TRANSNATIONAL REPRESSION IN FRANCE

IPHR International Partnership for Human Rights

State Capture Accountability Project

International Partnership for Human Rights (IPHR) is an independent, nongovernmental organisation founded in 2008. With a presence in Brussels, Kyiv, and Tbilisi, IPHR works closely with civil society groups in Eastern Europe, South Caucasus, and Central Asia to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities. IPHR has been documenting atrocity crimes committed in the context of Russia's war on Ukraine since 2014 and has been using collected evidence for accountability purposes.

https://iphronline.org/

IPHR@IPHRonline.org

State Capture Accountability Project is a non-profit foundation registered in the Netherlands (Stichting). Its focus is on investigating and countering state capture and associated activities across the globe. It envisions a global society where states exist to serve their people, and where elites are unable to bend laws and institutions to serve their own advantage. It convenes and supports investigators, civil society, data analysts, academics, policy experts, and legal professionals to conduct research, undertake policy advocacy and initiate legal proceedings to promote a deeper understanding of state capture and use available legal avenues to counter it.

https://www.state-capture.org/

contact@state-capture.org

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A. Introduction and summary

International Partnership for Human Rights ("IPHR") is an independent, non-governmental organisation founded in 2008. Based in Brussels with a second office in Tbilisi, IPHR works closely with civil society groups from a range of countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities.

State Capture Accountability Project ("State Capture") is a non-profit organisation registered in the Netherlands. Our vision is of a global society where states exist to serve their people, and where economic and political elites are unable to bend laws and institutions to serve their own interests. We convene and support investigators, journalists, academics, policy experts, legal professionals and civil society to promote a deeper understanding of and pursue accountability for state capture through investigation, analysis, policy advocacy, and legal action.

Together, State Capture and IPHR are reviewing the capacity of European states to address transnational repression ("TNR"), and more specifically, Russia-sponsored TNR. As part of this review, we have undertaken a gap analysis of French legal and policy frameworks for preventing and deterring TNR, and for protecting Russian exiles and diaspora communities against TNR in France. This policy brief outlines our core findings and strategic recommendations.

In summary, IPHR and State Capture call on French authorities to take the following measures:

- Enact a legal definition of TNR to ensure a shared understanding of TNR among French authorities and institutions and to support the creation of a tailored legal framework;
- Conduct a cross-government review of evidence of TNR on French territory and the adequacy of France's policy, law and legislation to counter those threats. The findings should guide the government's policies and legislative agenda in this area;
- Adopt a victim-focused approach to TNR policy, rather than seeing it purely through the lens of national-security and foreign interference;
- Explicitly criminalise TNR and the full array of TNR-related conduct, legislate for a victim-focused criminal procedure, confer investigative and prosecutorial powers tailored to tackling TNR, and ensure increased inter-agency coordination;
- Law enforcement and state security should enact procedures and policies to enable them to quickly and adequately identify TNR cases, assess the level of threat and pursue effective investigations and accountability measures;
- Enact a policy and legal framework to ensure effective protection and tailored assistance to TNR victims or those at risk of being targeted;
- Create an intelligence-gathering mechanism for recording and monitoring TNR cases and perpetrators, and enhance France's coordination and cooperation on this issue with its allies and international institutions;
- Guarantee effective protection – including where necessary asylum and personal security – to TNR targets on French soil;
- Suspend extraditions to Russia.

B. Establish a legal definition of TNR

France lacks an official definition of TNR enshrined in law. To the authors' knowledge, only the French General Directorate on Internal Security *(DGSI - Direction Générale de la Sécurité Intérieure) has a working definition of TNR.*

In January 2025, the DGSI published a note on TNR, in which the agency defines TNR as *"the repressive actions taken by some governments to identify, locate, monitor, intimidate, censor, repatriate or take the life of their political rivals and opponents abroad."*[1] The DGSI further identifies that targets of TNR include political dissidents and opponents, journalists, activists, ethnic or religious minorities, as well as their families and close friends. The DGSI lists the following as examples of TNR conduct:

- Monitoring demonstrations, as a means to identify TNR targets and potentially intimidate them.
- Infiltrating a target's professional and personal networks to identify, monitor and/or neutralise the networks of dissidents abroad;
- Carrying out cyberattacks to paralyse the activities of dissident organisations. In addition to personal, confidential and sensitive data theft (which may be used against them), these digital attacks can be intended to alter the computer systems of the targeted organisations;
- Threatening France-based individuals to make them stop their activities, execute orders or go back to their home country. These threats, whether physical or digital, may be more or less violent and might be based on blackmail;
- Pressuring families and friends in the home country by putting them under surveillance, requesting them to go to the police station, subjecting them to threats or administrative sanctions, arresting them, or kidnapping them, in order to impact a TNR target's close circle;
- Conducting online harassment through media disinformation and/or online bullying campaigns: cyber-harassment (email and social media), publishing deceitful articles to discredit and isolate individuals, publishing threats as well as disclosing personal information. Personal data of TNR targets and their families may also be broadly disseminated on public websites or on chat groups;
- Conducting administrative and judicial harassment, for example by ordering the confiscation of identity documents, freezing a TNR target's bank accounts in the home country, searching their property in the home country, prosecution of a person's inner circle in the home country as a means to intimidate them while in France;
- Abusing of extradition requests and repatriation attempts (through blackmail, intimidation, threats or by force);
- Attempting or committing murder.

1 Direction Générale de la Sécurité Intérieure, "Fight against transnational repression," 26 december 2024, available at: *https://www.dgsi.interieur.gouv.fr/english/fight-against-transnational-repression*.

Although the DGSI employs a working definition of TNR, French law does not provide a formal definition. The absence of a codified definition prevents the development of a unified understanding of TNR among French authorities and institutions. It also hinders a coordinated interagency response to TNR. There is no single French agency or institution that is legally mandated to lead prevention and mitigation efforts. There is also no dedicated protection mechanism for individuals identified as TNR victims.

Establishing a legal definition of TNR would not only clarify TNR's distinct nature – separate from foreign interference – but also support the creation of a tailored legal framework, as described in this paper. The definition should be developed in cooperation with victims of TNR and their representatives and in coordination with other members of the Council of Europe.

The authors recommend the following text as a starting point for developing a legal definition of TNR: *"Foreign government conduct perpetrated (or having impact) on French territory, including but not limited to assassinations, violence, intimidation, harassment, illegal deportations, abductions, digital threats, Interpol and extradition abuse, unlawful asset appropriation and revocation of travel documents, aimed at intimidating, silencing, coercing, harassing, or harming exiled individuals and members of exiled communities and those who support them in France."*

C. Assess the TNR threat and France's ability to address it

It is common institutional practice for the French government to task state agencies or groups of high-ranking civil servants to produce an analytical report on a specific issue, with the objective of generating structured findings and expert assessments to inform public decision-making. The French government should use this procedure to conduct a cross-government review of evidence of TNR on French territory and the adequacy of France's policy, law and legislation to counter those threats. This review should be widely circulated and inform legislative agenda and policymaking in this area.

The cross-government report should identify available evidence of methods of intimidation, coercion, surveillance, harassment, and threats directed at Russian exiles, activists, journalists, and dissidents residing in France. It should also identify Russian agencies, institutions and proxy organisations behind TNR in France. Evidence should be gathered from law enforcement, state security, other government agencies and civil society.

Crucially, the cross-government review should assess the adequacy of French institutions, laws and policy for countering the identified threat. The review should determine whether French law enforcement authorities have sufficient investigative powers to investigate and supress TNR conduct, whether prosecutors have the necessary legal frameworks to accurately qualify and prosecute TNR cases, and whether the policy framework in place is sufficient to safeguard actual or potential TNR victims from harassment, intimidation, violence and other forms of harm.

COMPARATIVE EXAMPLE:

The United Kingdom (UK) Defending Democracy Taskforce (DDT) has conducted such a review into the UK's response to TNR. The review, completed in partnership with lead Government Departments, the police and the intelligence services, alongside engagement with victims of TNR, focused on building the UK's understanding of the scale, nature, and impact of TNR domestically, as well as making recommendations to strengthen that response.

In May 2025, the Taskforce updated the Parliament on its findings to TNR and shared a set of recommendations to strengthen the UK's approach, including the introduction of police training; the publication of practical guidance for individuals who believe they may be at risk; and the establishment of a dedicated team within the Home Office to coordinate the UK's strategy on TNR.[2]

At the same time, the UK Parliament's Joint Committee on Human Rights launched an inquiry into TNR in the UK, focusing on understanding the impact of TNR in the UK and evaluating the adequacy of legal and policy responses. The Committee's report, published in July 2025, identified practical steps that the Government can take to strengthen its response to TNR and to better protect those at risk.[3] These recommendations include the adoption of a formal definition of TNR, developed in consultation with law enforcement, civil society and affected communities; data collection by law enforcement agencies on the number and nature of TNR in the UK; the development and implementation of an outreach strategy aimed at individuals and communities likely to be at high risk of TNR; and the establishment of a dedicated national reporting hotline for individuals who experience TNR to enhance victim support as well as improve data collection.

D. Adopt a victim-focused approach to TNR policy

France currently treats TNR as a subset of foreign interference. The DGSI states that TNR conduct *"are acts of foreign interference and, as such, are monitored in priority by DGSI as part of its counter-espionage mission."*[4] The decree of 30 April 2014, which establishes the DGSI, mandates the agency to *"ensure the prevention and contribute to the repression of all forms of foreign interference"* and to facilitate *"the prevention and repression of acts that undermine national defence secrets or those that undermine the economic, industrial or scientific potential of the country."*[5] Given that TNR is understood as a national security issue and that the DGSI's primary focus is the protection of domestic interests and internal security, the DGSI is the leading agency tasked with monitoring TNR in France.

2 UK Parliament, Transnational Repression Review, Statement made on 14 May 2025, Statement UIN HCWS632, available at: *https://questions-statements.parliament.uk/written-statements/detail/2025-05-14/hcws632*

3 Joint Committee on Human Rights, "Transnational repression in the UK", UK Parliament, available at: *https://publications.parliament.uk/pa/jt5901/jtselect/jtrights/681/report.html*

4 Direction Générale de la Sécurité Intérieure, "Fight against transnational repression," 26 december 2024, available at: *https://www.dgsi.interieur.gouv.fr/english/fight-against-transnational-repression*.

5 Décret n° 2014-445 du 30 avril 2014 relatif aux missions et à l›organisation de la direction générale de la sécurité intérieure, available at: *https://www.legifrance.gouv.fr/loda/id/JORFTEXT000028887486*.

While TNR and foreign interference can both be described as foreign state conduct, the impact of TNR is not limited to matters of national security. TNR generally targets individual members of exiled communities and those who support them for their dissenting views. By conflating TNR with foreign interference, and thus framing TNR as a national security threat, French authorities and French legislation prioritise stronger surveillance, security and intelligence-based responses geared toward the protection of state structures and the French public. Moreover, a 'foreign interference' approach to TNR can lead to all members of immigrant communities being viewed as potential perpetrators – including the targets of TNR themselves – which in turn restricts government support and protection to victims.

We recommend a victim-centred approach to addressing TNR. France should recognise TNR as a distinct phenomenon, separate from general forms of foreign interference. TNR should be viewed as a foreign state's attack on victims' fundamental rights, which France is obligated to safeguard. Acknowledging this specificity is essential to developing dedicated legal and institutional frameworks that provide for appropriate preventive and responsive mechanisms, mandates for responsible agencies, and safeguards that prioritise the protection and rights of victims.

E. Criminalise TNR

Currently, France does not have a stand-alone criminal offence of TNR. French criminal legislation allows for the repression of TNR either as an ordinary crime or through an aggravating factor related to foreign interference.

When TNR qualifies as a criminal offense under French law, it can be prosecuted under existing provisions of the Criminal Code, such as harassment (article 222-33-2-2[6]), threats (article 222-17 and 222-18[7]), or violation of privacy (article 226-1[8]). However, French law treats these crimes as isolated and ordinary criminal incidents, and fails to recognise the coordinated, state-sponsored nature of TNR as an inherent and distinguishing element of the act.

Several forms of TNR fall outside the scope of existing criminal offences or remain difficult to prosecute due to evidentiary or definitional gaps. Examples include:

- Passive surveillance and monitoring of someone's public appearances without intrusion: Foreign security services or their informal proxies (community leaders, business intermediaries, etc) may monitor political meetings, protests, religious gatherings or a targeted person's whereabouts; photograph or film participants; compile lists of activists or journalists. Surveillance conducted in public spaces is often lawful. Intelligence-gathering on behalf of a foreign state does not necessarily amount to illegal data processing, harassment, or violation of privacy, and is not criminalised unless it meets the narrow definition of espionage or involves classified information;
- Vague or indirect threats and intimidation and certain forms of targeted digital attacks: Online intimidation and persistent online monitoring, doxing threats, or implicit warnings that stop short of explicit threats may not satisfy the elements of criminal harassment or

6 Article 222-33-2-2 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000049312743*

7 Article 222-17 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006417660*

8 Article 226-1 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000049312755*

threats, despite their cumulative chilling effect.

- Coercive consular practices: Pressure exerted by foreign embassies or consulates located in France on diaspora members to provide information, attend meetings, or cease political activity abroad. Such conduct may be intimidating but often does not meet the legal thresholds for threats under French law.
- Misuse of administrative or legal mechanisms: Abusive use of international arrest warrants, extradition requests or Red notices, or civil defamation suits initiated by foreign authorities to silence dissidents. While harmful, these actions are often framed as lawful state acts and are not criminalised as such under French domestic law.

As a result, French law enforcement authorities' powers to address TNR are constrained. In the absence of a legally recognised offence, prosecutors have limited scope to initiate a judicial investigation at all, which in turn prevents law enforcement from exercising core investigative powers, including the ability to compel witness testimony, conduct searches, request or seize physical evidence or digital data, or engaging formal channels of international judicial cooperation. Nor can procedural measures which victims' benefit from - such as the suspected author's placement under judicial control or detention as well as the formal recognition of victim status and access to reparative measures -be activated.

Law n°2024-850 of 25 July 2024 aiming at preventing foreign interferences in France created a new aggravating factor under article 411-12 of the French Criminal Code[9] which applies to offenses against property or persons committed with *"the aim of serving the interests of a foreign power or enterprise, or organization, or under foreign control"* (new article 411-12 of the French Criminal Code).[10] This aggravating factor applies to all crimes and offenses against persons, excluding crimes against humanity (articles 221-1 à 228-1 French Criminal Code), offenses of fraudulent appropriation (articles 311-1 à 315-2 French Criminal Code), and offenses of destruction, damage, deterioration, and attacks on automated data processing systems (articles 322-1 à 323-8 French Criminal Code).

First, the aggravating factor does not apply to TNR conduct which is not defined as an offence under French law. Second, the aggravating factor will only apply if it is possible to demonstrate that the TNR act was executed to serve *"the interests of a foreign power".* Proving that a criminal act of TNR is committed with *"the aim of serving the interests of a foreign power"* to a criminal standard of evidence may be challenging in practice.

French legislators did not introduce this new aggravating factor to tackle TNR specifically but to address increasing foreign interference. French legislators' intent is reflected in the aggravating factor's position within the French Criminal Code: article 411-12 figures in the Title I on *"attacks on the fundamental interests of the nation"* (articles 410-1 to 414-9) of Book IV which covers *"crimes and offenses against the nation, the State and public peace"* (Articles 410-1 to 450-5).[11] Consequently, it remains uncertain whether the aggravating factor will enable French law enforcement authorities to repress TNR activities or serve as a deterrent effect over TNR acts.

The authors recommend explicitly criminalising TNR and the full array of TNR-related conduct.

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9 Article 411-12 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000050053148*

10 Article 411-12 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000050053148*

11 Article 411-12 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000050053148*

F. Provide law enforcement with adequate powers to meet the TNR challenge

TNR is characterised by complex cross border conduct which requires sophisticated investigative strategies and techniques. French Government should recognise this need and grant its law enforcement agencies investigative and procedural tools that would enable the disrutpion and accountability for TNR conduct.

These powers should include broad investigative powers, including entry, search and seizure;[12] disclosure orders;[13] customer information orders;[14] bank account monitoring;[15] the power to arrest without a warrant in the event of a reasonable suspicion[16] and the power to use reasonable force.

In addition, French authorities could allow the Government to impose 'prevention and investigation measures' on specific individuals believed to be acting for a foreign power. [17] This includes a requirement to reside at a specified residence and to remain at the residence during certain hours, travel restrictions, exclusions from certain areas, restrictions on access to French financial services, restrictions on the transfer of money or property, prohibitions on the possession of weapons, restrictions on possession and use of electronic communication devices, restriction on association and communication with other persons, and restrictions on ability to work or study.[18] The Government may also require such persons to regularly report to the police, to take a polygraph test, to be photographed, and to be monitored (including through wearable electronic monitoring).[19] These measures are designed to restrict the ability of suspected perpetrators of TNR to conduct prohibited activities on French soil.

G. Provide law enforcement with guidance and training on TNR

French authorities should provide its law enforcement and state security agencies with specialised guidance and training on TNR. Such guidance should establish a specialised protocol for the systematic identification and differentiated handling of complaints referencing TNR. The guidance should specify procedural steps for risk evaluation and, where appropriate, coordination with intelligence services. The guidance should further encourage law enforcement authorities to provide urgent protective measures when credible threats are confirmed.

12 National Security Act 2023, s. 23 and Schedule 2.

13 National Security Act 2023, s. 24 and Schedule 3.

14 National Security Act 2023, s. 25 and Schedule 4.

15 National Security Act 2023, s. 26 and Schedule 5.

16 National Security Act 2023, s. 27.

17 National Security Act 2023, s. 39.

18 National Security Act 2023, Schedule 7.

19 Ibid.

H. Create a TNR task force and hotline

In the longer term, France should create a cross-agency task force which should serve as a central node for collecting, processing, analysing and acting on TNR evidence. The agency should have a public hotline which would allow TNR targets to seek advice and assistance from specially trained officers. The agency should report on its work and analysis to government and the legislature to inform policy and legislation on TNR. The agency should develop training and guidance to regular law enforcement. Finally, the agency should cooperate and coordinate efforts with similar agencies from other allied states.

I. Enact policy and legal framework to ensure protection and tailored assistance to victims

French law enforcement authorities may order protective measures if a criminal procedure is ongoing (in other words, if TNR conduct has already taken place and amounts to a crime or offense) and if the author of such conduct is identified. These measures are not specifically designed to protect TNR victims but more generally any victims of a crime or offense.

French authorities may order such measures either a) during preliminary investigations conducted by the public prosecutor and investigative police or b) during judicial investigations conducted by the investigative judge:

- During preliminary investigations, the French public prosecutor can use powers set out under article 41-1 of the French Criminal Code to prohibit the author to appear for a defined period in one or more specific locations where the offense was committed or where the victim resides (article 41-1, paragraph 7°). The public prosecutor can also prohibit the author from meeting or entering into contact with the victim, directly or through the intermediary of other persons, for a defined period of time (article 41-1, paragraph 8°).[20]
- During judicial investigations, the investigating judge or the judge of liberties and detention may order the placement under judicial supervision ("contrôle judiciaire") of the person under investigation if he or she faces a prison sentence or a more serious penalty, as set out under article 138 of the French Criminal Code.[21] The person has to accordingly comply with certain obligations, such as the prohibition to go beyond determined territorial limits, leave residence, or meet specifically designated persons.

However, no legal mechanism ensures the protection of potential TNR targets if no criminal investigation is underway, or the conduct does not qualify as a crime. Finally, when the author of TNR conduct is not identified, the protection measures under article 41-1 and article 138 of the French Code of Criminal Procedure cannot apply.

Other existing statutory tools include protection orders for victims of domestic violence (article 515-9 and the following of the French Civil Code[22]), or functional protection owed by the administration to

20 Article 41-1 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000047244643*

21 Article 138 of the French Criminal Code, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000049571599*

22 Article 515-9 and the following of the French Civil Code, available at: *https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070721/LEGISCTA000022455910/#LEGISCTA000022469694*

its agents by reason of their functions (article L. 134-1 of the General Code on Civil Service[23]). These mechanisms are not designed to encompass and address the politically motivated harassment, surveillance, intimidation, and coercion exerted by foreign state actors or their proxies against exiled communities on French territory.

Finally, special police protection may be granted by the Service de la Protection (SDLP) under exceptional circumstances to individuals facing serious and credible threats, including journalists and human rights defenders. Access to such protection is based on the highly discretionary assessment of law enforcement authorities in consultation with the Ministry of Interior (see box below).

ILLUSTRATION: PROTECTIVE MEASURES AND THEIR LIMITATIONS

The case of Vladimir Osechkin, a Russian human rights defender and founder of the anti-torture project Gulagu.net, provides an illustration of both the current capacity and structural limitations of the French protection framework.

In 2022, Russian state-affiliated operatives subjected Osechkin to surveillance and an alleged assassination attempt in Biarritz.[24] In response, French authorities granted him official police protection via the SDLP, a specialised unit of the French National Police under the authority of the Ministry of the Interior.

The SDLP is mandated to ensure the personal security of high-level public officials, foreign dignitaries, and individuals facing serious, credible threats, including journalists and human rights defenders under exceptional circumstances.

While the protection provided to Osechkin attests to the ability of French authorities to respond to high-profile TNR cases, it also highlights the discretionary nature of such protection. It further sheds light on the absence of a normative and procedural framework allowing for the systematic identification, assessment, and protection of individuals at risk of foreign state targeting. The lack of a defined legal basis results in disparate levels of protection and legal uncertainty among exiled communities.

We recommend that France establishes a dedicated legal framework explicitly providing for protection measures for individuals at risk of being targeted, who are targeted and/or have been targeted by acts of TNR.

These measures mays include: emergency alert mechanisms; secure communication channels with law enforcement authorities; individual police protection; temporary or permanent relocation assistance; where the alleged perpetrator has been identified, prohibitions on contacting the victim, directly or indirectly, and on appearing at or approaching the victim's residence, workplace, or other locations regularly frequented by the victim.

Furthermore, the protection mechanism should be made available on the basis of the foreign origin of the intimidation, silencing, coercion, harassment, or harm, recognising TNR as a distinct

23 Article L134-1 Code général de la fonction publique, available at: *https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044427622*.

24 Проекте, "Une question de confiance : Portrait de Vladimir Ossetchkine, entrepreneur en défense des droits humains," 11 September 2023, available at: *https://www.proekt.media/fr/portrait-fr/vladimir-osechkin-fr/*.

Ouest France, "Vladimir Ossetchkine, opposant russe réfugié à Biarritz, se dit victime d'une tentative d'assassinat," 21 September 2022, available at: *https://www.ouest-france.fr/europe/russie/vladimir-ossetchkine-opposant-russe-refugie-a-biarritz-se-dit-victime-d-une-tentative-d-assassinat-4eb8edfc-39a9-11ed-9888-057b49850fb3*.

category of threat warranting state intervention. Access to protection should not be conditioned on conventional assessments of domestic public order risks, nor on the existence of ongoing criminal proceedings or prior convictions. The framework should clearly delineate and codify the legal criteria and evidentiary thresholds governing the granting of protection, while also establishing procedural guarantees for victims. It should further define, in a clear and comprehensive manner, the respective responsibilities of local and national law enforcement authorities, as well as of national intelligence services, in the identification, assessment, and implementation of protective measures.

By creating an autonomous legal framework for TNR protective measures, France would ensure that responses to TNR are standardised, rights-based, and commensurate with the strategic importance of protecting individuals from foreign authoritarian action on national territory. The French government should publish official guidance on this protection framework to raise awareness and provide knowledge to individuals and communities targeted by TNR conduct in France.

J. Create an intelligence gathering mechanism to document and monitor cases of TNR

France already maintains structured databases in key areas of public safety. The Terrorist Offenders Index (*"Fijat - Fichier des auteurs d'infractions terroristes"*) registers persons convicted or accused of terrorism, in order to prevent recurrences of acts of terrorism and facilitate the identification of perpetrators. The File of Perpetrators of Sexual or Violent Offenses (*"Fijas - Fichier des auteurs d'infractions sexuelles ou violentes"*) is a national database that includes individuals convicted or accused of sexual offenses designed to prevent reoffending and to facilitate the identification of offenders. The File of prevention of attacks on public security (*PASP - Fichiers de prévention des atteintes à la sécurité publique*) registers the personal data of natural and legal persons that pose a threat to public order due to their behaviour, affiliations, and activities potentially linked to violent activism, extremism, or disturbances.

Law n°2024-850 of 25 July 2024 aiming at preventing foreign interferences in France provides for the establishment of a new digital register of foreign influence activities (*"registre des activités d'influence étrangère"*). As of 1 July 2025, the register records the activities of individuals acting on behalf of foreign powers and the activities of entities, political parties or groups outside the European Union. Any natural or legal person – except consular and diplomatic staff and foreign state official – regardless of nationality, that promotes foreign interests before French public authorities or the general public, must declare any activities intended to influence public decision-making or the conduct of public policies. By enhancing transparency around legitimate foreign influence efforts, the register is also designed to expose undeclared or deceptive activities. It seeks to deter actors recruited by foreign powers to engage in foreign interference and raises awareness among decision-makers and other potential targets of the risks of interference.

France currently lacks a centralised collection system to document and monitor TNR cases, designed for prevention and mitigation purposes. We recommend that France establish a dedicated file or register to track past and ongoing TNR incidents. This data collection system should aim to identify individuals and/or networks which perpetrate TNR in France on behalf of foreign governments. The register will thereby help support law enforcement authorities (investigative police, public

prosecutors, investigative judges) and coordinate their efforts with other French agencies, including the DGSI. It will also enable heightened coordination with like-minded international partners and agencies, including Europol and Interpol, through sharing appropriate information.

K. Grant asylum to TNR targets

Exiles may request international protection from France under two different legal regimes:

- Protection may be granted through access to refugee status, based on the Geneva Convention of 1951 supplemented by the New York Protocol of 1967.
- Protection may be granted through subsidiary protection, under the Common European Asylum System (Art. 67 and Art. 78, TFEU; "qualification" directive of 2011; "reception" directive of 2013; "procedures" directive of 2013).

Refugee status is given when the applicant meets the following conditions:

- Element of foreignness: the asylum seeker must be outside his or her country of origin;
- Fear of persecution: the applicant must demonstrate personal, current and well-founded fears of suffering serious treatment – by their nature or frequency – in the event of returning to his or her country;
- Grounds for persecution: the risk of suffering persecution must be incurred because of race, religion, nationality, political opinions or membership in a certain social group;
- Agent of persecution: the agent of persecution may be a state agent or any private person if the authorities do not offer protection (art. L. 513-2 CESEDA);
- Absence of protection in the country of origin: impossibility or reluctance, due to fears, to seek protection from state authorities or an international organization with a mission in their country of origin.

If the asylum seeker cannot benefit from the refugee status, he or she may still benefit from protection on a subsidiary basis. Such protection is granted if he or she risks, in the event of return to his or her country of origin, being executed or sentenced to the death penalty (SP "1"), being subjected to acts of torture or inhuman or degrading treatment or sanctions (SP "2") or, for a civilian, being exposed to a serious and individual threat due to a situation of indiscriminate violence in the event of an internal or international armed conflict (SP "3").[25]

25 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, available at: *https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF*.

CASE STUDY: RUSSIAN MILITARY DESERTERS

Recent developments in French case law indicate increased receptiveness toward Russian exiles, particularly military deserters.

On 21 September 2022, President Vladimir Putin announced the mobilisation of 300,000 men aged 18 to 65 to reinforce the Russian armed forces, which immediately impacted asylum applications in former Soviet Union countries and the European Union. In October 2022, 1,965 first-time asylum applications from Russian nationals were registered in the EU, compared to 1,310 in September and around 900 per month previously. Since a ruling in July 2023, the CNDA has agreed to grant refugee status to Russian army deserters.[26] Between July 2023 and April 2024, France granted asylum to 68 Russian deserters based on the provisions of Article 9, 2, e) of Directive 2011/95/EU of 13 December 2011.[27]

European asylum legislation already provides that refugee status may be granted to a person who would be threatened with prosecution or sanctions for having refused to perform military service in the event of a conflict in which war crimes could be committed.[28] The Court of Justice of the European Union ruled on 26 February 2015 that this legislation covers the situation in which military service performed would itself imply, in a specific conflict, the commission of war crimes, even when the person would participate only indirectly in the commission of such crimes.[29] The refusal to perform military service must be the only means by which the applicant for refugee status can avoid participation in the alleged war crimes. There must also be a strong presumption that the refusal to perform military obligations is linked to a reason for persecution justifying the recognition of refugee status.

Accordingly , to rule that Russian deserters may be granted refugee status, the CNDA argued that mobilised Russian nationals are likely to be forced to commit war crimes, given that the Russian armed forces are committing such crimes on a systemic and widespread scale in Ukraine. Further, if a Russian citizen refuses to respond to a mobilisation, Russian law provides that he or she is liable to a sentence of between two and three years in prison, to which have been added, since the enactment of Federal Law of 14 April 2023 (N°127-FZ), penalties such as a ban on leaving the country, working as a self-employed person, taking out a loan, or selling or renting out one's home. Thus, refusal to comply with conscription orders exposes Russian deserters to prosecution and sanctions that can be described as persecution.

The standard of proof to obtain refugee status, set by the CNDA and OFPRA, is high. The CNDA states that it must be stringent since mobilisation in Russia is partial and does not affect all citizens. The Court's position is to grant refugee status to Russian

26 CNDA, grande formation, 20 juillet 2023, n° 21068674, confirmed by CNDA, 7 février 2024, n° 23051482, available at: *https://lext.so/RKY8w9.*

CNDA, "Russie : Les Russes ayant refusé de participer à la guerre en Ukraine peuvent obtenir le statut de réfugié," 20 July 2023, available at: *https://www.cnda.fr/decisions-de-justice/dernieres-decisions/russie-les-russes-ayant-refuse-de-participer-a-la-guerre-en-ukraine-peuvent-obtenir-le-statut-de-refugie*

27 Radio France, ""Jamais je ne pourrai retourner dans mon pays": près de 70 déserteurs de l'armée russe réfugiés en France," 4 April 2024, available at: *https://www.radiofrance.fr/franceinter/podcasts/le-zoom-de-la-redaction/le-zoom-de-la-redaction-du-jeudi-04-avril-2024-5836510*.

28 Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, available at: *https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:337:0009:0026:en:PDF*.

29 CJEU, 26 February 2015, Case C-472/13 Andre Lawrence Shepherd v Bundesrepublik Deutschland.

nationals who *"demonstrated the existence of personal risks of persecution if they returned to Russia, due to their refusal to comply with the partial mobilization in the context of the war conducted by Russian armed forces against Ukraine."*[30]

The applicant must therefore provide all relevant evidence to establish that he or she is actually subject to a military obligation in the context of partial mobilisation or forced recruitment. According to CNDA Vice-President Christine Massé-Degois, *"to claim protection under refugee status, one must prove their mobilizable status with specific elements such as documents or detailed and personalized declaration."* Deserters may provide evidence, such as military summons, a military ID, documents proving that they have taken part in the Russian armed forces. Mere membership of the reserve is not sufficient to demonstrate that a Russian national would actually be required to participate directly or indirectly in the commission of war crimes. On 15 February 2016, the Court rejected the asylum application of a Russian exile who claimed to be a deserter, stating that *"the declarations and documents provided did not establish that the applicant had been mobilised in the context of the war"* in Ukraine.[31]

In summary, while the current asylum and subsidiary protection frameworks offer potential pathways to effective and rights-based protection upon arrival in France for exiles facing TNR, the practical application of these protections must be strengthened to ensure timely and adequate responses to the specific risks posed by foreign state persecution. We recommend that the Ministry of the Interior, OFPRA and the CNDA take coordinated action to ensure that guidance is issued to asylum officers and judges on the unique characteristics of TNR. Further, we recommend that TNR is recognised as a relevant basis for granting refugee status or subsidiary protection, serving as an indicator that persecution because of political opinions or membership to a social group will be incurred upon return to origin country. Finally, the standard of proof should be reflected the difficulties TNR victims face in gathering evidence.

L. Suspend extradition to TNR perpetrator countries

The French Government should suspect extradition and mutual legal assistance to any country that carries out TNR conduct on French soil. On 4 March 2022, the then-French Minister of Justice, Éric Dupond-Moretti, announced that France would no longer process requests for mutual legal assistance or extradition from Russia or Belarus, noting that such cooperation is conditioned on mutual trust and respect for international law. The Minister nevertheless indicated that certain requests might be considered on a case-by-case basis[32], as illustrated by the extradition in August 2025 of a Karachay-Cherkessia national to Russia on terrorism-related charges[33].

30 Le Parisien, "La France a accordé l'asile a 19 déserteurs de l'armée russe en 2024," available at: *https://www.leparisien.fr/international/la-france-a-accorde-lasile-a-19-deserteurs-de-larmee-russe-en-2024-22-03-2024*.

31 CNDA, 15 février 2016, n°15028793, available at: *https://www.cnda.fr/Media/mediatheque-cnda/import/cnda-15-fevrier-2016-m.-m.-n-15028793-c*

32 France Info, "Guerre en Ukraine : les Européens vont cesser les extraditions vers la Russie et la Biélorussie," 4 march 2022, available at: *https://www.francetvinfo.fr/economie/emploi/metiers/droit-et-justice/guerre-en-ukraine-les-europeens-vont-cesser-les-extraditions-vers-la-russie-et-la-bielorussie_4991938.html*

33 Caucasion Knot, "France extradites Karachay-Cherkessia native accused of terrorism to Russia," 14 August 2025, available at: *https://www.eng.kavkaz-uzel.eu/articles/67215* ; OC Media, "France extradites Karachay–Cherkessia native to Russia for 'joining the Islamic State in Syria," 14 August 2025, available at: *https://oc-media.org/france-extradites-karachay-cherkessia-native-to-russia-for-joining-the-islamic-state-in-syria/*.

We recommend a blanket refusal on extradition to any country that perpetrates TNR conduct, without the need to examine particular circumstances of individual cases, in order to ensure consistent protection against the risk of abusive use of extradition requests or Interpol. More generally, we call on the government and judicial authorities to examine and issue clear guidance on the impact of TNR conduct on extradition cases.

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