Global Purge: Understanding and Responding to Transnational Repression

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Introduction

Chairman Hastings, Co-Chairman Wicker, and members of the commission, it is an honor to testify before you today. I ask that my full written testimony be admitted into the record.

Transnational repression, or the persecution of exiles by their origin state, is a practice that shapes politics and activism around the world. By targeting exiles, governments seek to extend their control over their citizens even when they leave their territory. As technology and travel have made it easier for people to leave their countries yet remain in contact with their homelands, authoritarian states in particular are treating exiles as still subject to their rule even once they have left their territorial jurisdiction.

And it works. By raising the cost of even the most mundane political activity like commenting on a Facebook post, transnational repression changes how and even whether citizens engage in activities with potential political meaning. This shuts down another pathway for democratic change—and that is why states use it.

The Turkish case

I began focusing on this issue in my work at Freedom House after the July 2016 coup attempt in Turkey. In response to the coup attempt, the Turkish government embarked on a global campaign against those it held responsible, principally members of the Gülen

movement. Using an expansive guilt by association approach, Turkey designated anyone associated with the movement as part of a terrorist organization, and it aggressively pursued them around the world. Turkey uploaded tens of thousands of requests for detention into INTERPOL. It cancelled the passports of thousands of people who were outside the country, refused to renew the passports of others, and refused to issue passports for some Turkish children born outside the country in order to try and get their parents to return to Turkey where they could be arrested.

Most strikingly, Turkey physically brought back 104 Turkish citizens from 21 countries, according to its own official statements. At least 30 of those were kidnappings, with citizens taken from abroad without any legal process whatsoever—in some cases, people pulled off the streets of foreign cities and bundled onto private jets linked to Turkey's intelligence agency. Dozens of others, including many registered asylum-seekers, were unlawfully deported to Turkey. In one well documented case, the kidnapping of six Turkish citizens from Kosovo, one of the men Turkey took was the wrong person—a different Turkish citizen with a similar name. The wrong man remains imprisoned in Turkey anyway.

The Turkish example since 2016 is striking and useful to study for several reasons: because it is so concentrated in time, because it is so aggressive, and because it uses so many different tactics. But transnational repression is universal. Freedom House has just embarked on a new study of transnational repression that will document its scope and scale around the world since 2014. Even as data collection is far from complete, already we have identified at least 208 cases of violent transnational repression in the last seven years targeting exiles from 21 countries. And we know there are hundreds more waiting to be identified.

Documented cases range from Saudi Arabia's murder of Jamal Khashoggi in Istanbul, to Azerbaijan's kidnapping of journalist Afgan Muxtarli from Georgia, to the disappearance of Thai activists from Laos, to the mass detention and deportation of Uighurs, Tibetans and Falun Gong practitioners to China from a range of countries. Although our focus today is on

the OSCE region, we should not overlook the fact that this is a truly global phenomenon—a global purge, if you will.

Transnational repression occurs in all parts of the world and affects activists and even apolitical exiles everywhere they live, including the United States. Just recently the Uighur Human Rights Project has published a new report on intimidation and surveillance of the Uighur diaspora in the United States. This is an issue that affects citizens and residents in our country as well.

Recommendations

The political scientist Yossi Shain in his seminal book *The Frontier of Loyalty* laid out a three-part test for why states would engage in persecution of exiles. The three parts are:

1) A regime's **perception of the threat** posed by exiles
2) A regime's **available options and skills** for suppression through coercion
3) A regime's **cost-benefit calculations** for using coercion

Authoritarian regimes fundamentally see their citizens as subjects to be ruled instead of voices to be heeded: for this reason, any kind of political engagement is taken as a threat. There is nothing we can do to change that first part of the equation. **To reduce transnational repression, then, the United States needs to focus on the second and third parts:**

1. First, it needs to **blunt the tools of transnational repression**, or in Shain's vocabulary, weaken the "available options and skills" that a regime has for engaging in transnational repression. There are several ways to do this:
   o As other panelists will describe, INTERPOL has become a tool of transnational repression. The currently proposed **Transnational Repression Accountability and Prevention (TRAP) Act would help reduce the possibility of INTERPOL abuse.** This is a welcome piece of

legislation and I'm sure we will discuss in the panel this and other ways to counter INTERPOL abuse in the United States.

- o Another tool of transnational repression is commercially available spyware, which has been deployed against exiles by countries like Saudi Arabia and China. The UN Special Rapporteur for freedom of expression David Kaye has called for tighter regulation of surveillance exports and a full moratorium on the export of spyware. The new Draft U.S. Guidance for the Export of Surveillance Technology prepared by the Bureau of Democracy, Human Rights and Labor is a welcome step in that it places human rights due diligence at the center of the guidance. Now comes the work to translate the guidelines into **mandatory regulations governing export of spyware, including those that carry penalties for violations**. We cannot rely on industry to self-regulate in this area.

2. Second, the US needs to **reduce the benefit** of engaging in transnational repression:

- o The best way to do this is by **supporting targeted diasporas**, especially in the United States. There are two current pieces of legislation focused on China's persecution of Uighurs that include measures to **increase protection of the Chinese diaspora in the United States** (HR 649 and HR 1025). These are positive bills and we hope a reconciled version will pass. In addition, Congress should pursue separate legislation to **support all vulnerable diaspora communities in the United States**, including by providing additional resources that would strengthen the ability of the FBI and appropriate United States law enforcement entities to counter transnational repression campaigns. Congress should also **make resources available to educate local law enforcement and immigration authorities** in parts of the country where there are high concentrations of particularly vulnerable diasporas.

- o Outside of the United States, the US can reduce the benefits of transnational repression by **supporting "shelter" models** that strengthen the resilience of exiled activists and journalists. These shelters provide short and long-term assistance so that activists can recover from persecution, continue their activism, and make a difference even if they are forced to remain abroad. The US should work closely with its democratic allies around the world to build political will to support shelter projects and persecuted individuals.
- o The United States should also show leadership by providing safe haven to persecuted individuals. **Instead of reducing the number of refugees the United States accepts, we should significantly increase it instead.**

3. Third and finally, the US needs to **raise the cost** of engaging in transnational repression:

- o On the diplomatic front, the US should make **a consistent practice of issuing private and where necessary public protests** to diplomats and consular officials who abuse their position to intimidate, threaten, or otherwise undermine the rights and freedoms of exiles and members of diasporas in the United States.
- o The United States should also **sanction individuals responsible for grave human rights violations against exiles**. As we see clearly in the cases of Saudi Arabia and Turkey, transnational repression campaigns are matters of state, often run by designated intelligence units that target exiles and diasporas. The United States should identify individuals and units involved in violent transnational repression and sanction them, using the Global Magnitsky Act, Section 7031(c) of the FY19 appropriations bill, or other authorities as appropriate. Especially where the persecuting state is a US ally, units and individuals should be scrutinized to ensure that they do not receive security assistance. **And**

where US criminal law applies, the US should investigate and prosecute officials and proxies who engage in transnational repression.

Conclusion

In a world that has been shrunk by technology, neither activism nor authoritarianism respect traditional state boundaries. The growth of transnational repression is a logical consequence of technology making it easier for activists to speak to fellow-citizens from abroad, and easier for states to attack them. But just because it is a part of our world doesn't mean we have to accept it. The United States and other democracies have the ability and the responsibility to blunt the tools of transnational repression and to protect vulnerable exiles.