

safeguard DEFENDERS

Testimony

Laura Harth, *Safeguard Defenders*
Congressional Executive Commission on China
September 12, 2023

Chairman Smith, Chairman Merkley, distinguished Members of the Commission, it is an honor testifying before you today on behalf of Safeguard Defenders.

Most people will know us for the report released exactly one year ago today, which exposed the formal cooperation between public security authorities in China and united front-linked groups around the world in the setting up and running of over 100 so-called “overseas police service centers” in more than 50 countries around the world. On the exclusive basis of open-source evidence from Chinese authorities and State/Party media, we were able to link at least three of these stations to “persuasion to return” operations that took place in Spain, Serbia and France.

While the revelations of 110 Overseas and its follow-up Patrol and Persuade contributed to jumpstarting a conversation on the PRC’s transnational repression in countries where that was not previously the case, in particular in Europe, we have and will continue to highlight how these are but the tip of the iceberg in what Freedom House rightly defines as “*the world’s most sophisticated, comprehensive, and far-reaching campaign of transnational repression*”.

Within this campaign, Safeguard Defenders has focused its documentation as well as its direct-action efforts on countering one of its most extreme iterations: *involuntary returns*. While not new, the scale on which PRC authorities are coercing individuals to return to China to face prosecution has exploded over the course of the past decade, with official – yet partial – numbers released annually claiming well over ten thousand returns from over 120 countries in the world between the start of Operation Fox Hunt in 2014 and October 2022. We will soon release additional evidence on such operations in targeted countries.

The often-clandestine methods for these returns have been set in stone by the CCP’s Central Commission for Discipline Inspection in a written legal interpretation to the 2018 National Supervision Law that vastly expanded the non-judicial body’s reach: “extradition”, “repatriation”, “off-site prosecution”, “persuasion”, “luring and entrapment”, and “kidnapping”.

The so-called “persuasion to return” method is the one used most frequently. Threats and harassment – or worse – against family members back home or direct threats and harassment of individuals overseas by covert PRC agents, individuals linked to its embassies or consulates, private investigators and security firms, coopted private individuals, rabid nationalists or even victims themselves: the Chinese Communist Party has set up a true *whole of society* effort to exert control over diaspora communities worldwide and silence dissent.

These efforts clearly undermine the most fundamental freedoms of targeted communities, severely infringe the rights and due process of individuals coerced into returning and constitute a grave violation of the territorial and judicial sovereignty of other nations. The climate of suspicion and widespread fear further isolate targeted communities and individuals from their environment, and may expose individuals that have been coopted or coerced into doing the CCP’s bidding to criminal liability.

To effectively counter such a massive undertaking, democracies need to respond with a similar *whole of government* approach that recognizes transnational repression for the domestic threat it is, one that is

safeguard DEFENDERS

inextricably linked to the CCP's influence operations. Speaking from a European experience, we are but at the very beginning of such an endeavor and will need continued concerted allied efforts to move beyond the stage of timid condemnation to effective and coordinated transnational counteraction to match the CCP's efforts. Working towards joint definitions, sharing of information and best practices is an essential step in this direction. It is in our view equally key to end the legitimization of the PRC's illegal practices through judicial and police cooperation agreements, at the bilateral but also at the multilateral level. It is no coincidence the PRC has been pushing the signing and ratifying of such agreements at an accelerated rate during the same timeframe in which its involuntary returns operations have exploded.

These agreements were often pushed through within economic and cultural cooperation packages, but the signing of similar agreements in particular by Western countries has equally acted as a most effective "gateway" for other countries to sign on, as we discovered firsthand during court extradition proceedings in a European country. As awareness on the overall human rights situation in the PRC grows, democratic nations are increasingly becoming aware of the intrinsic risks of these agreements. However, we continue seeing remarkable efforts by PRC authorities to expand their cooperation footprint in these fields in the *Global South*.

In this regard I'd like in particular to severely question the legitimacy of the UN Office on Drugs and Crime's MoU with the CCP's Central Commission for Discipline Inspection - and its State front the National Commission of Supervision - and its acceptance of this body - that cannot be described but as the internal police force of the Chinese Communist Party - as the Chinese focal point for all work under the Convention Against Corruption.

While PRC propaganda dubs these types of agreements as a "demonstration of the international community's trust in its judicial system", they directly contribute to a heightened sense of fear within targeted communities and subvert the international rules-based order.

Ending such legitimization is a crucial part in rebuilding trust with targeted communities. And allow me to conclude with an appeal to them. The question we receive time and time again from democratic governments willing to engage on the issue is: "we need the victims to come forward."

The U.S. and Australia have already set up exemplary multi-lingual dedicated hotlines to report transnational repression efforts, also anonymously. To encourage this best practice elsewhere, Safeguard Defenders has today released a pilot guide with reporting channels in a series of countries, which we will continue to update and hopefully grow with similarly dedicated hotlines.

While we understand the personal toll for victims to come forward and the mistrust that may exist towards local authorities who, often and for too long, have maintained preferential channels of interlocution with those seeking to exert control at the behest of the CCP, the time to come forward and thus contribute to build a democratic *whole of society* effort to counter transnational repression is now. Please do so.

Attached: Safeguard Defenders, *Involuntary Returns - China's covert operation to force 'fugitives' overseas back home*, January 2022.

safeguard DEFENDERS

证词

Laura Harth, 保护卫士 (Safeguard Defenders)

美国国会暨行政当局中国委员会 (Congressional Executive Commission on China)

2023年9月12日

史密斯主席、默克利主席、尊敬的委员会成员，今天我很荣幸代表保护卫士组织在你们面前作证。

我们于一年前的今天发布报告《海外110》，揭露了中国公安机关与世界各地的统战团体合作，在全球 50 多个国家设立并运行 100 多个所谓的“海外警务站”。根据来自中国政府以及官方媒体的公开证据，我们得以将其中在西班牙、塞尔维亚和法国的至少三个站点与中国的“劝返”行动相关联。

虽然《海外110》及其跟进报告“Patrol and Persuade”的披露有助于在以前对跨国镇压少有关关注的国家（尤其是欧洲）掀起一场相关的讨论，但我们将不断强调这些只是其本身规模的冰山一角。诚如自由之家组织所定义的，它是“世界上最复杂、最全面、影响最深远的跨国镇压运动”。

在针对反跨国镇压的倡议中，保护卫士将书面记录和直接行动工作的重点放在应对中共最极端的表现形式之一：非自愿遣返。从2014年“猎狐行动”启动到2022年10月，每年官方公布的数据（但不完全）显示，从世界120多个国家被劝返中国的人数远远超过一万人。我们将很快公布在目标国家开展此类行动的更多证据。

中共中央纪律检查委员会在 2018 年《国家监察法》的书面法律解释中明确规定了通常秘密进行的使人非自愿回国的方式，极大地扩大了非司法机构的执法范围，它们包括：“引渡”、“遣返”、“劝返”、“诱捕”、“绑架”。

所谓的“劝返”是最常用的方法。往往通过威胁、骚扰或更糟糕的手段，针对目标在国内的家人，或者由中共秘密特工、与大使馆有联系的个人、私人侦探、被收买的个人、狂热的民族主义者等等对身在海外的目标进行威胁和骚扰。中共已经建立了360度全方位的努力，以对全球侨民社区实施控制并压制异议。

这些努力明显破坏了海外被针对群体最基本的自由，严重侵犯了被胁迫回国个人的权利和正当遣返程序，并严重侵犯了其他国家的领土和司法主权。疑虑和广泛的恐惧进一步将被针对群体和个人与其环境隔离开来，并可能使那些被拉拢或强迫听从中共命令的个人承担刑事责任。

为了有效应对如此大规模的行动，民主国家需要采取类似的全方位应对措施，将跨国镇压视为一种国内威胁，一种与中共的影响力行动密不可分的威胁。从欧洲的经验来看，我们的这一努力才刚刚开始，还需要继续共同努力，才能不止于谨慎的谴责阶段，采取有效的协调一致的跨国镇压反制行动来应对中共的努力。努力实现这一认同并分享最佳做法是朝着这一方向迈出的重要一步。

我们认为，同样关键的是，结束认定中国通过双边和多边的司法和警务合作协议进行非法行为的合法性。请允许我特别对联合国毒品和犯罪问题办公室接受中共中央纪律检查委员会（即国家监察委员会）作为《反腐败公约》下所有工作中国协调中心的合法性提出严厉质疑。

虽然中国在其宣传中将此类协议称为“国际社会对其司法系统的信任”，但它们直接加剧了海外被针对群体的恐惧感，颠覆了基于规则的国际秩序。

safeguard DEFENDERS

结束这种合法性是与海外被针对群体重建信任的关键部分。最后，请允许我向他们发出呼吁。愿意参与解决这一问题的民主政府一再向我们提出的问题是：“我们需要受害者站出来”

美国和澳大利亚已经设立了堪称典范的多语种专用热线，用于匿名举报跨国镇压行为。为了鼓励其他国家效仿这种最佳做法，保护卫士组织今天发布了一份试验性指南，介绍一系列国家的举报渠道，我们将继续更新该指南，并希望能增加类似的专用热线。

我们理解受害者挺身而出所付出的个人代价，也理解他们对地方当局可能存在的不信任，因为长期以来，地方当局往往与那些在中共授意下试图实施控制的人保持着优先对话渠道，但现在是挺身而出，为建立一个民主的全方位努力来对抗跨国镇压做出贡献的时候了。请行动起来吧。
