

Unsafe in America: Transnational Repression in the United States



In July 2021, the Department of Justice revealed a kidnapping plot against Masih Alinejad, an Iranian journalist and women’s rights activist who has lived in the United States since 2009. According to the criminal indictment, agents of the Iranian government hired a private investigator to track her and her family’s movements in New York. They researched ways to abduct her, including hiring a high-speed boat that could transport her from the Brooklyn waterfront to Venezuela, and then on to Iran.¹ Iranian authorities had already forced Alinejad’s sister to denounce her on state television in Iran and imprisoned her brother.² They also tried to pressure her family into convincing her to come to Turkey in an effort to set a trap for her. When the threats from afar, pressure on her family, and schemes to lure her to a third country did not work, Iran hired a private investigator to watch Alinejad. Just a year prior, the Iranian regime had successfully lured another journalist, Ruhollah Zam, into traveling from France to Iraq, from where he was kidnapped, returned to Iran, and executed.³

A Tibetan monk participates in a demonstration in front of the White House in Washington, DC, on February 13, 2012. Photo credit: Jewel Samad/AFP via Getty Images.

Autocrats cast a long shadow onto America's soil. Alinejad's experience, although shocking, is not isolated. Attacks against foreign dissidents living in the United States have taken place since at least the 1950s, but operations by foreign intelligence agents have significantly intensified in recent years. The governments of Iran, China, Egypt, Russia, Rwanda, Saudi Arabia, and other states are increasingly and more aggressively disregarding US laws to threaten, harass, surveil, stalk, and even plot to physically harm people across the country.

Far from being a foreign problem, transnational repression impacts the lives and freedoms of people living in the United States.

By reaching across national borders to silence dissent, these governments are engaging in transnational repression. Potential targets of transnational repression in the United States include people who support human rights and democracy in their former homelands, and those who advocate for the well-being of friends and family they left behind.⁴ Far from being a foreign problem, transnational repression impacts the lives and freedoms of people living in the United States. It violates their right to privacy, free expression, and free movement. The violence and harassment directed by authoritarian governments is not just

a problem for the targeted individuals. Hindering their rights and freedoms has direct consequences for the quality of America's democracy and institutions.

Authorities, particularly at the federal level, are increasingly aware of the threat of transnational repression within the United States, and have taken steps to prevent the worst of it: assassination attempts, rendition, and assault. However, property damage, stalking, and intimidation still occur, causing severe disruption to people's lives. The Departments of Homeland Security, Justice, and State, as well as the Federal Bureau of Investigation (FBI) are part of a recently launched "whole-of-government" approach to this issue, which is being coordinated by the National Security Council. Significant effort has been expended to make federal law enforcement practices more responsive to the threat of transnational repression, deploy targeted sanctions to hold perpetrators accountable, and prosecute those engaging in the most aggressive campaigns. Important action has also been taken by Congress, including passage of legislation to help end the authoritarian practice of misusing Interpol to target critics.

However, more remains to be done, especially with regard to America's immigration system, which is overwhelmed, understaffed, and vulnerable to exploitation by foreign governments. The costs of security cooperation and arms trade between the United States and governments that perpetrate transnational repression have also largely escaped scrutiny. The next phase in addressing the threat of transnational repression must ensure that America's own institutions and practices cannot be easily co-opted by authoritarian states seeking to harm political exiles and diasporas.

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Exporting authoritarianism: The effects of transnational repression in the United States

For this report, Freedom House interviewed 12 people living in the United States—citizens, permanent residents, and asylum seekers—who were targeted by foreign governments. Some of the people interviewed received threatening messages via phone calls and texts, or online. Others were surveilled at home or at work by people they suspected of working for foreign governments. Their family members abroad were intimidated. They were approached in public spaces or at events by strangers who urged them in menacing terms to stop their activism, or attempted to record them secretly. In at least one case, a targeted individual's private property was damaged. Although their experiences varied, transnational repression—especially when involving multiple tactics—stripped away an individual's sense of security. People experienced what one US-based Saudi activist described as “psychological and emotional warfare;”⁵ an avalanche of threats, leaving their days consumed with worry about the security of their family at home and vulnerable relatives abroad.

Unsafe, even at home

Transnational repression engenders a deep sense of insecurity in the people who experience it. Claude Gatebuke, a Rwandan activist, received many threatening online, text, and phone messages since he began his activism against the regime of President Paul Kagame in the mid-2000s. Some messages called him a “traitor” or a “liar.” Others warned that he would be physically hurt. Some, including “We know the bullet that’s going to take you out,” left a lasting impression.

Sardar Pashaei, a former champion wrestler and coach from Iran, started a campaign to save a fellow wrestler, Navid Afkari, back in Iran from a death sentence in 2020. The young man was accused of murder and participating in protests. Forced to confess under torture, he was eventually executed. Pashaei's support of his fellow athlete and his outspokenness about the discrimination that minority and female athletic competitors face in Iran has spurred reprisals by Iranian authorities. Pashaei's elderly parents and teenage niece in Iran have been repeatedly threatened and warned about the consequences of his activism. He has noticed strange men watching his home in Virginia. Pashaei knows that other Iranian activists living in the United States had been warned by the FBI that they are in danger of being kidnapped by the Iranian state. The looming

threats have affected Pashaei's daily life. He is worried about the safety of his immediate family. “When you don't feel safe in your house in the US, that's a disaster. That's a shame... Where else on this planet should we go to feel safe? Because all our friends, they are dreaming of coming to the US. But now, nobody feels safe.”

Intrusions into people's private lives and homes are both disturbing and common. Samuel Chu, a Hong Kong-born American activist noticed a drone hover outside the windows of his home, apparently looking through his windows with a camera. Another activist targeted by China told Freedom House that people in vehicles were surveilling the office building as her organization was moving into it.

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—Sardar Pashaei, Iranian-American activist

A Saudi activist campaigning for the release of a family member held by Riyadh explained how the unending wave of threats have made her hypervigilant. “This is my self-alarm. I have to be very careful wherever I go, even in the US. If I see anything or anyone suspicious, I always try to be careful. This is the sense of feeling unsafe because of all of the threats, being monitored, being stalked by the Saudi government. It's all basically to silence our voices.”⁶

Mohamed Soltan, an Egyptian-American who grew up in the Midwest, was imprisoned in Egypt for two years for participating in protests that followed the military coup against President Mohamed Morsi in 2013. Soltan, who was released from prison in 2015, continued his activism in the United States, most recently by filing a suit against the Egyptian authorities for torturing him during his imprisonment.⁷ In retaliation, Egyptian authorities have imprisoned Soltan's father and cousins.⁸ They have also threatened him online, formally requested his extradition, and

even sent agents to the United States to collect information on him. Reflecting on his experience, Soltan said, “How emboldened must they [the Egyptian authorities] feel to do things on US soil? How empowered must they feel? What sense of impunity must they have?”

The effects of transnational repression on rights and freedoms

Being targeted by authoritarian governments employing tactics of transnational repression transforms people’s lives in both small and profound ways. It has professional, personal, and psychological consequences. It also has wider social impacts that threaten democratic processes within the United States.

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Most directly, being subjected to tactics of transnational repression—specifically harassment, surveillance, and intimidation—changes the way people communicate with friends, family members, and professional associates in their home countries. Some simply stop communicating all together. Sherry, a Falun Gong practitioner whose China-based family and business have been threatened by Chinese authorities, said, “I don’t call my parents anymore. I think it’s for the best, until things calm down a little bit...If you have to cut ties, that’s fine. If I keep calling, it’s not going to be good for them.” After Chinese authorities issued an arrest warrant for Samuel Chu accusing him of inciting secession by advocating for democracy in Hong Kong from abroad,⁹ communication with his family overseas became dangerous. “I haven’t talked to really anybody directly in my family since the arrest warrant,” he said. Chu also expressed concern about people around him uninvolved in activism but who may experience repression as a second-order effect because of Beijing’s ever-expanding dragnet targeting dissidents like him: “There’s a wide web of people I feel responsible for...and so I think that that is probably what weighs on me the most.” As Chu said, “This endangers other individuals because there’s really not much that they [China] can do to me.”

Some people continue to communicate, but only in coded ways. An asylum seeker currently living in the United States who has campaigned for the release of family members imprisoned in Saudi Arabia described speaking to her mother using code: “I talk to my mom every day,” she said, “but if we talk about my advocacy in the US, we talk about me speaking about environmentalism in Maine.”¹⁰ Others maintain lines of communication but avoid potentially dangerous topics to try to keep their interlocutors safe. One academic from Indian-administered Kashmir said, of contacts in Kashmir: “Whenever I call my family members there, it’s just ‘Hi, hello, how are you? How is everyone there?’ We don’t talk about anything. I don’t ask my friends or colleagues about things that are happening there because so many journalists and human rights defenders have gotten detained.”¹¹

Being targeted by a foreign government also places real limitations on people’s ability to travel internationally for work, pleasure, or to see family. In *Out of Sight, Not Out of Reach*, Freedom House described the way that autocratic states leverage their control over government-issued documents to coerce and control citizens.¹² But even for those who have obtained US citizenship or permanent residency and therefore no longer rely on their origin-country passports, travel can be dangerous. In August of 2020, Paul Rusesabagina, a US permanent resident and well-known Rwandan activist, was apprehended while he was travelling from the Middle East when the private plane that he thought was flying to Burundi landed in Rwanda instead.¹³ Rusesabagina was later convicted of terrorism and sentenced to 25 years in prison in a seriously flawed and highly politicized trial where he was refused access to evidence and to his own lawyer, and during which President Kagame publicly denounced him as a criminal.¹⁴

In addition to making international travel unsafe, transnational repression cuts off targeted individuals from entire regions of the world. Members of diasporas that Freedom House spoke to expressed deep reservations about traveling and being identified in many countries they felt were unsafe. A Saudi activist feared traveling: “I know that anywhere in the Middle East is off limits for me. I can’t go anywhere...even places like North Africa. I would love to go [there], but I’m scared.”¹⁵ She had been badly shaken by the experience of being surveilled and followed in a European city after traveling there to attend a human rights conference in 2019. Others noted that they would not travel to countries that neighbored origin states or had friendly diplomatic relations with those states. More than an inconvenience, this limitation deprived people of mobility and the opportunity to see their families and friends.

In their pursuit of activists, autocrats seek to infiltrate, sow division, and introduce suspicion in diaspora communities. The recruitment of informants, whose primary purpose is to collect information, has the effect of isolating people from others who share their language or cultural traditions and on whom they rely for community. The possibility that members of their community are working for the Chinese state leads many Uyghurs—a group that has been relentlessly targeted by Chinese officials for decades, and for whom repression in China has intensified dramatically since 2017—to maintain their distance from each other in the United States.¹⁶ Mustafa Aksu, a Uyghur who lives in Washington, D.C., observed that concerns about infiltration in the community stoke fears about how activism in the United States, even quiet, community-based work, can make the situation of people’s relatives back in China worse.¹⁷ Another Uyghur, Ferkat Jawdat, who has vocally campaigned on behalf of his family in China, noted: “In the community, some people have moved away because they are worried that others may be passing some news or information to China.” These fears of infiltration are not unfounded. There are documented cases where members of the Uyghur diaspora were pressured to act as informants while abroad.¹⁸ Beijing’s efforts in the United States are also not limited to Uyghurs; authorities also pursue Hong Kongers, Tibetans, Falun Gong practitioners, people accused of financial crimes, and critics of the authorities more broadly. In 2020, an ethnically Tibetan New York City police officer was charged with acting as an illegal agent of the Chinese government and trying to collect information on New York’s Tibetan diaspora.

In addition to affecting people’s individual rights and freedoms, transnational repression is increasingly threatening the democratic processes of the United States. In March 2022, the FBI unsealed criminal indictments that included charges against a member of China’s Ministry of State Security, who had hired a private investigator in New York to collect information on a former 1989 Tiananmen Square protest leader who was running for a seat in the US House of Representatives. The Chinese agent sought information that would damage the candidate’s political career. Failing that, he suggested to the private investigator that damaging information could be manufactured or that the candidate could even be physically attacked to prevent

him from participating in the election.¹⁹ The goal, as detailed in the indictment, was to stop the candidate from “drawing attention to himself or his political speech.”²⁰ This marked a new and strikingly bold attempt to stop criticism of a foreign state by an American citizen in the United States, and is emblematic of China’s expanding and aggressive campaign of transnational repression that targets many diverse diasporas from Uyghurs to Hong Kongers and Han Chinese dissidents.

The resilience of activists, dissidents, and political exiles in the face of transnational repression is striking.

Activists uncowed, but in need of support

The resilience of activists, dissidents, and political exiles in the face of transnational repression is striking. Samuel Chu summed up his decision to continue his work despite harassment by the Chinese government in this way: “It’s not because I think I’m braver or more courageous than anybody else. It’s just that I knew what I needed to do to build an organization.” Despite the emotional toll that repression has taken on the individuals Freedom House spoke to, no one had stopped their activism. Many hoped that the US government would do more to help them.

Ferkat Jawdat has been campaigning for his mother to be allowed to leave Xinjiang and join the rest of her family in the United States for years.²¹ A father of three, he knows what it is like for a parent to be unable to see their children. Jawdat continues his work, but he struggles with what to say to his mother: “Every time I call her, I don’t know what to say...It could be easy for the State Department...They can say [to China] ‘Our door is open. Just let her go.’” While it may not always be that simple, Jawdat expressed a common sentiment among interviewees, that the US government should more actively protect targets of transnational repression.

US action on transnational repression

Over the last several years, the US government has taken concrete steps to counter malign acts by foreign governments through new security measures and foreign policy tools. The Justice Department, its FBI, and the Departments of Homeland Security and State have been key actors in the response, which includes efforts to track incidents, publicize information about tactics, and issue indictments. Despite this strong action, gaps remain. Specifically, the United States lacks laws tailored to combat transnational repression, and the immigration system is ill-equipped to provide protection for vulnerable individuals. Foreign policy tools such as sanctions and visa bans can be further refined and strengthened in order to significantly raise the cost of transnational repression for perpetrators.

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Rising awareness

A lack of awareness is a key obstacle for governments in responding to transnational repression. Without a comprehensive understanding of how, why, and how often autocrats target individuals inside a particular country, attacks against foreign dissidents tend to be treated as ordinary crimes by law enforcement. Patterns of incidents can be overlooked if data is not systematically collected, making changes to policy and practice unlikely. And targeted diasporas can remain disconnected from resources available to them that can offer protection or recourse.

In the United States, awareness of transnational repression is rapidly growing among federal law enforcement, as are efforts to track the phenomenon and engage with diasporas. The FBI, which is responsible for domestic intelligence, has instituted processes to categorize records of crimes reported to its

National Threat Operations Center that fit known tactics of authoritarian targeting, such as harassment, assault, threats, and stalking, as incidents of transnational repression. In order to make this process possible, the FBI has adopted a definition of transnational repression and created new training for staff that will help call takers identify incidents. The training will eventually extend to local law enforcement. Though still in the early stages of deployment, this effort to compile information on the experiences of those targeted by foreign states will help inform other measures to protect victims and hold perpetrators accountable.

These internal changes have been accompanied by efforts to engage with the public. In March 2022, the FBI launched a website explaining what transnational repression is, providing examples of the forms it can take as well as information on how to report incidents.²² Since August 2021, the FBI has also published two unclassified counterintelligence bulletins about the threat of transnational repression. The first was specifically designed to inform the Uyghur community 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.”²³ The second bulletin highlighted how governments of other countries, including Iran, Saudi Arabia, and Rwanda, engage in transnational repression in the United States.²⁴

Outreach to vulnerable communities is a good way of building resilience against transnational repression. However, the FBI faces serious obstacles in encouraging reporting, especially by communities made up of noncitizens, people of color, and those who may have suffered repression at the hands of security agencies and police in other countries. These communities may lack trust in the FBI for well-founded reasons.

Concerns have been raised for years by civil liberties groups about surveillance programs, including social media monitoring, run by federal and local law enforcement agencies in the United States that allegedly focus on visa applicants, as well as members of religious, racial, and ethnic minorities.²⁵ Recent reports of the FBI acquiring and testing software made by the NSO Group, which has been implicated widely in the surveillance and hacking of activists and journalists by authoritarian countries, are likely to underscore these concerns.²⁶

Unease created by fears of surveillance may intersect with concerns about how the collected information could potentially be used. Some diaspora members interviewed by Freedom House noted suspicions that contact with US law enforcement may place them in more, not less, danger: “Part of the reason why people won’t speak up is because they know the government of Rwanda has a very tight relationship with the US government, and sharing information, they think they’re telling on themselves,” said Gatebuke, the Rwandan-American activist. These issues could impede the FBI’s efforts at informing vulnerable diasporas about the threat of transnational repression and the resources that are available to them.

Lacking lawful status, some in targeted communities will not report transnational repression

Another significant obstacle to tracking transnational repression, which cannot be overcome by greater awareness of the threat among law enforcement, is the precarious legal status of the people targeted by it. The case of the Uyghurs seeking asylum in the United States exemplifies this issue. The US government has called the campaign against Uyghurs in Xinjiang, which includes forced sterilization, mass internment camps, and surveillance, a “genocide” and “crimes against humanity.”²⁷ Uyghurs living outside of China also face an array of repressive tactics. They are targeted for detention and deportation through Interpol²⁸ and through cooperation between the Chinese government and friendly counterparts.²⁹ They are heavily surveilled.³⁰ Their families are threatened.³¹ And they are intimidated via phone calls and online abuse.³² While Uyghurs who experience transnational repression in the United States can contact local or federal law enforcement, some may hesitate to do so because they lack lawful immigration status.

In the last two years, the United States has not admitted any Uyghurs through its refugee resettlement program.³³ This is for two main reasons. First, Beijing has made it extraordinarily difficult for Uyghurs to leave China by denying them passports and exit paperwork, and few Uyghurs are able to apply through the United Nations for asylum while in China. Second, the United States has greatly restricted the number of refugees it accepts for resettlement. Refugee admissions were reduced substantially under President Trump, shrinking from 85,000 the year he took office to 11,800 the year he left. And although the Biden administration promised to increase refugee resettlement, only 11,400 refugees were admitted to the United States during his first year in office, in 2021.³⁴

Uyghurs already in the United States are facing obstacles to gaining protected status as well. Those who applied for asylum after entering the country lawfully as students, workers, and to visit family members³⁵ are spending years—sometimes as many as 7 years—in legal limbo as their asylum cases work their way through an extremely stressed and dysfunctional immigration system.³⁶ US Citizenship and Immigration Services (USCIS) has an unprecedented multimillion backlog of cases. Processing these cases has been exacerbated by the COVID-19 pandemic, which strained service delivery, while strategic changes to immigration policies under President Trump directed resources away from the processing of asylum claims toward processing expedited removals.³⁷

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As of the end of 2020, there are more than 386,000 pending applications for affirmative asylum in the United States.³⁸ Affirmative asylum claims are made by people who are not in removal proceedings and are proactively seeking protection from persecution within the United States. Uyghurs and others affected by this backlog remain at risk of deportation as they wait for their cases to be adjudicated. This lack of security seriously deters their ability to engage in activism and can also discourage contact with law enforcement. “There is a fear [while you wait for asylum] that you don’t belong anywhere yet. You are still a Chinese citizen...maybe your passport is already expired. And if it is, you don’t belong to any country anymore,” said Jawdat.³⁹

The timely processing of asylum applications is one of the central priorities of the Uyghur diaspora. Without lawful permanent status, targets of transnational repression remain especially vulnerable to the reach of authoritarian governments.

Foreign agents and transnational repression

In a positive step forward, the Department of Justice has begun to issue indictments against individuals in connection with incidents of transnational repression. The first such indictment was in response to the Chinese government's Operation Fox Hunt, which sought to surveil, harass, stalk, and intimidate individuals living in the United States in order to compel them to return to China.⁴⁰ This campaign was a brazen attempt by Beijing, as FBI Director Christopher Wray said at the time, to impose its own laws and security practices on the territory of the United States.⁴¹ Other indictments against individuals linked to the Iranian and Egyptian regimes followed. With two exceptions,⁴² all of the indictments include charges of acting or conspiring to act as an unregistered agent of a foreign state.

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The United States has two laws regulating foreign agents. Political activity is covered under 22 U.S.C. Section 611, the Foreign Agents Registration Act (FARA), and nonpolitical activity on behalf of a foreign state is covered by 18 U.S.C. Section 951. Although these two laws have been applied in cases of transnational repression, they are imperfect tools in countering authoritarians and do not adequately account for the wide array of tactics that they use.

The collection of information on critics and dissidents is often a first step before targeting those individuals with extraterritorial violence. In the United States, this activity has been addressed through the application of foreign agent laws. For example, according to the FBI, Baimadajie Angwang, an officer with the New York City police department, spent years collecting information on the Tibetan community in the city's Queens borough at the behest of officials from the city's Chinese consulate.⁴³ Meanwhile, Pierre Girgis, a resident of Manhattan, tracked, collected, and shared nonpublic information on political opponents of the Egyptian president, Abdel Fattah el-Sisi.

Shujun Wang used his position in the Chinese diaspora community in New York to surveil prominent activists, dissidents, and human rights leaders and report on their planned political activities to the Chinese government.⁴⁴ At least one of the people he informed on was subsequently arrested in Hong Kong. All three men were charged with acting as agents of a foreign state.

There is widespread agreement across law enforcement, prosecutors, and policy makers that existing US law is insufficient to address transnational repression and that updates are needed. Instead of using the framework of foreign agents, one possible alternative approach would be to center the dangerous *activity* in legislation rather than the status of the perpetrator. Sweden, and some other European countries, for example, treat the collection of information on individuals on behalf of a foreign state as a specific kind of espionage. Sweden's criminal code prohibits obtaining information secretly, fraudulently, or via "improper means" about a person for the benefit of a foreign power.⁴⁵ This directly addresses the problematic activity and may better deter tracking, surveilling, and informing on critics of an authoritarian regime in the United States.

Any effort to design new criminal legislation should prioritize safeguarding rights and make sure to avoid infringing on fundamental freedoms, encouraging xenophobia, or unduly singling out people engaged in legitimate activities such as academic research. As media reporting and academic research have shown, policies designed to address specific threats after the terrorist attacks of September 11, 2001, increased the surveillance and marginalization of minority communities, leading to significant negative effects on individual rights and freedoms.⁴⁶ Every effort should be made to avoid a similar outcome from policies aimed at stemming the tactics of transnational repression. Authorities need to consult with at-risk communities to ascertain what they view as an appropriate response to malign actions by foreign states.

FARA was designed to be a mechanism for ensuring transparency rather than for deterring criminal activity. Examining how loopholes in FARA registration are exploited, specifically the way they permit repressive governments to legally pay someone in the United States to collect information on targets, could be a positive intermediate step. For example, Michelle Martin, a US citizen who registered under FARA as an agent of the Rwandan government, was able to join Paul Rusesabagina's foundation, collect

information on him, and subsequently testify at his trial in Rwanda after he was abducted and returned to the country.⁴⁷ Martin's FARA registration described her work as research focused on organization and political activity among the Rwandan diaspora and on documenting genocide denial or genocide ideology.⁴⁸ Martin's FARA registration allowed her to collect information as part of legal "lobbying" activity that eventually caused direct harm to a permanent resident of the United States.

Interpol abuse

Interpol—formally the International Criminal Police Organization—facilitates international cooperation on criminal matters. It does not, as popularly believed, fight international crime. Interpol notices are a method for distributing information about wanted or missing people and stolen passports among member states; they are not international arrest warrants. Interpol prohibits its members from using notices to engage in political, military, or religious activities. This means that countries should only submit notices and diffusions in cases of ordinary, non-political crime. (A diffusion is information that is shared directly between member states rather than by Interpol.) Despite this, in a practice that has come to be known as "Interpol abuse," the governments of countries including Turkey, Russia, and China issue Interpol Red Notices to detain exiles and dissidents beyond their borders, including in the United States.

US authorities are keenly aware of the problem of Interpol abuse. In late 2021, Congress passed the Transnational Repression Accountability and Prevention (TRAP) Act as part of the National Defense Authorization Act (NDAA).⁴⁹ The TRAP Act attempts to counter cooptation of Interpol by authoritarian states and sets guidance for the United States to leverage its role as the organization's biggest funder to pursue institutional reform. While this is crucial to countering Interpol abuse internationally, the Act does not address the detrimental impact of abusive Red Notices on people who are moving through America's immigration system.

The TRAP Act confirms guidance issued by the Department of Justice that Interpol notices do not meet constitutionally guaranteed due process standards⁵⁰ and therefore cannot be used for the purposes of arrest or extradition. However, in practice, Interpol's Red Notices are never used directly for extradition or detention.⁵¹ Instead, Red Notices are used by Immigration and Customs Enforcement (ICE) to locate and target noncitizens with immigration violations, which can

then lead to their removal from the country. This problem is known as "denial of services," whereby Red Notices lead to denial of immigration services that an individual would otherwise be entitled to. In an infamous case from 2017, Alexey Kharis spent 15 months in detention in California after his visa was revoked as a result of an abusive Interpol Red Notice issued by Moscow.⁵² Kharis had come to the United States after his construction company in Vladivostok was seized by authorities when he refused to cooperate with an embezzlement scheme run by regional officials. In another case, Gregory Duralev spent 18 months in a maximum-security prison after he was arrested by ICE during his asylum interview based on an Interpol notice issued by Russia, which accused him of fraud.⁵³ The problem may even be more widespread than publicly reported. At the time of writing, Freedom House was aware of fifteen ongoing cases at US immigration courts that involve Interpol notices from countries known to issue abusive Red Notices.

Despite the consequential passage of the TRAP Act, Interpol abuse against people in the United States—including many with lawful immigration status—remains possible.

Red Notices can also present obstacles to claims for asylum made in the United States. A recent decision by the Board of Immigration Appeals held that a Red Notice could be construed as "reliable evidence [of] a serious nonpolitical crime." This is one of the statutory bars that, if triggered, leads to an automatic denial of asylum.⁵⁴ Frustratingly, noncitizen defendants in immigration courts in the United States are not entitled to government-provided counsel. In cases involving Red Notices, people claiming asylum are left to represent themselves without legal counsel against the government of the United States, the foreign government issuing the notice, and the perceived legitimacy of Interpol. Unassisted, these individuals must overcome the burden of explaining why Red Notices are mere unvetted accusations, not evidence of a crime. In sum, despite the consequential passage of the TRAP Act, Interpol abuse against people in the United States—including many with lawful immigration status—remains possible.

Ensuring accountability

While strengthening protections for targeted individuals is crucial to protecting human rights and freedoms—and making America a safer place for activists and political exiles—the ultimate defense against spreading authoritarianism is to raise the cost of repression. On this front, the United States has an opportunity to lead the world’s response. One way to do so is by deploying targeted sanctions against perpetrators of transnational repression.

In February 2021, the US government announced the Khashoggi Ban, a measure that allows the State Department to impose visa restrictions on individuals who “directly engage in serious, extraterritorial counter-dissident activities, including those that suppress, harass, surveil, threaten, or harm journalists, activists, or other persons perceived to be dissidents.”⁵⁵ The policy came as a response to the 2018 murder in Istanbul of Jamal Khashoggi, a US permanent resident, journalist, and vocal critic of Saudi authorities, by Saudi agents at the direction

that the official is directly or indirectly involved with significant corruption or gross violations of human rights. This authority allows the US government to publicly name sanctioned individuals.

Sanctions programs that allow for both visa bans and asset freezes can be even more effective tools. The United States should deploy these stronger options against perpetrators of transnational repression whenever possible. This includes certain country-specific programs as well as the Global Magnitsky Human Rights Accountability Act (22 U.S.C. §§ 10101-10103 (2022)), which, as implemented by Executive Order 13818, allows visa bans and asset freezes on individuals who are responsible for or complicit in, or to have directly or indirectly engaged in, serious human rights abuse or corruption.

Beyond their practical effects, sanctions are highly visible methods of accountability that signal a strong rebuke to transnational repression. Members of the Saudi diaspora interviewed by Freedom House felt that the failure to sanction Mohammed bin Salman following the murder of Jamal Khashoggi sent a message of impunity that had negative consequences for them personally: “MBS was not forgiven, but he was not sanctioned. He was not included. Right after that, things quickly changed for us...it seemed like there was a reaction from the Saudi government that, okay, there’s no consequences. We can do whatever we want.”⁵⁸

The ultimate defense against spreading authoritarianism is to raise the cost of repression.

of Crown Prince Mohammed bin Salman. Authority for the Khashoggi Ban is derived from Section 212 (a)(3)(C) of the Immigration and Nationality Act, which allows for the denial of a visa in cases where an individual’s entry to the country could have potentially serious adverse foreign policy impacts for the United States. Though the authorities granted by this provision are longstanding, the Khashoggi Ban established, for the first time, a clear link between acts targeting dissidents across borders and a foreign policy meant to address them.⁵⁶ The ban has subsequently been applied to Belarusian officials for extraterritorial, counterdissident activities. It is important to note that the government is not permitted to publicly share the names of those subjected to this ban, reducing its visibility and deterrent effect.⁵⁷

An even stronger visa ban option is the authority provided in Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Acts. This authority allows visa bans against foreign government officials, and their family members, when there is credible information

Assessing the costs of security cooperation

Building a robust response to authoritarianism means recognizing and acknowledging that countries that are US security partners engage in transnational repression, including on US soil. The focus of efforts to ensure accountability cannot be limited to adversaries like the ruling regimes of Iran, China, and Russia. Targets of transnational repression often view ongoing cooperation between the United States and authoritarian states as tacit endorsement of abuse. Claude Gatebuke, who has been harassed by Rwandan officials, observed: “I think the US should stop supporting Rwanda...Basically, I’m paying taxes, part of it is contributing to my potential assassination, so I think we should stop financing the government of Rwanda and providing military assistance.”

To signal a commitment to stopping transnational repression, the United States should reassess existing security training programs offered directly or indirectly to agents of countries that have a documented track record of committing human rights abuses. For example, reporting

by the *New York Times* in 2021 revealed that members of the team that killed Jamal Khashoggi has previously received paramilitary training in the United States from a State Department contractor.⁵⁹ The United States can also weigh human rights considerations, including evidence of persecution of political exiles, in making decisions about trade. In light of US trade relations with Egypt, including a recently announced arms sale worth \$2.5 billion,⁶⁰ Mohammed Soltan observed: “The sense of impunity is going to make them [the Egyptian government] get more and more emboldened because they’re always going to test the limits of what they can get away with.”

Possibly the biggest challenge in terms of transnational repression for the United States and other democratic countries that are home to dissidents and political exiles is the impact of coercion by proxy, in which a person’s family, loved one, or business located in origin state is targeted. Even when the dissident is out of reach of direct violence or harassment, they continue to be vulnerable to transnational repression because other people close to them can be taken hostage by autocrats. Coercion by proxy is an incredibly

“Whatever I do here, I always fear that my family will get punished.”

potent tactic of transnational repression, and one that’s available to states that lack the resources to reach physically or digitally beyond their borders. It can lead self-censorship and takes an emotional toll on the victim. As one Saudi activist said: “If I say something and they want to shut me up but I’m here and they can’t get to me, they will pick one of my family members...Whatever I do here, I always fear that my family will get punished.”⁶¹ The US government’s strategy for countering transnational repression should give specific consideration to addressing coercion by proxy. This should include social and psychological support for people targeted in the United States, as well as ways to account for coercion by proxy in existing tools for assessing the human rights practices of foreign states and imposing accountability for violations.

Recommendations for improving the US response to transnational repression at home and abroad

Raising awareness about the threat of transnational repression

Ensure that law enforcement officials, personnel at key agencies, and those working with refugees are trained to recognize transnational repression. Law enforcement officials and agency personnel can play a central role in protecting exiles who are targeted. For example, timely diplomatic intervention, whether public or private, in isolation or in coordination with other states, can be the difference between an unlawful deportation and freedom for a targeted individual. Personnel at key agencies should receive training to help them identify potential perpetrators and victims of transnational repression, and on the relevant laws that can be invoked to combat transnational repression and mitigate harm. These key agencies include the Department of State; the Department of Homeland Security (DHS), including US Customs and Border Protection (CBP), US Citizenship and Immigration Services (USCIS), and US Immigration and Customs Enforcement (ICE); the Department of Justice, including the Federal Bureau of Investigation (FBI); other federal, state, and local law enforcement officials receiving instruction at the Federal Law Enforcement Training Center, and business and community leaders completing the Citizens Academy; and employees of the Department of Health and Human Service's Office of Refugee Resettlement (ORR). Training programs should be ongoing, taking place periodically across levels of seniority.

Ensure comprehensive reporting on transnational repression in State Department's Human Rights Reports. Since 2019, US State Department Country Reports on Human Rights Practices have included a section on "politically motivated reprisals against individuals located outside the country." This section should be strengthened and made consistent across all country reports to help create a more robust record of transnational repression, encourage greater awareness of the phenomenon, and help officials better respond to the problem. A provision included in the FY23 National Defense Authorization Act (NDAA) requires the Departments of Justice and State to produce biannually a report detailing, among other things, "a list of countries that the Attorney General and the Secretary determine have repeatedly abused and misused the Red Notice and diffusion

mechanisms for political purposes." The countries highlighted in this joint report and the details about their misuse of Interpol should be included in the relevant State Department Human Rights Reports.

Issue travel advisories about countries engaging in transnational repression. Potential targets of transnational repression are at particular risk when traveling abroad, and US citizens and residents have been targeted while outside of the United States. The US Department of State provides travel advisories regarding issues abroad that may impact the safety and security of American travelers. This information, which typically includes details about terrorist and security threats, crime, civil unrest, and health and environmental risks, is intended to help US citizens make informed decisions about whether or not to travel abroad. Advisories should be issued about countries whose governments engage in transnational repression or where acts of transnational repression frequently occur.

Establish standardized outreach procedures for vulnerable communities. In August 2021, the FBI began to issue unclassified counterintelligence bulletins describing the risks faced by Uyghurs and other diaspora groups from transnational repression. The bulletins contained information on specific incidents and directed individuals to contact the FBI if they had experienced targeting. In February 2022, the FBI launched a website devoted to transnational repression with information on tactics, hyperlinks to recent indictments, and contact information for reporting. The FBI should continue producing resources for vulnerable groups and publishing them in relevant languages. State and local law enforcement should conduct similar outreach as appropriate, and federal, state, and local law enforcement agencies should continue working jointly to investigate leads on suspected transnational repression in the United States. Many victims of transnational repression come from countries where law enforcement officials are involved in perpetrating abuses on behalf of the state, contributing to potential distrust of US law enforcement agents. Building trust with targeted communities is critical to addressing transnational repression threats before they escalate. Communities that understand how law enforcement can protect them, and that outreach to law enforcement will not

result in negative consequences, are more resilient to foreign coercion and surveillance. To supplement these informational efforts, law enforcement should provide guidance to vulnerable communities on how to document evidence of harassment, intimidation, or stalking to help mitigate obstacles to reporting and prosecution. Law enforcement should consult with stakeholders including civil society and technology companies to develop and publicize this guidance. Other agencies, especially those working with migrants and refugees, should develop similar outreach strategies.

Congress should pass the bipartisan Foreign Advanced Technology Surveillance Accountability Act (H.R.2075) to better understand which governments use surveillance to target victims of transnational repression. This bill would require the Department of State to include information in its annual Human Rights Reports about the extent to which governments are using excessive surveillance or advanced technologies to violate rights. The report should also include information on which companies or countries have provided biometric or facial-recognition data to states using these technologies to violate rights. A more detailed understanding of which countries use surveillance to target critics can assist development of safeguards for potential victims of transnational repression, and of targeted sanctions for perpetrators.

Work with the Department of Justice and other relevant agencies to update transparency laws regarding individuals acting on behalf of foreign governments. A critical step in curbing transnational repression is recognizing the specific actors committing transnational abuses on behalf of their home governments. In the United States, antiquated procedures for regulation of foreign agents under the Foreign Agent Registrations Act of 1938 (22 U.S.C. 611 et seq) and 18 U.S.C. Section 951 are a major obstacle to identifying those acting on behalf of repressive regimes. Although the Department of Justice has ramped up enforcement against alleged perpetrators of transnational repression, the laws remain outdated and do not address the realities of modern-day foreign influence activities. The absence of effective regulation in this area makes it harder than it should be to distinguish legal activity on behalf of a foreign power or entity from illegal activity, and thus to address transnational repression threats before they escalate. Congress should closely consult civil society groups to mitigate unintended consequences in any update, such as US-based organizations being required to register as foreign agents simply because they receive portions of their funding from non-US sources.

Work at international organizations and bodies with like-minded governments to highlight the threat of transnational repression and establish international norms for addressing it. The United States should work with partners and allies to call for the creation of a special rapporteur for transnational repression at the United Nations. The United States should use its voice, vote, and influence to introduce resolutions at bodies to which it belongs condemning the use of transnational repression and calling on governments to bring accountability for abuses and protection for victims.

Limiting the ability of perpetrators to commit transnational repression

Congress should codify a definition of transnational repression, and work with the executive branch and civil society to ensure that laws offer protection against all of its varieties. Many types of transnational repression fall outside the scope of activities covered by existing law. This can make it more difficult for law enforcement agents to assist victims and apprehend and prosecute perpetrators. Codification of a definition of transnational repression is a needed first step toward determining which new authorities may be needed. A possible definition could include the following: “The term transnational repression describes the ways a government reaches across national borders to intimidate, silence, or harm an exile, refugee, or member of diaspora who they perceive as a threat and have a political incentive to control. Methods of transnational repression include assassinations, physical assaults, detention, rendition, unlawful deportation, unexplained or enforced disappearance, physical surveillance or stalking, passport cancellation or control over other documents, Interpol abuse, digital threats, spyware, cyberattacks, social media surveillance, online harassment, and harassment of or harm to family and associates who remain in the country of origin.” Close attention should be given to the protection of civil liberties as new laws are considered.

Examine the domestic utility of and international experience with laws criminalizing “individual espionage.” Spying on refugees, a common tactic of transnational repression, is not directly criminalized in the United States. In a number of Nordic and Western European countries, spying on individuals is either explicitly criminalized as “refugee espionage,” or clearly incorporated into general espionage provisions. In the United States, however, espionage is narrowly defined as the collection or distribution of sensitive defense information. A new statute addressing “individual

espionage” or similar activities might help law enforcement address transnational repression. Study of this issue should include any possible negative spillover effects for refugees and migrants themselves.

Create a screening process for diplomatic visas to prevent the entry or accreditation of diplomatic personnel with a history of harassing, intimidating, or harming their diasporas. Doing so could prevent transnational repression before it occurs. If diplomatic personnel already within the United States are found to be engaging in transnational repression, they should be designated *personae non gratae* and expelled, or held accountable under law when appropriate.

Give extra scrutiny to export licensing applications from companies exporting products to countries whose governments engage in human rights abuses, especially those previously identified as perpetrators of transnational repression. The United States, Australia, Denmark, and Norway, supported by Canada, France, the Netherlands, and the United Kingdom, recently announced the Export Controls and Human Rights Initiative, intended to “help stem the tide of authoritarian government misuse of technology and promote a positive vision for technologies anchored by democratic values.” The United States also recently updated its licensing policy to restrict the export of items if there is “a risk that the items will be used to violate or abuse human rights.” When implementing these new initiatives and policies, the United States should consult research by Freedom House and other human rights organizations to determine whether there is a risk that the exported items could enable human rights abuses. Extra scrutiny should be given to the export of items that could enable transnational repression, especially if those items are intended for countries whose governments have been identified as perpetrators of transnational repression.

Apply the voice, vote, and influence of the US government to limit the ability of Interpol member countries to target critics through misuse of Red Notices and other alerts. Interpol’s executive leadership includes representatives of governments notorious for perpetrating human rights abuses, including transnational repression. In November 2021, Ahmed Naser al-Raisi of the United Arab Emirates (UAE) was elected president of Interpol; he is the subject of lawsuits filed in the United Kingdom, Sweden, Norway, France, and Turkey accusing him of complicity in

torture inside UAE’s prisons. The UAE has also cooperated with other countries engaging in transnational repression and has engaged in transnational repression of its own. In that same election, Hu Binchen, deputy director general of the Chinese public security ministry, was elected to Interpol’s executive committee. The government of China conducts the most sophisticated, global, and comprehensive campaign of transnational repression in the world. Al-Raisi and Hu join senior Interpol officials from Turkey and India, whose governments have also engaged in transnational repression. The United States is by far the largest statutory contributor to Interpol’s budget, and should leverage its contributions alongside other democracies to improve the functioning of Interpol, reduce opportunities for abuse, and support the candidacy of individuals for leadership positions who will enforce Interpol’s commitment to human rights.

Prohibit the use of Interpol notices on their own to deny immigration or asylum benefits or conduct arrests.

At present, ICE can and does use Interpol notices as proof of an immigration offence to invalidate an individual’s legal visa and to challenge a claim for asylum. Though it is unclear how frequently this occurs each year, this practice leads to detention and the risk of deportation. To ensure perpetrators are not able to mislead agents of the US government into aiding and abetting acts of transnational repression, law should require that notices issued by countries with which the US does not have an extradition agreement be independently verified before they are applied against individuals in the US on lawful visas or making a claim for asylum. Current Department of Justice policy prohibits the arrest of an individual solely on the basis of an Interpol Red Notice because these notices do not meet the probable cause standard of the Constitution. This policy should be codified.

The Department of Homeland Security’s Office of Inspector General should investigate the extent to which Interpol notices are used to invalidate visas or as probable cause to believe that a person applying for asylum has committed a serious nonpolitical crime. The report should include detailed information on the number of incidents where ICE or DHS use Interpol notices as evidence against a noncitizen in the United States, the countries that issued the notices that were used, the claims included in those notices, whether any of the cases would count as transnational repression, and detailed recommendations for ensuring that US immigration officials and judges are not unwittingly complicit in acts of transnational repression.

Bringing accountability for acts of transnational repression

Deploy a robust strategy for targeted sanctions against perpetrators of transnational repression. Targeted sanctions, such as denying or revoking visas for entry to the United States, or freezing US-based assets, enjoy broad bipartisan support and should play a key role in raising the cost of transnational repression for perpetrators. To make sanctions as impactful as possible:

- **Impose the strongest possible targeted sanctions on perpetrators and enablers of acts of transnational repression.** Current law and presidential actions allow for targeted sanctions on individuals (including both government officials and private citizens) and entities involved in human rights abuses, including assassinations and renditions, which are some of the most serious forms of transnational repression. In some cases, the family members of perpetrators are also eligible for sanction.
- **Impose export controls on companies that knowingly provided technologies, goods, or services to facilitate the commission of transnational repression.** Policymakers should investigate the extent to which commercial surveillance tools, such as spyware and extraction technology, have been used against Americans and in the commission of transnational repression.
- **Congress should pass the Revealing and Explaining Exclusions for Accountability (REVEAL) Act (S.2392/H.R.4557).** Section 212(a)(3)(C) of the Immigration and Nationality Act (INA) allows the US government to deny entry to a person if there is “reasonable ground to believe [that person’s entry to the United States] would have potentially serious adverse foreign policy consequences.” But, under current law the names of those denied entry and reasons for their denial may not be made public. The REVEAL Act would allow names and reasons for visa denial to be made public—a naming and shaming tactic that could help deter future abuses.
- **Congress and the executive branch should work together to ensure robust funding for the implementation and enforcement of targeted sanctions.** The US Department of the Treasury, Department of State, and Department of Justice all collect information about suspected perpetrators of abuses eligible for sanction. Unfortunately, the number of potential sanctions cases to be vetted by the US government far exceeds current capacity, and the recent flurry of sanctions related to the Kremlin’s invasion of Ukraine has added to this workload. Funding for additional personnel in relevant

sanctions offices would help ensure the executive branch has adequate capacity to implement sanctions policies.

Restrict security assistance for states engaging in transnational repression. Section 502B of the Foreign Assistance Act of 1961, as amended ([22 USC 2304](#)), is intended to “promote and encourage respect for human rights and fundamental freedoms throughout the world” by making the observance of human rights a “principal goal of US foreign policy.” Current law prohibits the provision of security assistance to any government engaging “in a consistent pattern of gross violations of internationally recognized human rights” unless the president certifies to Congress that “extraordinary circumstances” warrant the provision of assistance. This section should be updated to allow the restriction of security assistance for states consistently engaging in acts of transnational repression. This would serve the dual purpose of limiting an aggressor government’s resources for engaging in transnational repression while also sending a strong signal that the behavior is unacceptable.

Supporting victims of transnational repression

Ensure that the United States maintains a robust refugee resettlement program and an efficient, rights-based approach to assessing claims for asylum to protect victims of transnational repression and others fleeing persecution. As Congress noted in the Refugee Resettlement Act of 1980, “it is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands.” Many refugees fled political persecution in countries that engage in transnational repression, and face threats even after resettlement. Refugees who live in strong democracies where the rule of law is upheld and institutions are accountable have stronger basic protection against transnational repression than those who do not. With this in mind, the Biden administration should:

- **Commit to rebuilding the country’s refugee resettlement program and provide adequate resources to eliminate the asylum processing backlog.** Each year, the president and Congress work together to set an annual cap on the number of allowable refugee resettlement admissions for that year. Historically, the cap has been as high as 207,116 in 1980, and as low as 15,000 in 2021. The Biden administration should work with Congress to uphold the United States’ commitment to refugee resettlement and ensure that victims of transnational repression

have the chance to enter the United States as refugees. Victims of transnational repression who are already in the United States and seeking asylum face a years-long wait due to a claims processing backlog, and are especially vulnerable while their legal status remains in limbo. Asylum seekers cannot reunite with their families abroad, face delays securing eligibility for employment, are unable to pursue educational opportunities, and face the threat of deportation. As of the end of the fiscal year 2021, USCIS had 412,796 pending applications for asylum.

- **Provide protections to specific populations that experience persecution and targeting for transnational repression as a group.** Uyghurs are

one such group. For Uyghurs inside the United States, resources should be invested into processing their expedited requests for affirmative asylum. Uyghurs located outside the United States should be recognized as persons of special humanitarian concern who are eligible for Priority 2 (P-2) processing under the refugee resettlement priority system administered by the United States Refugee Admissions Program. The Uyghur Human Rights Protection Act (S.1080/H.R.1630), which is included in the America COMPETES Act (H.R.4521), would provide Uyghurs access to P-2 processing and should be passed. The administration and Congress should work with civil society to identify other populations facing transnational repression as a group, and offer them similar protections.

About the Project

D*efending 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.

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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1850 M Street NW, 11th Floor
Washington, DC 20036

freedomhouse.org
facebook.com/FreedomHouseDC
@FreedomHouse
info@freedomhouse.org
202.296.5101