Defending Democracy in Exile

Policy Responses to Transnational Repression

Yana Gorokhovskaia and Isabel Linzer

DEFENDING DEMOCRACY IN EXILE: POLICY RESPONSES TO TRANSNATIONAL REPRESSION

TABLE OF CONTENTS

Freedom House

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by Yana Gorokhovskaia and Isabel Linzer

Over the past year, governments around the world have engaged in increasingly brazen attempts to stifle dissent by attacking critics who live abroad. Belarusian authorities forced an international airliner to land so they could detain a journalist who was on board. Iranian agents conspired to kidnap a women's rights activist from her home in Brooklyn. Turkish intelligence officers abducted the nephew of a political figure from outside a police station in Nairobi. These audacious acts of transnational repression, in which governments reach across national borders to silence opposition among diaspora and exile communities, demonstrated a dangerous disregard for international law, democratic norms, and state sovereignty.

Despite growing awareness of the problem, **transnational repression remains a global threat to human rights and democratic values because few tools exist to protect its intended targets.** People who are brave enough to stand up to autocrats can feel abandoned. As one human rights defender described it, "If I'm being honest with you, we're really alone in this."[1] While autocrats in origin states work together to threaten them, exile and diaspora communities must contend with unprepared immigration and security agencies in host countries. They are named in abusive Interpol notices, experience reprisals for interacting with UN agencies, and must withstand sophisticated digital campaigns designed to surveil and harass them.

The tactics of transnational repression are powerful because they have evolved to take advantage of the connection and openness brought by globalization. Perpetrator states have turned institutions and practices of host governments, international partnerships, and communication technologies against the vulnerable people they shelter.

This report, the second in a series by Freedom House on transnational repression, examines the ways in which nondemocratic governments are pursuing their critics abroad, what governments that host exiles and diasporas can do to protect individuals targeted by foreign states, and where gaps in existing safeguards remain. The research showed that:

- **More governments around the world are using transnational repression to silence dissidents.** There is evidence that authorities in at least four countries—Belarus, Nigeria, Comoros, and Algeria—targeted dissidents abroad for the first time in 2021. They joined 32 other governments that were already known to be perpetrators of physical acts of transnational repression. Freedom House has recorded 735 incidents of direct, physical transnational repression that occurred between January 2014 and December 2021, with 85 incidents in 2021 alone.

> Transnational repression has evolved to take advantage of the connection and openness brought by globalization.

- **Authoritarian governments are cooperating in their pursuit of exiles and diaspora residents because they share an illiberal set of values.** In 74 percent of the incidents of transnational repression that took place

in 2021, both the origin and the host countries are rated Not Free by Freedom House.[2] These regimes are acting together to threaten, detain, and repatriate activists.

- **Countries that are home to exiles and diasporas lack the tools to respond to attacks by authoritarian governments.** Governments that host targeted groups and individuals need to improve their security, migration, and foreign policies to ensure that they offer appropriate protection for the vulnerable and are capable of enforcing accountability for perpetrators.

- **Nondemocratic governments work together to facilitate transnational repression by weakening universal human rights norms at international organizations.** International organizations play a crucial role in documenting specific types of human rights violations stemming from the use of extraterritorial violence. However, in the absence of an agreed framework that identifies these violations as tactics of transnational repression, the efforts of international bodies remain ad hoc and disorganized.

- **Digital tactics of transnational repression are widespread and diverse, and responses from governments and technology companies are lagging.** Exiled dissidents and members of diasporas who are at risk of transnational repression employ digital security strategies—limiting location sharing and using two-factor authentication, for example—to protect themselves from surveillance and threats, but they are outmatched by the resources available to the governments that target them.

Transnational repression is strategically employed by autocrats, enabled by underprepared host governments, and spreading rapidly around the world. This report aims to assess the strengths and weaknesses in the global understanding of and responses to transnational repression, so that governments, private companies, and civil society organizations can better equip themselves to defend human rights. Transnational repression should be recognized for what it is: a direct threat to fundamental freedoms, state sovereignty, and democracy, and a disturbing physical manifestation of global authoritarianism.

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Stifling Dissent in 2021

On May 24, 2021, Belarusian and Polish activists gathered at European Commission headquarters in Warsaw to protest the detainment of journalist Raman Pratasevich. Photo credit: Lapinski/NurPhoto via Shutterstock.

The use of transnational repression continued to expand in 2021. **More governments sought to silence dissent beyond their borders for the first time**, and governments with established track records as perpetrators of transnational repression helped one another intimidate, harass, and harm activists and other exiles.

The cases of Belarus and Turkey illustrated both of these trends. Alyaksandr Lukashenka's regime in Belarus extended its brutal crackdown on prodemocracy protesters beyond its own borders, operating both independently and with the help of Moscow, which aided in the detention and repatriation of Belarusian activists. The government of Turkey, long a relatively safe haven for Muslim refugees, increasingly pressured Uyghurs into silence as its economic relationship with China grew closer. These and other nondemocratic governments effectively worked together to reinforce a worldview that treats individuals everywhere as

subjects of political power rather than citizens with rights and freedoms.

The vast majority of transnational repression incidents in 2021, 74 percent,[3] took place in countries rated Not Free by Freedom House. Authorities in Thailand unlawfully repatriated dissidents, political activists, and monks to Cambodia.[4] The government of the United Arab Emirates detained a teenage Chinese activist who was transiting through the Dubai airport and allowed Chinese consular officials to try to coerce him into returning to China.[5] Uzbekistani security services helped abduct a man from his apartment in Tashkent and return him to Turkey.[6]

The prevalence of transnational repression within nondemocratic countries reflects not only increased cooperation between autocrats, but also the inaccessibility of democratic countries for those fleeing repression. While

democracies provide a high level of protection against extraterritorial attacks, few people are able to reach them. Because so many democratic countries have adopted policies that harden their borders and discourage asylum seekers, people who advocate for human rights or defend democratic principles in harsh environments are often forced to remain in parts of the world where autocrats make the rules.

> The vast majority of transnational repression incidents in 2021, 74 percent, took place in countries rated Not Free by Freedom House.

The Belarusian regime's transnational repression campaign

While authorities from Nigeria, Comoros, and Algeria targeted dissidents abroad for the first time in 2021, none of them took up the strategy with as much intensity as the regime in Belarus. Increasingly intolerant of peaceful opposition, Lukashenka's government augmented its already extensive arsenal of repressive tactics with the aim of silencing critical voices around the world. **Minsk was responsible for 31 percent of the transnational repression incidents recorded in 2021.**[7] Tens of thousands of Belarusians fled the violence unleashed by security forces after opposition leaders and protesters challenged Lukashenka's fraudulent reelection as president in August 2020. Many sought asylum in Poland, Lithuania, Ukraine, and other countries to the west.[8] Some went east to Russia, which Belarusians do not require a visa to enter.
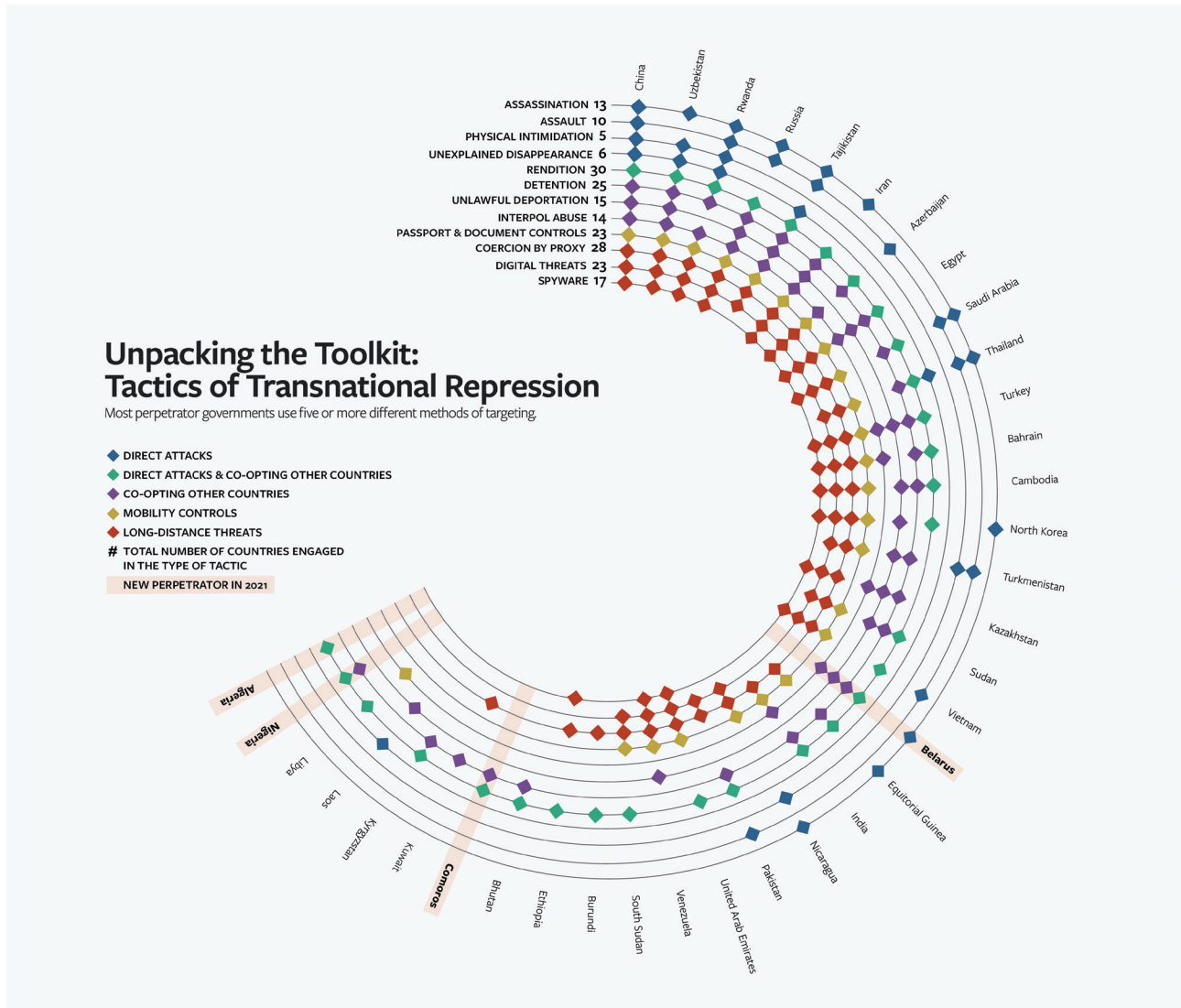
The most audacious act of transnational repression committed by Belarusian authorities was the forced landing of a commercial airliner traveling from Athens to Vilnius to arrest journalist and activist Raman Pratasevich and his companion, Sofia Sapega. Belarusian officials faked a bomb threat to divert the plane to Minsk and detain Pratasevich, who had left the country in 2019 and used a channel on the social media platform Telegram to document the regime's brutality against protesters. In the months following his detention, authorities released several videos of Pratasevich that showed possible evidence of torture.[9]

Another striking example of the Lukashenka regime's intolerance of dissent occurred during the Summer Olympics in Tokyo. Belarusian authorities attempted to force sprinter Krystsina Tsimanouskaya to return home after she publicly criticized her team's coaches for mismanaging a track event. Tsimanouskaya was taken to the airport against her will by coaching staff, but she managed to contact Japanese police and avoid boarding the flight.[10] The Pratasevich and Tsimanouskaya cases resulted in widespread condemnation of the Belarusian government. However, many other acts of transnational repression committed by Belarusian authorities did not capture the world's attention.

Unlike the incidents involving Pratasevich and Tsimanouskaya, **most acts of transnational repression are undertaken through co-optation of or cooperation with authorities in the host country.** In fact, because the complicity of host states is a crucial factor in the success of such efforts, truly unilateral acts of transnational repression are exceedingly rare. Belarusians living, working, or seeking refuge in Russia were consequently among the most vulnerable to transnational repression in 2021.

Russia's legal system and law enforcement agencies repeatedly aided and facilitated Lukashenka's campaign of political persecution. Russian security forces acted on extradition requests from Belarus and detained people who, like Pratasevich, were accused of inciting antistate activity by running Telegram channels.[11] Yana Pinchuk, who was awaiting extradition from Russia at the time of writing, faces 12 years in prison in Belarus for running three Telegram channels.[12] Belarusians who had fled to Russia after participating in protests were quickly deported to Belarus despite real concerns that they could experience abuse in custody. For example, Alyaksey Kudzin, a mixed martial arts fighter who had allegedly been beaten and shot with rubber bullets while in police custody in Belarus, was unlawfully deported from Russia even after the European Court of Human Rights issued an opinion stating that he was at risk of being tortured if returned.[13]

Russian and Belarusian security services directly cooperated in the rendition of Belarusian activists from the country. In April 2021, two Belarusian men, one with US citizenship, were abducted from a hotel in Moscow by Russian police, handed over to the Belarusian security services, and driven over 400 miles to Minsk.[14] Both men had connections to the Belarusian political opposition; one had been imprisoned a decade earlier

Unpacking the Toolkit: Tactics of Transnational Repression

Most perpetrator governments use five or more different methods of targeting.

ASSASSINATION **13**
ASSAULT **10**
PHYSICAL INTIMIDATION **5**
UNEXPLAINED DISAPPEARANCE **6**
RENDITION **30**
DETENTION **25**
UNLAWFUL DEPORTATION **15**
INTERPOL ABUSE **14**
PASSPORT & DOCUMENT CONTROLS **23**
COERCION BY PROXY **28**
DIGITAL THREATS **23**
SPYWARE **17**

◆ DIRECT ATTACKS
◆ DIRECT ATTACKS & CO-OPTING OTHER COUNTRIES
◆ CO-OPTING OTHER COUNTRIES
◆ MOBILITY CONTROLS
◆ LONG-DISTANCE THREATS
\# TOTAL NUMBER OF COUNTRIES ENGAGED IN THE TYPE OF TACTIC
NEW PERPETRATOR IN 2021

This chart includes the 36 countries that engage in physical forms of transnational repression. Tactic refers to incident targeting origin state's nationals abroad.

for participating in postelection protests. They faced charges of planning a coup against Lukashenka's government.[15]

Belarus was not the only authoritarian state that received Russian assistance in its hunt for dissidents. In March 2021, Russian authorities rescinded the Russian citizenship of a Tajikistani human rights defender, Izzat Amon, and expelled him from the country. He had lived in Russia for more than 20 years, running a nonprofit organization in Moscow that helped migrants from Central Asia find employment, register their residency, and receive legal advice. According to Russian officials, he was deported for violating migration regulations.[16]

Despite the fact that Tajikistani officials did not make a formal request for the activist to be extradited from Russia to face criminal charges, he was quickly tried and imprisoned in

> Most acts of transnational repression are undertaken through co-optation of or cooperation with authorities in the host country.

Dushanbe after his return.[17] A number of other members of the Central Asian diaspora who engaged in activism while living in Russia were similarly expelled from the country without formal requests by the origin state.

The targeting of Belarusians and Tajikistanis in Russia demonstrates how the absence of human rights protections in a given country helps foreign governments gain access to dissidents in that country. Space for activism and dissent has shrunk drastically in Russia over the last decade. Severe restrictions on freedom of assembly that ban even single-person pickets, expansive "foreign agent" laws that cut civic groups off from all foreign funding, and the widespread criminalization of dissent via "extremism" laws have made it almost impossible for independent nongovernmental organizations (NGOs) or individual activists to work inside the country. In this environment, Belarusian and Central Asian activists are as unprotected from state violence as their Russian counterparts. The Kremlin's repression endangers not only Russian civil society, but also activists and human rights defenders from a range of other countries.

Turkey became more dangerous in 2021 for people targeted by foreign regimes—particularly those of China and Turkmenistan.

Increasing danger for Uyghurs and Turkmenistani nationals in Turkey

Turkey became more dangerous in 2021 for people targeted by foreign regimes—particularly those of China and Turkmenistan. **Incidents of transnational repression that took place in Turkey accounted for a quarter of the total recorded by Freedom House last year.**[18] The Turkish government, which itself engages in transnational repression abroad and hosts large refugee and diaspora communities that are targeted by origin states,[19] increasingly acted as an agent of other repressive governments, working to stifle exiles' political activism in order to strengthen bilateral ties.

Turkey has historically been an appealing destination for Uyghurs from China's Xinjiang region because of shared cultural, religious, and linguistic traditions, as well as

accommodating migration policies that provide access to legal residency. As many as 50, 000 Uyghurs live in the country today, but the community remains vulnerable to Beijing's reach.

In January 2021, several Uyghurs were detained by police in raids on their homes in Istanbul and threatened with deportation to China after participating in protests outside the Chinese embassy.[20] The family of one man was told that he was being detained for "conducting activities against China."[21] In a separate incident later in the year, a number of Uyghurs were briefly detained by police after the Chinese embassy in Ankara complained about their protests.[22] In March, a prominent Uyghur diaspora leader was confined to his home in Istanbul in order to prevent him from participating in a protest during a visit to Turkey by China's foreign minister.[23] Another Uyghur activist fled the country after seeing his name on a list—made public by Turkish authorities—of Uyghur residents who were wanted by Beijing. He flew to Morocco but was detained there in response to an Interpol notice.[24]

It is difficult to determine whether the harassment of Uyghurs is being driven primarily by Beijing's demands or Ankara's own geopolitical and economic priorities. China's economic investment in Turkey has grown significantly since 2016, through a combination of loans and infrastructural development projects associated with the Belt and Road Initiative.[25] In 2017, Ankara and Beijing signed an extradition agreement that could facilitate the repatriation of Uyghurs if they are charged with terrorism.[26] The treaty was formally ratified by Chinese authorities in late 2020, and it remains unratified but under consideration by the Turkish parliament. Although Turkish officials continue to raise the issue of the mistreatment of Uyghurs in Xinjiang with their Chinese counterparts,[27] the rhetoric is far more muted than it was a decade ago.[28]

Exiled dissidents from Turkmenistan, one of the least free countries in the world,[29] also found themselves less protected in Turkey in 2021. In response to pandemic-related restrictions on travel that affected their ability to renew passports, Turkmenistani activists living in Turkey mobilized to protest against the government of Turkmenistan. The Turkish government tried to prevent peaceful protests in front of Turkmenistan's consulate in Istanbul, arrested those who gathered, and failed to protect others from physical assaults by consulate staff.[30] Turkish authorities then began harassing activists by detaining them and threatening them

with deportation unless they ceased their political activities.[31] The police reportedly targeted people based on a list of activists that was produced and distributed by the consulate.[32] As with the increasingly harsh treatment of Uyghur activists, the mounting pressure on the small Turkmenistani diaspora coincided with Ankara's efforts to increase cooperation with Turkmenistan's government, including a bid to persuade Ashgabat to become a member of the Turkic Council ahead of the organization's summit meeting in Istanbul in November 2021.[33]

Authoritarian cooperation

The fact that most incidents of transnational repression in 2021 took place in countries with a Not Free status demonstrates the impact of rising authoritarianism on human rights around the world. As more countries fall under the control of nondemocratic governments, authoritarian leaders will gain more willing partners for cross-border persecution. **Autocrats facilitate one another's efforts to silence dissent because they operate according to a shared set of illiberal values.**

Common forms of cooperation include making and granting extradition requests, or locating and detaining individuals accused of political crimes by another government. This type of cooperation takes advantage of a lack of respect for political rights and civil liberties in the host country. For example, courts that lack independence will fail to protect the rights of both foreign and domestic activists. Police who routinely detain fellow citizens for exercising their freedom of speech will not hesitate to apply the same penalties to foreign activists criticizing other nondemocratic governments. Migration systems that rarely enforce safeguards against nonrefoulement will readily expel people who are in danger of being tortured or abused in their countries of origin. Security and intelligence services with a shared legacy of carrying out the orders of autocratic leaders will work together to capture political opponents. Such historical and institutional bonds benefited, for example, Lukashenka's transnational repression campaign in Russia.

Moscow's treatment of Central Asian activists and Ankara's treatment of Uyghurs and Turkmenistani nationals illustrate a second feature of authoritarian cooperation: Nondemocratic governments can act on their own initiative to harass, intimidate, and harm activists campaigning within their borders against foreign but like-minded governments. In these cases, there may be no direct or specific request from the origin state. Instead, the host country's regime is pursuing its own perceived interests, which are based in part on a vision of the world that rejects freedom of speech and the right to criticize those in power.

> As more countries fall under the control of nondemocratic governments, authoritarian leaders will gain more willing partners for cross-border persecution.

Detaining Uyghurs and threatening Turkmenistani activists both serve Turkish president Recep Tayyip Erdoğan's foreign policy goals of closer economic ties with China and Turkmenistan. The Kremlin's expulsion of Central Asian activists supports its relationship with neighboring authoritarian governments. Secret, handwritten agreements between the Arab monarchs of the Persian Gulf empower each government to unilaterally restrict dissent among the others' exiles, effectively outsourcing transnational repression altogether.[34] All of these states have an interest in enforcing the norm that dissent is unwelcome wherever it occurs.

As this report was being finalized, Turkey's government agreed to a request from Saudi authorities to transfer the trial being held in connection with the 2018 Istanbul murder of Saudi journalist Jamal Khashoggi to Riyadh.[35] The decision amounted to an abandonment of Ankara's efforts to pursue accountability for a heinous assassination committed on its territory, and it reflected Erdoğan's desire to improve his historically poor relations with the Saudi leadership, particularly in light of Turkey's worsening economic situation and its need for foreign investment. Combined with the intimidation of dissidents on behalf of Beijing and other authoritarian governments, the move sent a clear message that economic partnerships were being prioritized over human rights.

More people are likely to face the threat of transnational repression as authoritarian cooperation increases and political rights and civil liberties continue to deteriorate in countries around the world.

Nowhere left to run

People fleeing repression and persecution often find immediate refuge in countries that either border their homelands or have few barriers to legal entry. Individuals from Central Asia and Belarus, for example, relocate to Russia or the other former republics of the Soviet Union, where they do not need visas to enter. Those hoping to escape Cambodia, Laos, Myanmar, and Vietnam cross the border into Thailand. Rwandans often head to South Africa. Uyghurs look to Turkey or Egypt. These countries become default havens of relative safety for their respective regions or kindred communities, but they also tend to be authoritarian states themselves or otherwise lacking in strong protections for exiles and refugees. They cannot provide long-term security so long as they remain vulnerable to, or even complicit in, transnational repression.

> As long as democracies work to divert asylum seekers to more dangerous third countries, dissidents, activists, and members of targeted ethnic or religious groups will remain extremely vulnerable to transnational repression.

Direct physical acts of transnational repression are rarer in robust democracies, where protections for human rights in general are stronger, but such countries are difficult to access for the majority of the world's vulnerable people. The United States, European Union (EU) member states, and other democratic countries—which are often already geographically distant from repressive countries—have invested resources in building additional physical and legal barriers around their territories. Many of these barriers have effectively trapped people in places where they are at a higher risk of experiencing transnational repression.

In 2016, the EU signed a statement of cooperation with Turkey that was designed to stop asylum seekers from reaching Greece and making their way to the rest of Europe. More than five years later, Turkey hosts the largest population of refugees in the world.[36] Some, including Egyptians, Iranians, Tajikistanis, Azerbaijanis, Uzbekistanis, and Russians, have experienced digital and physical transnational repression while in Turkey. President Erdoğan's government has actively aided the targeting of Uyghurs and Turkmenistanis. The EU has also sought to externalize its borders by making deals with governments in North Africa to prevent people from crossing the Mediterranean to Europe. Some of these countries, particularly Libya, have extremely poor human rights records and a history of state participation in transnational repression.[37]

The United States too has made it more difficult for those seeking refuge to enter its territory. Under the administrations of both Barack Obama and Donald Trump, resources were diverted within the immigration system from adjudicating asylum cases and resettling refugees to processing expedited removals.[38] The invocation of Title 42,[39] a public health measure that allows the immediate removal of migrants and asylum seekers attempting to cross into the country, in response to the COVID-19 pandemic beginning in 2020 made entry into the United States extremely difficult, and the rule continued to be enforced under President Joseph Biden after he took office in 2021. Moreover, despite the Biden administration's attempts to reverse President Trump's sharp reductions in refugee resettlement, the United States admitted a historically low number of refugees during the 2021 fiscal year, with just 11,411 people accepted.[40]

As the spread of global authoritarianism diminishes access to political rights and civil liberties around the world, it puts more people in the crosshairs of repression. Democracies that raise indiscriminate obstacles to the process of making asylum claims are excluding people who have been persecuted for exercising or espousing democratic values like freedom of expression, religious freedom, and the rule of law. And by denying people fleeing repression a safe haven from which to continue their advocacy or simply live a life free from systematic human rights violations, democratic governments are aiding the global erosion of democratic norms. The incomplete refuge provided by countries like Turkey, Rwanda, or Thailand is not a substitute for the protections of a robust democracy. As long as democracies work to divert asylum seekers to more dangerous third countries, dissidents, activists, and members of targeted ethnic or religious groups will remain extremely vulnerable to transnational repression.

TRACKING PHYSICAL TRANSNATIONAL REPRESSION

Freedom House's database contains information on 735 public, direct, physical incidents of transnational repression that happened between January 1, 2014, and December 31, 2021. This number represents only a snapshot of the overall threat to human rights posed by global transnational repression. Analysis of these attacks against targeted individuals' bodily autonomy provides key insights into how governments seek to silence dissent beyond their borders.

- **An ongoing and expanding threat:** 85 new incidents of transnational repression were recorded in 2021. Four governments—those of Algeria, Belarus, Comoros, and Nigeria—attacked exiles abroad for the first time last year, bringing the total number of origin states to 36. The number of host countries, or countries where acts of transnational repression took place, rose from 79 to 84.

- **Top offenders:** At 229, Chinese authorities perpetrated the most incidents of physical transnational repression. The government of Turkey follows with 123; while regimes in Tajikistan, Egypt, and Russia carried out 43, 42, and 41 attacks, respectively. The Uzbekistani state is responsible for 31 incidents since 2014, and the Turkmenistani state 30. Authorities in Belarus physically targeted people abroad 29 times—all in 2021.

- **The danger of cooperation:** Authoritarian governments work together to facilitate transnational repression. Both the host and the origin countries were rated Not Free by *Freedom in the World* in 58 percent of incidents from 2014 to 2020. In 2021, that percent rose to 74, in part due to Belarusian authorities' aggressive pursuit of exiles, mostly in Russia.

- **Uneven use of tactics:** Detentions make up 42 percent of all incidents, followed by renditions (26 percent) and unlawful deportations (22 percent). Fourteen governments used Interpol notices to detain and forcibly return individuals, with Russia accounting for 31 percent of Interpol-related incidents in the database. Assassinations remain rare, with only 32 cases recorded.

- **Russian authorities' campaign of violence:** Assassinations are the hallmark of the Russian government's transnational repression campaign. They make up a quarter of all transnational repression incidents committed by Russian authorities, and one third of assassinations globally are perpetrated by Russia. Putin's government targets high-profile opponents abroad, while Ramzan Kadyrov, the head of the Chechen Republic, leads a violent campaign against the Chechen diaspora more broadly, often relying on the Kremlin's resources to execute attacks.

- **Leveraging accusations of terrorism:** Authoritarian governments take advantage of other states' concerns about terrorism to reach targets abroad and to provide cover for their abuses. More than half—53 percent—of incidents involve the perpetrator state accusing the targeted individual of terrorism or extremism.

- **Not just autocrats:** While a majority of physical attacks are perpetrated by states rated Not Free by *Freedom in the World*, a number of governments from the Partly Free category have carried out attacks against nationals abroad. Nine states that perpetrated extraterritorial attacks in the past eight years were rated Partly Free at the time, though some were later downgraded to Not Free: Bhutan, Comoros, Kyrgyzstan, Venezuela, Turkey, Pakistan, Thailand, Kuwait, and Nigeria. India was rated Free when it rendered and detained exiles abroad in 2015, making it the only Free country to have engaged in transnational repression. India has since been downgraded to Partly Free. Additionally, authorities from several host countries rated Partly Free have cooperated with origin states to help them carry out acts of transnational repression.

The attacks recorded in Freedom House's database represent the tip of the iceberg, as nonphysical tactics like digital harassment and coercion by proxy were not tracked systematically. For more information about the project and database methodology, please visit https://freedomhouse.org/report/transnational-repression/about-acknowledgements.

Examining Policy Responses to Transnational Repression

Rwandan foreign minister Vincent Biruta (right) shakes hands with UK home secretary Priti Patel at a partnership signing ceremony in Kigali, Rwanda, on April 14, 2022. Photo credit: Nouvelle/SIPA via Shutterstock.

All governments have a responsibility to protect people living inside their borders from violence and threats. In the case of transnational repression, this obligation is complicated by the insidious ways in which some perpetrator regimes pursue their critics and diasporas abroad. It is not enough to know which, where, and how origin states use tactics of transnational repression. To effectively protect exiles and diaspora residents—both those who take the lead in defending democratic values and those who are targeted simply for exercising their basic human rights—host governments must assess their own policies and improve their ability to prevent, mitigate, and respond to attacks by foreign actors.

In order to inform such efforts, Freedom House analyzed the policies of nine countries: Canada, Germany, South Africa, Sweden, Thailand, Turkey, Ukraine, the United Kingdom, and the United States. Foreign-born individuals make up between 2 and 20 percent of the populations of these countries, which also collectively host a quarter of all refugees and asylum seekers in the world.[41] Exiles and members of diasporas living in these states have been subjected to some of the most extreme forms of transnational repression, including assassinations and assassination attempts, kidnappings, assaults, detentions, renditions, unlawful deportations, and threats of violence.

The nine countries vary on important political and economic indicators. Six of the nine are rated Free in Freedom House's *Freedom in the World* report, with scores that range from

> Host governments must assess their own policies and improve the ability to prevent, mitigate, and respond to attacks by foreign actors.

79 to 100, on a 0–100 scale where 0 represents the least access to political rights and civil liberties. One country, Ukraine, is rated Partly Free, and the remaining two, Thailand and Turkey, are Not Free. The set includes some of the wealthiest countries in the world as well as some that are less economically developed. Two of the states, Thailand and Turkey, not only host victims of transnational repression but are also perpetrators themselves. All of these factors are important for the countries' ability and political willingness to build responses to transnational repression. Their experiences offer illustrative examples of policies and practices that can facilitate or prevent extraterritorial violence.

Freedom House research identified security, migration, and foreign policy factors that are important for countering transnational repression:

- Security policy: Inclusive national security frameworks, awareness among law enforcement and intelligence personnel, and proactive protection for targeted individuals.

- Migration policy: Permanent forms of protection for refugees and consideration of transnational repression within asylum review processes.

- Foreign policy: Mechanisms for holding both individuals and governments accountable for transnational repression.

Host countries can help protect vulnerable people by adopting policies and practices that will increase their resistance to and accountability for transnational repression. **Ultimately, however, a global threat to human rights requires a global response.** Lasting security for exiles and diasporas depends not only on individual action by governments to fortify their domestic protections, but also on a coordinated, multilateral campaign to counter the spread of authoritarianism.

The challenge of host-state co-optation

The tactics of transnational repression are difficult to counter because they have developed in tandem with the growing interconnectedness of the post–Cold War international order, in which states seek ever more seamless cooperation on issues of trade and security. Perpetrators of transnational repression have also exploited the vulnerability and unpreparedness of host countries' domestic institutions, taking advantage of their courts, immigration systems, and security agencies. More than 60 percent of the cases of physical transnational repression recorded

by Freedom House involve the origin state co-opting the host country's government, most commonly leading to the detention and unlawful deportation of a targeted individual.[42] By leveraging legitimate concerns about terrorism and extremism, autocrats are able to enlist host states in their suppression of dissent.

> Perpetrators of transnational repression have exploited the vulnerability and unpreparedness of host countries' domestic institutions.

Fifty-three percent of the physical cases of transnational repression documented by Freedom House featured accusations of terrorism.[43] In January 2022, Serbian police handed over Ahmed Jaafar Mohamed Ali to officials from Bahrain who were waiting for him on an airport tarmac in Belgrade. Ali, a labor activist, is at risk of torture and life imprisonment in his homeland.[44] He is accused of terrorism-related offenses and was detained in Serbia based on a Red Notice issued by Interpol. Human rights groups and the United Nations have noted that the Bahraini government uses torture to extract confessions and has carried out executions after unfair trials.[45] Nevertheless, Ali was unable to challenge Bahraini authorities' allegations or stop his extradition from Serbia.

Authoritarian states have also successfully influenced asylum processes in other countries to make sure that critics cannot find refuge. In 2020, Austrian authorities rejected the asylum application of Hizbullo Shovalizoda, a Tajikistani activist, based on the Tajikistani government's assertion that he was a member of a banned extremist political party.[46] The Supreme Court of Austria later invalidated the extradition on the grounds that migration officials had failed to take into account the use of torture in Tajikistan's judicial system while examining the case. The ruling came too late for Shovalizoda, who had already been returned to Tajikistan and sentenced to 20 years in prison after a trial held behind closed doors.

At times, the co-optation of host state agencies for the purposes of transnational repression is nearly indistinguishable from more mundane forms of security cooperation. In the past, Tanzanian police have worked with

Burundian intelligence services to detain Burundian asylum seekers living in refugee camps.[47] At least eight individuals who were returned to Burundi in this way have been accused of antistate activity and subsequently put on trial.[48] The Burundian government's campaign of transnational repression and Tanzania's harsh migration policies create grey areas where the two states can cooperate to silence dissent.[49]

When autocrats cannot manipulate courts and migration agencies, or are unable to find like-minded members of local security services, they resort to direct attacks that violate the sovereignty of host countries. These attacks are easier to carry out when the host government is not alert to the danger. For example, an activist and blogger from Azerbaijan, Mahammad Mirzali, was stabbed in France in March 2021.[50] He had received numerous threats stemming from his criticism of Azerbaijani president Ilham Aliyev and had even been shot at. Yet local police in Nantes took half an hour to respond to a call from the activist reporting that he was being followed. After the attack, Mirzali's supporters said police were reluctant to examine the political motivation of the assailants. French authorities' lack of awareness about the threat of transnational repression put Mirzali's life at greater risk.

> Host governments will be hard-pressed to counter a threat that has turned their own institutions and practices against the vulnerable people they shelter.

Policy options for host states

Outrageous attacks on dissidents—including Saudi authorities' murder of Jamal Khashoggi, Russian security services' use of a nerve agent against a former spy in the United Kingdom, and Beijing's relentless campaign against Uyghurs—are beginning to spur democratic policymakers into action. However, host governments will be hard-pressed to counter a threat that has turned their own institutions and practices against the vulnerable people they shelter. They must overcome a lack of awareness, gaps in legal protections, and competing policy considerations to provide stronger safeguards against extraterritorial violence.

Freedom House identified security, migration, and foreign policies in nine countries for analysis using evidence from its database of 735 incidents of direct, physical transnational repression between 2014 and 2021. A full analysis of these countries' policy responses can be found in the individual country studies that accompany this global report. **The comparative overview of policies provided below highlights what host governments are doing now and why it matters.**

SECURITY POLICY

Redefining national security

Governments that recognize threats to human rights and democracy as a matter of national security are better prepared to address transnational repression. Traditional national security frameworks focus on threats posed by foreign states to territorial integrity, core institutions and infrastructure, and the population at large. They do not adequately capture or offer responses to the harms that foreign states can inflict on specifically targeted residents, or the effects of such aggression on the host country's democracy.

Some countries have begun to consider ways to better incorporate individual human security into national security. Canada and Sweden, for example, recognize that particular diaspora communities may be more at risk of extraterritorial violence, and that this could have broader consequences for their societies. The Canadian government has acknowledged that Beijing and Moscow engage in hostile actions that threaten members of certain ethnocultural communities for the purpose of silencing dissent.[51] Sweden's government has noted that this type of targeting by foreign states affects the exercise of guaranteed rights and freedoms.[52] Accounting for transnational repression requires widening the lens of national security to include threats that apply to individuals because of their identity or political activity directed at governments abroad, and understanding that these threats affect the individuals' ability to exercise rights that should be available to everyone.

While criminal laws provide basic prohibitions against physical attacks, few states have recognized that information collection on individuals is often a precursor to assaults and assassinations or pressure on family members in the origin country. Similarly, espionage laws typically cover the

Freedom House identified security, migration, and foreign policy factors as important for countering transnational repression.

covert gathering of intelligence about political leaders, state institutions, or the military, but they are rarely applied to foreign governments' collection of intelligence about private individuals. A national security approach that accounts for transnational repression would have to acknowledge the threat posed by espionage against civilian residents. Sweden has a law criminalizing the collection of information about a person in the country "to benefit a foreign power" either "secretly or using fraudulent or improper means."[53] This is an unusual example of a government incorporating individuals' rights—beyond basic physical safety—into both criminal law and national security policy.

However, a country's efforts to prevent transnational repression should not curtail the freedoms of either its citizens or its noncitizen residents. Examples of overreach in past responses to security threats can be seen in the US policies that followed the terrorist attacks of September 11, 2001. As extensive media reporting and academic research

have shown, some of these policies led to increased surveillance and marginalization of ethnic and religious minority communities, with significant negative effects on individual liberties.[54] The governments of host countries should consult with the relevant populations to ascertain what they view as an appropriate response to malign actions by foreign states.

Governments that recognize threats to human rights and democracy as a matter of national security are better prepared to address transnational repression.

Raising awareness among law enforcement and security personnel

Law enforcement agencies are often the first point of contact in host states for victims of transnational repression. It is crucial that they be prepared to recognize the signs of extraterritorial attacks and respond appropriately. At an individual level, untrained law enforcement officials might dismiss the seriousness of complaints if they do not understand the context, particularly when the victim is reporting threats from a state that is not widely understood as an adversary. At a structural level, lack of preparedness means a lack of clear policies for responding to and elevating incidents of transnational repression, which are needed to provide adequate protections and inform accountability. All of these deficiencies could deter victims from engaging with law enforcement and may limit the host state's overall resilience.

Law enforcement and security agencies should be informed of the threat posed by extraterritorial violence, including its forms, purpose, and potential targets. This might include training that explains the drivers of transnational repression and disseminates information on perpetrator states. Not only would such training facilitate and strengthen criminal investigations, but it would also ease the burden of reporting for victims of transnational repression, as they would be dealing with police officers who already understand how and why authoritarian governments try to silence critics abroad.

> Lack of preparedness means a lack of clear policies for responding to and elevating incidents of transnational repression.

Some countries have begun to train officers and collect data on transnational repression. The Federal Bureau of Investigation (FBI), which is responsible for countering foreign intelligence operations inside the United States, has instituted processes to categorize records of certain reported crimes—such as harassment, assault, threats, and stalking—as incidents of transnational repression through its National Threat Operations Center. As part of this effort, the bureau has created new staff training about transnational repression that will help those receiving reports to properly identify cases. Informed training and accurate data on transnational repression will enable the FBI to respond more effectively to the threat.

Awareness among security agencies about transnational repression can also strengthen their resistance to authoritarian manipulation under the guise of bilateral cooperation. For example, in February 2017, Turkish intelligence services requested German assistance in their surveillance of hundreds of Turks living in Germany. Turkish authorities shared detailed information with their German counterparts, including names, addresses, phone numbers, and clandestinely acquired photographs.[55] Germany's intelligence services, aware of the fact that the Turkish government is one of the world's most prolific perpetrators of transnational repression, did not blindly comply with the request. Instead, the Federal Intelligence Service (BND) alerted the relevant government offices, the federal criminal police, and the federal prosecutor general of the Turkish request. Local offices, including state police, warned the affected individuals that they were being surveilled and might face reprisals if they travel to Turkey.

Proactive protections for targeted individuals

Public support of vulnerable communities, proactive police protection, and dissemination of information about available assistance are all extremely important for countering extraterritorial violence. **The governments of authoritarian countries use all of the power at their disposal to harass, intimidate, and threaten exiles and diasporas.** Individuals subjected to transnational repression, by contrast, are often made to feel powerless and alone.

Police protection can be lifesaving. In the United Kingdom, the police provide a Threat to Life warning in cases where there is a known risk of harm to an individual, including from a foreign state. These warnings come with advice about how those targeted can change their daily routines to mitigate the threat and include offers of protection from the London Metropolitan Police Service's Counter Terrorism Command. The Metropolitan Police issued Threat to Life warnings to at least two Rwandans, René Mugenzi and Jonathan Musonera, in 2011.[56] The warnings read, "Although the Metropolitan Police Service will take what steps it can to minimize the risk, the police cannot protect you from this threat on a day-by-day, hour-by-hour basis." In the United States, authorities also issue warnings and can provide protection to targeted individuals. In August 2019, the FBI warned Roya Hakakian, an

Iranian-American author who has written about the Iranian regime's repression of women and the assassination of Iranian and Kurdish dissidents in Germany, that she was the target of Iranian operatives in the country.[57] Even in settings with weak rule-of-law traditions, security forces have been able to stop assassination and kidnapping attempts. In 2021, Turkish authorities arrested six people with ties to the Russian state for preparing "armed actions targeting Chechen dissidents,"[58] and separately foiled the attempted kidnapping of a former Iranian military pilot.[59]

Publicly available resources about the threat of transnational repression help to inform communities at risk. In 2021 and 2022, the FBI published two unclassified counterintelligence bulletins about the threat of transnational repression. The first was specifically designed to inform the country's Uyghur population of the fact that Chinese government officials "target US-based Uyghurs through in-person and digital means to silence dissent, issue instructions, collect information, and compel compliance."[60] The second bulletin highlighted how the governments of other countries, including Iran, Saudi Arabia, and Rwanda, engage in transnational repression in the United States.[61]

In Germany, a brochure designed for refugees notes the presence of foreign operatives within the country who may surveil or intimidate them and encourages people to report suspicious activity to refugee accommodation centers, local police, or the Federal Office for the Protection of the Constitution. However, German authorities provide the brochure—titled "How can I identify extremists and members of foreign secret services within my environment?"—in the context of efforts to combat extremism and radicalization among newcomers to the country. In so doing, they frame refugees as a potential source of security threats, rather than as potential victims of authoritarian reprisals. This adversarial relationship is counterproductive to the struggle against transnational repression, which requires trust and cooperation between the host government and targeted groups.

MIGRATION POLICY

Protection for refugees and asylum seekers

Transnational repression, by definition, affects those who traverse national borders. Yet dissidents, activists, and human rights defenders often face insurmountable barriers to migration. Turkey, South Africa, and Ukraine

have become default destinations for political exiles because they allow passport holders from dozens of different countries to enter without visas, effectively providing immediate relief for people fleeing repression. However, the United States, EU member states, and many other countries are difficult to access for people in search of short-term safety. In April 2022, the United Kingdom announced a plan to send asylum seekers who land on its shores to Rwanda. After having their cases processed in Rwanda, those granted refugee status would remain in that country.[62] The plan disregards Rwanda's poor domestic record on human rights and its status as one of the world's most prodigious perpetrators of transnational repression.[63]

> Democracies all over the world have shifted away from providing permanent protection to those who seek refuge.

In addition to making their territories more difficult to reach, democracies all over the world have shifted away from providing permanent protection to those who seek refuge. In 2015, before a major increase in arrivals of asylum seekers from Syria and elsewhere, Germany gave 4 percent of asylum seekers subsidiary protection instead of refugee status. That percentage jumped to more than 30 percent during the subsequent migration crisis and has remained at a similar level since then. Whereas permanent legal residency allows people to feel secure in their host countries, temporary and subsidiary protections introduce legal precarity. Moreover, a lack of resources devoted to migration agencies has extended the time it takes to resettle refugees and review asylum claims made by people already in the country. All of these problems have implications for transnational repression. For example, people will be less likely to interact with law enforcement agencies if they fear it could endanger their tenuous immigration status, and those without permanent residency are forced to maintain contact with the embassies and consulates of the origin state.

Awareness within migration processes

Points of contact between refugees or asylum seekers and host state officials present opportunities for origin states

to co-opt the latter and, conversely, for host governments to build resilience and provide protection. Understanding of transnational repression is particularly important for government agencies that are responsible for refugee resettlement, those processing asylum claims, and those reviewing requests for extradition and other forms of legal cooperation with foreign states.

While individuals are awaiting permanent legal status, they remain within easy reach of authoritarian governments. For example, two Russian men—Alexey Kharis and Gregory Duralev—spent months in US detention in 2017 and 2018 after their asylum claims were derailed as a result of Interpol notices issued by Moscow. Both men had spoken out against corruption at home and had been accused of financial crimes in retaliation. According to US Immigration and Customs Enforcement (ICE) agents, the Interpol notices constituted a violation of the men's immigration statuses in the United States and warranted detention, even though the Russian government is a well-known abuser of Interpol notices. In 2021, authorities in Thailand deported several activists to Cambodia despite the fact that they had been recognized as refugees by the Office of the UN High Commissioner for Refugees and were facing politically motivated criminal charges at home.[64] An activist Cambodian monk who also had refugee status avoided deportation from Thailand only after international civil society groups intervened on his behalf.[65]

In Sweden, Germany, and Canada, migration agencies have access to accurate and up-to-date information on countries of origin when assessing applications for asylum. The availability of this information increases awareness among migration officials about different forms of repression used by origin states. It also helps to build resistance to extradition or repatriation requests made by authoritarian governments. These systems could be further strengthened by thorough vetting procedures for any interpreters employed at the

> Foreign policy is the primary vehicle for raising the cost of transnational repression for perpetrators.

agencies to ensure that they are not acting as agents of a foreign state. Migration agency staff should also be trained on authoritarian states' motives and tactics for engaging in transnational repression.

FOREIGN POLICY

Foreign policy is the primary vehicle for raising the cost of transnational repression for perpetrators. Domestic criminal law can be used to punish the agents who carry out acts of transnational repression, but it is unlikely to hold the leadership of the origin state accountable for abuses. Foreign policy decisions can help fill this gap by imposing other forms of penalties, which are most effective when multiple governments coordinate their efforts.

A key tool for responding to transnational repression is the use of targeted sanctions. The United States' Global Magnitsky Human Rights Accountability Act and Executive Order 13818 empower the US government to apply targeted sanctions, such visa bans and asset freezes, against individuals engaged in human rights abuses. The EU, Canada, and the United Kingdom have adopted laws allowing similar sanctions.[66] In practice, Canada, the United States, the United Kingdom, and—through their compliance with EU decisions—Germany and Sweden have imposed targeted sanctions in response to acts of transnational repression including the assassination of Jamal Khashoggi by Saudi authorities, the arrest of Raman Pratasevich by the Belarusian regime, and the 2018 poisoning of Sergei Skripal by Russian agents in Britain. A US visa-restriction policy known as the Khashoggi Ban is aimed at individuals who work to suppress extraterritorial dissident activity on behalf of a foreign government, drawing an explicit connection between transnational repression and accountability for perpetrators. The policy was applied to a number of Belarusian officials in 2022.[67]

Democratic governments have also expelled origin states' diplomats in response to transnational repression. Authorities in Canada, Germany, Sweden, the United Kingdom, and the United States, along with numerous other countries, expelled Russian diplomats following the Skripal poisoning. German officials have also expelled diplomats in response to acts of transnational repression within Germany perpetrated by the governments of Russia, Vietnam, and

Syria. Similarly, South Africa has ousted Rwandan diplomats, and Sweden has declared at least 10 diplomats personae non gratae for their espionage activities against various diaspora communities.

The limits of domestic responses

No country that hosts exiles and diasporas has yet solved the problem of transnational repression. Some progress is being made as various countries increase the resilience of their institutions, build protections for targeted individuals into their policies, and strengthen measures of accountability. Governments can further bolster their respective safeguards by sharing knowledge on how to craft responses to transnational repression that uphold the human rights of targeted individuals. These domestic responses, however, can never be more than partial solutions, because transnational repression is both a symptom and a driver of the global spread of authoritarian rule.

In the 1990s, after the collapse of military dictatorships in Latin America and Africa and the dissolution of the Soviet Union, many hoped that nondemocratic countries around the world would make a slow but inevitable transition to democracy. Democratic consolidation was thought to be assured by

the newly liberated flows of ideas, goods, and people across previously closed frontiers, as well as by the institutionalization of free and fair elections. But by the mid-2000s, global freedom was beginning to decline, and the deterioration has been ongoing for the past 16 consecutive years.[68]

> Transnational repression is both a symptom and a driver of the global spread of authoritarian rule.

Authoritarian leaders are stifling dissent at home and reaching out to silence critics who have fled their territories. Increasingly, autocrats are banding together to attack human rights worldwide. Democratic governments and those striving for democracy can do a great deal more to insulate people living inside their borders from attacks by hostile regimes. Ultimately, though, only a unified democratic commitment to the universality of human rights can roll back the steady authoritarian gains that have so emboldened the perpetrators of transnational repression.

Mapping Transnational Repression
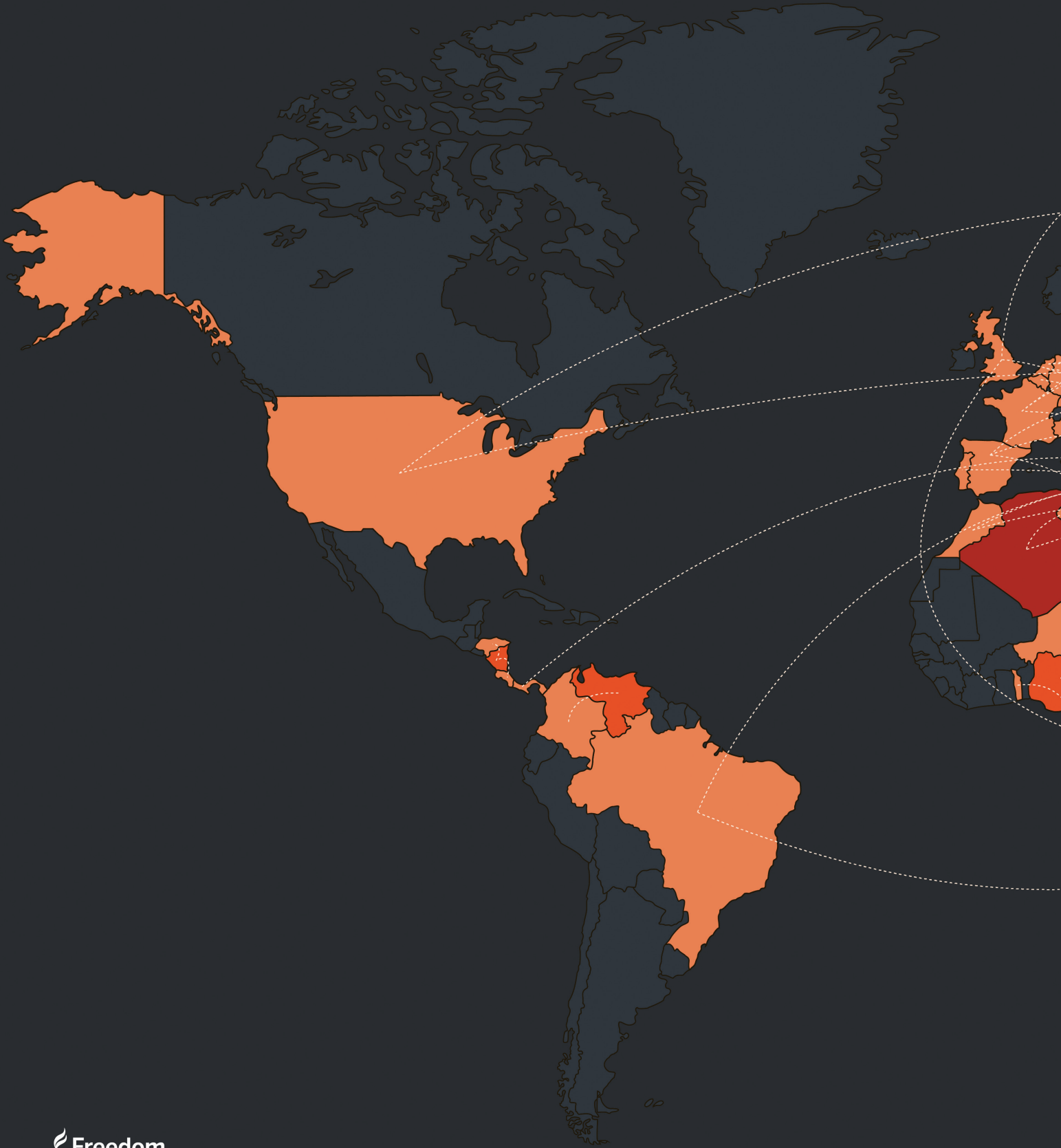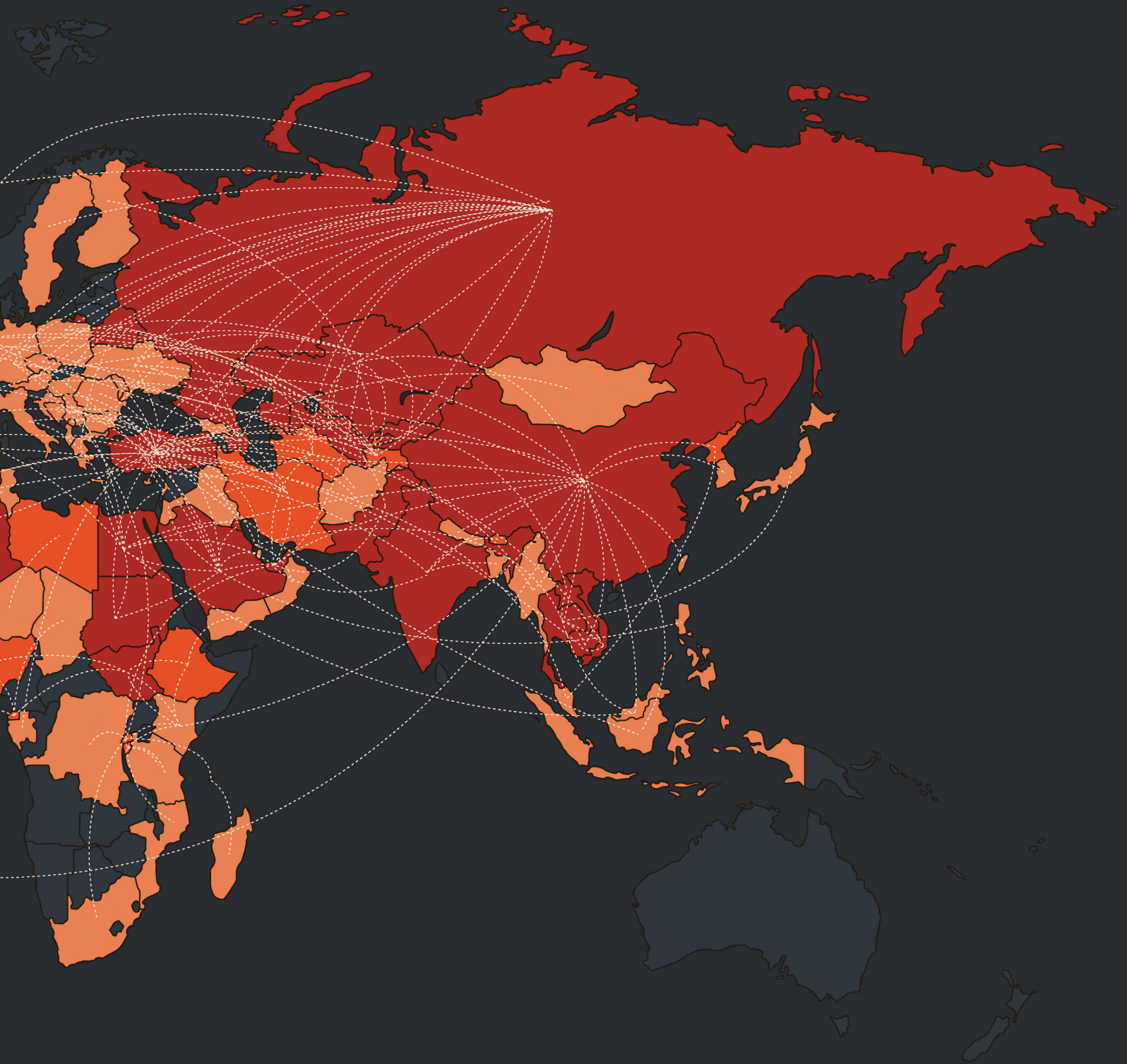
Origin Country   **Host Country**   **Origin & Host Country**

Each line represents a unique origin country-host-country relationship through at least one incident of physical transnational repression. Every incident catalogued in the project is not mapped.

Protecting Human Rights at International Organizations

Security forces stand guard at the entrance of the United Nations building in Geneva, Switzerland. Photo credit: Juilliart/AFP via Getty Images.

International organizations established in the post–World War II era were intended to facilitate cooperation among states in pursuit of peace and prosperity. As membership-based entities that grant countries equal representation in most contexts, they created a level playing field for powers great and small. At the UN General Assembly, Eritrea's vote holds the same weight as Canada's. San Marino and Poland have equal standing before the European Court of Human Rights (ECHR). These organizations, through guiding documents such as the Universal Declaration of Human Rights and the UN Charter, also promoted a liberal international order in which state authority was constrained by the obligation to respect human rights and the rule of law.

To facilitate their pursuit of critics and dissidents beyond their borders, autocrats are attempting to weaken human rights standards at international organizations. Nondemocratic governments have

intimidated activists who testify about human rights abuses in international forums, and they have co-opted international mechanisms to detain or repatriate exiled dissidents. International organizations play a crucial role in documenting various types of human rights violations, but in the absence of an agreed framework for identifying these violations as tactics of transnational repression, the efforts of such bodies to combat the problem are disjointed and ad hoc. In fact, without a universally recognized prohibition against governments acting to silence critics outside their territories, international organizations will remain vulnerable to authoritarian manipulation.

Interfering with activists at international organizations

Governments that engage in transnational repression use harassment and intimidation to deter and silence critical

voices at international forums, just as they would with perceived opponents in a diaspora community. That the United Nations has an entire workstream dedicated to documenting reprisals against people who cooperate with UN mechanisms demonstrates the seriousness of the problem. The assistant secretary-general for human rights is tasked with managing the issue throughout the UN system and submitting the secretary-general's annual report on reprisals to the UN Human Rights Council (UNHRC). Each committee under the Office of the UN High Commissioner for Human Rights (OHCHR), including the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, has a rapporteur designated to focus on reprisals, and there are numerous public and private channels intended to facilitate reporting of, responses to, and prevention of retribution against people and groups that engage with the United Nations.[69] In addition, organizations like the Unrepresented Nations and Peoples Organization (UNPO) have documented numerous cases of intimidation at international forums that constitute examples of or attempts at transnational repression. Some reprisals occur extraterritorially.

Representatives of minority groups from China are often surveilled and intimidated, even on UN property. The UNPO has documented Chinese officials' practice of photographing, following, and threatening retaliation against Uyghur, ethnic Mongolian, and Tibetan activists—as well as rights defenders who are ethnic Chinese—at or ahead of UN events.[70] Dokun Isa, the current president of the Uyghur World Congress, has for years encountered a series of obstacles to participation at the United Nations. In 2005, his plan to attend a session of the UNHRC in Geneva was derailed when the UN Secretariat refused to give him accreditation, saying it needed to run a background check on him. When he instead decided to participate in a protest against Chinese human rights abuses outside, he was arrested in transit to the demonstration by Swiss police. The police later said he was arrested based on a "misunderstanding," which did not alleviate concerns that the Chinese government's labeling of Isa as a terrorist resulted in his detention. In 2009, his plans to hold a press conference in Geneva was disrupted by the Chinese diplomatic mission, which discouraged journalists from attending an event held by a "terrorist."[71] In 2017, UN security personnel removed Isa from the UN Indigenous Forum, and in 2018 he was prevented from entering the building to participate in the forum due to unspecified "security concerns."[72]

Ethiopian government delegates to the United Nations accused a civil society delegate of the Ogaden People's Rights Organization of being a terrorist and asked security personnel to remove him from the 2016 Forum on Minority Issues.[73] Security officers were on the verge of physically removing him when a representative from the Minority Forum Secretariat intervened and allowed him to stay. The Ethiopian government has long used accusations of terrorism as cover for repressing political opposition, both domestically and abroad. Ethiopian authorities' transnational repression has largely targeted people from certain ethnic and separatist groups. In 2014, Ethiopian security forces conspired with Kenyan police to abduct two members of the separatist Ogaden National Liberation Front from Nairobi, where they had traveled to negotiate with the Ethiopian government.[74]

> Without a universally recognized prohibition against governments acting to silence critics outside their territories, international organizations will remain vulnerable to authoritarian manipulation.

The 2020 final report from the UNHRC's Commission of Inquiry on Burundi condemned the government's creation of a climate of intimidation, threats, fear, and reprisal aimed at people based in Burundi or in neighboring countries who wished to cooperate with the commission, other international human rights mechanisms, or NGOs.[75] Burundian authorities have a record of intimidation, assassinations, and coercion by proxy targeting exiled dissidents in countries as near as Tanzania and as far as Belgium.[76]

One case discussed in the secretary-general's 2021 report on reprisals is that of Fazal ur Rehman Afridi, a journalist and human rights defender from Pakistan.[77] Afridi sought asylum in France in 2009 after facing intimidation and abuse in his home country, and he has lived there since. While in France, Afridi was allegedly intimidated and threatened at the direction of the Pakistani state. His relatives in Pakistan have been threatened as well. The UN Working Group on Enforced or Involuntary Disappearances (WGEID), along with several special rapporteurs, wrote a letter to Pakistan's government in 2020, expressing concern that threats, harassment, and intimidation against Afridi had escalated in response to his

work with the United Nations on human rights abuses by Pakistani authorities.[78]

In another example, multiple UN special rapporteurs expressed concern that cyberattacks against the Philippines-based Vietnamese Overseas Initiative for Conscience Empowerment (VOICE) were carried out on behalf of Vietnam's government in reprisal for the organization's cooperation with UN human rights bodies.[79]

Remaking the international order

In addition to targeting dissidents, activists, and critical groups to prevent them from or punish them for participating in international forums, **authoritarians are working together to manipulate international organizations with the aim of undermining universal human rights standards.** The antidemocratic international order that these governments seek to promote would be conducive to the proliferation of transnational repression.

One of the United Nations' stated purposes is to "reaffirm faith in fundamental human rights." However, perpetrators of transnational repression use their influence to weaken the enforcement and dilute the meaning of human rights standards. They sway votes in their favor, collaborate with one another, and reshape the very missions of international organizations.

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Authoritarian regimes' alignment and cooperation are apparent in their actions at the UNHRC. States are elected to the council for three-year terms by the UN General Assembly. Fewer than a third of the states currently serving on the UNHRC are rated Free in Freedom House's *Freedom in the World* report.

Beijing's campaign to alter international norms and minimize the United Nations' ability to scrutinize the conduct of states is especially intense.[80] In June 2020, the UNHRC adopted

a resolution proposed by the Chinese government that shifted the framing of the council's mandate from holding states responsible for rights abuses to a goal of "mutually beneficial" cooperation that would entail states committing to a "dialogue."[81] The resolution effectively relegates human rights to the domain of domestic affairs or bilateral relations, with little role for the UNHRC itself or independent civil society groups. It was endorsed by 23 states, 11 of which are rated Partly Free and 8 of which are Not Free. Two of the 16 countries that opposed the resolution were Partly Free, and the rest were Free. Also that month, the UNHRC was split over the draconian National Security Law that Beijing had imposed on Hong Kong in order to crush its prodemocracy movement. A majority of 53 states, nearly all of which were rated Not Free or Partly Free, supported a statement backing the law, while 27 states, all rated Free, supported an opposing statement that condemned the law.[82]

In October 2021, diplomats from Saudi Arabia and allies including Bahrain and the United Arab Emirates successfully led the UNHRC to vote against renewing the mandate of the Group of Eminent Experts on Yemen, which was established in 2017 to investigate human rights abuses in that country's civil war, including by Saudi forces.[83] The previous October, Cambodian monk and human rights defender Luon Sovath delivered a statement on forced evictions in Cambodia to the UNHRC. The Cambodian government's representative interrupted him three times, and the envoys of China, Cuba, Russia, and Venezuela intervened to question "his participation in the Council, as well as his legitimacy and credibility."[84] Luon Sovath's statement had no bearing on any country other than Cambodia, yet his testimony represented the type of dissent that all autocrats have an interest in suppressing.

Efforts to undermine human rights norms are also on display in the process through which independent groups seek consultative status with the UN Economic and Social Council (ECOSOC). This status allows NGOs to participate in and observe various UN meetings and mechanisms. The ECOSOC Committee on Non-Governmental Organizations is responsible for approving consultative status, but the complexity of the process and interference by governments paradoxically make the NGO Committee a barrier to organizations' access to the United Nations.[85]

Nine of the current 19 member states on the NGO Committee engage in physical transnational repression: Bahrain, Burundi, China, India, Libya, Nicaragua, Pakistan, Russia, and Sudan.[86] Agents from Eswatini, another member, unsuccessfully

plotted the assassination of an exiled journalist in 2021. The Chinese and other governments routinely block independent groups from gaining consultative status. In 94 percent of instances in which the committee has deferred an NGO's application, a question was raised by a member state from an unofficial cohort of mostly authoritarian governments, sometimes called the Like-Minded Group.[87] The group includes many state perpetrators of transnational repression, including Algeria, Belarus, Egypt, India, Iran, Pakistan, Syria, and Vietnam.[88]

The abuse of Interpol, the International Criminal Police Organization, by authoritarian states seeking to detain and extradite dissidents from other countries illustrates the extent to which membership in international organizations can be manipulated for the purposes of transnational repression. Despite the fact that Interpol's constitution forbids "any intervention or activities of a political, military, religious or racial character,"[89] governments regularly use spurious accusations of criminality, disseminated via notices and diffusions, to have exiles detained or deported. They also use the system to falsely report passports as lost or stolen, which can prevent exiles from traveling internationally or cause them to be detained when they attempt to do so. It is a relatively easy, inexpensive means of cross-border targeting.

In 2021, authorities in Russia, China, Turkey, and Bahrain were able to have individuals detained in Poland, Morocco, Kenya, Serbia, and Italy on the basis of Interpol's Red Notices. In most cases, the individuals had engaged in political or civic activism. One Uyghur human rights defender, Idris Hasan, was arrested on an Interpol notice issued by Beijing when he landed at the airport in Casablanca, Morocco, in July 2021. Chinese officials claimed that Hasan was a member of a terrorist organization, a common assertion against Uyghurs. Even though Interpol canceled the notice shortly after his arrest, and UN experts have expressed their concern that he faces the risk of torture if repatriated, Hasan was awaiting deportation to China at the time of writing.[90]

Interpol abuse is the most well-understood form of transnational repression within the international system, thanks to years of work by civil society. Nevertheless, misuse of Interpol's system, supported by technological developments, has outpaced attempts at oversight. Of the states that engage in physical transnational repression, at least 13 have also used Interpol notices to reach people abroad since 2014. Five members of Interpol's 13-member

executive committee represent governments that engage in transnational repression.[91] The organization's president, a delegate from the United Arab Emirates, was elected in November 2021.[92] Electing representatives from states that engage in transnational repression to leadership positions legitimizes their abuse of the system.

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In March 2022, the governments of Australia, Canada, New Zealand, the United Kingdom, and the United States called on Interpol to suspend Russian authorities' access to its systems.[93] However, the move was spurred by Moscow's invasion of Ukraine, not its past abuse of the organization's functions, which has even managed to trigger the detention of individuals seeking asylum in the United States. Because of its authoritarian-leaning membership, the executive committee voted against Russia's suspension, though Russian officials' activities will be subject to additional oversight.[94] Interpol also recently reinstated Syria's status, reversing a 2011 decision to implement "corrective measures" and disallow the Syrian regime from using Interpol's systems to issue notices. Observers noted concerns that the government of President Bashar al-Assad could use Interpol to target the world's 6.8 million Syrian refugees and asylum seekers.[95]

The utility and blind spots of documentation and awareness

Despite the influence of authoritarian states, certain international groups and mechanisms that are designed to track human rights abuses have successfully documented incidents of transnational repression, thereby contributing to increased awareness of the phenomenon. Credible, high-profile investigations of specific cases serve to inform civil society organizations' work on the issue, offer policymakers concrete evidence around which to develop responses, affirm the experiences of targeted diasporas, and impose reputational costs on perpetrators. However, documentation is incidental; only some cases, emerging

from particular regions of the world, fall under the mandates of existing mechanisms.

UNHRC working groups and special rapporteurs, collectively called special procedures, devote attention to transnational repression. Agnes Callamard, the special rapporteur on extrajudicial, summary, or arbitrary killings, published an extensive investigative report into the assassination of Jamal Khashoggi, implicating high-level Saudi government officials and shedding light on the extensive resources and planning behind the murder.[96] Special rapporteurs also published multiple statements on the Iranian regime's targeting of employees of the British Broadcasting Corporation (BBC) Persian service and other Farsi-language news outlets. A March 2020 statement said in part, "Harassment, surveillance, death threats against journalists, within and outside domestic boundaries violate international human rights law, including the right to physical integrity, the right to life, and the right to freedom of expression."[97] The statement called on the governments of countries where targeted journalists live to warn and protect them and their families.

> The current piecemeal and incidental pattern of documentation does not capture the scale and significance of the threat.

The WGEID and the UN Working Group on Arbitrary Detention (WGAD) produce regular reports and other communications that often describe incidents of transnational repression. In October 2018, following Khashoggi's assassination at the Saudi consulate in Istanbul, WGEID chair Bernard Duhaime highlighted the emergence of a "new and very worrisome practice of extraterritorial abductions" before the UN General Assembly.[98] He pointed to the working group's latest report, which noted the pattern of extraterritorial abductions by Turkish authorities.[99]

While it is laudable that the WGEID and Duhaime drew special attention to the trend of cross-border targeting, calling it a new phenomenon demonstrates a lack of awareness of the global scale and history of transnational repression. Prominent offenders have used these tactics

for decades: Rwandan president Paul Kagame's government has targeted exiles since shortly after coming to power in the 1990s, extraterritorial assassinations have been a staple of the Iranian regime since the 1979 revolution, and the Soviet Union infamously assassinated Leon Trotsky in Mexico in 1940.[100]

The WGEID's 2021 annual report marked an evolution of the working group's approach to documenting extraterritorial violence, as it included a new section on "enforced disappearances in the context of transnational transfers."[101] Traditionally, the WGEID has assigned responsibility for a disappearance involving two states to the state where the incident occurred. The approach highlighted the fact that insecurity was an issue within a given state's borders. In 2018, the WGEID belatedly acknowledged cross-border campaigns by foreign states to detain individuals. The latest report, published in August 2021, specifically recognized how states "resorted to extraterritorial transfers ... with the participation, support or acquiescence of other states, in an attempt to capture their nationals."

International courts also provide important documentation of transnational repression. Freedom House identified more than 30 incidents of transnational repression in cases heard at the ECHR. The court provides important visibility for transnational repression, which could in turn be leveraged to develop appropriate policy responses and advocate for members of targeted groups. However, countries agree to submit to the jurisdiction of international courts and can leave that jurisdiction whenever they chose. In March 2022, for example, following the invasion of Ukraine, Russia was expelled from the Council of Europe—and therefore from the ECHR. This jeopardizes future opportunities for documentation, accountability, and protection in the region.[102]

Similarly, the International Criminal Court (ICC) faces challenges related to jurisdiction and participation. Influential countries like the United States and China are not signatories to the court's founding Rome Statute. The US absence undermines the court's influence by signaling that the world's most powerful democracy is not committed to accountability for human rights violations. China's nonparticipation is a barrier to justice for the Chinese Communist Party's atrocities against Uyghurs.[103] Activists are trying creative workarounds to bring the issue before the court, including a focus on Uyghur deportations from Tajikistan, which is an ICC member state.[104] It was unclear at the time of writing whether such tactics would prove successful.

Transnational repression does not fall neatly within the existing mandates of working groups and courts that are responsible for monitoring and protecting human rights. As a result, the WGEID, the WGAD, special rapporteurs, and the ECHR cannot provide a comprehensive picture of the problem.

In addition to the lack of centralized documentation and awareness, there are geographic disparities. Documentation of transnational repression skews toward host countries in the Global North.[105] Numerous factors contribute to this imbalance, one of which is unequal distribution of resources and mechanisms for documentation. Institutions like regional courts, civil society organizations, and independent media generally benefit from better funding and access in Global North countries, positioning them to raise the visibility of cases of transnational repression at international bodies. Consequently, gaps in awareness in these venues are more likely to pertain to Global South countries. Strategic litigation and specialization among civil society groups also affects which cases are submitted for consideration by UN working groups and international courts. Civil society groups often choose exemplary cases of rights violations to put forward, and they are aided in this by a small group of lawyers with expertise on the processes of international review. These factors further limit the number and type of cases that are ultimately documented.

Forming an international response

Democratic governments need to build a multilateral response to transnational repression at international organizations if they are to check the deterioration of human rights standards that has accompanied the global rise of authoritarianism.

The first step is to improve awareness of the problem in and throughout international bodies. The current piecemeal and incidental pattern of documentation does not capture the scale and significance of the threat. Until transnational repression is properly identified and tracked as such wherever it appears, documentation and awareness will remain incomplete. Reports issued by special procedures should recognize transnational repression as a distinct phenomenon and consistently monitor its occurrence.

> Democratic governments need to build a multilateral response to transnational repression at international organizations.

Second, democracies can mount a stronger defense against transnational repression by incorporating it into a broader strategy to counter global authoritarianism. Transnational repression is just one method among many by which authoritarian governments work to eliminate space for dissent and insulate themselves from criticism. Authoritarian cooperation to degrade human rights standards effectively normalizes the unconstrained use of state power and fosters an environment conducive to transnational repression. Governments that oppose transnational repression should form their own partnerships to reinforce liberal, rights-based norms within international organizations. They should support the election of fellow democracies with strong rule-of-law traditions to leadership positions, consistently draw attention to rights violations and condemn perpetrators, and support the expansion and authority of human rights mechanisms. Without a concerted effort to contest authoritarian alignment and influence, the liberal international order could be warped and repurposed as a vehicle for autocratic dominance.

Countering Digital Transnational Repression

In New Delhi, an opposition Congress party worker wearing a mask of Amit Shah (India's home minister) protests the Indian government's use of military-grade spyware to monitor political opponents, journalists, and activists. Photo credit: Qadri/AP via Shutterstock.

While assassinations and renditions garner the most attention, digital forms of transnational repression are vastly more common. Digital technology facilitates cross-border communication and civic participation among exile and diaspora communities, creating channels of dissent that challenge those in power in the origin state. Nondemocratic governments have responded by searching for ways to use the same technology to silence critical voices.

The menu of tactics for digital transnational repression includes but is not limited to the deployment of spyware, social media monitoring, online smear campaigns and harassment, and reporting dissidents' posts to social media platforms in an effort to have them removed. Governments employ a range of sophisticated technologies and exploit popular global platforms. Developing effective countermeasures is difficult because the repressive tactics are both ubiquitous and frequently opaque. Strong digital hygiene practices among users can serve as a first line of defense, but governments and technology companies should play a more robust role in providing protection for at-risk individuals and groups.

> Digital attacks require minimal resources, making them a low-cost and high-reward means of targeting people abroad.

The advantages of digital tactics

Compared with many forms of physical transnational repression, digital attacks require minimal resources, making them a low-cost and high-reward means of targeting people

abroad. The digital tactics not only expand the pool of potential victims, but also allow perpetrators to disrupt the dissidents' work, impede their ability to communicate with family and friends, or drive them offline altogether—all without physically violating the host state's sovereignty.

In addition to using spyware, repressive governments are monitoring the public social media activities of exiled dissidents and diaspora groups. The Chinese government, one of the most prolific perpetrators of transnational repression, employs advanced social media monitoring programs to track dissent.[106] Chinese authorities have increasingly extended their investigations to platforms that are blocked in China, such as Twitter and Facebook.[107] This strategy ensnares people who live abroad, including private individuals who are not involved in activism and may even use social media anonymously. Scrutiny of their activities sometimes leads to coercion by proxy, in which police visit and intimidate home-country relatives of people living abroad.

Research by Freedom House and others, including Citizen Lab and the digital surveillance scholar Marcus Michaelsen, has consistently found that digital tactics of transnational repression produce severe social and psychological effects, and that they are used in concert with physical attacks.[108] As an academic from Indian-administered Kashmir explained, "I decided it's not good for my mental health to deal with that [harassment], so I'm off of social media." A Saudi-American activist said her mother cannot sleep well after seeing the harassment and threats against her daughter online: "She developed some health issues as a result of the fear, the anxiety."[109]

Digital transnational repression can facilitate physical attacks, which in turn increase the credibility of digital threats. A Ga, a Vietnamese pastor who resettled as a refugee in the United States, told Freedom House that he has received threatening messages on Facebook from suspected Vietnamese officials. One message said, "If we wanted to kidnap you, we could have—remember the case in Berlin," in an apparent reference to the brazen 2017 state-sponsored kidnapping of a Vietnamese asylum seeker in broad daylight.[110] Mohamed Soltan, a US-based Egyptian-American activist, sees digital and physical transnational repression as closely related: "Character assassination comes before any physical attempt to hurt or assassinate somebody. It always precedes it because it gives cover for any transnational repression."[111] A US-based Saudi activist who receives threats of death and sexual violence online,

usually from Twitter accounts that she believes are run by Saudi government trolls, expressed a similar perspective: "Those threats are not just threats... Some threats are really intimidating after what happened to Khashoggi." In fact, the UN investigation into Jamal Khashoggi's assassination identified spyware as playing a role in the planning for the attack, and he previously faced online abuse from progovernment accounts.[112]
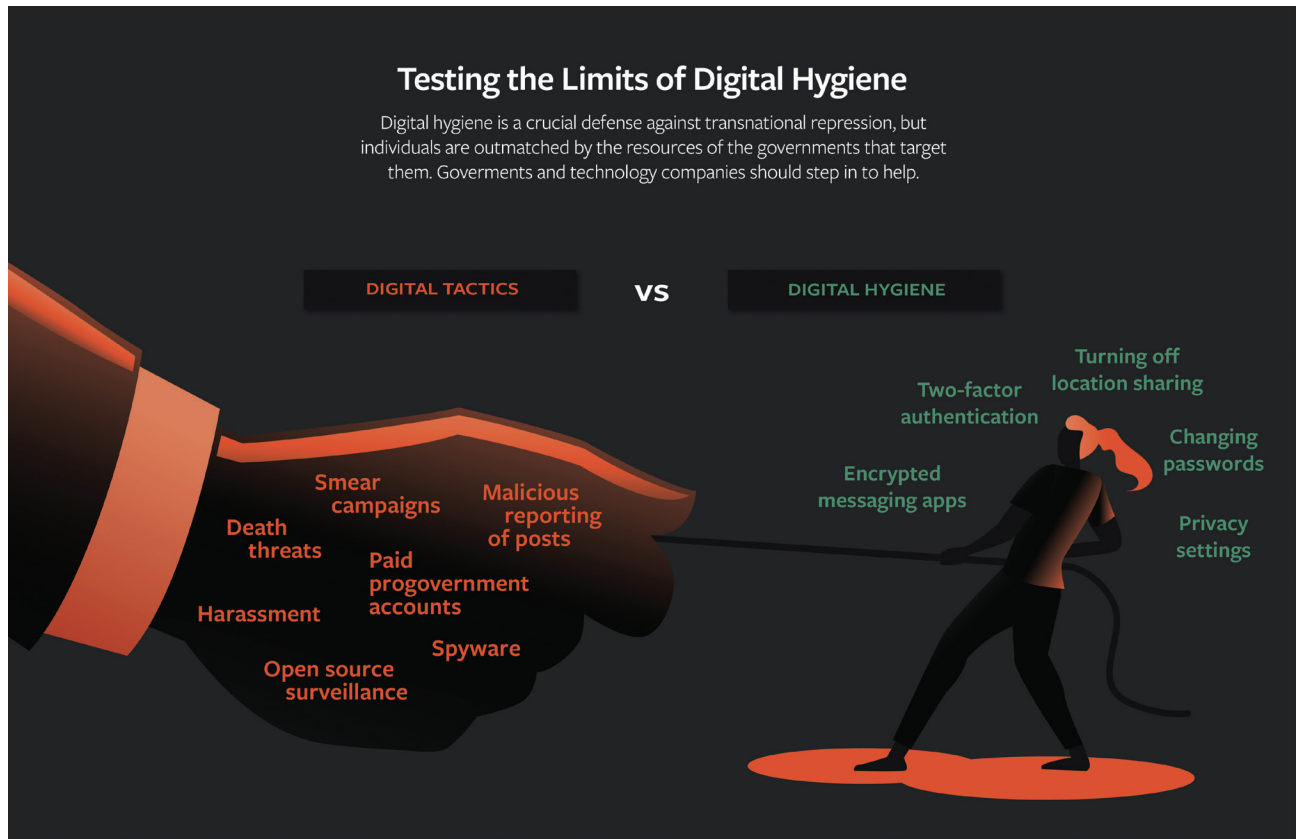
> "Those threats are not just threats... Some threats are really intimidating after what happened to Khashoggi."
> –US-based Saudi activist

The importance and limits of digital hygiene

Given the extensive suite of tactics for digital transnational repression, it is critically important that potential victims adopt strong digital security measures. Many activists, journalists, and others who may be targeted in exile take painstaking efforts to conceal their location and protect their accounts from hacking attempts. But they are clearly operating at a disadvantage compared with the powerful states that are pursuing them. **Relying solely on digital hygiene practices to combat transnational repression unfairly puts the burden on the targeted individuals, leaving them more vulnerable to attack.**

Many of the activists who were interviewed by Freedom House take precautions, including limiting location sharing, using two-factor authentication, changing passwords, regularly updating software, and using encrypted platforms. "I always have my location turned off unless I absolutely need to use my GPS," said Claude Gatebuke, a Rwandan-born activist in the United States.[113] Another activist explained the extent of the safety measures that he and his colleagues have adopted: "We have a whole list of things that we do as far as two-factor authentications. We have separate email addresses when it comes to things that are sensitive. Even though our organizational emails are from Gmail, with fairly high level of protection, we still use ... [the encrypted email service] ProtonMail, for example ... and a VPN [virtual private network]."

Testing the Limits of Digital Hygiene

Digital hygiene is a crucial defense against transnational repression, but individuals are outmatched by the resources of the governments that target them. Goverments and technology companies should step in to help.

DIGITAL TACTICS   **VS**   **DIGITAL HYGIENE**

Smear campaigns
Death threats
Malicious reporting of posts
Paid progovernment accounts
Harassment
Spyware
Open source surveillance

Two-factor authentication
Turning off location sharing
Encrypted messaging apps
Changing passwords
Privacy settings

Digital transnational repression allows governments to more easily access targets and disrupt their professional and personal lives.

The widespread uptake of these precautions is remarkable, given how time consuming they can be. Saudi-American activist Areej al-Sadhan changed her passwords, added two-factor authentication, and updated security settings after being notified that someone was trying to access her social media accounts. She said she remains worried about her digital security but is unable to escalate those concerns for practical reasons: "I update the software, but I haven't tried to get a full investigation. It's just because of time."[114]

Regularly changing passwords, constantly updating phone and computer software, double-checking and adjusting what are often confusing privacy settings on accounts, and switching back and forth between different secure messaging services can all be overwhelming. Maintaining digital hygiene not only requires ceaseless attention, but it can also be particularly challenging for individuals who lack the opportunity to become digitally literate or the internet access required to download tools that will keep them safe. People living in countries where the government censors online content or limits access to secure communication technologies may not even be able to find reliable information or tools pertaining to digital hygiene. Moreover, the networked nature of online communication means that one person's poor digital security—something as simple as delaying a software update—could put their entire community in danger.

> The networked nature of online communication means that one person's poor digital security—something as simple as delaying a software update—could put their entire community in danger.

High-risk people should expect their accounts to be compromised, even if they have strong digital security practices, an employee of a technology company with knowledge of these issues told Freedom House. For people who rely on their online presence for their work or activism, security measures like setting social media accounts to private or refraining from having an online profile at all fundamentally undercuts their livelihood or effectiveness. A US-based Kashmiri academic explained how concerns about the Indian government's surveillance affect her personal and professional life: "Whenever I call my family members there … we don't talk about anything. I don't even ask [my friends or colleagues] any questions because so many journalists and human rights defenders have gotten detained. We know that social media is heavily, heavily being surveilled. So we just don't really talk about anything, which makes it really difficult to get information."[115]

Many technology companies have special safety programs for people who are at high risk of persecution. These mechanisms alleviate the burden on individuals attempting to manage digital hygiene on their own. In December 2021, Facebook expanded Facebook Protect, a program meant to support account security for human rights defenders, journalists, government officials, and other targeted groups, to more countries.[116] One high-profile Uyghur activist who spoke with Freedom House had previously received a message advising him to turn on Facebook Protect. Other victims of transnational repression interviewed for this report were not familiar with the program, demonstrating a need for wider awareness. Anyone can enroll in Google's Advanced Protection Program, but there are similar concerns about whether it reaches the people who need it most.[117] "I had to do some real research," said Samuel Chu, a US-based Hong Kong activist, explaining his efforts to access special protection programs offered by technology companies.[118]

The need to vigilantly employ robust digital hygiene practices underscores the power differential between individuals at risk of transnational repression and the governments that target them. "There's so many threats out there," said al-Sadhan. "They have a whole army of those trolls, attacking at the same time." Without access to resources that are comparable to those of a state, individuals will always have the odds stacked against them when trying to protect themselves. As a Uyghur activist told Freedom House, some of the online threats he receives make him feel as though he is "just nothing" compared with the power of the Chinese regime.[119]

The proliferation of spyware

Spyware, or software used for targeted and covert surveillance, is among the most sophisticated and intrusive forms of digital transnational repression. The rise in zero-click attacks, which install spyware on devices without the targeted user needing to click on a malicious link or file, is particularly insidious.[120] Commercial spyware, sold by hundreds of companies around the world, makes military-grade surveillance tools available to any government or law enforcement agency willing to pay.[121] The industry has operated for years without meaningful oversight and transparency, creating ample opportunity for state actors to expand the use of such technology against civilians. At least 17 governments employ spyware abroad alongside physical transnational repression.

> "We know that social media is heavily, heavily being surveilled. So we just don't really talk about anything, which makes it really difficult to get information."
> –US-based Kashmiri academic

Recent policy and regulatory responses

The proliferation of spyware came into the spotlight in 2021 following the publication of the Pegasus Project, an international media investigation that documented the use of the Israeli company NSO Group's notorious Pegasus software to surveil activists, journalists, politicians, and many others around the world. In some cases, governments deployed Pegasus to spy on their nationals abroad. Emirati activist Alaa al-Siddiq was hacked while living in Qatar and the United Kingdom,[122] and Carine Kanimba, the Belgium-based daughter of Paul Rusesabagina, was surveilled as she advocated for her father's release following his abduction by Rwandan authorities in a high-profile act of transnational repression.[123] In 2019, a different investigation revealed similar uses of Pegasus against dissidents abroad.[124] While Pegasus is far from the only commercial spyware available, it is among the best known and most powerful.

Researchers and civil society organizations have persistently advocated for regulation of spyware. David Kaye, then the UN

special rapporteur on freedom of opinion and expression, called in 2019 for a global moratorium on the sale of targeted surveillance technology, and a larger group of special rapporteurs repeated the call for a moratorium in response to the Pegasus Project's findings.[125]

The United States took several steps aimed at curbing the commercial spyware industry in 2021. October updates to the Commerce Department's licensing regulations restricted the sale of hardware and software that allows for the use or development of spyware to governments that violate human rights, including perpetrators of transnational repression such as Belarus, China, Russia, Saudi Arabia, and Vietnam.[126] The rules allow for multiple exceptions, meaning the effectiveness of the changes hinges on the policy's enforcement. In November, the Commerce Department banned the export of any US technology to NSO Group and Candiru, another Israeli company, because governments have used their spyware to "maliciously target government officials, journalists, businesspeople, activists, academics, and embassy workers."[127] Finally, the National Defense Authorization Act, passed at the end of the year, directs the State Department to develop a list of spyware providers that the US government should not do business with due to their poor human rights records, establishing a pathway for transparency and future restrictions on the surveillance market.[128]

> The efficacy of regulatory responses may also be undercut by authoritarian and illiberal governments that offer a safe haven to the spyware industry, and by democratic governments' own contradictory policies.

Dual-use regulations crafted by the EU came into force in 2021, restricting the export of and technical support for cybersurveillance technology that may be used to violate human rights.[129] Robust implementation could help curtail spyware sales and access, particularly in light of connections between European countries and the spyware industry. In April 2022, Citizen Lab found "strong circumstantial evidence" pointing to Spanish authorities' use of spyware.[130] NSO Group's 2021 transparency report noted that the company

exports products from Bulgaria and Cyprus—both EU member states—in addition to Israel.[131] Hungarian authorities have allegedly used Pegasus to surveil lawyers and journalists, and the Polish security services have been accused of employing it against members of the Polish opposition.[132] The Polish Senate, which is controlled by the opposition, established a special committee to investigate the matter.[133] In March 2022, the European Parliament formed its own committee to examine the alleged illegal use of spyware by EU governments.[134] The outcome of that inquiry may have implications for the implementation and development of European spyware regulations in the future.

Private actors have also turned to the courts for relief in several countries. In October 2021, India's Supreme Court ordered an investigation into authorities' use of Pegasus after journalists and activists filed petitions.[135] Apple, WhatsApp, and Facebook all initiated lawsuits in the United States in recent years, taking issue with the proliferation of surveillance software that exploits their technology.[136] In April 2022, civil society organizations and Salah Hammouri filed a case in France against NSO Group for facilitating unlawful surveillance of Hammouri, a French-Palestinian human rights defender.[137]

The pitfalls and promise of government responses

Governments are beginning to recognize the harm to human rights caused by spyware, but the recent regulatory and legislative steps address only a part of the problem and come after years of painstaking documentation by media outlets and civil society. Regulation tends to be reactive in nature, and **governments intent on surveilling their opponents will search for ways around any existing guardrails.** The efficacy of regulatory responses may also be undercut by authoritarian and illiberal governments that offer a safe haven to the spyware industry, and by democratic governments' own contradictory policies. Both the FBI and German police have previously purchased Pegasus software.[138]

Curtailing the use of spyware in the future will require strengthening and consistently enforcing regulations, using strategic litigation, and defending the right to privacy more broadly, including by reforming domestic surveillance practices and safeguarding end-to-end encryption technologies. Proactive adjustment will also be necessary to meet new threats. One promising model for a flexible, collaborative, and rights-based approach is the Export

Controls and Human Rights Initiative. Announced in 2021 by the United States, Australia, Denmark, and Norway, and supported by several other governments, the initiative aims to create consensus and multilateral action on export controls and other means of limiting technology that enables human rights abuses, including transnational repression.[139] Though at this point it is merely a statement of intent, the initiative's features—its multilateral mission, its plan to consult with academia and civil society, and its focus on human rights rather than a specific technology—have the potential to help governments develop policy in a way that better meets the needs of targeted groups.

Social media and messaging platforms

Transnational repression on social media takes many forms: harassment, explicit death threats, smear campaigns, malicious complaints to platforms about accounts and posts, and open-source surveillance. These tactics are difficult to disentangle from the broader problem of harassment online, which goes well beyond transnational repression. People at risk of transnational repression may face parallel harassment or smears from regime supporters acting on their own. However, states use these tactics in a targeted way, and they can signal a more intense effort at repression that includes offline violence. At least 23 governments supplement their physical cross-border attacks by threatening exiles on online platforms.

The sophisticated, diverse, and ever-changing nature of transnational repression online means that it often falls outside the purview of governments and into the gray areas surrounding platforms' existing policies on issues including content moderation, harassment, account security, and influence operations. Gaps in reporting and documentation that affect targeted groups are an immediate concern. Alternative solutions for managing, reporting, and documenting transnational repression online are urgently needed.

Problems with reporting content to platforms

Reporting harmful content is the most straightforward response to transnational repression on social media. It alerts platforms to abuse, creates a record of the problem, and can result in remedies like removal of the offending post or account suspension. However, current options for reporting are not sufficient to combat transnational repression on platforms.

Many instances of transnational repression online involve forms of speech that do not violate platforms' content policies. Interviewees expressed frustration that reporting incidents of intimidation, harassment, and smear campaigns do not result in corrective action by platforms. "A lot of the stuff I report most of the time, and they just ignore it, or they would say, well, it didn't violate ... our terms of service," said one interviewee, adding, "Where it's clearly mentioning certain words that are related to like murdering or something ... they would remove that. But other threats of intimidation ... character assassination, all these things, they just ignore it, and they will not take any action."[140] Perpetrators of online harassment may also be adapting to social media companies' policies. An executive at one company cited anecdotal evidence of a shift from direct threats that violate content policies—and would be subject to removal—to more generalized abuse, or speech that is permissible but nevertheless harmful to the target.

> At least 23 governments supplement their physical cross-border attacks by threatening exiles on online platforms.

Discouraged by the lack of response and overwhelmed by the volume of harmful posts they encounter, many interviewees do not report abuse at all. Sardar Pashaei, an activist from Iran, expressed his doubt that reporting is worth his time, since he knows there will be more attacks: "Anytime I can take a screenshot of those daily threats or death threats. But I really don't know what they are going to do about it, because it's a lot of fake accounts. Are they going to close those accounts? They're just going to come back."[141]

Separately, Gatebuke raised language barriers as an obstacle to reporting. "A lot of it actually happens in Kinyarwanda," he told Freedom House, describing harassment he receives on Facebook. "They [Facebook] basically say, 'This doesn't look like a violation,' and it just goes on." Facebook hired Kinyarwanda content moderators in 2021, which may help people like Gatebuke in the future, but it is also a reminder that the utility of reporting is at least partially tied to internal priorities and resourcing at private companies.[142]

Mechanisms for reporting can themselves be a tool of transnational repression. Malicious reporting, in which users submit spurious complaints about content violations in order to have accounts suspended or posts removed, is a concern across multiple diasporas and platforms. Rwandan exile David Himbara alleges that progovernment accounts successfully instigated the removal of some of his Facebook posts by reporting them en masse. Facebook restored the posts after Himbara filed an appeal.[143] The Instagram page of Pashaei's organization was reported after he criticized Iranian general Qasem Soleimani. He explained that the organization contacted Instagram and was able to restore the page, "but actually we lost it [again] last month, and it never came back." He said the experience with mass reporting was disheartening and made him feel like technology companies were not on the side of activists: "I don't care if I get a daily threat, every day. But at least protect us, support us. So we don't lose our page and our personal pages that we have been working on."

The necessity and burden of documentation

Problems with reporting are closely related to those presented by the task of documentation. Records of digital transnational repression are necessary to support research and advocacy by civil society, and for use as evidence for any possible criminal prosecution. However, **the burden of documentation currently falls on the shoulders of people targeted with transnational repression.** The task is time consuming and entails repeated exposure to trauma. As Samuel Chu explained, "[US law enforcement says] 'people should have screenshots. And sometimes people get threatening calls, and they just throw away the whole phone.' And you're like, 'Yeah, because that's really stressful, and I might also throw away my phone if I got a bunch of threatening phone calls. That actually might be my first move, is just to throw it away.'"

As with reporting, the challenges associated with documenting online abuse are not unique to transnational repression. Some documentation aids already exist. Twitter provides users with an option to prepare a report for law enforcement when they inform the platform of a violent threat.[144] Twitter also recently partnered with Jigsaw to launch Harassment Manager, a tool intended to help users document and manage abuse.[145] The rollout was aimed at women journalists, who face heightened levels of abuse online. Crucially, the tool gives users autonomy on how to handle abusive content, including the ability to review and sort posts and to decide whether to mute, block, or hide harassing posts. Diaspora groups that are known to face transnational repression could benefit from Harassment Manager or similar tools. There is an opportunity to educate vulnerable groups about the importance of documentation, but any educational efforts should be paired with measures by technology companies and civil society groups to alleviate the time requirements and emotional costs of documentation.

Toward a proactive and coordinated response to digital transnational repression

People subjected to digital transnational repression should not have to fend off attacks on their own. Governments, companies, and civil society all have a role to play, and interviewees repeatedly expressed their desire for a renewed focus on the problem, including systematic efforts to identify perpetrators: "We know harassment happens. I think that the next step is figuring out who is on the other side of it, and who are the people, and the organizations and entities that are conducting that. I think that that would help a great deal."[146]

Government responses to transnational repression in general will be incomplete if they do not account for the phenomenon of digital attacks. Similarly, technology companies cannot address online harms more broadly without an understanding of transnational repression. They should increase their awareness of the threat and recognize its intersection with existing policy concerns such as content moderation, harassment, foreign influence operations, cybersecurity, and privacy. Company-wide strategies that unite these streams of work could improve platform resilience in the face of transnational repression.

A collaborative approach, in which governments and technology companies consult with civil society and targeted individuals and groups, will yield the best results. Civil society organizations should continue to provide trusted resources on digital hygiene, shed light on the inevitable evolution of tactics, and help bridge communication gaps among vulnerable groups, technology companies, and governments. Given the rapid development of digital technology and its ability to connect people around the globe, autocrats will work vigorously to adapt their practices and maintain pressure on extraterritorial dissent. Defenders of democracy and human rights must outpace these efforts through careful coordination and a shared commitment to proactive, constantly improving strategies for resisting digital transnational repression.

Policy Recommendations

For governments of countries that host exiles and targeted diasporas

Improve education and raise awareness about the threat of transnational repression.

- **Establish an official definition of transnational repression to be used by all government agencies.** This definition should recognize that transnational repression is a threat to democratic institutions and the exercise of individual rights.

- **Develop a plan to spread awareness among law enforcement agencies, intelligence services, and officials working with refugees and asylum seekers** so that they can incorporate the definition of transnational repression into their procedures, recognize potential perpetrators and victims, and better mitigate and respond to threats.

- **Issue travel advisories about states that engage in transnational repression**, enabling citizens and residents to make informed decisions about whether and where to travel abroad.

- **Develop specific outreach strategies to connect law enforcement agencies with targeted diaspora communities.** Inform individuals who are vulnerable to transnational repression of the resources available to them, and learn about different communities' concerns. Engagement should treat individuals targeted by transnational repression as victims to be protected, not as potential security threats. This outreach should be separate from efforts to counter violent extremism. Although both activities require building community trust, the source and intent of the threat in these two policy areas is quite different. Whenever possible, authorities should distinguish between surveillance and coercion by foreign state agents on the one hand, and indoctrination and recruitment by violent extremist groups on the other.

Track transnational repression and coordinate responses.

- **Establish a specific mechanism to track domestic incidents of transnational repression and identify the perpetrator governments.** The governments of host countries must create processes to recognize and record cases that occur within their borders. These processes can be built into the existing crime-reporting systems used by law enforcement agencies, but they may require specialized training about the tactics of transnational repression.

- **Review counterintelligence and law enforcement information-sharing practices and ensure that they effectively disseminate data about threats stemming from transnational repression.** Information needs to be properly circulated among agencies responsible for domestic intelligence and law enforcement at all levels of government in order to ensure that vulnerable individuals receive adequate warning and protection.

Limit the ability of perpetrators to commit transnational repression.

- **Apply additional vetting to extradition requests and Interpol notices from the governments of countries rated Not Free by Freedom House**—and particularly those known to engage in transnational repression—to prevent abuse of law enforcement and judicial processes.

- **Review extradition, legal cooperation, readmission and return, and intelligence-sharing agreements with governments that engage in transnational repression.** Identify agreements and processes that need additional oversight or that should be discontinued altogether to prevent abuse.

- **Screen applications for diplomatic visas** to avoid granting accreditation to diplomatic personnel who have harassed, intimidated, or otherwise harmed exiles or diaspora members in the past.

- **Restrict the export of surveillance technology.** When reviewing export licensing applications, give extra scrutiny to applications from companies seeking to export products to countries whose governments may engage in human rights abuses, especially those previously identified as perpetrators of transnational repression. Where export controls already exist, governments should enforce them thoroughly and update and strengthen them as necessary to account for the development of new technologies.

- **Strictly regulate the purchase and use of surveillance tools and protect end-to-end encryption.** Government surveillance programs

should adhere to the International Principles on the Application of Human Rights to Communications Surveillance, a framework agreed upon by a broad consortium of civil society groups, industry leaders, and scholars with the aim of protecting users' rights. The principles, which state that all communications surveillance must be legal, necessary, and proportionate, should also be applied to open-source intelligence methods such as social media monitoring and the use of intrusive tools such as spyware. To protect the digital security of people targeted by transnational repression, governments should refrain from introducing legislation that weakens encryption, for example by mandating "backdoor" access for authorities or the ability to trace messages.

Deliver accountability for acts of transnational repression.

- **Impose targeted sanctions on perpetrators and enablers of transnational repression.** Legislation like the Global Magnitsky Human Rights Accountability Act in the United States provides a mechanism for imposing travel bans and asset freezes on perpetrators of serious human rights abuses. Issuing sanctions for acts of transnational repression in particular would send a strong signal that perpetrators will be held accountable. Countries that possess Magnitsky-style laws should fully enforce them, and countries that lack such legal authorities should enact them. Whenever possible, governments should apply sanctions in a coordinated, multilateral manner for maximum impact.

- **Use persona non grata designations to ensure accountability for transnational repression.** Expel diplomats who are directly involved in transnational repression, or whose governments have committed specific incidents of transnational repression in the host country. Publicly and specifically link the persona non grata designations to individual instances of transnational repression.

- **Restrict security assistance and arms sales to governments that perpetrate acts of transnational repression.** Such governments cannot be trusted to use such assistance responsibly, and they should not be rewarded for violating individual rights and national sovereignty beyond their borders.

Support victims of transnational repression.

- **Review the processes for issuing warnings and assigning police protection** to individuals, and ensure that they account for the threat of transnational repression.

- **Commit to respecting the right to seek asylum.** Migration systems should follow the principles set out in the 1951 Refugee Convention. Countries should not create policies with the aim of preventing asylum seekers from accessing their territory. Nor should governments shift the responsibility for asylee processing to third states where people are more vulnerable to transnational repression.

- **Strengthen existing refugee resettlement programs** by including resources to address the threat of transnational repression faced by some newcomers.

- **Limit the use of temporary and subsidiary forms of protection for asylum seekers and instead grant full refugee status.** Such status offers a better safeguard against transnational repression by making the protection permanent, reducing reliance on the origin country for documents, and allowing for family reunification, which reduces the threat of coercion by proxy.

- **Recognize that certain populations experience persecution as a group.** Official recognition would eliminate the obligation to prove individualized persecution in asylum cases.

- **Include details on the use of transnational repression in the information about countries of origin that is consulted during reviews of asylum applications.** Such information would raise awareness among migration officials and help to thwart improper extradition or repatriation requests made by repressive governments.

- **Build resilience against the use of spurious terrorism charges to distort host countries' asylum and extradition processes.** Fifty-three percent of cases of physical transnational repression involve accusations of terrorism, which allow origin states to exploit the security concerns of host states and persuade them to unjustly detain and deport targeted individuals. These accusations often tap into existing xenophobic and Islamophobic biases in host countries. Governments should review migration practices to identify areas where policies focused on combating violent extremism and terrorism effectively view people as potential security threats rather than potential victims and thus overlook the risk of complicity in transnational repression.

- **Fund civil society organizations that monitor incidents of transnational repression or that provide resources to targeted individuals and groups.** Ensure that civil society work on both digital and physical forms of transnational repression receives adequate and sustainable financing.

For civil society

- **Invest in digital hygiene trainings and make resources on digital security widely accessible to targeted communities, reaching beyond professional activists and journalists.** Where the community includes refugees, digital hygiene should be integrated into refugee resettlement programs. Digital hygiene training should include incident response planning, which allows people to prepare for the steps they should take if they suspect that their digital security has been compromised.

- **Continue to document incidents of transnational repression, analyze perpetrator states' tactics, and identify gaps in policy responses.** Civil society groups often have unique, on-the-ground sources of information and are a key point of contact for affected individuals. By sharing their data and analysis with the media and policymakers, they can improve public awareness and prompt more effective government action.

- **Develop programming for individuals affected by transnational repression, including social, psychological, legal, and immigration support.** Such support should be tailored to the needs of specific diaspora communities, and it should include both harm remediation and tools for pursuing accountability.

For UN member states

- **Recognize transnational repression as a specific threat to human rights** and work with like-minded governments to establish norms and develop multilateral responses.

- **Review and revise the protections that are offered to human rights defenders and other activists who engage with the UN to better address the risk of transnational repression.** The current safeguards have failed to prevent some governments from excluding, intimidating, or punishing dissidents when they attempt to participate in UN processes.

- **Establish a special rapporteur for transnational repression.** Existing rapporteurs and working groups lack the mandate required to provide a comprehensive picture of the problem.

For technology companies

- **Create a company-wide strategy to respond to transnational repression.** Raise internal awareness and provide training on the tactics of transnational repression to avoid unwitting complicity. Relevant policy areas may include but are not limited to content moderation, harassment, foreign influence operations, cybersecurity, and privacy. Companies should develop expertise in the languages of targeted communities, work with civil society to identify individuals who may be at risk of online threats or harassment, engage with such individuals or groups to understand their needs, and share best practices with peer companies.

- **Adopt secure protocols like end-to-end encryption for company products and expand special protections and safety settings for people who are vulnerable to transnational repression.** Companies should proactively notify users who are at risk of or have already suffered from digital attacks and offer resources on how to protect accounts. They should also cooperate with civil society to engage in outreach and draw more people into their digital hygiene programs.

- **Strengthen options for documenting transnational repression on digital platforms.** It should be recognized that documentation is often burdensome and traumatizing for individuals, but also crucial to civil society research and law enforcement activity. Consider giving people access to tools that allow them to filter, review, report, and document transnational repression in a convenient way. Develop internal means of documenting incidents that can be used to inform company policies. Any form of documentation should prioritize user privacy.

- **Publicly identify perpetrators of digital transnational repression and describe the methods and scale of their activity**, insofar as such revelations do not expose victims to further harm. Consider standardizing this reporting, for instance by including it in regular reports on transparency, human rights, or foreign influence operations.

About the Project

Defending Democracy in Exile: Policy Responses to Transnational Repression examines what is being done to protect exiles and diaspora members who are being intimidated and threatened by the governments from which they fled. This report assesses the responses put forward by the governments of countries where exiles and diasporas reside, by international organizations, and by technology companies.

It represents the culmination of the second phase of our research into transnational repression. It combines an analysis of the policies of nine host countries, interviews with members of diasporas targeted by transnational repression who reside in the United States, interviews with staff at technology companies, and data on 735 physical, direct transnational repression incidents that occurred between 2014 and 2021. With this report, we aim to advance the ongoing conversation among members of the general public, civil society, media, and policymakers on countering this practice.

Over a 16-month period, we developed an original methodology for evaluating policy responses to transnational repression, trained and collaborated with 16 in-country analysts to gather data, and held two roundtables to review and refine our findings and recommendations. Collaboration with academics and civil society researchers around the world was integral to the success of this project.

Yana Gorokhovskaia and Isabel Linzer led the project and cowrote the final report and eight of the nine country reports. Research Associate Bochen Han provided research support and wrote one country report. Intern Paulina Song helped to catalog and vet incidents for the transnational repression database. The project was made possible through the generous support of the National Endowment for Democracy.

Our data collection and coding methods can be viewed at https://freedomhouse.org/report/transnational-repression/about-acknowledgements. Data is available on request through the research@freedomhouse.org email account. Please use the subject line "Transnational Repression Data Request."

This report builds on the findings of Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression—the first global study of this dangerous practice—which Freedom House released in February 2021. The first phase of our research sprang from our engagement with academic researchers dedicated to examining transnational repression.

Finally, none of this would have been possible without exiles from Syria, Iran, Saudi Arabia, India, Egypt, Rwanda, Russia, China, Turkey, Vietnam, Equatorial Guinea, and Ethiopia who agreed to speak with us about their experiences of transnational repression. Their courage and resilience are an inspiration.

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