



*Submitted by the Committee for Justice and Law and Democracy Support Foundation*

Committee for Justice (CFJ) and Law and Democracy Support Foundation (LDSF) are honored to contribute to the call for inputs issued by the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances regarding enforced disappearances in the context of transnational repression. Drawing on extensive documentation, legal analysis, and case work, particularly in relation to Egypt and cross-border practices affecting individuals in exile, this submission aims to assist the Committee and the Working Group in identifying patterns, legal frameworks, and accountability gaps that enable enforced disappearance as a tool of transnational repression. The input highlights the experiences of human rights defenders, journalists, activists, refugees and their family members, and provides concrete examples of how enforced disappearance is facilitated through domestic laws, security practices, international cooperation mechanisms, and administrative measures operating beyond territorial borders.

**1. How do enforced disappearances occur in the context of transnational repression, and which individuals are most at risk?**

Transnational repression<sup>1</sup> refers to actions carried out by a State, or by actors operating on its behalf, to silence, intimidate, or punish individuals beyond its territorial borders. Such actions include unlawful arrest, rendition, enforced disappearance, digital surveillance, misuse of international police mechanisms, coercion of family members<sup>2</sup>, and other forms of intimidation aimed at restricting civic and political space. Enforced disappearance constitutes one of the most serious outcomes of this phenomenon, taking place when persons are deprived of liberty outside the protection of the law and when authorities deny knowledge of their fate or whereabouts.

**a) How enforced disappearances occur**

Enforced disappearances linked to transnational repression<sup>3</sup> typically follow several recurring patterns. First, individuals are often targeted during travel or transit, including in airports, land borders, or transit areas, where they are intercepted based on politically motivated alerts, intelligence sharing, or bilateral security arrangements. Such interceptions frequently mark the beginning of an unlawful transfer carried out without judicial oversight or due process. Second, many cases involve unlawful deportation, transfer, or rendition, where States exploit immigration systems, regional security cooperation, or expedited removal procedures to forcibly return individuals without legal representation or adequate risk assessment, in clear violation of the non-refoulement principle. Following such transfers, victims may be held in secret

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<sup>1</sup>Office of the United Nations High Commissioner for Human Rights (OHCHR), “Transnational Repression,” Tools and Resources, <https://www.ohchr.org/en/documents/tools-and-resources/transnational-repression>.

<sup>2</sup>Freedom House, “At Home and Abroad: Coercion-by-Proxy as a Tool of Transnational Repression”, Special Report, 2020, <https://freedomhouse.org/report/special-report/2020/home-and-abroad-coercion-proxy-tool-transnational-repression>.

<sup>3</sup>Human Rights Defenders e.V. (HRD Berlin), Enforced Disappearances in the Context of Transnational Repression, Submission to the Committee on Enforced Disappearances (CED) and the Working Group on Enforced or Involuntary Disappearances (WGEID), November 2025, [https://humanrights-ev.com/wp-content/uploads/2026/01/HRD\\_BERLIN\\_Enforced-disappearance\\_Report.pdf](https://humanrights-ev.com/wp-content/uploads/2026/01/HRD_BERLIN_Enforced-disappearance_Report.pdf).



detention, cut off from communication with the outside world, and denied access to lawyers or courts; authorities frequently deny their detention, thereby meeting the international legal definition of enforced disappearance.

Host State complicity or negligence also plays a significant role. Some States implement politically motivated arrest warrants or deportations, fail to conduct human-rights-based risk assessments, or ignore explicit warnings provided by victims or civil society organizations, enabling onward transfer to countries where enforced disappearance is a documented practice. Certain cases occur within legal “grey zones,” including detentions inside embassies or consulates, apprehensions in airport transit areas, informal cooperation between intelligence agencies, or luring individuals to third States to facilitate abduction contexts that significantly limit access to legal remedies and hinder accountability. In addition, an increasingly documented practice is coercion-by-proxy, where relatives of exiled activists inside the country of origin are subjected to arbitrary arrest, incommunicado detention, or disappearance to pressure the individual abroad.

#### **b) Individuals Most at risk**

Analysis<sup>4</sup> across regions shows that several groups face heightened risk of transnationally perpetrated enforced disappearance<sup>5</sup>. These include<sup>6</sup> human rights defenders and political activists in exile, especially those engaging with UN mechanisms, international media, or diaspora organizing; journalists and whistleblowers targeted through surveillance and politically motivated alerts; and ethnic, racial, or religious minorities, particularly where counterterrorism narratives are misused, such as Uyghur and other Muslim communities. Women human rights defenders are at particular risk due to gender-based digital attacks that often escalate into offline harassment or travel interception. Individuals with precarious immigration status including asylum seekers, undocumented persons, and recently arrived activists also face increased vulnerability. Additional risk groups include students and researchers monitored by consular authorities, as well as family members who remain in the country of origin and face reprisals, including enforced disappearance, as retaliation for the activities of relatives abroad.

Documented global patterns show 241 cases<sup>7</sup> of enforced disappearance linked to unlawful transfers since 2014, with journalists representing 124 victims and individuals of Muslim origin 64% of victims, particularly in cases linked to Egypt, Iran, Turkey, and China.

#### **Egypt<sup>8</sup> — Illustrative Publicly Documented Patterns Indicate:**

- **Use of diplomatic missions as tools of repression<sup>9</sup>**

Includes surveillance, intimidation, denial of consular services, and documented physical assaults inside or directly around embassies/consulates.

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<sup>4</sup> <https://freedomhouse.org/report/transnational-repression>

<sup>5</sup> <https://www.hrw.org/news/2024/06/12/qa-transnational-repression>

<sup>6</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO\\_STU%282025%29754475\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO_STU%282025%29754475_EN.pdf)

<sup>7</sup> <https://freedomhouse.org/article/ten-findings-ten-years-data-transnational-repression>

<sup>8</sup> <https://ldsfi.info/blog/2025/01/01/egypt-political-participation-exclusion-and-transborder-repression/>

<sup>9</sup> <https://egyptianforum.org/en/transnational-repression-joint-report-exposes-egypts-violations-and-calls-for-accountability-at-the-4th-universal-periodic-review-upr-of-egypt/>



- **Reprisals against relatives in Egypt**  
Harassment, arrests, enforced disappearance, and professional or administrative retaliation targeting family members of exiled critics.
- **Abuse of legal and cross-border mechanisms**  
Politically motivated charges, in absentia sentences<sup>10</sup>, terrorism listings, and attempts to trigger arrests or transfers of exiled critics through foreign authorities.
- **Identity and documentation deprivation**  
Denial or obstruction of passports, national IDs, civil registry documents, and birth certificates for exiles and their children.
- **Civil registry freezing**  
Suspension or freezing of civil status records to render exiled HRDs legally vulnerable or effectively stateless.
- **Coordinated media defamation campaigns**  
State-aligned media stigmatizing HRDs and portraying them as security or moral threats to delegitimize their work.
- **Proxy intimidation and assaults abroad**  
Regime-aligned loyalists, sometimes supported or encouraged by embassy personnel, carrying out harassment or violence near protests or community hubs in Europe and the US.
- **Documented cases of direct involvement by intelligence-linked actors in harassment and violence<sup>11</sup>** against Egyptian journalists and HRDs abroad, including in Germany and Switzerland.

## 2. Which national, regional, or international laws, practices, or (bilateral) agreements contribute to or prevent such acts?

In the context of Egypt, enforced disappearances occurring in connection with transnational repression are facilitated by a combination of domestic counter terrorism legislation, security-driven prosecutorial practices, and cross-border cooperation mechanisms that operate without effective human rights safeguards. These frameworks are not confined to the repression of dissent within national territory, but are deliberately deployed to pursue human rights defenders, journalists, political opponents, and civil society actors living in exile, as well as to exert pressure on their families and social networks inside Egypt.<sup>12</sup> As such, they form a central component of Egypt's transnational repression apparatus and contribute to an environment in which enforced disappearance becomes a foreseeable and recurring risk.

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<sup>10</sup> <https://ldsf.info/blog/2025/10/27/27-10-25-1/>

<sup>11</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29562>

<sup>12</sup> UN Special Procuders. Press Release. 15 January 2025. Egypt: Special Rapporteur concerned about use of anti-terrorism legislation against human rights defenders. <https://www.ohchr.org/en/press-releases/2025/01/egypt-special-rapporteur-concerned-about-use-anti-terrorism-legislation>



At the national level, Egypt's counter terrorism legal architecture is anchored in Anti Terrorism Law No. 94 of 2015 and the Terrorist Entities Law No. 8 of 2015. Law No. 94 of 2015 provides exceptionally broad powers under the pretext of combating terrorism and adopts expansive and vague definitions of “terrorist act” and related offences<sup>13</sup>. This enables authorities to recharacterize peaceful political activity, human rights advocacy, journalism, and online expression as terrorism related conduct. In practice, these provisions are routinely applied to individuals who have left the country and continue their advocacy from abroad, allowing the authorities to open terrorism related case files against them in absentia.

The law authorizes restrictive measures that include travel bans, police probation and surveillance, monitoring of communications, online surveillance, restrictions on movement and residence, and limitations on peaceful assembly and association.<sup>14</sup> These measures are imposed without individualized evidence demonstrating necessity or proportionality and often outside the context of a formal criminal trial. For human rights defenders in exile, such measures serve as a legal pretext for labeling them as security threats and for portraying their legitimate human rights work as criminal conduct, thereby facilitating their pursuit across borders.

Law No. 8 of 2015 on Terrorist Entities further institutionalizes transnational repression through a listing regime that permits the designation of individuals and groups as “terrorist entities” on the basis of vague criteria and procedures that do not meet fundamental due process standards. Listings under this law trigger severe consequences including asset freezes, restrictions on property and financial dealings, limitations on travel, and reputational harm. For human rights defenders and activists living abroad, these listings function as a mechanism of transnational control, enabling authorities to request international cooperation, restrict access to financial systems, and justify arrest or detention when individuals travel or transit through third countries.

The implementation of these laws is reinforced by the practices of the Supreme State Security Prosecution and the Terrorism Circuit Courts, which rely extensively on “confidential information and investigations” that is not disclosed to the accused or their legal representatives.<sup>15</sup> This deprives affected individuals of any meaningful opportunity to challenge allegations or restrictive measures. For defenders in exile, the existence of such case files creates a persistent risk of arrest, detention, or enforced disappearance upon return to Egypt or when apprehended abroad through security cooperation mechanisms.

Transnational repression under this framework does not stop with the individual defender. Egyptian authorities have systematically extended these measures to family members and close associates who remain in Egypt, including through summons, interrogation, detention, travel bans, asset freezes, and surveillance. This practice of targeting relatives serves as a form of coercion and retaliation aimed at silencing human rights work conducted from abroad. It also places family members at heightened risk of enforced disappearance, particularly when they are held by the national security agency without prompt judicial oversight or access to legal safeguards.

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<sup>13</sup> Human Rights Watch. <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>

<sup>14</sup> UN Special Procedures. Communications. AL EGY 1/2022.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27123>

<sup>15</sup> Amnesty International. 2019. Permanent state of exception: abuses by the supreme state security prosecution in Egypt. <https://www.amnesty.org/en/latest/campaigns/2019/11/egypt-permanent-state-of-exception-abuses-by-the-supreme-state-security-prosecution/>

**Below are several cases that illustrate the use of transnational repression through the targeting of family members in Egypt:**

- **Ali Bakry** is an Egyptian journalist who has continued his professional and critical work from abroad, was subjected to retaliation when his brother, Mohamed Bakry, was arrested by Egyptian security forces inside Egypt. Following his arrest, Mohamed Bakry was subjected to enforced disappearance for several days, during which his whereabouts were concealed and his family was denied information. On 17 August 2025, a competent court ordered Mohamed Bakry's release on bail. However, despite the judicial order, the security agency refused to implement the decision and continued to detain him until 1 September 2025.
- **Hasiba Mahsoub**, a 56-year-old engineer and businesswoman who was subjected to enforced disappearance for a period of 68 days before being brought before the Supreme State Security Prosecution. Upon her appearance, she was charged with routine and broadly framed accusations, including joining a banned group and spreading false news. In December 2020, a judicial decision was issued ordering her release. However, less than twenty four hours later, she was rotated and "recycled" into a new case on the basis of the same allegations. Hasiba has never been involved in political activism and has no affiliation with any political movement or party. Her arrest in November 2019 was not based on any identifiable criminal conduct, but rather on her family relationship to a political opponent living outside Egypt.
- **Sobhi Eid**, a 63 year old Egyptian national, was arrested on 22 October 2025 following security raids on his home in Alexandria, carried out without a judicial warrant. He was subjected to enforced disappearance for six days before being presented before the prosecution and allowed to contact his lawyer. His arrest forms part of a broader pattern of retaliation linked to the activities of his son, Seif El-Islam Eid<sup>16</sup>, who lives abroad. Seif El-Islam Eid's family has been repeatedly targeted due to his work documenting testimonies of former detainees regarding torture and abuses in Egyptian prisons. Previous violations include security raids in November 2022 and the enforced disappearance of Sobhi Eid for 18 days in April 2025. In 2023, Seif El-Islam Eid was denied the renewal of his passport through the Egyptian embassy in Qatar. This case illustrates the use of enforced disappearance, arbitrary detention, and denial of consular services as tools of transnational repression through family targeting.
- **Ahmed Gamal Ziada** is an Egyptian journalist living in exile and the Editor in Chief of Zawia3<sup>17</sup>. In August 2023, Egyptian security forces arrested his father inside Egypt without a judicial warrant. The arrest was carried out despite the absence of any allegations linking his father to criminal activity. Following the arrest, Ahmed Gamal Ziada's family was subjected to repeated security pressure, including surveillance and harassment. These measures were taken during the period in which Ahmed Gamal Ziada was continuing his journalistic work from abroad.

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<sup>16</sup> <https://ldsf.info/blog/2025/10/31/31-10-25-1/>

<sup>17</sup> An independent digital media platform founded and operated by Egyptian journalists. The platform publishes journalistic and analytical content in Arabic on political, social, and human rights related developments in Egypt and the region. Zawia3 focuses on investigative reporting, opinion pieces, and documentation of violations, and provides a space for voices that are unable to operate freely within Egypt due to restrictions on freedom of expression and media work.





- **Fagr ElAdly** is an Egyptian-German activist. In connection with her public human rights advocacy abroad, Egyptian security forces arrested her father inside Egypt on 18 August 2023. Following his arrest, he was subjected to enforced disappearance for several days, during which his whereabouts were concealed and the family was denied information. He was later presented before the Supreme State Security Prosecution and placed in pretrial detention on broadly framed security related charges, despite the absence of any evidence linking him to criminal activity. The arrest and disappearance occurred solely in the context of his familial relationship to Fagr El-Adly and her activism abroad.

Such practices constitute a form of transnational repression, whereby the authorities seek to punish and deter dissent abroad by targeting relatives inside the country, exposing them to arbitrary detention, enforced disappearance, and prolonged legal harassment.

A further dimension of Egypt's transnational repression against human rights defenders in exile is the systematic denial of consular and civil documentation services through its diplomatic missions abroad, based not on any cited legal provision but on opaque and discretionary "security approvals" issued by authorities inside Egypt.<sup>18</sup> Egyptian embassies and consulates routinely refuse to issue, renew, or process essential documents for human rights defenders, journalists, political activists, and perceived critics of the authorities, including passports, national identity documents, birth certificates for children born abroad, and the certification or authentication of civil and legal documents. In such cases, consular officials typically inform applicants that the request has been rejected due to the absence of security approval, without providing any legal justification, written decision, or avenue for appeal.

This practice reflects the extraterritorial extension of domestic security control mechanisms and operates entirely outside transparent administrative or judicial procedures. Individuals are not informed of the authority responsible for the decision, the grounds for refusal, or the duration of the restriction. As a result, affected persons are deprived of any effective remedy to challenge the denial of documentation. For human rights defenders in exile, this creates a condition of prolonged legal insecurity that directly interferes with the exercise of fundamental rights, including the right to family life, legal identity, work, education, and freedom of movement.

In many cases, diplomatic missions explicitly or implicitly condition the provision of consular services on the individual's return to Egypt, despite being aware that the person concerned is subject to terrorism related investigations, security case files, travel bans, or listing decisions under counter terrorism legislation. Such demands place human rights defenders in an impossible position. Compliance entails a foreseeable and real risk of arbitrary arrest upon arrival, followed by incommunicado detention, enforced disappearance, torture, and other forms of ill treatment by the national security agency. Refusal, on the other hand, results in continued deprivation of legal status and basic civil documentation abroad.

The denial of consular services also has a severe impact on family members, particularly spouses and children of defenders living in exile. The refusal to issue birth certificates or nationality related documentation for children born abroad exposes families to prolonged legal invisibility and vulnerability.

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<sup>18</sup> Human Rights Watch. 2022. Egypt: Dissidents Abroad Denied Identity Documents: Undermines Victims' Access to Basic Rights. <https://www.hrw.org/news/2023/03/13/egypt-dissidents-abroad-denied-identity-documents>; LDSF Rights. 2025. Egypt's Diplomatic Missions Weaponized as transnational repression tool. <https://ldsfi.info/blog/2025/09/08/08-09-25-1/> ; Alestiklal. 2024. Trapped Abroad: Egyptians Fleeing Sisi's Rule at Home Face Pursuit Overseas. <https://www.alestiklal.net/en/article/trapped-abroad-egyptians-fleeing-sisi-s-rule-at-home-face-pursuit-overseas>



This practice amounts to a form of collective pressure and retaliation that extends transnational repression beyond the individual defender and places family members at heightened risk of serious human rights violations.

When viewed alongside terrorism related prosecutions in absentia, asset freezes, travel bans, and intimidation of relatives inside Egypt, the use of consular services as a coercive tool constitutes a central pillar of Egypt's transnational repression strategy. By forcing individuals to choose between continued legal insecurity abroad and exposure to grave violations upon return, this practice contributes directly to conditions in which enforced disappearance and torture become predictable and foreseeable outcomes.<sup>19</sup>

Alongside the misuse of counter-terrorism legislation against Egyptian human rights defenders in exile, Egypt's arrest, detention, and deportation practices toward refugees and asylum seekers—particularly Sudanese nationals—have, in specific contexts, functioned as an enabling mechanism for transnational repression. While not all deportations constitute transnational repression per se, such practices assume this character where they facilitate or reinforce pressure exerted by Sudanese authorities or armed actors against individuals perceived as politically active, outspoken, or engaged in human rights or civic work.

Since the outbreak of armed conflict in Sudan in April 2023, Sudanese refugees and asylum seekers in Egypt have been subjected to enforced disappearance, arbitrary arrest, prolonged detention, and deportation without effective access to asylum procedures, legal assistance, or meaningful judicial review. These measures are frequently implemented in a security-driven manner, marked by secrecy, the withholding of information regarding detainees' whereabouts, and restrictions on contact with families or legal representatives. In this context, Egypt plays a key role in enabling the reach of repression beyond Sudan's borders by returning individuals to situations where they face a foreseeable risk of serious violations.

Notably, among the Sudanese refugees who are affected by these practices are human rights defenders, journalists, civil society actors, or individuals involved in community-based humanitarian or documentation work. In such cases, forced return to Sudan places them at heightened risk of retaliation by security forces or armed actors precisely because of their actual or perceived civic engagement. Where Egypt's actions directly facilitate this outcome, deportation functions as a form of transnational repression by proxy, enabling the silencing of human rights work through removal to a jurisdiction where protection is unavailable and serious violations are likely to occur.

### **3. Which mechanisms exist—or are lacking—to ensure investigation, prosecution, and mutual legal assistance in cases of transnational enforced disappearances?**

While a number of international and regional frameworks prohibit enforced disappearance<sup>20</sup>, these protections remain inadequate when violations occur across borders. States engaged in transnational repression exploit gaps in jurisdiction, cooperation procedures, and oversight mechanisms, resulting in persistent obstacles to investigation, prosecution, and accountability in cases of cross-border enforced disappearance.

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<sup>19</sup> Committee for Justice. 2022. Research paper: Activism of human rights defenders in the Egyptian diaspora. <https://www.cfjustice.org/research-paper-activism-of-human-rights-defenders-in-the-egyptian-diaspora/>

<sup>20</sup> <https://www.ohchr.org/en/documents/tools-and-resources/transnational-repression>



#### a. Existing mechanisms (insufficient in practice)

International human rights obligations formally prohibit arbitrary detention, torture, and enforced disappearance, and require States to prevent such violations, investigate them, and ensure remedies. In practice, however, implementation<sup>21</sup> is inconsistent and often influenced by political considerations, leaving serious protection gaps. Asylum and migration systems<sup>22</sup> are intended to uphold non-refoulement, yet expedited removal procedures, weak human-rights-based risk assessments, and misclassification of politically motivated cases have enabled unlawful transfers leading to disappearance. Existing oversight within international police cooperation mechanisms, such as internal review processes within INTERPOL, has not prevented the politically motivated misuse of alerts, which continues to facilitate arrests that may trigger enforced disappearance. Regional courts<sup>23</sup> have issued important rulings affirming State responsibility and prohibiting complicity in unlawful transfers, but these decisions are implemented unevenly and often too slowly to prevent harm.

#### b. Key gaps

Significant structural gaps persist across jurisdictions. There is no dedicated international or regional legal framework that specifically regulates transnational repression or enforced disappearances occurring across borders. As a result, impunity remains systemic, with most cases treated as isolated incidents and little to no investigation into the involvement of foreign agents or cross-border networks. Mutual legal assistance channels, extradition systems, and regional security cooperation mechanisms are frequently misused to bypass safeguards and facilitate politically motivated transfers. Many States also lack sufficient extraterritorial jurisdiction to investigate or prosecute foreign officials involved in disappearances partly executed abroad. Protection frameworks for victims, families, and witnesses rarely extend across borders, leaving diaspora communities particularly vulnerable. Additionally, there is little regulation or oversight of digital surveillance, spyware, and online harassment, tools commonly used as a precursor to physical targeting. UN mechanisms rely on voluntary cooperation, limiting their ability to compel State action in cases of transnational disappearance.

#### a. Recommendations

Addressing these gaps<sup>24</sup> requires sustained structural reform<sup>25</sup>. States should establish a dedicated international or regional mechanism with the capacity to monitor, document, and investigate transnational repression and associated enforced disappearances. All extradition<sup>26</sup>, deportation, and mutual legal assistance requests must undergo transparent, human-rights-based review to prevent politically motivated abuse. Safeguards within international police cooperation should be strengthened through independent oversight and accountability measures. Host States should develop rapid-response protocols and duty-to-warn procedures for individuals at risk. Transnational repression should also be systematically integrated into foreign policy, sanctions regimes, and human rights dialogues. Finally, protection systems

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<sup>21</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO\\_STU%282025%29754475\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO_STU%282025%29754475_EN.pdf)

<sup>22</sup> <https://www.hrw.org/news/2024/06/12/qa-transnational-repression>

<sup>23</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO\\_STU%282025%29754475\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO_STU%282025%29754475_EN.pdf)

<sup>24</sup> <https://www.ohchr.org/en/documents/tools-and-resources/transnational-repression>

<sup>25</sup> <https://ishr.ch/latest-updates/new-un-brief-prompts-growing-global-action-against-transnational-repression/>

<sup>26</sup> <https://freedomhouse.org/policy-recommendations/transnational-repression>





must be expanded to include victims, families, and witnesses across borders, ensuring meaningful access to safety and remedy.

#### **4. Which measures should States adopt to ensure effective protection, truth, justice, and reparation for victims and their relatives?**

States must adopt a comprehensive and victim centered framework to prevent enforced disappearances in the context of transnational repression and to ensure effective protection, truth, justice, and reparation for victims and their relatives. States must recognize enforced disappearance as a continuing violation and ensure that its absolute and non derogable prohibition is fully reflected in domestic law, policy, and practice. Preventive measures must include the repeal or amendment of laws that enable repression under the pretext of national security or counter terrorism. Counter terrorism legislation must be narrowly defined, subject to strict judicial oversight, and applied in accordance with the principles of legality, necessity, and proportionality. States must prohibit the use of secret detention, ensure prompt registration of all detainees, guarantee access to legal counsel and family members, and ensure that no individual is deprived of liberty without judicial review.

To ensure truth and justice, States must establish independent and impartial investigative mechanisms with the authority to investigate enforced disappearances. Such investigations must be capable of identifying all responsible actors, including those who order, authorize, facilitate, or approve enforced disappearance. Jurisdictional obstacles must not be used to shield perpetrators, and States must cooperate in good faith through mutual legal assistance and extradition frameworks that respect human rights obligations.

Victims and their relatives must be guaranteed effective remedies, including access to information concerning the fate and whereabouts of disappeared persons. Reparation must be comprehensive and include restitution, compensation, rehabilitation, satisfaction, and guarantees of non recurrence. This includes psychological and social support, public acknowledgment of responsibility, and institutional reforms. States must also ensure protection against reprisals for victims, families, and human rights defenders who seek truth and accountability, including those acting from exile. Without these measures, enforced disappearance remains both enabled and perpetuated.

#### **5. How can international organizations such as INTERPOL strengthen safeguards against misuse of their mechanisms?**

International organizations involved in cross border law enforcement cooperation, including INTERPOL, play a critical role in preventing the misuse of their mechanisms for purposes of transnational repression and enforced disappearance. Strengthening safeguards is therefore essential to ensure that cooperation tools are not instrumentalized to facilitate human rights violations. First, INTERPOL should enhance its human rights screening of Red Notices, diffusions, and other cooperation requests, particularly those framed under counter terrorism or national security grounds. Requests originating from contexts where enforced disappearance, torture, or politically motivated prosecutions are well documented should be subject to heightened scrutiny. This includes proactive assessment of whether the request is linked to peaceful political activity, human rights advocacy, journalism, or dissent. Second, transparency and accessibility of remedies must be strengthened. Individuals affected by Red Notices or diffusions should be promptly notified and provided with clear information on the basis of the request. Decisions should be reasoned and communicated in a manner that allows affected persons to understand and challenge the underlying justification. Third, INTERPOL should institutionalize systematic cooperation with United Nations human rights mechanisms,



including treaty bodies and special procedures, to identify patterns of misuse linked to transnational repression. Information from UN findings, communications, and reports should be treated as authoritative indicators of risk.

## **6. Are there positive examples of domestic or international cooperation that have effectively prevented or addressed enforced disappearances in a transnational context?**

The past several years have seen growing regional and multilateral recognition of transnational repression and its connection to enforced disappearances. However, existing initiatives remain largely political or declaratory rather than legally binding, and practical safeguards continue to vary widely across jurisdictions, resulting in persistent gaps in protection and accountability.

**The European Union** has taken one of the most notable steps through the European Parliament's 2025 resolution<sup>27</sup> on transnational repression, the first comprehensive regional effort to define the phenomenon and introduce guidance on addressing it. The resolution<sup>28</sup> calls for strengthened vetting of extradition requests, enhanced oversight of cross-border alerts, improved protection for at-risk human rights defenders, and systematic monitoring of politically motivated misuse of judicial and policing cooperation. Despite this progress, the EU still lacks binding legal obligations that would ensure uniform implementation across Member States, and national practices remain uneven. Recent assessments also identify Egypt<sup>29</sup> among the leading perpetrator States, underscoring the urgent need for more robust safeguards at EU borders and in judicial cooperation. While political recognition has advanced, the absence of enforceable standards means that EU-level measures remain insufficient to prevent enforced disappearances linked to transnational repression.

**Within the G7**, member States have increasingly acknowledged transnational repression as a threat<sup>30</sup>, but existing statements<sup>31</sup> remain non-binding and primarily declaratory. Current initiatives focus on awareness-raising, information sharing, and addressing digital threats, yet they do not include enforceable commitments<sup>32</sup> or clear human-rights-based reviews of cross-border cooperation. There are no mechanisms to monitor misuse of mutual legal assistance, extradition channels, or security tools; no structured protection pathways for victims; and no accountability measures for perpetrators. A more effective approach would require harmonized safeguards across G7 members, including duty-to-warn protocols and political consequences for States engaging in systematic cross-border targeting.

**The Council of Europe (CoE)** has taken initial steps through PACE Resolution 2509 (2023)<sup>33</sup>, which recognizes the rise of transnational repression and encourages stronger oversight of extradition and INTERPOL alerts. Nevertheless, the CoE has not yet adopted any binding instrument addressing transnational repression, nor has it established a monitoring or accountability mechanism. Current measures

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<sup>27</sup> <https://ldsf.info/blog/2025/11/13/european-parliament-tnr131125/>

<sup>28</sup> [https://www.europarl.europa.eu/doceo/document/A-10-2025-0206\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-10-2025-0206_EN.html)

<sup>29</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO\\_STU\(2025\)754475\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754475/EXPO_STU(2025)754475_EN.pdf)

<sup>30</sup> <https://g7.canada.ca/en/news-and-media/news/g7-leaders-statement-on-transnational-repression/>

<sup>31</sup> <https://www.hrw.org/news/2025/06/12/letter-to-g7-leaders-ahead-of-summit>

<sup>32</sup> <https://www.ohchr.org/sites/default/files/documents/issues/terrorism/activities/sr-ct-remarks-g7-transnational-repression.pdf>

<sup>33</sup> <https://pace.coe.int/en/files/32999/html>



rely heavily on soft law and political declarations. Civil society organizations<sup>34</sup> across Europe are calling for the adoption of a dedicated Council of Europe Convention on Transnational Repression to establish a common legal definition, create binding obligations, regulate misuse of judicial and police cooperation frameworks, and provide monitoring and victim-protection mechanisms. Without such a convention, the CoE response remains fragmented and insufficient given the scale and severity of the problem.

**INTERPOL reforms** in recent years, including stronger review procedures through the Notices and Diffusions Task Force (NDTF)<sup>35</sup> and the adoption of updated guidance<sup>36</sup>, represent meaningful progress in reducing politically motivated misuse of Red Notices. Despite these improvements, oversight remains internal and largely reactive, Diffusions remain weakly regulated, and implementation continues to vary significantly among member States. Human rights organizations consistently call<sup>37</sup> for independent external oversight, mandatory human-rights pre-screening of all alerts, and greater transparency to ensure that INTERPOL systems cannot be weaponized<sup>38</sup> to facilitate unlawful arrests or disappearances.

**At the national level**, several governments have begun developing legislative or operational responses, though these remain inconsistent and often limited in scope. The United Kingdom has applied the National Security Act (2023)<sup>39</sup> to prosecutions involving foreign-linked intimidation. The United States has strengthened protections through the ICE Directive<sup>40</sup> (2023), which prevents immigration enforcement based solely on INTERPOL Red Notices. Australia has expanded its whole-of-government strategy against foreign interference<sup>41</sup>, emphasizing engagement with diaspora communities. In Germany, political commitments in the 2025 coalition agreement acknowledge the threat of transnational repression<sup>42</sup>, but no dedicated reporting or protection mechanism has yet been established, and several deportations have resulted in immediate detention or disappearance upon return. France has enhanced oversight of foreign interference<sup>43</sup> but still lacks targeted protections for at-risk diaspora groups. Canada has increased monitoring and legislative action<sup>44</sup> on foreign interference, though significant protection gaps persist.

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<sup>34</sup> <https://ldsf.info/blog/2025/12/03/transnational-repression31225-1/>

<sup>35</sup> <https://www.interpol.int/How-we-work/Notices/Compliance-and-review>

<sup>36</sup> <https://www.interpol.int/News-and-Events/News/2024/INTERPOL-human-rights-and-international-police-cooperation>

<sup>37</sup> <https://www.fairtrials.org/campaigns/interpol/>

<sup>38</sup> [transnational-repression-weaponizing-the-international-system](https://www.fairtrials.org/campaigns/interpol/transnational-repression-weaponizing-the-international-system)

<sup>39</sup> <https://www.gov.uk/government/collections/the-national-security-bill>

<sup>40</sup> [https://www.ice.dhs.gov/doclib/foia/dro\\_policy\\_memos/15006.1\\_InterpolRedNoticesWpDiffusions.pdf](https://www.ice.dhs.gov/doclib/foia/dro_policy_memos/15006.1_InterpolRedNoticesWpDiffusions.pdf)

<sup>41</sup> <https://www.homeaffairs.gov.au/nat-security/files/cfi-australia.pdf>

<sup>42</sup> <https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/>

<sup>43</sup> <https://www.hatvp.fr/en/high-authority/regulating-foreign-influence-to-prevent-the-risk-of-interference/>

<sup>44</sup> <https://www.canada.ca/en/democratic-institutions/news/2025/01/protecting-canadas-democratic-institutions-and-processes-from-foreign-interference.html>