

COMPROMISED SPACE

Foreign State Reprisals Against
Unrepresented Diplomats in Europe



EXECUTIVE SUMMARY
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Compromised Space: Foreign State Reprisals against Unrepresented Diplomats in Europe [Executive Summary]

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This document provides a summary of the UNPO's report *Compromised Space: Foreign State Reprisals against Unrepresented Diplomats in Europe* and an outline of the UNPO's *Compromised Spaces* campaign.

The full report is available on our website at <https://unpo.org/article/22134>. A direct download can be accessed at <https://unpo.org/downloads/2696.pdf>.

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Foreign States, including Iran, Russia and China, are in the process of a serious escalation of attacks against diaspora communities, dissidents, human rights defenders, civil society and ethnic minorities in Europe. Often referred to as reprisals, these tactics take the form of direct threats, intimidation, assassination, espionage and other serious harms.

Based on the experience of the Unrepresented Nations and Peoples Organization (UNPO), this report outlines reprisals suffered by European citizens and residents, on the sovereign territories of Europe, orchestrated and implemented by foreign States. It advocates for better coordination and response mechanisms by the European Union (EU) and Member States to deter and prevent increasingly violent and serious attacks which challenge the rule of law and territorial sovereignty of States including France, the United Kingdom, the Netherlands, Denmark, Germany, Austria, Sweden, Belgium and Switzerland.

The report builds on the work of the UNPO, in collaboration with the University of Oxford, concerning compromised spaces for unrepresented peoples. As detailed in “Compromised

Space: Bullying and Blocking at the UN Human Rights Mechanisms”, unrepresented peoples face a growing range of challenges to access United Nations mechanisms and engage in international advocacy. This has been further exacerbated by the Covid-19 crisis, as set out in a subsequent report, “Compromised Space and Undiplomatic Immunity: the Impact of Covid-19 on the Ability of Unrepresented Diplomats to Engage U.N. Human Rights Mechanisms.”

Through an analysis across numerous European states, this report highlights an increase in reprisals and a concurrent failure by European states, including those hosting the U.N. and other international and regional bodies, and the EU to recognize the scope and severity of the issue.

Authoritarian regimes are in the process of undermining sovereignty and fundamental democratic values on which Europe is founded through a range of hostile actions. Iranian government officials, under diplomatic cover, have carried out assassinations on European soil and regularly utilize malware and various forms of espionage to retaliate against perceived dissidents. Chinese embassy officials

regularly target ethnic minorities, including Uyghur and Tibetan diaspora, denying essential documents and threatening family members of those who refuse to cooperate. Russia has been linked to multiple assassinations and poisonings of Russian and Chechen dissidents. Yet investigations and prosecutions into these criminal activities remain limited and many diplomatic officials remain in their posts or freely return to their country of origin.

In the face of these attacks, the UNPO has found that the EU and European states are either unaware, unable or unwilling to confront the rising number of attacks and intimidation conducted on their own territories. Great power politics are having an increasing impact on the internal dimensions of Europe and terrorism and organized crime are no longer the only relevant transnational issues impacting the safety of Europe's citizens. Europe is not doing enough to ensure minority and indigenous communities are properly protected.

The findings in this report show there are significant limitations in the operation of domestic and regional mechanisms intended to prevent or investigate reprisals by foreign State actors against their diaspora and other

groups. Coordination between police, prosecution and justice services appears limited or in many instances non-existent. States have, to the contrary, preferred to assist with repatriation rather than properly investigate and prosecute foreign nationals. The lack of investigation into the issue further obscures the actual number of serious incidents occurring on a regular basis, as individuals are unwilling or unable to report relevant incidents. This includes incidents reported directly to the UNPO which are unable to be publicized due to fear of ongoing reprisals.

The implications of this lack of action are significant. They endanger the Europe and the EU's historical role as a place of safe harbour for vulnerable groups. Minority communities are robust and important components of the life of European societies. The issues raised by these attacks have significant implications for Europe as a centre of progressive rule of law-based government. Failing to act reinforces the aggressive activities of these authoritarian regimes.

Moreover, with United Nations offices across Europe including in Switzerland, the Netherlands, Germany, Austria, Italy, France and Denmark, states within Europe and the

EU itself play an essential role in not only guaranteeing their own citizens' and residents' fundamental rights and well-being, but also in ensuring effective and accessible international and regional systems capable of protecting and promoting the rights of national minorities, human rights defenders, indigenous peoples and other vulnerable populations.

In order to combat this concerning trend, the EU, European states and international organizations, such as the U.N., must prioritize coordinated efforts to support and defend those directly harmed who look to them for protection. It is also essential that democratic States ensure that the rule of law is respected in their own sovereign territory and applied to all, including foreign state actors carrying out crimes on their soil. This is particularly true of the EU, where extant criminal cooperation mechanisms must be utilized and improved to protect European citizens and refute tactics employed by repressive regimes.

This report is the beginning of our analysis of this phenomenon, not the end. The intention of the report is to begin our planned process of engaging with European partners and governments to evaluate how national

authorities, the EU and UN may better respond to foreign state reprisals within Europe. However, some initial recommendations are already clear.

Initial Recommendations

- 1.** The European Union, in coordination with national authorities, should study the phenomenon of and responses to reprisals in Europe. This research could include, for example, a European Parliament Research Service “Cost of Non-Europe” study.
- 2.** The United Nations, through its work on intimidation and reprisals, should initiate a study and assessment of United Nations host country efforts to protect non-state actors and avenues for better coordination with the host countries. This could build on recent efforts to ensure a coordinated and coherent response to reprisals, which includes designation of United Nations staff focal points, sharing of policy developments and good practices and documentation of trends and cases including at the country level to protect relevant individuals and groups.
- 3.** European countries hosting the United Nations and other international or regional organizations should examine their policing and prosecutorial practices and criminal cooperation agreements.

ABOUT THE UNPO

The Unrepresented Nations and Peoples Organization (UNPO) is an international movement and organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their rights to self-determination.

The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their civil and political rights and to control their economic, social and cultural development. In many cases, they are subject to the worst forms of violence and repression.

The UNPO members provide the organization's core funding and fully govern the organization. Our members include states with limited recognition, governments of sub-national entities unequally treated in domestic affairs, governments-in-exile of occupied states, political parties, people's assemblies, and other indigenous and

minority rights movements, together accounting for over 300 million people worldwide.

We have particularly strong representation from nations and peoples associated with or occupied by the Islamic Republic of Iran, the Peoples Republic of China, and the Russian Federation, the primary subjects of this report.

Our Compromised Spaces Campaign

The UNPO, has been heavily engaged in the growing crisis of international reprisals and closing space for human rights.

Unrepresented peoples are under threat and persecuted worldwide. At the United Nations states seek to exclude their voices and resort to bullying tactics. Across the world self-determination movements are repressed and activists and their loved ones are subjected to reprisals.

We are campaigning for a robust response to suppression of self-determination movements and reprisals against their activists, as well as for reform of the international

system to allow unrepresented peoples to participate and to be better protected when they do.

The Problem

Unrepresented peoples worldwide face enormous challenges when advocating at international forums.

With an increasingly reduced space for civil society worldwide, the democratic nature of multi-lateral international bodies is at stake. Particularly concerning is how restrictive the United Nations mechanisms have become for unrepresented nations and peoples, who do not have a formal seat at the United Nations table.

Advocates for these peoples often face harassment and intimidation from some United Nations Member-states, which resort to a range of “blocking” tactics to silence their voices. Among the many obstacles for effective participation of NGOs and “unrepresented diplomats” at the UN is the politicization of registration with the Economic and Social Council (ECOSOC), which is required in order to fully participate. In practice large numbers of NGOs that wish to engage the UN are kept within the grey area of being officially unregistered.

A particularly deceptive tactic used by some member states has been to establish and/or support government-affiliated NGOs (GONGOs). Once registered with ECOSOC, these GONGOs can operate within United Nations NGO forums and spaces, and counter human rights accounts with government propaganda, all the while in the guise of being genuine, independent entities.

In this context, a recurrent tactic employed by states is the misuse of labels attributed to “unrepresented diplomats”. Some states brand defenders from unrepresented nations as “separatists”, while other defenders are falsely labelled as “terrorists”. There is a pattern of state bullying and repression tactics against activists engaged in promoting the right to self-determination of their communities, including through reprisals, such as intimidation and harassment, travel bans, criminalization of activities, arbitrary arrests, and torture and cruel and inhuman treatment.

What we are doing about it

Since 2015 we have been working with our partners to document instances of reprisals taken out against unrepresented peoples and to build the capacities of unrepresented diplomats.

We released a report with our findings related to the United Nations human rights mechanisms in July 2019 alongside the University of Oxford and Tibet Justice Center and another in November 2020 on the impact of the Covid-19 pandemic.

Moreover, with the University of Oxford we have developed a comprehensive capacity building and mentoring programme for unrepresented diplomats.

Since the release of our 2019 report we have ramped up our efforts to support unrepresented nations and peoples to advocate at the international level and respond to reprisals.

We are also continuing to document and raise awareness of reprisals both

at the United Nations and within other international or regional bodies that are facing similar problems, aiming to build international support to condemn and respond to these individual cases.

In addition, we are documenting attacks and intimidation by authoritarian states against activists engaging with international fora located in Europe and the U.S.A., asking governments to provide greater protection to them when they do, and we are responding to targeted efforts to suppress self-determination movements through awareness raising activities and complaints to United Nations Special Procedures.



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