



Transnational Repression: a Global Threat to Rights and Security

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Transnational Repression and the US Response

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Congressman McGovern, Congressman Smith, and members of the Commission, thank you for the opportunity to testify today. It has been a privilege to work with you and your staff on this important issue, and we greatly appreciate your leadership.

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. Through transnational repression, states seek to apply abroad the same restrictions on rights they impose at home. It is a threat to the rights of individuals and communities that are targeted, and it undermines our democracy by limiting people's ability to participate in civic life, including here in the United States. Transnational repression demands a coordinated response from 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. Freedom House will be releasing updated database numbers tomorrow at the Munich Security Conference. Without giving specifics away, every year we have added new perpetrator governments and new incidents, showing that the use of transnational repression is not diminishing.

Unsurprisingly, technology has played an enormous role in the transformation and expansion of transnational repression. This is because digital platforms and services have increased the reach of states beyond their borders, allowing them to surveil, track, harass, and target individuals through social media platforms and personal devices. Examples of the use of spyware in the commission of transnational repression include the case of Jamal Khashoggi, whose colleagues and family had their devices infected with spyware in the period leading up to his murder; as well as spyware used against Ethiopian dissidents and journalists; and malware used against Kazakh dissidents and journalists.⁵ Just last year, Galina Timchenko of the Russian independent media organization

Meduza was targeted with spyware technology in Germany.⁶ Freedom House found that spyware was used in transnational repression seventeen times in the year 2021.⁷ According to our database, the top ten perpetrators of transnational repression globally are China, Turkey, Tajikistan, Egypt, Russia, Turkmenistan, Uzbekistan, Iran, Belarus, and Rwanda. Together, 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 in the world, 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.

In November, 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. Just yesterday, the Sikh Caucus Committee held a briefing on transnational repression for congressional staff that delved into this further.

Transnational repression against journalists and on university campuses

A recent and worrying development 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 report released in December, titled [*A Light That Cannot Be Extinguished: Exiled Journalism and Transnational Repression*](#), examines this issue more closely and describes the

repressive toolkit used against targeted 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.

In our report, we interviewed exiled Cambodian, Uyghur, Turkish and other journalists in the United States who described the repercussions of transnational repression against them by the governments they left behind. As part of this study, we highlighted the digital harassment and threats directed at Cambodian American journalist Taing Sarada, a witness sitting next to me today.

Transnational repression is also an everyday threat on US campuses. A report we released at the end of January, [Addressing Transnational Repression on Campuses in the United States](#), found that international students and scholars experience digital and physical surveillance, harassment, assault, threats and coercion by proxy – or the harassment of family members. Very few institutions of higher education are prepared to address the threat posed by transnational repression to their campus communities. This lack of awareness has left targeted individuals to try to deal with the problem themselves and created a significant chilling effect, which is counter to the spirit of academic freedom.

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 perpetrator states to intimidate exiles. Cases like the murder-for-hire scheme allegedly organized by an Indian government employee against a Sikh activist in New York City points to the involvement of criminal associates. 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.

A global threat to rights and security

Transnational repression poses a global threat to 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

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 current administration has made addressing transnational repression a priority across agencies, with attention given by the National Security Council. We are pleased to see generally 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 Department of Justice has been investigating and prosecuting a growing number of cases of transnational repression plotted against US persons. The FBI has a dedicated stream of work on transnational repression, including a [public web page](#), the issuance of several unclassified counterintelligence bulletins for targeted communities, and the creation of a general [threat intimidation guide](#) that is linked on the transnational repression webpage and translated into over 60 languages. Transnational repression is also now a category that can be reported via the general FBI hotline. The Department of Homeland Security (DHS) has shared information on transnational repression with DHS law enforcement, pursued outreach to vulnerable communities inside the US, and is working on developing a strategy to protect faith-based communities from incidents of transnational repression. DHS is also working to pull together national and international engagements on the issue, and DHS and the Federal Law Enforcement Training Center (FLETC) are in conversation around what a training module could look like. The Cybersecurity and Infrastructure Security Agency (CISA) has also been focused on outreach, issuing a public [fact sheet](#) on resources available to protect against transnational repression. 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. The Department of State has provided some training for diplomats, and State's annual Country Reports on Human Rights Practices include a section on transnational repression. They are also engaging on this topic with allies around the world, including through the G7 Rapid Response Mechanism Working Group on Transnational Repression and have helped coordinate emergency responses with partners when individuals have been targeted for transnational repression abroad.

There are also a number of bills pending in Congress.

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

An urgent need to act: recommendations for Congress

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. Would the government of India have dared to target individuals in Canada and the United States if the brutal murder of Jamal Khashoggi had been met with more forceful accountability measures for each and every Saudi official involved in his death?

There are a number of measures Congress can take to limit the ability of governments to engage in transitional repression on US soil and ensure the protection of those within our borders.

1) Codify a definition of transnational repression in law and ensure the United States has the necessary legal authorities to sufficiently address the threat and support those who are targeted. At present, US law does not include a definition of transnational repression, something that is needed to allow officials to understand what transnational repression is, to identify and apprehend perpetrators, 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.

Current legislative proposals include the Transnational Repression Policy Act (H.R.3654/S.831), which was introduced in the House by the co-chairmen Smith and McGovern, would direct the creation of a strategy to address transnational repression, require training for certain officials, and impose sanctions on perpetrators, and the Stop Transnational Repression Act (H.R.5907), which would provide criminal penalties for transnational repression. We urge members to consider cosponsoring.

2) Work with the Executive Branch and with State and local officials to ensure that personnel coming in contact with perpetrators and victims of transnational repression receive the training necessary to recognize and respond to the threat and assist victims. Several agencies and bureaus are providing training for employees. But, trainings are not yet routinized or mandated for all officials or employees who may come in contact with perpetrators or victims. There is no standardized curriculum shared across agencies and often not even a standardized set of trainings for each relevant employee within an agency. Definitions, content, and recommended actions vary. It is important that US agencies establish clear training materials and ensure regular training throughout the career of personnel who may come in contact with perpetrators or victims. Establishing a training module for those who go through FLETC is one potential way to provide

standardized trainings for a large number of relevant officials. For State Department, there have been trainings offered at FSI, and those should be continued and possibly expanded.

Whenever possible, federal agencies should also provide training to state and local officials they may partner with on transnational repression issues. FLETC offers training for state, local, campus, tribal, and territorial law enforcement agencies and could potentially incorporate transnational repression into those trainings. The Homeland Security Investigations-led Border Security Enforcement Taskforce (BEST) is another example of federal and local officials working together to address transnational threats. It is critically important those involved with the taskforce receive training to understand the threat of transnational repression and the profile of perpetrators and victims, so they can apprehend perpetrators and ensure they are not undertaking enforcement actions that will lead to the deportation of individuals who are under threat from and being targeted by their home countries.

3) Review current information-sharing practices to ensure efficient communication within and between agencies and with trusted partners and allies. It appears that among personnel tasked with tracking and responding to transnational repression there is a tremendous amount of ongoing communication across the federal government, but challenges remain.

Because the cross-cutting nature of transnational repression transcends the jurisdictions of both domestically- and internationally-focused agencies and because law enforcement and those in the judicial system are often unable to share information due to the confidential nature of investigations and court proceedings, it is possible that information important to know across agencies or between the United States and partners is not being communicated. For example, when federal, state, or local law enforcement suspect an individual is engaging in transnational repression in the United States is that information communicated to other law enforcement in the US or abroad who may also encounter these individuals? Are potentially targeted communities notified? When individuals are convicted of engaging in transnational repression are their names shared with the State and Treasury Departments and with trusted partner governments for the consideration of potential transnational repression-related sanctions?

A review of current procedures could help identify best practices, gaps, and whether there are ways to maximize efficiency and minimize duplication of work.

4) Establish clear pathways for exiled human rights defenders to receive temporary relocation or 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 for temporary or permanent relocation. 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. Freedom House has endorsed the Human Rights Defenders Protection Act, recently introduced in both Chambers

and led in the House by Chairman McGovern, would create a new limited visa category to enable human rights to temporarily continue their work in the United States until it becomes safe for them to return home – a powerful option that helps support human rights defenders and counter authoritarianism. Sometimes, human rights defenders are forced to permanently flee their homeland. In these cases, permanent legal status can offer 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.

5) 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. I look forward to your questions.