fatalities of terrorism, the severity of money-laundering concerns, as well as the magnitude of trade and military assistance. Most importantly, the host country's human-rights violations – measured through PTS or CIRI – have the hypothesized negative effect: as human rights abuse increases, the likelihood of a Legat's existence declines. The hazard ratios in Model 3 allow for a straightforward

<sup>11</sup> Source: data compiled by the Association of Certified Financial Crime Specialists; U.S. Department of State (2012).

<sup>12</sup> Source: aid data from U.S. Overseas Loans and Grants; GDP data from the World Bank's World Development Indicators.

**Table 1** Influences on the opening of FBI offices abroad

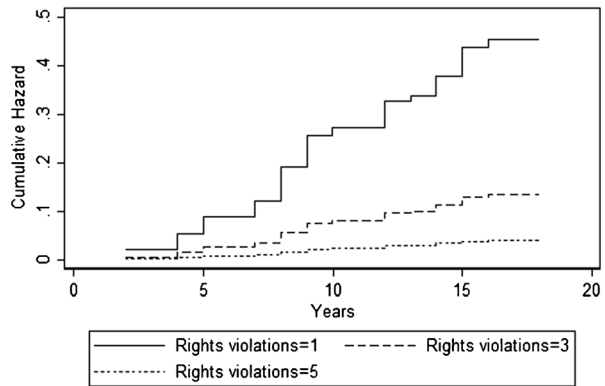
	Model 1	Model 2	Model 3	Model 4
Population	1.55*** (0.237)	1.483** (0.257)	1.526*** (0.231)	1.522** (0.249)
Muslim majority	2.083** (0.718)	2.344** (0.828)	2.345* (1.043)	2.588** (1.116)
U.S. fatalities of terrorism	1.019*** (0.007)	1.153*** (0.03)	1.033** (0.015)	1.177*** (0.032)
Money laundering	1.834** (0.454)	1.643** (0.407)	1.978** (0.554)	1.906** (0.525)
Trade with U.S.	1.24** (0.124)	1.258** (0.13)	1.353** (0.191)	1.3** (0.167)
U.S. military aid	1.216*** (0.069)	1.212*** (0.066)	1.169** (0.082)	1.185** (0.078)
Human rights violations (PTS)	0.626*** (0.108)		0.547** (0.129)	
Human rights violations (CIRI)		0.78*** (0.074)		0.758*** (0.078)
Democracy			0.984 (0.031)	0.985 (0.031)
Rule of law			1.076 (0.193)	1.254 (0.178)
Common law			1.363 (0.556)	1.737 (0.685)
Legal-assistance treaty with U.S.			0.839 (0.418)	0.847 (0.413)
Dependence on U.S. economic aid			1.055 (0.057)	1.042 (0.05)
Number of countries	141	140	107	106
Number of Legat openings	42	40	36	35
Observations	1,830	1,766	1,357	1,321
Prob > chi <sup>2</sup>	0.00	0.00	0.00	0.00

Cox proportional hazards model. The table reports hazard ratios. \*  $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$ . Robust standard errors in parentheses

interpretation. Where Muslims are a majority of the population, the likelihood of an FBI deployment more than doubles. Each American killed by terrorists raises the likelihood of a Legat's being opened by 3 %; this means that a cumulative toll of 22 American fatalities doubles the probability of a Legat's being established. A one-point increase along the 1-to-3 money-laundering scale just about doubles the likelihood of a Legat's being opened. Human rights violations have a substantially large impact on the deployment of FBI agents: a one-point increase on the 1-to-5 PTS scale lowers the likelihood of a Legat's being opened by 45 %. In Model 4, a one-point increase on the 0-to-8 (inverted) CIRI scale lowers that likelihood by 24 %.

Figure 3 plots the cumulative hazard of the opening of an FBI office at different levels of human rights violations (based on Model 3). The cumulative hazard rises steeply where rights are generally respected (rights violations = 1). As human rights

**Fig. 3** Cumulative hazard of an FBI presence at different levels of human rights violations



abuse becomes more prevalent (rights violations = 3), the cumulative hazard increases at a much more moderate rate, and it is nearly flat at the highest level of repression (rights violations = 5).

It is also interesting to note those variables in Models 3 and 4 that are found to have no impact on the stationing of FBI agents abroad. The opening of a Legat is not influenced by the level of democracy in the host country or a common-law origin; the strength of the rule of law is also not statistically significant, consistent with Enders and Sandler (2011). Preexisting cooperation with the United States through a legal-assistance treaty similarly does not affect the likelihood of a Legat's being opened, and neither does the host country's dependence on American aid. It should be noted that while these factors apparently do not influence the decision to *open* a Legat, they may well affect the level and quality of assistance that the Legat obtains from the host country. For example, countries with a strong rule of law may be able to provide the FBI with faster and better assistance compared to countries where law enforcement is weak. Yet forging a cooperative tie against terrorism in the form of a Legat does not, in itself, require that the host have a strong rule of law.

### 5.1 Robustness checks

A set of robustness tests varies the method of estimation, employs alternative measures, and adds additional controls (see Table 2).

Model 5 re-estimates Model 3 using a Weibull regression. The results are consistent with those yielded by the Cox model. In particular, the key finding holds: human rights violations are negatively and significantly associated with the establishment of FBI offices abroad. In Model 6, I employ discrete event-history analysis, which uses a logistic regression combined with a cubic polynomial to adjust for time dependencies. Discrete event-history analysis is particularly appropriate when data are collected in large increments of time, such as years, as is the case with much of IR analysis, including the present study.<sup>13</sup> Once again, human rights violations are found to have a negative association with the establishment of Legats.

<sup>13</sup> Box-Steffensmeier and Jones (2004). See Kaczmarek and Newman (2011).

**Table 2** Opening of FBI offices abroad: Robustness tests

	Model 5	Model 6	Model 7	Model 8	Model 9
Population	1.653*** (0.264)	0.436*** (0.158)	1.3** (0.159)	1.714*** (0.341)	2.36*** (0.624)
Muslim majority	2.596** (1.159)	0.931* (0.54)	2.621** (1.226)	6.338*** (3.313)	1.917 (0.913)
U.S. fatalities of terrorism	1.026*** (0.007)	0.162*** (0.039)	1.027* (0.015)		1.125*** (0.034)
Terror attacks against Americans				1.111** (0.055)	
Money laundering	1.945** (0.552)	0.659** (0.317)	1.82** (0.464)	1.903** (0.525)	1.735* (0.56)
Trade with U.S.	1.326** (0.188)	0.329** (0.149)	1.414** (0.192)	1.575*** (0.244)	
U.S. military aid	1.166** (0.079)	0.162** (0.069)	1.172** (0.078)		1.177** (0.077)
Human rights violations (PTS)	0.52*** (0.128)	-0.573** (0.264)		0.523** (0.145)	0.549** (0.128)
Human rights violations (FH)			0.652** (0.14)		
Democracy	0.989 (0.03)	-0.013 (0.036)	0.928* (0.04)	0.947 (0.038)	0.965 (0.042)
Rule of law	1.117 (0.212)	0.274 (0.185)	1.13 (0.192)	0.972 (0.228)	0.997 (0.21)
Common law	1.438 (0.591)	0.564 (0.443)	1.361 (0.516)	1.51 (0.674)	2.263** (0.779)
Legal-assistance treaty with U.S.	0.861 (0.453)	-0.084 (0.558)	0.731 (0.36)	0.571 (0.338)	0.823 (0.397)
Dependence on U.S. economic aid	1.055 (0.059)	0.078 (0.059)	1.026 (0.052)	1.176*** (0.066)	1.183** (0.099)
Alliance with U.S.				2.906* (1.785)	
DEA office				0.481 (0.264)	
UN-voting distance from U.S.				0.458** (0.156)	
GDP per capita					2.531** (0.907)
Economic globalization					0.995 (0.019)
Oil production					1.044 (0.105)
<i>P</i>	1.335				
Number of countries	107	107	107	106	102
Number of Legat openings	36		36	35	34
Observations	1,357	1,357	1,358	1,329	1,280
Prob > $\chi^2$	0.00	0.00	0.00	0.00	0.00

Model 5 a Weibull model; Model 6 is a discrete-time model with a cubic polynomial; Models 7–9 are Cox models. Hazard ratios are reported for Models 5, 7–9. \*  $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$ . Robust standard errors in parentheses

Returning to the Cox model, Model 7 uses an alternative measure of right violations: the Freedom House (FH) Civil Liberties index. This index includes personal integrity rights and thus partially overlaps with PTS and CIRI, but it also covers rights such as freedom of expression and of religion. A higher score on the Civil Liberties index, that is, fewer liberties, reduces the likelihood of an FBI presence (significant at the 0.05 level). This is consistent with Enders and Sandler (2011), who also use Freedom House data.

Model 8 replaces the cumulative number of American *fatalities* of terrorism in the host country with the lagged number of *attacks* against Americans.<sup>14</sup> Similar to the number of fatalities, the number of attacks is positively associated with the establishment of Legats. This model also employs several measures of the host's political and security relations with the United States, in lieu of military aid. First, it is possible that a military alliance between the United States and the host country may affect the chances of an FBI presence. An alliance may facilitate the establishment of a Legat; however, it could also make the Legat less necessary, given that security cooperation with the host country already exists. A variable indicating an alliance with the United States is positively associated with an FBI presence, but is only weakly significant.<sup>15</sup> Second, one might expect a negative association between the existence of a DEA office in the host country and the likelihood of an FBI representation: both agencies are under the Department of Justice and their mandates partly overlap. A variable indicating a DEA presence is indeed negative, yet not statistically significant.<sup>16</sup> Third, the political affinity between the host and the United States, as measured by ideal point distance in UN General Assembly voting, is found to have a significant association with an FBI presence: greater distance, that is, a weaker political affinity, reduces the likelihood of an FBI deployment.<sup>17</sup>

In Model 9, trade with the United States is replaced with several alternative economic indicators. An FBI presence is more likely in countries with a higher GDP per capita<sup>18</sup>: richer countries have a greater law-enforcement capacity and may be able to provide the FBI with better assistance. By contrast, the host country's degree of economic globalization<sup>19</sup> seems unrelated to the establishment of an FBI representation, and so does the host's oil production.<sup>20</sup> Note that in this model common law and the host's dependence on American aid are positively and significantly associated with an FBI presence, consistent with the above expectations. This, however, is not robust to alternative model specifications. By contrast, the negative and significant effect of human rights violations is consistent across the differently specified models.

Is there an endogenous relationship between human rights and an FBI presence, such that the opening of an FBI office leads the host governments to improve their human rights practices? This possibility seems remote: it is unlikely that the presence of an FBI agent would be enough to trigger a noticeable improvement in human rights. To

<sup>14</sup> Source: Global Terrorism Database.

<sup>15</sup> Source: Alliance Treaty Obligations and Provisions Project (ATOP).

<sup>16</sup> Source: U.S. Department of Justice (2007).

<sup>17</sup> Source: Strezhnev and Voeten (2013).

<sup>18</sup> Source: World Bank's World Development Indicators.

<sup>19</sup> Source: KOF Index of Globalization.

<sup>20</sup> Source: U.S. Energy Information Administration. Similar results are obtained when the World Bank's measure of energy production is used.



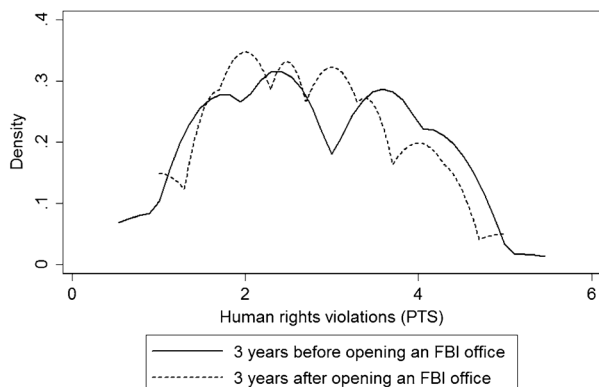
rule out this possibility, I examined the human rights record of the countries where FBI offices opened during the period considered here. Three years prior to the establishment of the FBI offices, the average PTS score of those countries was 2.77; 3 years following the FBI's deployment, the average PTS score was 2.67; and 5 years after the FBI opened an office, the average PTS rating was 2.74. Paired t-tests show that the mean differences are not different from 0. Figure 4 similarly does not indicate a rights-improving effect of an FBI presence.

## 6 Implications and conclusions

Notwithstanding the role of bureaucracies such as the Interpol, it is *informal* networks of police liaisons that perform much of the daily business of combating terrorism. Underlying these networks is the assumption that, especially in the age of e-mail and cellular phones, one-on-one interaction with foreign counterparts is preferable to going through layers of bureaucracy and government: cops-talking-to-cops can be more efficient and effective than a mutual legal assistance treaty or an exchange of diplomatic notes. Through their working relations, as well as social ties, with local law-enforcement, the liaisons obtain evidence and information in the absence of a formal treaty or bureaucratic infrastructure. The informal and personal contact with their counterparts allows for a more rapid provision of assistance and a greater willingness to share information, compared with official-channels communication. Another assumption underlying law-enforcement networks is that law enforcement is particularly conducive to informal cross-border ties: the "brotherhood of the badge" provides an immediate basis of trust and commonality that transcend politics, religion, and ethnicity (Bayer 2010). All this has turned police-liaison networks into a key form of cooperation against terrorism and crime.

This study has exploited one of the most extensive law-enforcement networks – the FBI's system of Legal Attachés – to shed light on the conundrum of human rights and counterterrorism cooperation which has thus far seen little systematic analysis. The evidence suggests that human rights abuse is associated with weaker cooperation against terrorism: FBI agents are less likely to be present and to forge working ties in countries where human rights violations are widespread. The likely cause, I have

**Fig. 4** Kernel densities of human rights violations prior to and following the establishment of an FBI presence



argued, is repressive governments' concerns: by cooperating with foreign law-enforcement agents, they might be unwittingly providing ammunition to their international critics and assisting domestic opponents. Combined with the finding that human rights abuse fuels terrorism (Walsh and Piazza 2010), this means that police liaisons cannot be deployed where they might be needed the most! A policy implication of this study is that in order to establish counterterrorism cooperation with repressive governments, their concerns about cross-border policing ties must be addressed and mitigated. Police liaisons may have to provide assurances that any information they receive will be used solely for investigating terrorist plots and that it will not be passed on to any other domestic or international actor. If the repressive government is still unsatisfied with such assurances, other methods of cooperation may have to be devised – ones that are less intrusive and threatening than the physical presence of foreign law-enforcement agents. Such methods, however, would be inferior to the deployment of a law-enforcement representative. An agent on the ground in the host country can obtain more information and assistance more rapidly than can be gained through other channels.

The findings of this study contribute to the small body of IR literature on international police cooperation. Much of the existing literature on cross-border policing has focused on multilateral channels and arrangements, first and foremost the Interpol. A central theme of the historically oriented literature on the Interpol is the professional, apolitical nature of this organization and its forerunner, the International Criminal Police Commission, established in 1923. Earlier attempts at international policing had been made in Europe since the mid-nineteenth century, but achieved limited success due to their controversial political goals: to protect established regimes from subversion and suppress the political opposition of anarchists, socialists, and democrats. Meaningful, durable cooperation could be established only once police organizations acquired significant autonomy and independence from their governments in the early twentieth century. Professional policing ties could then evolve irrespective of the political orientation and ideology of the countries involved and their relations (Deflem 2002). To this day, “the security and intelligence agencies of national states engage in collaboration across national borders, in matters of terrorism and other crimes, despite the fact that critical differences may exist in their respective countries' attained level of and formal commitment to constitutional democracy” (Deflem 2006, 241).

The findings of this study, however, challenge the view of police cooperation as being professional, apolitical, and removed from ideological controversies. The FBI's Legat program demonstrates that police cooperation may indeed be established irrespective of certain political and legal differences, such as the level of democracy and the origin of the legal system; other differences, however, might hinder cooperation. Despite the seemingly technical and depoliticized nature of police work, repressive governments are unlikely to have the necessary trust in foreign law-enforcement agents. For them, the presence of such agents seems more like a threat than a source of assistance.

International police liaisons and their ties to local law-enforcement in the host countries constitute informal transgovernmental networks. In Anne-Marie Slaughter's typology, these are *enforcement networks* that focus “primarily on enhancing cooperation among national regulators to enforce existing national laws and rules” (Slaughter 2004, 55). This study has focused on a neglected dimension of transgovernmental networks: membership. Indeed, the analysis of these networks to date has largely

focused on their effects (Bach and Newman 2010; Maggetti and Gilardi 2011). By contrast, we know little on how these networks are established and who chooses to join them as a member (Bach and Newman 2014). The findings here suggest that, at least for transgovernmental police networks, a well-developed domestic apparatus and capacity are not requirements for transgovernmental cooperation: the FBI has established offices even in countries with a weak rule of law. These countries' law-enforcement capacity may affect the amount and quality of assistance that they give to the FBI; yet weak capacity in itself does not prevent the establishment of transgovernmental ties. Other domestic attributes – notably, government repression – might indeed prevent the forging of such ties. This goes contrary to the common view of transgovernmental networks as involving low costs of and few domestic institutional barriers to entry or exit, given the informal and voluntary nature of the networks (Raustiala 2002; Slaughter 2004). The reluctance of human-rights violators to collaborate with the FBI demonstrates that network participation may come at a price – one that certain governments might refuse to pay.

**Acknowledgments** I thank Amnon Cavari, Anna Getmansky, Eliav Lieblch, Barak Mendelsohn, Assaf Moghadam, Alex Quiroz Flores, Doug Stinnett, the editor of RIO, and two anonymous reviewers for helpful comments and advice. Guy Freedman, Einat Gedalya, Yotam Kreiman, and Tal Tzurel provided research assistance.

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