

“The International Dimensions of the New Transnational Repression”

Written Testimony before the Commission on Security and Cooperation in Europe
“Tools of Transnational Repression”

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Chairman Hastings, Co-Chairman Wicker and Members of the Commission,

Thank you for inviting me to testify about the topic of transnational repression as part of the hearing on reforming INTERPOL. I request that my written testimony be admitted into the record.

My aim today is to explain why autocrats are increasingly projecting their reach overseas and highlight how INTERPOL has become a weapon in their efforts to target exiled political opponents. The TRAP Act is a critical tool to safeguard human rights in the international policing organization and to provide principled leadership that counters alarming transnational trends.

What is Transnational Repression?

By “transnational repression” I refer to the targeting of co-national political opponents, civil society advocates, non-pliant business community members and journalists who reside abroad by governments and their internal security and intelligence services.

These extraterritorial acts of repression include, but may not be limited to:

- Coercive acts against political exiles by security services and their agents, including assassination attempts, disappearances, forced abductions and renditions back to the home country.
- Active monitoring, infiltration and disruption of diaspora and exile communities abroad.
- Harassment and intimidation of an exiled political opponent’s family members in the home state in order to deter political activities abroad.
- Restricting overseas travel and professional activities.
- Cooperation between the security services of a host and sending country to deny exiles due process and/or bypass legal proceedings that would determine eligibility for political asylum.

Transnational repression is certainly not new. Dictators across the globe historically have sought to extend their reach by targeting political opponents abroad—for example, following the 1917 revolution, Soviet security services were tasked with hunting down political exiles and emigres, including the operation, ordered by Stalin, that in 1940 assassinated Leon Trotsky in Mexico City.¹ Cooperation among authoritarian security services also has precedent, most notably the Operation Condor network under which six Latin American dictatorships in the 1970s targeted a common list of communists and political opponents throughout the continent.²

But the rise of this new wave of transnational repression—through the 2000s and 2010s—within the era of globalization does have some distinctive drivers and new dynamics.

Characteristics of Today's Transnational Repression: Exiles, Diasporas and IT

First, transnational repression is an outcome of the recent global backlash against democratization.³ The democratic optimism of the 1990s and early 2000s, when it appeared that democratic norms and practices were spreading irreversibly worldwide, has given way to the emergence of a more aggressive and savvy breed of autocrat. The so-called Color Revolutions of the mid-2000s in Eurasia and the Arab Spring in the Middle East have prompted authoritarians to reframe democratic opponents, civil society activists and even journalists as security threats intent on destabilizing and disrupting their autocratic rule. As political opponents flee these crackdowns, autocrats now aggressively pursue these exiles overseas in an attempt to deny them safe spaces from which they can organize, broadcast oppositional media and question their home government's legitimacy. Emboldened autocrats have taken advantage of overly broad counterterrorism and counterextremism measures to rebrand exiled political opponents as extremists, while dozens of countries have introduced new restrictions on the scope of activities and the foreign funding sources of civil society organizations,⁴ such as Russia's "Foreign Agents" (2012) and "Undesirable Organizations" (2015) laws.⁵

Second, globalization has created new diaspora communities of economic migrants. For example, since the early 2000s the authoritarian post-Soviet Central Asian states have sent millions of migrants to Russia. Though at first they may not be politically active in the affairs of their home states, over time and as they vie for protections, social rights and/or become

¹ Andrei Soldatov and Irina Borogan, *The Compatriots: The Brutal and Chaotic History of Russia's Exiles: Emigres, and Agents Abroad* (Public Affairs, 2019).

² Patrice J. McSherry, *Predatory States: Operation Condor and Covert War in Latin America* (Rowman & Littlefield Publishers, 2012).

³ Larry Diamond, Marc F. Plattner, and Christopher Walker, eds. *Authoritarianism goes Global: The Challenge to Democracy* (Johns Hopkins University Press, 2016).

⁴ International Center for Non-Profit Law, "Civic Freedom Monitor: Russia." At: <http://www.icnl.org/research/monitor/russia.html>

⁵ Darin Christensen and Jeremy M. Weinstein. "Defunding Dissent: Restrictions on Aid to NGOs." *Journal of Democracy* 24, no. 2 (2013): 77-91.

radicalized, these communities are perceived as threatening by authoritarian regimes. Cheap international transportation links and low-cost communications technologies allow for regular contacts and the transmission of information, ideas and values between economic diaspora and their home countries. Uzbekistan's former strongman President Islam Karimov, fearing their radicalization, viewed these diasporas with great suspicion, even as his security services cooperated with Russian counterparts to monitor them. Home countries may also actively exploit and intimidate their diasporas to ensure political loyalty and cultivate a network of embedded informants. For example, in Africa, the Eritrean government, with a large diaspora population in Europe and North America, has aggressively collected a so-called "diaspora tax," using the threat of withholding legal services as leverage in their collection efforts.⁶

Third, the rise of new digital and information technologies—including social media—offers new tools to the security services of authoritarians to monitor, survey and infiltrate beyond borders. Historically, information technologies were viewed as inherent facilitators of free speech and activism across borders. This assumption was reinforced by the important role played by social media in networking and organizing activist street protests during the Arab Spring of 2011-2012. However, authoritarians have responded by extending their control of the information space beyond their territorial borders and into transnational spaces used for anti-regime activities. Sociologist Dana Moss has shown how the Syrian government used new technological tools to survey the online communications and social media profiles of activist exiles in the United States and United Kingdom, disrupt and damage online platforms and anti-government websites, and intimidate outspoken regime critics with electronic messages and the collection of their personal information.⁷

Authoritarian Cooperation, Learning and the Breakdown of International Democratic Norms

New transnational repression is also taking place more openly in an international environment where liberal democratic norms are weakening. Autocrats are actively cooperating with one another and learning how to successfully repurpose international institutions to avoid international scrutiny and accountability for human rights abuses.

Some of this authoritarian cooperation has been formalized within international and regional organizations. For example, the Shanghai Cooperation Organization (SCO)—comprised of China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan and, since 2017, India and Pakistan—maintains a common blacklist of individuals and organization under the auspices of its Regional Anti-Terrorism Structure (RATS). Though the list is officially meant to target the "three evils" of extremism, terrorism, and separatism, in practice human rights organizations have noted that member country regimes use the SCO blacklist to deny each other's political

⁶ Nicole Hirt, and Abdulkader Saleh Mohammad. "By Way of Patriotism, Coercion, or Instrumentalization: How the Eritrean Regime Makes Use of the Diaspora to Stabilize its Rule." *Globalizations* 15, no. 2 (2018): 232-247.

⁷ Dana Moss, "The Ties that Bind: Internet Communication Technologies, Networked Authoritarianism, and 'Voice' in the Syrian Diaspora." *Globalizations* 15, no. 2 (2018): 265-282.

exiles and regime opponents regional safe harbor and asylum.⁸ In just one decade, the list of blacklisted individuals and organizations has exploded—from 15 organizations and 400 individuals in 2006, to 42 organizations and 1,100 in 2010, to 69 organizations and 2,500 individuals 2016—while courts in member countries— such as Kazakhstan— have cited the SCO Treaty as the legal basis for extraditing political asylum-seekers and exiles back to countries that routinely practice torture.⁹ A former UN special rapporteur on Counterterrorism and Human Rights publicly voiced concern about the organization’s overly broad definition of the “three evils,” its practice of unconditional extradition, and its opaque data-sharing and classification practices.¹⁰

Authoritarians and their security services are also informally cooperating and emulating one another’s successful repressive tactics. Over the last few years, China has pressured governments as far afield as Egypt, Cambodia, Kenya and Thailand to deport asylum-seeking Uighurs. At the same time, as part of an aggressive global anti-corruption campaign, China has sent operatives overseas to harass economic fugitives, while pressuring their family members back in China to persuade them to return.¹¹ As you will hear in more detail, Turkey has conducted overseas security operations against regime opponents in Kosovo and attempted, with mixed success, to leverage its economic and cultural ties to the Central Asian states to demand the closure of Gülen-affiliated schools and the extradition of anti-regime critics. And even the usually reliably democratic country of Georgia appears to have succumbed to pressure from its more powerful neighbor Azerbaijan by allowing, and even assisting in, the abduction of journalists and dissidents from within its territory.¹²

⁸ International Federation for Human Rights, “The Shanghai Cooperation Organization: A Vehicle for Human Rights Violations.” Paris: 2013. At: https://www.fidh.org/IMG/pdf/sco_report.pdf; and Human Rights in China, “Counter-Terrorism and Human Rights: The Impact of the Shanghai Cooperation Organization.” New York, March 2011. At: <https://www.hrichina.org/en/publications/hric-report/counter-terrorism-and-human-rights-impact-shanghai-cooperation-organization>

⁹ Alexander Cooley and Matthew Schaaf, “Grounding the Backlash: Regional Security Treaties, Counternorms, and Human Rights in Eurasia.” In Stephen Hopgood, Jack Snyder and Leslie Vinjamuri, eds. *Human Rights Futures* (Cambridge University Press, 2017): 175-78.

¹⁰ Martin Scheinin, Testimony to the Tom Lantos Human Rights Commission of the United States House of Representatives. 15 April 2011. At: <https://humanrightscommission.house.gov/sites/humanrightscommission.house.gov/files/documents/Testimony%20Scheinin%20120411.pdf>

¹¹ Mark Mazzetti and Dan Levin, “Obama Administration Warns Beijing about Covert Agents Operating in the United States” *New York Times* August 16, 2015.

¹² Freedom Now, “Repression beyond Borders: Exiled Azerbaijanis in Georgia.” Brussels, Washington D.C. and Tbilisi, 2017. Available at: <http://www.freedom-now.org/wp-content/uploads/2017/09/Repression-beyond-Borders-Exiled-Azerbaijanis-in-Georgia.pdf>

The watering down of international human rights protections and practice of granting political asylum is part of a steady erosion of clear standards of permissible international conduct within the OSCE area. Authoritarian global media outlets like RT and CGTN compete with Western counterparts to frame news coverage. Government-funded non-governmental organizations (GONGOs) drown out the critical voices of actual democratic watchdogs and civil society monitors. Regime friendly-election monitors from the SCO and the Commonwealth of Independent States (CIS) praise obviously flawed elections while diverting attention from the assessments of more critical international observers. We are witnessing a similar erosion of international human rights safeguards as authoritarians have become increasingly adept at rebranding even the most vulnerable opponents abroad as security threats. They target the motives and credibility of the messengers, especially international journalist and activists, who report and document human rights abuses. And they hire Western public relations firms, law firms and lobbyists in an attempt to whitewash their autocratic reputations.

Transnational Repression and Interpol Reform

In these renewed efforts to go after political opponents in exile, INTERPOL has become both an arena for countries to contest the politicization of international law enforcement, as well as a weapon wielded by autocrats against their political enemies abroad.

INTERPOL actions or “alerts,” especially the issuing of “Red Notices” and diffusions, have been at the center of efforts by autocrats to misuse the international police organization. Red Notices refer to the electronic warnings issued by Interpol’s General Secretariat—at the request of a member government—to ascertain the location of a wanted criminal for the purposes of detaining and extraditing them to stand trial in the home country. “Diffusions” are the requests for international law enforcement cooperation sent by member states to all or a selected group of INTERPOL members to assist in the restriction, detention or arrest of an individual who has been criminally convicted or accused of a crime. According to INTERPOL’s own constitution, international police cooperation is promoted “in the spirit of the Universal Declaration of Human Rights” (Article 2), while members are strictly prohibited by Article 3 from undertaking “any intervention or activities of a political, military, religious or racial character.” The latter is also known as the “neutrality clause” and meant to safeguard the alert system from being abused for political purposes.

In practice, however, authoritarian governments have increasingly violated the neutrality rule by designating exiled political opponents as wanted criminals or terrorists. Over the last two decades, INTERPOL has seen an explosive growth in alerts, increasing almost ten-fold from 1,418 in 2001 to 13,561 in 2018- for a current total of over 58,000 active notices worldwide (about 7,000 of which are public).¹³ Improvements in informational technology that have eased listing have contributed to this growth, but authoritarian governments have also found that taking

¹³ 2001 from Amy Mackinnon, “The Scourge of the Red Notice,” *Foreign Policy* December 3, 2018. At: <https://foreignpolicy.com/2018/12/03/the-scourge-of-the-red-notice-interpol-uae-russia-china/>; 2018 data and current cumulative data from INTERPOL website. INTERPOL, “Red Notices.” At: <https://www.interpol.int/en/How-we-work/Notices/Red-Notices>

advantage of the alert system, as Steve Swerdlow of Human Rights Watch has noted, is a “low-cost” way to export repression and extend the geography of their autocratic reach.¹⁴

In general terms, the most abusive governments of the INTERPOL system are autocracies that routinely engage in transnational repression. Some attention has been given to the high volume of alerts issued by the governments of Russia and China, but autocrats in smaller countries also appear to be abusing the organization. For example, Political Scientist Edward Lemon’s research has shown that the small Central Asian state of Tajikistan has issued 2,528 Red Notices, including targeting the leadership and members of the country’s political opposition parties, including Muhiddin Kabiri, the leader of the Islamic Party of Tajikistan which once shared power with the government but was subsequently banned in 2015.¹⁵ The Central Asian states routinely place Red Notices on exiled regime insiders, representatives of opposition parties, and prominent civil society leaders and regime critics.¹⁶

Importantly, the repressive effect of INTERPOL abuse does not just hinge on whether a political opponent is successfully extradited. In most democracies, properly functioning judicial systems tend to, eventually, weed out the obvious politically motivated extradition requests. However these alerts still have devastating consequences on targeted individuals: they disrupt their professional and personal lives; they can prevent them from travelling or lead to unexpected detentions in third countries; they incur costly legal bills and consume time as listed individuals await their court hearings; and they make it difficult for listed individuals to conduct banking and other financial transactions. Moreover, governments use the very act of listing to tarnish the reputations of exiled targets in the media and public sphere, intimidate their family members still residing in the home country, and confiscate their properties and businesses.¹⁷ Nadejda Atayeva, now a human rights defender with refugee status in France, remained on the Red Notice list for over 15 years— after she was accused by the government of Uzbekistan of an economic crime along with other family members and later convicted in absentia. This greatly hampered her advocacy work and travel as she assisted hundreds of Uzbeks with their refugee requests. She finally managed to have to designation removed after a protracted legal process.

Journalists and advocacy organizations, most notably Fair Trials, have spotlighted many of INTERPOL’s abuses,¹⁸ and the organization has introduced some reforms since 2015, but the organization’s continued lack of transparency makes it difficult to assess the progress of its

¹⁴ Quoted in Mackinnon, “The Scourge of the Red Notice.”

¹⁵ Edward Lemon, "Weaponizing Interpol." *Journal of Democracy* 30, no. 2 (2019): 15-29.

¹⁶ Alexander Cooley and John Heathershaw, *Dictators Without Borders: Power and Money in Central Asia* (Yale University Press, 2017).

¹⁷ Cooley and Heathershaw, *Dictators Without Borders*, pp. 187-219.

¹⁸ Fair Trials International, "Strengthening Respect for Human Rights, Strengthening INTERPOL," November 2013. At: www.fairtrials.org/wp-content/uploads/Strengthening-respect-for-human-rights-strengthening-INTERPOL4.pdf

reform efforts and hold its leadership to account. The TRAP Act would provide much-needed basic data about which member states issue notices and in what frequency. It would shed light on how INTERPOL's own independent oversight boards— the Commission for the Control of INTERPOL's Files (CCF)— adjudicates complaints of abuses and which member states are the most frequent violators. This will in turn allow other member governments, activists and the media to identify and track obvious abuses of the international policing network. Finally, it will help ensure that politically-motivated abuse of INTERPOL is kept in check and deter other authoritarians from misusing the organization.

Although it may not be realistic for the United States, or any country, to check all of the malevolent transnational activities of autocrats and their foreign security services, the TRAP Act would send a powerful signal about the importance of maintaining clear international standards against the politicization of our most important international organizations. Autocracies will not have a free hand to refashion international organizations and redefine basic human rights standards and critical political protections.

Thank you for your attention.