



## **Transnational Repression: a Threat to Rights and Security in the United States**

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House Homeland Security Committee Subcommittee on Counterterrorism,  
Law Enforcement, and Intelligence hearing  
*Safeguarding Dissident Voices: Addressing Transnational Repression Threats to Homeland Security*  
January 17, 2024

Chairman Pfluger, Ranking Member Magaziner, and distinguished members of this subcommittee, thank you for the opportunity to testify today. I ask that my full remarks be entered into the record.

### **Transnational repression defined**

Transnational repression occurs when states reach across borders to silence dissent from activists, journalists, and others living in exile. Perpetrator states do so using intimidation and violence. This issue presents a direct threat to rights and security around the world, including here in the United States, and will require a coordinated response from across the US government and between the United States and other democratic governments.

From 2014 through 2022, Freedom House has collected information on 854 direct, physical incidents (assassination, kidnapping, assault, detention, or deportation) of transnational repression around the world, committed by 38 governments in 91 countries. During this time, 13 states have engaged in assassinations abroad, and 30 have conducted renditions.

These numbers are likely only the tip of the iceberg when indirect tactics are also factored in. Indirect tactics include the use of spyware, surveillance, threats sent over social media or by phone, or threats and violence against family members back home, which is known as coercion by proxy.

According to our database, the top ten perpetrators of transnational repression globally are China, Turkey, Tajikistan, Egypt, Russia, Turkmenistan, Uzbekistan, Iran, Belarus, and Rwanda. Together, these ten countries are responsible for 80 percent of the cases in our database. And China, which conducts the most comprehensive and sophisticated campaign of transnational repression in the world, is responsible for 30 percent of the cases.

## **Transnational repression in the United States**

The United States' strong rule of law and active security sector lend a measure of protection against transnational repression. We know from our research that both are important factors in preventing transnational repression.

Nonetheless, many communities in the US face serious and persistent threats, as my fellow witnesses can attest to firsthand and as we see in recent high-profile incidents on US soil.

One of the most famous cases in the United States involves the Iranian regime's plot to kidnap journalist and women's rights activist Masih Alinejad from her home in Brooklyn. When that didn't work, Iran attempted an assassination plot that was thankfully also unsuccessful. To this day, Alinejad lives under federal protection.

Last November, peaceful demonstrators were physically assaulted in San Francisco during the Asia Pacific Economic Cooperation (APEC) Summit while protesting human rights violations by Xi Jinping and the ruling Chinese Communist Party.

Later that same month, federal authorities indicted and arrested an Indian national for alleged conspiracy to murder a Sikh activist based in Queens.

It is common for activists we work with to receive threats over social media, to be surveilled or targeted for spyware, or for their family members back in their country of origin to be pressured, threatened, or even beaten up or jailed. Hong Kong-American Samuel Chu, who is wanted for arrest in Hong Kong due to his advocacy to the US Congress, discovered a drone hovering outside his apartment in California, apparently looking in his windows with a camera.

In addition to threats from China, Iran, and India, there are substantial reasons to be concerned about threats towards US persons originating from an even broader set of countries, including Saudi Arabia, Egypt, the UAE, Turkey, Russia, Rwanda, Ethiopia, El Salvador, Nicaragua, and Bangladesh. It is notable that this list includes a number of countries that can be considered allies or partners of the United States. There are likely other countries as well that are surveilling and intimidating individuals in the United States which we have not yet documented.

An important aspect of the threat in the United States is the manipulation of our own institutions. One way this can occur is through Interpol abuse, which occurs when a country misuses Interpol's notification systems to have someone detained on spurious charges. Interpol is now much more aware of the problem than a few years ago and has tried to make improvements to its internal processes, but some member states continue to try and abuse the system.

We were pleased to note in September 2023 that ICE updated its guidance on Interpol to make this kind of abuse harder to perpetrate in the United States.

Another way manipulation can occur is through foreign intelligence agencies providing false information for our asylum and immigration processes. A recent disturbing case of this was documented by the Organized Crime and Corruption Reporting Project (OCCRP). OCCRP obtained a confidential FBI memorandum concerning the case of Leopold Munyakazi, a Rwandan scholar who had applied for asylum, in which the FBI found that the US examination of his asylum process was compromised by Rwandan intelligence. Munyakazi was nonetheless deported and is currently imprisoned in Rwanda.

### **Recent developments and future risks**

A recent and worrying development is the extraterritorial repression of reporters. As the space for free media and dissent has closed in authoritarian countries, governments are increasingly reaching outward to target exiled journalists who continue to do their courageous work from abroad. Our new report released in December, titled [\*A Light That Cannot Be Extinguished: Exiled Journalism and Transnational Repression\*](#), examines this issue more closely and describes the repressive toolkit used against target exiled journalists and media. At least 26 governments have targeted journalists, and 112 of the 854 cases in our database – thirteen percent of all cases – involved journalists.

In our report, we interviewed exiled Cambodian, Uyghur, Turkish and other journalists in the United States who described the repercussions of transnational repression against them by the governments they left behind.

Perpetrator states of transnational repression are innovating even as awareness of the problem in host countries grows. Moving forward, host governments and law enforcement must pay increasing attention to the role of diplomatic staff and proxy actors working on behalf of perpetrator states to intimidate exiles. Cases like the murder-for-hire scheme allegedly organized by an Indian government employee against a Sikh activist in New York City points to the involvement of criminal associates. Additionally, foreign governments, such as that of China, may continue to seek out private investigators to co-opt host state institutions and more easily reach targeted individuals.

### **Progress so far**

There has been strong, bipartisan interest in addressing this issue here in the United States and a growing interest from democracies in Europe and elsewhere.

The current administration has made addressing transnational repression a priority across agencies, with attention given by the National Security Council. We are pleased to see generally strong interagency coordination, and, as we understand it, increasing engagement between the Executive Branch and the Hill – something crucially important for an effective US response.

Among the steps taken by the US government: The Department of Justice has been investigating and prosecuting a growing number of cases of transnational repression plotted against US persons. The

FBI has a dedicated stream of work on transnational repression, including a [public web page](#), the issuance of several unclassified counterintelligence bulletins for targeted communities, and the creation of a general [threat intimidation guide](#) that is linked on the transnational repression webpage and translated into over 60 languages. Transnational repression is also now a category that can be reported via the general FBI hotline. The Department of Homeland Security (DHS) has shared information on transnational repression with DHS law enforcement, pursued outreach to vulnerable communities inside the US, and is working on developing a strategy to protect faith-based communities from incidents of transnational repression. DHS is also working to pull together national and international engagements on the issue, and DHS and the Federal Law Enforcement Training Center (FLETC) are in conversation around what a training module could look like. The Cybersecurity and Infrastructure Security Agency (CISA) has also been focused on outreach, issuing a public [fact sheet](#) on resources available to protect against transnational repression. The Commerce Department has [moved](#) to [rein in](#) the use of American technology in the production of powerful commercial spyware, which is a crucial vector of transnational repression. The State and Treasury departments have sanctioned perpetrators of transnational repression. The Department of State has provided some training for diplomats, and State's annual Country Reports on Human Rights Practices include a section on transnational repression. They are also engaging on this topic with allies around the world, including through the G7 Rapid Response Mechanism Working Group on Transnational Repression and have helped coordinate emergency responses with partners when individuals have been targeted for transnational repression abroad.

There are also a number of bills pending in Congress.

These are all important steps that we and others have encouraged, and we applaud these efforts. But, more action is needed.

### **An urgent need to act: recommendations for Congress**

The impact of transnational repression on targeted individuals is severe. People's physical safety is endangered, their travel is complicated, their houses are surveilled in the US and elsewhere, they are harassed online and offline, and communication with family and friends living in the country of origin is fraught. Some people are cut off from their families entirely. Each individual incident of transnational repression produces ripple effects throughout the community, fostering an atmosphere of fear and suspicion among neighbors and compatriots.

For too long, democracies have missed or allowed the actions of authoritarian countries inside their borders. Such a pattern of impunity has emboldened states to act abroad without fear of consequences. Would the government of India have dared to target individuals in Canada and the United States if the brutal murder of Jamal Khashoggi had been met with more forceful accountability measures for each and every Saudi official involved in his death?

There are a number of measures Congress can take to limit the ability of governments to engage in transnational repression on US soil and ensure the protection of those within our borders.

**1) Codify a definition of transnational repression in law and ensure the United States has the necessary legal authorities to sufficiently address the threat and support those who are targeted.** At present, US law does not include a definition of transnational repression, something that is needed to allow officials to understand what transnational repression is, to identify and apprehend perpetrators, and to direct their agencies on reporting, training, and sufficient outreach to and support for victims and potential targets. Current legislative proposals include the Transnational Repression Policy Act (H.R.3654/S.831), which would direct the creation of a strategy to address transnational repression, require training for certain officials, and impose sanctions on perpetrators, and the Stop Transnational Repression Act (H.R.5907), which would provide criminal penalties for transnational repression. Though the subject matter of these bills extends beyond the jurisdiction of this subcommittee, we urge members to consider cosponsoring.

**2) Work with the Executive Branch and with State and local officials to ensure that personnel coming in contact with perpetrators and victims of transnational repression receive the training necessary to recognize and respond to the threat and assist victims.** Several agencies and bureaus are providing training for employees. But, trainings are not yet routinized or mandated for all officials or employees who may come in contact with perpetrators or victims. There is no standardized curriculum shared across agencies and often not even a standardized set of trainings for each relevant employee within an agency. Definitions, content, and recommended actions vary. It is important that US agencies establish clear training materials and ensure regular training throughout the career of personnel who may come in contact with perpetrators or victims. Establishing a training module for those who go through FLETC is one potential way to provide standardized trainings for a large number of relevant officials.

Whenever possible, federal agencies should also provide training to state and local officials they may partner with on transnational repression issues. FLETC offers training for state, local, campus, tribal, and territorial law enforcement agencies and could potentially incorporate transnational repression into those trainings. The Homeland Security Investigations-led Border Security Enforcement Taskforce (BEST) is another example of federal and local officials working together to address transnational threats. It is critically important those involved with the taskforce receive training to understand the threat of transnational repression and the profile of perpetrators and victims, so they can apprehend perpetrators and ensure they are not undertaking enforcement actions that will lead to the deportation of individuals who are under threat from and being targeted by their home countries.

**3) Review current information-sharing practices to ensure efficient communication within and between agencies and with trusted partners and allies.** It appears that among personnel tasked with tracking and responding to transnational repression there is a tremendous amount of ongoing communication across the federal government, but challenges remain.

Because the cross-cutting nature of transnational repression transcends the jurisdictions of both domestically- and internationally-focused agencies and because law enforcement and those in the

judicial system are often unable to share information due to the confidential nature of investigations and court proceedings, it is possible that information important to know across agencies or between the United States and partners is not being communicated. For example, when federal, state, or local law enforcement suspect an individual is engaging in transnational repression in the United States is that information communicated to other law enforcement in the US or abroad who may also encounter these individuals? Are potentially targeted communities notified? When individuals are convicted of engaging in transnational repression are their names shared with the State and Treasury Departments and with trusted partner governments for the consideration of potential transnational repression-related sanctions?

A review of current procedures could help identify best practices, gaps, and whether there are ways to maximize efficiency and minimize duplication of work.

Resourcing may present another challenge to the effective sharing of information, as the number of personnel assigned to handle transnational repression is fairly low. At DHS specifically, Congress should work with agency leadership to determine whether DHS and its component agencies have sufficient resourcing to address transnational repression, providing scaled up resources as necessary.

Freedom House has a number of other recommendations that stretch outside the jurisdiction of this subcommittee that I am happy to elaborate on during the Q&A. These include rapidly processing the pending asylum and immigration applications of individuals at risk of transnational repression, including the applications of hundreds of Uyghurs whose cases remain pending; ensuring the US has short- and long-term visa options available to those needing to flee their countries of origin; imposing sanctions on perpetrators more effectively; withholding foreign assistance from governments that continually engage in transnational repression; issuing travel advisories for countries where transnational repression is known to occur; and making sure to consistently raise the issue with governments known to engage in transnational repression, especially if those governments are close partners or allies.

Thank you. I look forward to your questions.

Hearing Before the Subcommittee on Counterterrorism, Law Enforcement, and Intelligence,  
House Committee on Homeland Security  
entitled, "Safeguarding Dissident Voices: Addressing Transnational Repression Threats  
to Homeland Security

Wednesday, January 17, 2024, at 2:00 p.m. EST

310 Cannon House Office Building

Testimony of Dr. Bob Fu, Founder and President of China Aid Association

Thank you to the honorable Chairman and the Members of the Committee for allowing me to testify regarding the CCP's Transnational Repression Threats to U.S. Homeland Security.

Since President Xi Jinping took power, the CCP's repression against religious freedom, human rights and rule of law in China has reached to the worst level since the brutal dictator Chairman Mao's Cultural Revolution time in 1960s. With Xi and CCP's publicly stated goal of global expansion and its strategy of "unrestricted warfare" against the free world especially the USA, the transnational repression and threats has been growing rapidly in the past few years. As the intelligence community in the both Trump and Biden administrations concluded, the CCP regime indeed has become the No. 1 global threats to our value and national security in every level of our society. The goal of these transnational repressive efforts is to make the CCP party-state as the global dominant power with rules made by the CCP instead of norms based on universal values in global organizations such as the United Nations and other international institutions. Part of means to reach this CCP stated goal is to silence and crush any dissident voices in the U.S. soil and other democratic countries.

Subsequently the CCP has been engaging a systematic, multiple fronts and multi-facets campaign inside our soils. The CCP's all-of-society approach for transnational oppression efforts includes both public and covert operations through physical and cyber harassment and threats by utilizing its global resources with its mobilization of Chinese expatriates and its recruited foreign agents through financial manipulation of free and open society in western countries.

1, CCP has compulsively legalized overseas spying work for all the Chinese. According to PRC's new National Intelligence Law passed in 2017, all Chinese citizens including those who were born here as American citizens, are mandated to engage spy work. Article 7 of the PRC National Intelligence Law obligates Chinese individuals, organizations, and institutions to support national intelligence work in every aspects. Article 14 gives the Chinese intelligence agencies the authority to demand such cooperation. Even U.S. companies operating in China must locally store all personal information that is collected and produced. The effect of that law has already vividly demonstrated in massive arbitrary arrests and sentence against dissidents in Hong Kong under the so called "Hong Kong National Security Law." American and British citizens had been put on the CCP's Most Wanted List" as "co-conspirators" of freedom fighters in China and Hong Kong. Therefore, under the compulsory mandate, all Chinese students, visiting scholars, business visitors and tourists in US and other country's soils engage spying work for the CCP although some may do it inadvertently or unwillingly. Multiple cases from Dule University, to Perdue University, from

University of Washington to University of Florida show Chinese students and even their parents back to China were harassed, interrogated and arrested simply because they attended a dissident activities such as participating a public event commemorating anniversary of Tiananmen Square Massacre or activities supporting the persecuted Tibetan, Uygur and Christians in campuses. These Chinese students were reported back to CCP law enforcement agents by their fellow Chinese students spying on them.

2, CCP directs its transnational repression activities through its agents and pro-CCP organizations. The Chinese Embassy and its consulates directly sponsor those so called students organizations such as 150 US based “Chinese Students and Scholars Association(CSSA)” and the All-China Federation of Returned Overseas Chinese (ACFROC) as well as hundreds of registered organizations in the name of regional fellowships “同乡会” or social groups by last names”宗亲会”。

3, CCP organizes and supports physical and cyber repressive activities against dissidents on the soils of US and other western countries.

3.1) CCP state security agents are responsible for the death of a house church translator Joseph Zhu in Seoul, South Korea.

Mr. Zhu Meng ("Joseph"), a leader of a house church in Beijing, did lots of translation work for house churches. One of the American Christian NGOs based in Seoul, South Korea, a partner of China Aid ministries, hired a young Chinese house church member in Beijing Joseph Zhu for translation work in July 2018.

After working in Seoul, South Korea for three months, On October 5, 2018, Joseph made a trip to China to get his visa matter straightened out and his winter clothes back. He was scheduled to be back very soon. In the early morning the next day, that NGO in Seoul received text messages from Joseph. It was sent at 2:20 am, October 6:

"ucmenomore,D ie".

It turned out that Joseph was kidnapped and arrested by the Chinese Ministry of State Security (MSS) agents as soon as he landed in Beijing. He was interrogated and tortured enormously in secret torture chamber in Beijing.

The whole interrogation centered around his relationship and work with American mission organizations. Totally broken, he confessed everything. Then, MSS agents forced Joseph to return to Seoul on the return flight (OZ336) on

October 8, at 20:10. We learned Joseph was tortured for 12 hours nonstop by the MSS agents. MSS agents showed him the Christian book he translated and talked about what a danger it would be if it spread in China; ultimately the CCP agents told him he had "no choice" but to return to Korea and spy on mission organizations. They gave him a spyware programmed iPad with 20,000 yuan RMB in cash and told him to gather all the information they listed for him. After Joseph returned to South Korea, he continued

receiving multiple threatening messages from the Chinese MSS agents sent via WeChat and through his friends indicating that his parents could be hurt if he failed to cooperate with MSS.



Joseph refused to cooperate with the CCP agents. In early 2020 while Joseph was applying for asylum in South Korea, he was found hanging on a tree in a mountainous area in the suburb of Seoul, South Korea. This is a clear though tragic example of the CCP's transnational repression in foreign soil. CCP must be held accountable for Joseph's death.

3.2) CCP's repression against China Aid staff members. Since 2012, at least five China Aid former staff members were arbitrarily detained while traveling in China to visit their family. They were all naturalized American citizens. Their American passports were confiscated and they had to apply for approval for out of town travel before they can return to America. They were all asked to spy on China Aid and our work. One of them was even forced to surrender at Chinese consulate in Houston (now closed) in order to sign a written deal committing to spy for China in exchange for a Chinese visa to visit his aged parents in China.

3.3) CCP hired agents directly involving violence against Chinese dissidents from New York to San Francisco.

On July 11, 2019, when a group of Chinese dissidents held a public welcome ceremony in front of a hotel in Manhattan New York City for President Tsai Ing-wen of Taiwan, the CCP hired agents violently beaten these dissidents under daylight. Five dissidents were hospitalized because of the injuries they had. No one had been held accountable for that incident. ( <https://www.voachinese.com/amp/FIGHT-TSAI-NY-20190713/4998502.html> )

During the APEC summit in San Francisco November 15-17, 2023, CCP organized a well orchestrated systematic effort with violent assaults on Chinese dissidents who protested against Chinese leader Xi Jinping's visit. Despite Human rights organizations and activists in the United States are calling for a federal probe, so far no substantial actions have been taken by any local, state or federal law enforcement agencies. (<https://apnews.com/article/anti-chinese-protesters-san-francisco-apec-16c9ce2d81ec54a818e341e46b2a0c44> )

3.4) Transnational Persecution of Li Chuanliang and his family members:

Li Chuanliang, born on September 27, 1963, served as deputy mayor of Jixi City Government and deputy mayor of Hegang City Government in Heilongjiang Province before resigning from public office in May 2014. In 2020, he joined the Chinese Democratic Party (CCP). In China, Mr. Li repeatedly. publicly reported corruption among CCP leaders and cadres. He also insisted on freedom of speech and made political statements regarding the CCP's concealment of the Wuhan virus, which had caused a heavy death toll among the people. Thus, CCP authorities suppressed and persecuted him.

In August 2020, in solidarity with Hong Kong, as Mr. Li adhered to the political view of advancing democracy and freedom in China as well as in the United States, he participated and carried out various pro-democracy campaigns against the CCP's tyranny. Particularly since August 19, 2020, he publicly accepted special interviews from various media, including Radio Free Asia, Epoch Times newspaper, New Tang Dynasty TV (NTDTV), Vision Times newspaper, and China Forbidden News, etc. Using his real name, Mr. Li publicly announced that he relinquished his membership in the CCP. He also disclosed the truth of the Party's concealment of the Wuhan virus. Mr. Li revealed the fact that CCP authorities arbitrarily arrested dissidents. He criticized the CCP's various tyranny routes, dating back to the Cultural Revolution, and exposed the CCP's tyranny system, as well as the tyranny of the political and legal king of northeast China. He initiated the work of "China Torture Officials Whistleblower Center (CTOWC)."

Since September 2020, in response to Mr. Li's various political activities, CCP authorities have targeted and even more severely persecuted him and his family in China. CCP authorities have illegally arrested Mr. Li's pregnant daughter and son-in-law, as well as his sister and brother. They have illegally arrested and tortured almost all his family members and relatives. CCP authorities have additionally persecuted Mr. Li by making false confessions against him, preparing false charges, seizing private property, announcing a case against him for investigation and a cross-border manhunt. They have arrested his partners. CCP Officials confiscated personal belongings of Mr. Li's daughter Li Jiyang and son-in-law, Xiu Jianying, arrested him on false charges, and persecuted him by using torture. Authorities have persecuted both Li Chuanhua, Mr. Li's younger sister and Li Chuangang, his younger brother. In addition to arresting/torturing them on fabricated charges, they confiscated their personal belongings and homes. The CCP had also manipulated the Interpol by putting him on Red Alert system and CCP agents followed and threatened him in Los Angeles when he attended an event commemorating victims of CCPVirus there in 2022. The FBI, State Department and DHS has been made aware of his case. This is another typical case showing CCP's transnational repression effort on U.S. soils.

#### 4, My own experience of CCP's transnational repression in U.S. soils.

I was a student leader in Tiananmen Square for peaceful protest 35 years ago and CCP sent military tanks killing thousands. 28 years ago my wife and I were jailed in Beijing for our Christian belief until we were exiled and accepted into the USA as refugees in 1997. Because of our work for religious freedom and rule of law in China, we have been targeted by the CCP transnational threats in multiple fronts for many years.

4.1) organized physical threats by CCP thugs in front of our home in west Texas September to November 2020. My family experienced physical threats, harassments and stalking in front of my house in Midland TX by CCP organized groups from September to November 2020. As many as 100 masked Chinese thugs gathered in front of my home from September chanting slogans such as "elimination of Bob Fu" from 9am to 4pm every day. The threats against our lives were so credible that both the FBI and our local law enforcement officers, fully visibly armed, had to rescue my whole family and friends living with us out of our home through our alley of our house in west Texas and we are grateful that we were protected in various safe houses. Just think about this reality: a naturalized American citizen and the whole family had to be exiled from our own home in west Texas for three months! So I respectfully request the Chairman to allow me to submit the attached filed document to the US District Court of west Texas in November 2020 against the CCP thugs to this committee as part of hearing's permanent record today.

4.2) Multiple threat and harassment against me in 2023 through text messages and doxxing/swatting.

From the beginning of 2023, I started received multiple direct messages threatening me from unknown phones urging me to stop advocacy and aid effort to those overseas dissidents in Germany and Netherlands. Then a systematic swatting campaign started against me from Washington DC to New York, from Los Angeles to Houston. Suddenly I was booked luxury hotel rooms in these cities under my name and phone number. Then fake bomb threats were called to police departments in these cities claiming "Bob Fu has a bomb to detonate" in that hotel.

My recommendation:

1. Restore the “China Initiative” within the Department of Justice. The “China Initiative” by the Trump Administration that was cancelled by the Biden Administration should be fully restored and re-established in order to counter the CCP transnational repression on U.S. soils. By giving law enforcement agencies in federal level, it will empower these agencies to systematically discover, investigate and prosecute the perpetrators of the CCP affiliated individuals and groups with sufficient tools to execute. It has nothing to do with racial profiling or ethnic discrimination.

2. To establish a national and congressional data base for cases of transnational threats get the rogue nations. The FBI’s own transnational repression center is not sufficient. There should be a hotline with real person to record and document those who dare to report the threat incidents.

3. To pass federal legislation banning individuals and entities associated with CCP or its foreign agents from purchasing real estate and lands on US soils.

Dear friends for freedom, it’s time for us to wake up to the fact the CCP and its established malignant groups have already penetrated deep into our free society. USA can not and should never allow the CCP and other malicious actors from rogue regimes to establish permanent footprints on our soils.

Various state legislatures have passed similar measures. Unlike CCP’s propaganda and misinform claim, These kind of legislation has nothing to do with race, ethnicity or even nationality. It’s about the core of our national security as freedom loving nation. It’s about the threat to our state and country by the rogue regimes such Chinese Communist Party. The CCP not only poses the existential threats to our freedom and way of life but also is actively exporting its threats transactionally in our soils. We can not allow the CCP to build its physical bases by purchasing our strategic assets such as lands in our soils such as Texas, Florida, Kansas and any other states while having the CCP spy balloons hovering in our sovereign country’s air space surveilling our military bases and strategic nuclear installments.

For the sake of protection of our freedom and security of children and children’s children, on behalf of many silenced Chinese Americans, I urge Congress to pass targeted legislation specifically banning CCP members, Party-State owned corporations and its various agents, stakeholders, representatives with some of them may pose as fake NGOs, academic and business interest groups in this country.

God bless USA.

Bob Fu, PhD

Submitted by Dr Bob Fu, Founder and President of China Aid Association

**Gissou Nia**  
**Founder & Director, Strategic Litigation Project, Atlantic Council**  
**January 17, 2024**  
**“Safeguarding Dissident Voices: Addressing Transnational Repression Threats to  
Homeland Security”**

Hello Mr. Chairman, Mr. Ranking Member, members of the House Committee on Homeland Security, and subcommittee on Counterterrorism, Law Enforcement & Intelligence, thank you for inviting me to testify today on the problem of transnational repression and the threat it poses to the United States and Americans wherever they may be in the world.

I am a lawyer specialized in international criminal law and human rights law who is the founder and director of the Strategic Litigation Project at the Atlantic Council. I founded the Strategic Litigation Project in 2019 to seek redress for victims and survivors of human rights violations, atrocity crimes, terrorism, and corruption. Part of the work of our team focuses on cross-border crimes and the risk that authoritarian states pose to dissidents around the world. In assessing these threats, we work closely with activists and impacted communities to understand patterns and the nature of these threats—which can often be context and country specific. Our team includes lawyers from the Uyghur community, Venezuela, Cuba, Afghanistan, Iran, and other regions of the world. We are often consulted by governments, UN experts, private practitioners, and targets of transnational repression on what legal and policy options are available to address this growing problem. My testimony today is informed by that work, as well as my experience over the past two decades working with civil society from oppressive regimes around the world and understanding the unique threats that activists, journalists, human rights defenders, and others who speak truth to power face.

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First, I am going to discuss gaps in the law here in the US and new legal tools that can address the problem of transnational repression. Then, I will touch on a few themes I have observed in interacting with communities impacted by this problem and how this can help better inform law enforcement.

***1- Congress should pass better criminal and civil legal tools to combat transnational repression.***

Fighting transnational repression should start with defining, in clear legal terms, exactly what it is.

Currently, there is legislation pending before Congress that will help define transnational repression and formulate a strong foreign policy response to this phenomenon. The Transnational Repression Policy Act, introduced by a bipartisan group of Senators and building on a provision Congress passed in the NDAA for 2022 which focused on the abuse of INTERPOL by authoritarian regimes, seeks to do this.

However we also have a need for a robust criminal legal approach to address the problem of transnational repression that can better synthesize the crime and its penalties.

A comprehensive definition introduced through legislation could allow prosecutors to target perpetrators more directly. For example, in the criminal indictment against the perpetrators who attempted to kidnap Iranian-American dissident Masih Alinejad, there was a reliance on charges such as conspiracy to commit bank and wire fraud and conspiracy to commit money laundering. While the first paragraph of that indictment identified the problem as one of transnational repression, the lack of a specific provision in the US Code meant the defendants needed to face a range of other charges.

In that indictment, the four Iran-based defendants were charged in federal court because they hired a private investigative firm based in the United States and used the US financial system, which is prohibited to agents of the Islamic Republic. But many other acts leading up to the kidnapping plot encompassed transnational repression. For example, Islamic Republic of Iran officials pressured Ms. Alinejad's family with offers of payment to lure Ms. Alinejad to meet them in a third country, where she could be more easily abducted. They also imprisoned her brother on unfounded national-security charges, simply to exert pressure on Ms. Alinejad.

These are all acts of transnational repression intended to target a US person, but they do not fall neatly within existing US criminal law.

A survey of DOJ indictments against PRC actors engaging in transnational repression reveals a similar pattern of charging.

A new legal definition could specifically outline what types of acts will constitute harassment and persecution—including crimes like murder, torture, and kidnapping, as well as cyberattacks and the spread of disinformation.

As lawmakers consider legislative proposals to criminalize transnational repression, jurisdictional reach should also be a key consideration. Title 18 of the US Code already provides jurisdiction outside the United States over a [broad range of international crimes](#) such as torture, genocide, war crimes, recruitment of child soldiers, trafficking, piracy, and terrorism.

But jurisdiction must be expansive enough to protect victims. If a bill only allows for the exercise of extraterritorial jurisdiction when the perpetrator or victim is a US national, it would leave an accountability gap. For example, prosecutors would be hindered from bringing a case if foreign family members of a political dissident are being targeted by a foreign state and that political dissident has recently arrived in the United States as a refugee or asylum seeker.

Short of a federal criminal statute specifically addressing transnational repression, other proposals that might help enforce accountability include an [extraterritorial federal criminal statute for extrajudicial killings](#), which could provide accountability if a US-based dissident's family members are killed.

Then there are civil litigation tools that could provide remedies for transnational repression.

Under the [“terrorism exception” to the Foreign Sovereign Immunities Act](#), individuals can sue US-designated state sponsors of terrorism—currently Iran, Syria, North Korea, and Cuba—for extraterritorial acts including torture, extrajudicial killing, and hostage-taking. But that is only possible if the plaintiffs were US nationals at the time the act occurred.

Congress could amend the statute to allow individuals to sue if they are US nationals or lawful permanent residents at the time the claim is brought, allowing newly arrived dissidents who are the target of transnational repression to hold the governments of their origin countries accountable.

Staying on the topic of exceptions to the FSIA, the Homeland and Cyber Threat (HACT) Act has been introduced and re-introduced before the House since 2019 and would partly address transnational repression by allowing dissidents who are US nationals to sue foreign states that launch cyberattacks against them.

However, this would not address the problem of accountability against private companies—who facilitate the sale of spyware used against dissidents. A series of judgments from the US Supreme Court have restricted the possibilities for corporate liability and this negatively impacts the ability of US-based non-citizen dissidents to sue companies involved in surveillance. These barriers to accountability in US domestic law must be removed.

## ***2- How to address transnational repression from US allies versus from US adversaries.***

Another critical aspect of this problem is to how to identify and address threats posed to US citizens and residents by US allies, not adversaries. A quick glance at the FBI website to report instances of transnational repression shows a list of DOJ indictments against individuals from China, Russia, and Iran but there is nothing to indicate that these threats can also come from Saudi Arabia, Egypt, the UAE, Rwanda, and even India.

Transnational repression is not only carried out by US adversaries, it is also carried out by authoritarian governments with strategic partnerships with the US conditioned on aid packages, arms deals, political support, and trade relationships. These authoritarian states have the same interest other authoritarian states do in silencing dissidents abroad, and their friendly relationship with the US does not deter them from targeting dissidents on US soil.

The nature of the relationship between governments does however affect how confident the victims and impacted communities feel in coming forward to law enforcement here in the US to inform authorities of the problem. In consultations I have had with dissidents from countries friendly with the US, they have expressed fear or reluctance in approaching US authorities to detail the threats they face. There is a pervasive feeling that US authorities may not defend their interests in the same way they would if the perpetrators were from an “adversary” country like Russia, China, or Iran—where US foreign policy has taken a clear position in defending the interests of Americans with no trade-offs.

The efforts that the FBI has taken to encourage impacted communities to report incidents of transnational repression is admirable, but it will only be as strong as the willingness of communities to come forward. Similarly, the Transnational Repression Policy Act instructs DHS to create a tip line for victims and witnesses of transnational repression to share information with the US government—but again, these communities need to trust that this information will be acted on in a beneficial, not harmful, way and this will require trust.

This touches on a last point. The strategy to combat transnational repression domestically will be strengthened with improved global coordination to tackle bad actors. Given the cross-border nature of this crime, the repression may begin in the origin country, but it can touch other countries along the way, in a chain of repression that ultimately can impact US interests. For example, both Saudi Arabia and Egypt have consented to China’s requests that Uyghur dissidents be repatriated to China—despite the risks that those dissidents will be imprisoned and sent to “reeducation” centers. And multiple US residents who are dissidents from authoritarian regimes have been detained or abducted while traveling through the UAE and sent to their origin country. US law enforcement should work with their counterparts in allied countries to assess why this is happening and undertake efforts to better protect dissidents.

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Mr. Chairman, Mr. Ranking Member, and Members of the Committee, thank you again. I look forward to your questions.

## Transnational Repression: a Threat to Rights and Security in the United States Written Testimony

By Enes Kanter Freedom

January 17, 2024

Thank you, Chairman Pfluger, Ranking Member Magaziner, and members of the Committee for giving me the opportunity to testify today on the very important issue of Transnational Repression.

President Recep Tayyip Erdoğan's long arm has reached tens of thousands of Turkish citizens abroad while Turkey has been experiencing a deepening human rights crisis since a coup attempt on July 15, 2016. The Turkish government has been carrying out an extraordinary campaign of transnational repression against its critics overseas since the failed coup.

The State Department's 2022 Country Reports on Human Rights Practices in Turkey reported that the Turkish government increasingly coordinated with other authoritarian states to forcibly transfer more than 100 Turkish nationals to Turkey since the 2016 coup, and more than 40 individuals were put through abduction, rendition, and forcible return.

Turkey's campaign has mostly targeted people affiliated with the Gulen movement. The movement is a globally respected faith-based civil society inspired by Turkish cleric Fethullah Gulen, focusing on promoting interfaith dialogue and education throughout the world.

The latest annual human rights report on Turkey by the US Department of State sets out violations by Turkey including 'politically motivated retaliation against individuals located outside the country' and 'kidnappings and transfers without due process of alleged members of the Gulen movement'.

Turkish intelligence abducted Selahattin Gulen who was a teacher in Kenya, and Orhan Inandi who was the chairman of a successful school network in Kyrgyzstan. They were abducted and faced torture in prison. They published his pictures on Turkish media with a broken arm. Most recently they abducted Koray Vural who was a businessman in Tajikistan. The list goes on and on, as the reports say more than 100 individuals abducted by the Turkish intelligence faced torture in prison.

Turkey is also pressuring other countries to close many successful math and science academies. As the State Department reported on the Human rights country report in 2022, The government applied bilateral pressure on other governments to secure their assistance with renditions without full due process and couched such requests as cooperation on countering terrorism. Some observers attributed the abrupt closure of a popular Gulen-affiliated school in Albania in September with pressure from the Turkish government.

A letter sent to the Turkish government in 2020 by the responsible UN Special Rapporteur condemned "the systematic practice of state- sponsored extraterritorial abduction and forcible return of Turkish citizens from many countries."

In this letter, UN representatives stated that victims were first spied upon in the host country and then abducted: "Victims remain missing or incommunicado for weeks before being deported. During this time, they are often subjected to pressure, torture, and humiliation to pressure them into consenting to be taken to Turkey or into confessions for trial in Turkey. They are denied access to medical care and legal



aid, and their families are not informed. Victims report repeated torture by intelligence officers, mainly sleep deprivation, beatings, waterboarding, and electric shocks." While Turkish government neither denies nor hides the abductions, these acts are publicly promoted and glorified by government- led media, and the victims are presented in handcuffs before disappearing.

Between 2014 and 2023, Freedom House recorded 112 incidents of physical transnational repression against journalists perpetrated by 26 governments. Turkey is one of the leading ones.

A Turkish journalist interviewed by Freedom House experienced the closure of US bank accounts, likely due to empty terrorism accusations from the Turkish government. There are dozens of people who live in the US and their accounts are still closed.

People whose names appear on the published lists have faced various repercussions including the freezing or closure of their accounts, negative credit scores and various other personal and financial difficulties in Western countries.

As the reports mention, after 2016, Erdogan's regime started to arrest everyone who was in opposition. In one day more than 2 million people labeled as terrorists in Turkey. Then I began to call out human rights violations by President Erdogan in my home country. The Turkish government asked the US government to extradite me, canceled my passport, put my name on Interpol list, imprisoned my father, and set a \$500,000 bounty on my head.

During a 2017 visit to Indonesia, I was nearly kidnapped by the local government officials with intentions to send me back to Turkey. With the help of a good local officer, I was able to get out of the country right away. Later that year, I hardly escaped from police officers at the Romanian airport that the Turkish government sent after me. They tried to arrest me and send me back to Turkey. Thankfully Senator Lankford got involved and helped me to fly back to the US.

In 9 years, I received 12 arrest warrants and countless death threats. They tried to attack me in front of a mosque in Boston. They run social media campaigns against me so their fanatics could harass me or attack me when they see me. They pressured American universities, NGOs and political groups to cancel their events with me.

Sadly, all these are happening because of a so called NATO ally. Instead of protecting and supporting democracy and human rights in the country or abroad, they became an enemy of democracy and human rights.

7 years after having my Turkish citizenship revoked, I became an American citizen. While becoming a citizen, I changed my last name to Freedom and dedicated my whole life to defend freedom.

I'm very grateful to the members of the Congress for inviting me to hear and allowing me to share my story and the story of millions.