



## Freedom House Statement for the Record

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Hearing on Counter-terrorism and Human Rights: Striking the Right Balance

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Freedom House research has tracked 15 straight years of decline in freedom and democracy around the world, with 2020 seeing the deepest declines of the last 15 years. Nearly 75 percent of the world's population now live in countries that faced a deterioration in rights in 2020, and the proportion of Not Free countries is now the highest it has been in the past 15 years.<sup>1</sup>

This decline has been driven in part by the expansion of authoritarian rule resulting in worsening repression by authoritarians in their own countries, and increasingly aggressive attempts by these rulers to expand their repression abroad. They have done so successfully by exploiting both the advantages of nondemocratic systems and the weaknesses in ailing democracies.

A report on transnational repression released by Freedom House in February of 2021 highlights how dangerous it can be, even for established democracies, when authoritarians start deploying abroad the same repressive tactics they use at home. "Transnational repression" is a term used to describe how countries silence their critics abroad. It encompasses a spectrum of tactics, from assassinations, to renditions, to spyware, to intimidation of exiles' family members who have stayed behind.<sup>2</sup> The report estimates that 3.5 million people are at risk of targeted attacks or the intimidation and coercion that such attacks trigger in affected communities. The report documented 608 cases of direct, physical transnational repression since 2014. These acts were committed by 31 governments against victims in 79 countries, many of which were democracies. Of the 31 countries engaging in transnational repression, China, Rwanda, Saudi Arabia, Iran, Russia, and Turkey conducted especially extensive and violent campaigns.

Human rights defenders, civil society actors, and members of political opposition are frequently charged with violations of national security or terrorism. The government of China has used fears of radicalization to justify their detention of more than 1 million Uyghurs and other ethnic and religious minorities. National-security related charges have been used against activists Azerbaijan, Bahrain, Belarus, Chechnya, Hong Kong, Egypt, Ethiopia, Iran, Myanmar, Russia, Rwanda, Saudi Arabia, and Turkey, among others.

In Freedom House's report on transnational repression, the states committing transnational repression accused the targeted individual of terrorism in 58 percent of cases. Of the individuals accused of terrorism, the report documented 90 renditions and nine assassinations or assassination attempts by 10 different countries since 2014.

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<sup>1</sup> Sarah Repucci and Amy Slipowitz, "Freedom in the World," Freedom House, May 1, 2021, <https://freedomhouse.org/report/freedom-world>.

<sup>2</sup> Nate Schenkkan and Isabel Linzer, "Out of Sight, Not Out of Reach: The Global Scale and Scope of Transnational Repression," Freedom House, February 3, 2021, <https://freedomhouse.org/report/transnational-repression>.

Muslims are especially vulnerable: Seventy-eight percent of the cases Freedom House identified appear to have involved people of Muslim origin, reflecting the high proportion of Muslim-majority states engaged in transnational repression, the persecution of Muslim minorities in countries such as China, and the vulnerability of Muslims in migration at a time of global fears about Islamist terrorism.

Increased securitization of democracies' migration and border systems in response to national security threats, provides authoritarian states with an opportunity to exert control beyond their borders by exploiting accusations of terrorism in particular. In the process, authoritarian states increase their ability to reach vulnerable people by co-opting the immigration and legal systems of democracies.

Existing channels and mechanisms designed to help strengthen security and safety through effective international cooperation are also vulnerable to exploitation by authoritarians. Abuse of the International Criminal Police Organization (Interpol) is a formidable tool of transnational repression, since undemocratic leaders misuse anti-terrorism charges when pursuing critics beyond their borders. Authoritarian countries take advantage of established methods of communication between international law enforcement to target individuals with false and fraudulent notices that can lead unsuspecting democratic nations to facilitate acts of transnational repression and deny services to, detain, or even deport dissidents who are being wrongfully targeted by their home government.

Interpol abuse is, in fact, disturbingly common. In the last two decades, numerous governments have learned that "red notices" and other notifications provide a cheap and easy means of reaching exiles. Contrary to popular belief, Interpol is not an international police agency, nor does it have a judicial function to determine the veracity of notices before they enter the system. It simply allows member states to share notifications about wanted criminals or missing persons with one another.

Technological changes since 2002 have made it much easier to upload notifications, resulting in an exponential increase that has far outstripped the organization's capacity to provide even minimal vetting. By uploading spurious notices into the system, regimes can have exiles detained or deported, sometimes even if they are already recognized as refugees. The system can also be used to falsely report passports as lost or stolen, preventing exiles from traveling or causing them to be detained when they do. Despite years of civil society advocacy on the topic, and some improvements to the vetting process, Interpol abuse remains a widespread problem. At least 12 states documented in Freedom House's report on transnational repression abused Interpol notices specifically to detain exiles.

## **Recommendations**

The United States and other like-minded governments should:

- 1. Speak out whenever regime opponents are jailed on false charges of terrorism, and publicly name these charges for what they are – cynical attempts by regimes to silence dissent.** Urge the offending government to drop all charges, and continue to raise these cases until victims are released.
- 2. Be mindful of the ways in which undemocratic rulers commit human rights abuses by wielding distorted versions of the language and laws of democracies.** Authoritarian rulers

will use any tactic they can to further their repressive aims, so democracies should not shy away from implementing necessary laws simply for fear of the ways in which twisted versions of these laws could be replicated by authoritarians. But, democratic governments should be mindful of the risks certain rhetoric, laws, or practices can pose and should be precise in the way terms are used and laws are followed. Any failure to uphold laws and rights in and by democratic nations will be magnified and exploited by undemocratic rulers.

3. **Ensure democratic governments are not unwittingly abetting authoritarian regimes in their attempts to target dissenting voices.** Governments should combat Interpol abuse by 1) prohibiting the arrest, detention, or deportation of or denial of services to individuals solely on the basis of an Interpol Red Notice or Diffusion; 2) applying their voice and vote to urge Interpol to increase transparency by making data on the number of received and refused requests for Red Notices publicly available; 3) leveraging their contributions to the Interpol budget to reduce opportunities for abuse by improving the functioning of the s Commission for the Control of Interpol's Files, which undertakes review of information shared by the organization.

In the United States, Congress should pass the TRAP Act (S.1591/H.R.4806), which is intended to help end Interpol abuse.

False charges related to terrorism, radicalization, and endangering national security not only harm those falsely accused, they also exploit and weaken the rule of law in democratic nations that unwittingly facilitate repression based on false charges. It is urgent that the United States and other democracies work together to shore up their own systems and strengthen international bodies in order to prevent unintended complicity in human rights abuses and the exploitation of domestic institutions by authoritarian rulers.