



Transnational Repression: A Global Threat to Rights and Security

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Senate Foreign Relations Committee hearing
Transnational Repression: Authoritarians Targeting Dissenters Abroad
December 6, 2023

I'd like to thank Chairman Cardin, Ranking Member Risch, and the members of this committee for the opportunity to testify today. I ask that my full remarks be entered into the record.

Transnational repression defined

Transnational repression occurs when states reach across borders to silence dissent from activists, journalists, and others living in exile. Perpetrator states do so using intimidation and violence. This issue presents a direct threat to rights and security around the world, including here in the United States, and will require a coordinated response from across the US government and between the United States and other democratic governments.

From 2014 through 2022, Freedom House has collected information on 854 direct, physical incidents (assassination, kidnapping, assault, detention, or deportation) of transnational repression around the world, committed by 38 governments in 91 countries. During this time, 13 states have engaged in assassinations abroad, and 30 have conducted renditions.

These numbers are likely only the tip of the iceberg, as states also use indirect tactics to intimidate activists in exile, such as the use of spyware, surveillance, threats sent over social media or phone, or threats against family members back home (known as coercion by proxy).

The top five perpetrators in our assessment are China, Turkey, Tajikistan, Egypt, and Russia—while Turkmenistan, Uzbekistan, Iran, Belarus, and Rwanda round out the top ten. These ten countries are responsible for 80 percent of the cases in our database. And China, which conducts the most comprehensive and sophisticated campaign of transnational repression, is responsible for 30 percent of the cases.

In the last several years, these countries have undertaken brazen measures to intimidate and silence their exiles and diasporas. One of the most famous cases in the United States involves the Iranian regime's plot to kidnap journalist and women's rights activist Masih Alinejad from her

home in Brooklyn. When that didn't work, Iran attempted an assassination plot that was thankfully also unsuccessful. To this day, Alinejad lives under federal protection.

Just weeks ago, a group of activists were physically assaulted in San Francisco during the Asia Pacific Economic Cooperation (APEC) Summit while protesting human rights violations by Xi Jinping and the ruling Chinese Communist Party. In 2021, Belarusian officials called a fake bomb threat into a Ryanair flight from Greece to Lithuania, forcing an emergency landing in Minsk in order to apprehend a blogger critical of the ruling regime. Only thirteen months ago, Emirati law enforcement arrested Egyptian-American activist and former Egyptian army officer Sherif Osman based on a request from Egypt. Russian journalists Elena Kostyuchenko and Irina Babloyan were poisoned in late 2022, possibly in connection with their critical reporting on Russia's full-scale invasion of Ukraine. Throughout 2022, Tajikistan's government expanded its campaign of transnational repression against members of the Pamiri ethnic group, securing the extradition from Russia of outspoken Pamiri activists such as Oraz and Ramzi Vazirbekov.

This does not mean that only authoritarian governments are responsible for incidents of transnational repression. In September, Canadian Prime Minister Justin Trudeau announced that Canada's security services had intelligence linking "agents of the government of India" to the June murder of Sikh activist and Canadian citizen Hardeep Singh Nijjar in British Columbia. And on November 29, the Department of Justice alleged in an indictment that an Indian national in India was hired by an Indian government official to orchestrate the assassination of a US citizen who is a Sikh activist.

An old but growing problem

In some ways, transnational repression is a new term for an old problem. As long as states and leaders have seen themselves as threatened by dissent outside their borders, they have tried to control that dissent, and sometimes have resorted to coercion to do so. There are legions of historical examples, from the murder of Iranian exiles in Europe after the revolution to the car bomb murder of Orlando Letelier in Washington, DC by Chilean government agents.

What has changed is the dynamic between those who leave and the states they leave behind, and with it the scale and scope of transnational repression. The increased scale of global migration has knit our world closer together as more people move across borders and build lives in different countries. It should also be recognized that more and more activists and journalists are being driven from their home communities by authoritarian powers closing down space for them to operate freely. In Russia alone, hundreds of journalists and activists have fled Vladimir Putin's crackdown, setting up operations to continue their work in Georgia, Armenia, Germany, Lithuania, and other countries in Europe and Eurasia, all while remaining politically engaged in their origin states.

Digital technology has enabled exiled individuals and groups to remain connected to their origin countries, posting on social media and messenger apps that reach people within milliseconds

instead of arduously smuggling physical *samizdat* across borders. States, in turn, have gained instantaneous capabilities to surveil their overseas critics through social media monitoring and spyware. That surveillance all too often leads to concrete threats against those living in the diaspora.

One of the most recent and worrying developments is the extraterritorial repression of reporters. As the space for free media and dissent has closed in authoritarian countries, governments are increasingly reaching outward to target exiled journalists who continue to do their courageous work from abroad. Our new report released today, titled *A Light That Cannot Be Extinguished: Exiled Journalism and Transnational Repression*, examines this issue more closely and describes the repressive toolkit used against target exiled journalists and media. At least 26 governments have targeted journalists, and 112 of the 854 cases in our database – thirteen percent of all cases – involved journalists.

Perpetrator states of transnational repression are innovating even as awareness of the problem in host countries grows. Moving forward, host governments and law enforcement must pay increasing attention to the role of diplomatic staff and proxy actors working on behalf of origin states to intimidate exiles. The aforementioned recently unsealed DOJ indictment alleging a murder-for-hire scheme organized by an Indian government employee against a Sikh activist in New York City points to the involvement of criminal associates in such plots. Additionally, foreign governments, such as that of China, may continue to seek out private investigators to co-opt host state institutions and more easily reach targeted individuals.

For too long, democracies have missed or allowed the actions of authoritarian countries inside their borders. Such a pattern of impunity has emboldened states to act abroad without fear of consequences.

A global threat to rights and security

When we see the Russian government for years get away with killing its opponents abroad in baroque schemes across Europe; when we see the murder of Jamal Khashoggi literally inside Saudi Arabia's Istanbul consulate go unpunished; when we see the Turkish government boast officially that it has kidnapped over 100 people from abroad without any consequence; when we see Rwanda kidnap regime critic Paul Rusesabagina off of a Dubai tarmac; when we see armed Iranian agents visiting the house of journalist Masih Alinejad in Brooklyn; when we see an Indian government agent plotting to murder a Sikh activist in New York City; we have a global problem. Transnational repression poses a threat to both rights and security and a challenge for both domestic and foreign policy.

The impact of transnational repression on targeted individuals is severe. People's physical safety is endangered, their travel is complicated, their houses are surveilled in the US and elsewhere, they are harassed online and offline, and communication with family and friends living in the country of origin is fraught. Some people are cut off from their families entirely. Each individual incident of

transnational repression produces ripple effects throughout the community, fostering an atmosphere of fear and suspicion among neighbors and compatriots.

Even when taking care to avoid being impacted by transnational repression, individuals may still face imprisonment and the possibility of deportation. To take one example, Idris Hasan, a Uyghur activist, has been in a Morocco prison for two-and-a-half years after he was detained upon arrival on the basis of a since invalidated INTERPOL notice requested by China. Hasan's detention in Casablanca was particularly unfortunate, as he had opted to flee Turkey due to the uptick in pressure from the Turkish government on outspoken Uyghurs.

The fundamental question is whether democratic societies can and will protect the rights of people inside our borders against such intimidation. The bet that autocrats are making is that we are not willing to bear the cost of doing so. We must prove them wrong.

Progress so far

Transnational repression is part of a pattern of authoritarian powers seeking to globalize the repression they use to maintain control in their own societies. Thankfully, there has been strong, bipartisan interest in addressing this issue here in the United States and a growing interest from democracies in Europe and elsewhere.

The Biden Administration has made addressing transnational repression a priority issue across agencies. We are pleased to see strong interagency coordination, and, as we understand it, increasing engagement between the Executive Branch and the Hill – something crucially important for an effective US response.

Among the steps taken by the US government: The Commerce Department has moved to rein in the use of American technology in the production of powerful commercial spyware, which is a crucial vector of transnational repression. The State and Treasury departments have sanctioned perpetrators of transnational repression. State has been holding trainings for diplomats, engaging with allies around the world, and coordinating emergency responses for diaspora communities and exiles abroad. The Department of Homeland Security has pursued outreach to vulnerable communities inside the US. The FBI has a dedicated stream of work on transnational repression, including a public web page, the issuance of several informational bulletins for targeted communities, and the ability for individuals to report transnational repression to the FBI hotline. And, we have seen the Department of Justice investigate and prosecute a growing number of cases of transnational repression plotted against US persons, sending a powerful signal to perpetrators and their agents that these actions will be caught and punished.

There are also a number of bills pending in Congress, including some authored by members of this committee.

These are all important steps that we and others have encouraged, and we applaud these efforts. But, more action is needed.

Recommendations for Congress

We urge Congress to strengthen the US response to transnational repression and ensure the US has the tools needed to protect those within our borders for years to come. There are three specific steps Congress can take.

1) Pass legislation to address gaps in the US government’s response to transnational repression. This includes codifying a definition of transnational repression, ensuring government officials who may encounter perpetrators or victims of transnational repression receive the training necessary to recognize and respond to the problem, and strengthening sanctions authorities to make it easier to hold perpetrators accountable. The Transnational Repression Policy Act, which was introduced by Senators Merkley, Rubio, Cardin, and Hagerty, includes provisions in all these areas. We urge its passage.

At present, US law does not include a definition of transnational repression, which makes it impossible for officials to sufficiently respond. A definition is important to allow officials to understand what transnational repression is and to direct their agencies on reporting, training, and sufficient outreach to and support for victims and potential targets. Codification of a definition for foreign policy purposes in Title 22 should include a detailed description that explains the full scope of transnational repression tactics. Any updates to Title 18, which deals with crimes and criminal activity, should be narrowly tailored to ensure US criminal law can sufficiently address transnational repression without inadvertently criminalizing benign activities or enabling the targeting of individuals simply due to their country of origin. Congressman Schiff has introduced legislation that would update Title 18 with additional authorities related to transnational repression.

Some agencies and bureaus have provided training for officials. But, trainings are not yet routinized or mandated for all officials or employees who may come in contact with perpetrators or victims. Establishing agency-wide trainings for all officials who may encounter the issue will help the US government respond more effectively.

On the sanctions front, the United States possesses a number of targeted sanctions options, including the Global Magnitsky Human Rights Accountability Act; the authorities provided in section 7031(c) of the annual Department of State, Foreign Operations, and Related Programs Appropriations Act; the Khashoggi Ban visa restrictions, and several country-specific sanctions programs. With the exception of the Khashoggi Ban, however, none of these sanctions programs explicitly address transnational repression, and they cover only the most severe cases of transnational repression, such as murder or kidnapping. And while the Khashoggi Ban addresses transnational repression directly, it only imposes visa bans—a weaker measure than the asset freezes included in other sanctions mechanisms. It is also a policy implemented voluntarily by the

Biden Administration, meaning future administrations would not be legally required to screen visa applicants for activity related to transnational repression.

2) Establish clear pathways for exiled human rights defenders to receive permanent legal status when needed. Democratic governments should consider appropriate mechanisms, including providing special visas, such as humanitarian visas or visas for human rights defenders, activists, and journalists, to help them receive legal status. Countries should also review their asylum processes to ensure that exiled human rights defenders, activists, and journalists are not being denied legal status as a result of illegitimate criminal charges leveled against them by origin country governments. Permanent legal status offers a better safeguard against transnational repression by making the protection of a democracy permanent, reducing a human rights defender's reliance on identification documents from their home country (which can often be cancelled or put them at risk when needing to enter consulates or embassies of their original country for renewal), and potentially allows family reunification, which reduces the risk of coercion by proxy.

3) Urge the Executive Branch to continue to raise transnational repression as a priority issue with partners and allies. We commend US leadership in the newly launched G7 Rapid Response Mechanism Working Group on Transnational Repression and for signing the Declaration of Principles to Combat Transnational Repression. In addition to these efforts with like-minded governments, the United States must not hesitate to raise this issue directly at the highest levels with perpetrators of transnational repression, even when those perpetrators are close partners such as Saudi Arabia and India. Transnational repression is a violation of rights and sovereignty and breaks the bond of trust that must exist for deep cooperation between nations. Whether a government engages in transnational repression should be a significant factor determining the nature of bilateral relations and the closeness of any partnership.

Thank you for your time, and I look forward to your questions.