



Tom Lantos Human Rights Commission

Transnational Repression: Trends and Policy Approaches

Tuesday, June 24, 2024

2:00 – 4:00 p.m.

1334 Longworth House Office Building

Co-chair James P. McGovern

As delivered

Welcome to today's hearing of the Tom Lantos Human Rights Commission on transnational repression. I thank our witnesses for taking the time to share their expertise and their experiences with us today.

Transnational repression is when human rights violations cross borders. It can be done through killings, abductions or enforced disappearances. The murder of Roberto Samcam, a retired Nicaraguan army officer living in Costa Rica, who was critical of the Ortega government, may be such a case.

Or it can come by online harassment, digital surveillance and targeting of relatives – creating a chilling effect on the rights of freedom of expression and association. Our last hearing on this topic was only a year and a half ago. We are revisiting the issue because it is growing in relevance and interest among policymakers. And there are new multilateral developments to assess.

Today we have a witness from Freedom House, which maintains a database of transnational repression, which now contains 1,219 incidents across 103 countries. Many, many more incidents go unreported.

It is not just the number of cases that is increasing. We are learning of new and devious ways that governments are reaching across borders to infringe on people's rights. Today we will hear from the president of the Open Dialogue Foundation. She and her organization have been the target of transnational repression through the international financial system and the weaponization of laws designed to deal with money laundering, financing of terrorism, cybersecurity and mutual legal assistance.

Beyond the themes and trends, we must remember that acts of transnational repression affect the lives of individuals. Today we will hear from two witnesses who will speak to their own personal experiences – and those of their friends and families -- of being targeted by the governments of Pakistan and Hong Kong for exercising their freedoms of expression and of the press.

And we will get an update on the experiences among the Indian diaspora in the wake of the targeting of members of the Sikh community, including the June 2023 killing of Hardeep Singh Nijjar in Canada and the plot to kill Gurpatwant Pannun, a U.S.-based immigration lawyer and Sikh activist.

Sadly, there are many more stories to tell. This hearing has attracted a lot of interest. We could fill many witness tables today. Without objection, I move to submit for the record additional relevant statements that we receive.

To tackle the challenges of transnational repression, we need a common definition, an awareness of the many ways it manifests, and an understanding of how acts of TNR represent violations of human rights.

Just last week the Office of the High Commissioner for Human Rights issued a fact sheet listing prevalent forms of transnational repression and common effects on persons targeted. Importantly, it notes that “[n]on-state actors such as private companies and technology firms, criminal networks, private militia or paramilitary groups and media organizations, can also play a role in transnational repression, at the request or with the acquiescence of the repressing State.”

OHCHR affirms that it remains the obligation of “all States must respect and protect human rights, and refrain from committing, enabling, or condoning acts of transnational repression.”

Therefore, it was welcome to see the statement on TNR made at the G-7 summit last week in Canada. It outlines an agenda for action, including a plan to develop a “TNR Resilience and Response Framework” and launch of a “Digital TNR Detection Academy.” I look forward to hearing from our witnesses how the U.S. government can support and build on this important multilateral effort.

We in Congress are trying to do our part. In the last Congress, Co-Chair Smith and I introduced the Transnational Repression Policy Act, to require an interagency strategy to address TNR at home and abroad. I am pleased to report that we are working with Senator Jeff Merkley, with whom we have both served as co-chair on the Congressional-Executive Commission on China, to update the legislation for re-introduction.

I welcome any input from our witnesses on the content of the legislation.

Domestically, law enforcement agencies are paying attention to this problem. Federal prosecutors have brought criminal charges for acts that fall within the definition of transnational repression. The FBI has improved its intake system for reporting on cases and maintains a transnational repression information page.

However, there is a need for enhanced coordination between federal and local law enforcement to identify, prevent and respond to TNR. As a case study, last year Students for a Free Tibet and the Hong Kong Democracy Council release a report entitled “Exporting Repression” assessing the inadequacy of the local police response to Chinese government-instigated attacks on peaceful protestors at the APEC Summit in San Francisco in November 2023.

As with all human rights issues, the United States is best positioned to make a positive difference if it leads by example. We lose credibility to speak from a place of moral authority if our own government engages in behavior that it criticizes others for.

I am concerned when I read that the State Department is requiring foreign students applying for a visa to set their social media profiles to "public," in order to allow U.S. officials to judge if their opinions meet some arbitrary and potentially politically-motivated standard. The effect of this policy would be to require students in other countries to restrict their speech in order to be eligible for entry into the United States. That would be a cross-border restriction on freedom of expression. In other words, transnational repression.

We will hear testimony today about how China punishes people in the United States for speech that *their* government doesn't like. We should not be in the business of doing the same, by penalizing people in other countries for speech that *our* government doesn't like.

Transnational repression is a human rights issue. We must center our approach on the victims of these harmful acts. We must listen to them and commit to protecting them, so they are free from the efforts of governments beyond our borders to deny their basic human rights.