

House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
Transnational Repression and the U.S. Response

Thursday, February 15, 2024 – 10:00 AM
2247 Rayburn House Office Building

Testimony of Tess McEnery
Executive Director
Middle East Democracy Center (MEDC)

Chairman McGovern, Chairman Smith, and members of the Commission, thank you for having me here today to testify – it’s an honor to be here with colleagues and human rights champions for this important hearing.

Transnational Repression Perpetrated by U.S. Partners

I cannot overstate how important it is that transnational repression is perpetrated by U.S. adversaries and U.S. partners alike. At the Middle East Democracy Center, a new organization in Washington, DC that merges the Project on Middle East Democracy and The Freedom Initiative, we regularly speak with many people who have experienced transnational repression from countries that are U.S. partners.

The Freedom Initiative published a report last year on transnational repression perpetrated by Egypt and Saudi Arabia, two critical U.S. partner countries, that identified 52 people who experienced some form of transnational repression here in the United States.

Several of my colleagues in my organization have experienced transnational repression directly. They have been threatened, physically surveilled, and their family members have been unjustly detained – all in an attempt to silence their advocacy, including to this Congress.

One of the most horrifying examples of transnational repression is the murder and dismemberment of Jamal Khashoggi, an operation that U.S. intelligence determined was approved by Crown Prince Mohamed bin Salman.

Effectively combating transnational repression requires a robust, multi-faceted approach, as policies addressing digital harassment will be very different from policies addressing forcible repatriation and murder. Authoritarian governments are also constantly innovating, learning, and cooperating with one another to find new tools to silence dissidents, journalists, and human rights defenders outside their borders.

This is especially true in the Middle East and North Africa (MENA), where we're seeing the increasing use of the Arab Interior Ministers' Council to silence dissent. The Arab Interior Ministers' Council, or AIMC, is an intra-regional body whose mandate is to combat crime and foster regional security.¹ The AIMC essentially acts like a MENA-specific Interpol in that it coordinates extradition between countries. And similar to controversies over abuse of Interpol's red notice system, we've seen concerning examples of politically-motivated extraditions by the AIMC.

The AIMC has even targeted U.S. citizens. Sherif Osman, a U.S. citizen, was arrested when he went to visit family in the United Arab Emirates in late 2022. The Egyptian government had requested his arrest via the AIMC because he had called for protests in Egypt while he was based in the United States. The UAE decided to arrest him; fortunately, Sherif was released before he could be extradited to Egypt.

Many others are not as lucky. Hassan al-Rabea, whose family had long been targeted by the Saudi government, sought refuge in Morocco before he was extradited back to Saudi Arabia last year. For dissidents and rights advocates, traveling anywhere in the MENA region can be incredibly risky because of tools like the AIMC that extend the power of authoritarian governments beyond their borders.

Authoritarian governments in the Middle East and North Africa have also relied heavily on spyware to silence dissent. The United Arab Emirates has surveilled Saudi dissidents by hacking the phones of women's rights defender Loujain al-Hathloul and the fiancée of Jamal Khashoggi.² Most recently, we learned that Human Rights Watch staffers, including at least one U.S. citizen, were targeted with advanced spyware while based in Jordan.³ The use of spyware poses an enormous challenge as U.S. law, and tech companies, struggle to keep up with ever-advancing technology.

Transnational repression is therefore being perpetrated by our allies and partners in the Middle East, against Americans, including for their right to free speech on U.S. soil. This has severe consequences on freedoms that should be protected by the Bill of Rights. Everyone should enjoy the right to free speech on U.S. soil, but there are too many people who are unable to speak their minds without a very real fear of retaliation and even violence. This means that in the United States, the first amendment in practice has an asterisk appended to it:

While Congress shall make no law that abridges the freedom of speech of Americans, authoritarian governments have found ways to do just that.

¹ MENA Rights Group, "Understanding the Arab Interior Ministers' Council and Its Role in Transnational Repression," August 17, 2023, <https://menarights.org/en/articles/aimc>.

² Joel Schectman and Christopher Bing, "Insight: How a Saudi Woman's iPhone Revealed Hacking Around the World," Reuters, February 17, 2022, <https://www.reuters.com/technology/how-saudi-womans-iphone-revealed-hacking-around-world-2022-02-17/>; Dana Priest, "A UAE agency put Pegasus spyware on phone of Jamal Khashoggi's wife months before his murder, new forensics show," Washington Post, December 21, 2021, <https://www.washingtonpost.com/nation/interactive/2021/hanan-elatr-phone-pegasus/>.

³ Human Rights Watch, "Spyware Targets Human Rights Watch Staff in Jordan," February 1, 2024, <https://www.hrw.org/news/2024/02/01/spyware-targets-human-rights-watch-staff-jordan>.

Recommendations for Congress

So how should the United States respond? The U.S. government needs to treat transnational repression perpetrated by U.S. partners with the seriousness that it deserves. The recent news of a foiled assassination plot of an American citizen that was allegedly directed by an employee of another partner government – India – reminds us that transnational repression continues to pose a significant risk to American citizens and residents since the murder of Jamal Khashoggi five years ago.

The U.S. government initially responded to Khashoggi's murder with appropriate outrage, but the lack of actual consequences for Crown Prince Mohamed bin Salman has contributed to a sense of impunity for even the most egregious instances of transnational repression.

While the U.S. government certainly has different priorities in its relationships with partners than with adversaries, the perception of impunity for U.S. partners cannot be accepted. I strongly urge Congress to do everything it can to ensure that victims receive the justice they deserve.

Recommendations for Congress include:

- Encourage the White House to use existing sanctions mechanisms more frequently to hold perpetrators of transnational repression accountable – even if the perpetrators hail from countries that are U.S. partners. Congress should also encourage the White House to announce when sanctions are used, the number of individuals who are being sanctioned, and the sanctioned individuals' nationalities. The publicizing of this information may be useful to demonstrate to countries perpetrating transnational repression that the U.S. government is taking this issue very seriously.
- Pass the Transnational Repression Policy Act, which would direct the Secretary of State to submit an interagency strategy on addressing transnational repression, among other provisions.
 - Congress should urge the White House to consider in its strategy the mistrust that some diaspora groups may have toward law enforcement groups, as some individuals may be unwilling to report instances of transnational repression to the police or the FBI.
 - The Act would also require that information about a country's use of transnational repression be included in the Department of State's annual human rights report. In addition to this provision, Members of Congress should use their individual platforms to publicly condemn instances of transnational repression.
- Urge the White House to conduct a review of how U.S. partners may have used intelligence sharing to perpetrate transnational repression. We know that the Egyptian government, for example, has allegedly used the U.S.-Egyptian relationship to seek private information about the

regime's political opponents through the NYPD.⁴ The risk that strategic partnerships intended to advance U.S. national security interests may instead be exploited to target dissidents should not be overlooked.

- Consider appropriating funds to support asylees who experience transnational repression, as well as journalists who are silenced by authoritarian regimes.

⁴ U.S. Department of Justice, "Man Arrested for Acting in United States as Agent of Egyptian Government," January 6, 2022, <https://www.justice.gov/opa/pr/man-arrested-acting-united-states-agent-egyptian-government>.