ASSESSING GERMANY'S CAPACITY TO COUNTER RUSSIAN TRANSNATIONAL REPRESSION

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IPHR International Partnership for Human Rights

State Capture Accountability Project

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1. Introduction

1.1. Background: Growing Threat of Transnational Repression (TNR)

Transnational repression (TNR) is a growing global phenomenon. Authoritarian regimes deploy an expanding range of tools to monitor, intimidate, and attack actual or perceived dissidents beyond their borders. These tactics are primarily aimed at silencing members of the democratic opposition, journalists, human rights defenders, and marginalised communities seen as threats to the regime's power.[1]

Germany, as one of the world's leading host countries for migrants and exiles, offers a particularly compelling case study. Notably, China, Russia, Iran, Egypt and Turkey have all used TNR tactics to target their nationals living in Germany.[2]

This report focuses on Germany's ability to address TNR perpetrated by the Russian Federation, especially following the full-scale invasion of Ukraine. While the analysis of Germany's institutional, legal, and policy capacity to counter TNR is general in scope, specific case studies of Russian-perpetrated TNR are used to illustrate how these mechanisms operate in practice. The report also considers how Germany's migration policy towards Russian exiles and its broader diplomatic approach to the Russian Federation influence its overall response to TNR perpetrated by the Russian Federation. The report highlights important gaps in Germany's safeguards against TNR and recommends strategies to strengthen Germany's response to TNR.

1.2. TNR Tactics

TNR undermines the exercise of fundamental rights and freedoms, posing significant risks to those targeted.[3] TNR tactics documented in Germany are varied and increasingly sophisticated, particularly since the advent of advanced surveillance technologies. They include covert surveillance and threats, as well as direct forms of violence, including abduction and, in some cases, murder.[4] Women in exile face heightened risks of sexual harassment and exploitation.[5]

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1 Freedom House (2023), Still Not Safe: Transnational Repression in 2022. *https://freedomhouse.org/report/transnational-repression*

2 Freedom House (2023), Germany: Transnational repression Host Country Case Study. *https://freedomhouse.org/report/transnational-repression/germany* German Federal Foreign Office (2025), Human Rights Commissioner Amtsberg on the report concerning alleged transnational repression against Egyptian human rights defender and journalists Basma Mostafa in Germany. *https://www.auswaertiges-amt.de/en/newsroom/news/2714530-2714530*

3 Parliamentary Assembly (2023), Coucnil of Europe, Transnational Repression as a Growing Threat to the Rule of Law and Human Rights, p.4; p.9. *https://rm.coe.int/transnational-repression-as-a-growing-threat-to-the-rule-of-law-and-hu/1680ab5b07* Coalition Against Transnational Repression in Germany (2025). Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.1. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

4 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.2. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

5 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.2. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

Perpetrator states exploit judicial and law enforcement cooperation mechanisms that lack sufficient safeguards against TNR, such as extradition, strategic lawsuits against public participation (SLAPPs), and Interpol, to pursue, detain, or forcibly return individuals to regimes where they face persecution.[6] Measures to hinder mobility, such as cancelling passports or freezing assets, are also used by perpetrator states to intimidate, undermine dissident activities, and entrench control.[7]

Digital surveillance and harassment play a central role in these campaigns, with techniques deployed such as hacking, spyware, phishing, data breaches, and online harassment.[8] Digital attacks often accompany physical intimidation.[9] Threats to family and friends, both at home and abroad, increase the pressure and lead some individuals to self-censor or limit their activities.[10]

In democratic states, the rule of law and the separation of powers generally provide a higher level of protection against abuses carried out through the cooperation or manipulation of local authorities. As a result, perpetrating states can rely on a wide range of low-threshold measures that are difficult to prove and often only partially covered by criminal law. These include, for example, coordinated online smear campaigns, pressure exerted on family members in the country of origin, and overt surveillance or intimidation.[11]

2. Germany's Recognition and Definitions of TNR

2.1. Early Framing of TNR under Espionage and Terrorism

Until recently, German law and policy subsumed TNR under broader categories such as espionage, counterintelligence, or state-sponsored terrorism.[12] This approach did not fully reflect the systematic

6 Parliamentary Assembly (2023), Council of Europe, Transnational Repression as a Growing Threat to the Rule of Law and Human Rights, p.4; p.9. *https://rm.coe.int/transnational-repression-as-a-growing-threat-to-the-rule-of-law-and-hu/1680ab5b07* Office of the High Commissioner for Human Rights (2025), United Nations, Transnational Repression – What is Transnational Repression?, p. 2. *https://humanrightscommission.house.gov/sites/evo-subsites/humanrightscommission.house.gov/files/evo-media-document/ohchr-briefer-transnational-repression.pdf*

7 Parliamentary Assembly (2023), Council of Europe, Transnational Repression as a Growing Threat to the Rule of Law and Human Rights, pp.8-9. *https://rm.coe.int/transnational-repression-as-a-growing-threat-to-the-rule-of-law-and-hu/1680ab5b07*

8 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.2. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

9 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.2. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

10 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.2. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

11 Dr. Marcus Michaelsen (2026), Written submission to the Human Rights Committee of the German Bundestag on transnational repression, BT-Drs. 20/14480, available at: *https://www.bundestag.de/resource/blob/1136336/Stellungnahme-SV-Dr-Michaelsen.pdf*

12 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p.3. *https://freedomhouse.org/report/transnational-repression/germany*

nature and purpose of TNR. Germany still lacks a coherent strategy to combat it.[13] *The Bundesamt für Verfassungsschutz* (BfV), Germany's federal domestic intelligence agency, is responsible for monitoring espionage, cyberattacks, and other activities carried out on behalf of foreign states, including TNR.[14] The BfV publishes an annual report that provides an overview and analysis of threats to the constitutional order, including activities such as anti-constitutional efforts, espionage, and proliferation.[15]

For example, the 2020 BfV report classified the Khangoshvili case, a TNR murder which occurred in broad daylight in Berlin in 2019, as state-sponsored terrorism.[16] This framing risks reducing the experiences of victims to isolated incidents, hindering Germany's ability to design targeted and coherent policy responses. Framing such conduct as national security threats, instead of acknowledging them as distinct threats to individual safety and human rights, ignores their impact on targeted individuals and wider exiled communities. This approach also limits the government's capacity to specifically identify and support those affected by this particular type of act.

2.2. 2023 BfV Report and Bundestag Scientific Service Definition

The 2023 BfV report marked the first time that TNR was explicitly defined in Germany.[17] The report defines TNR as:

> *Measures of repression carried out by states beyond their own borders. These measures target dissidents or other individuals abroad who are classified as opponents by the government of their home country. Common forms of transnational repression include surveillance of these groups, threats and persecution of opposition groups, and, in the most extreme cases, state terrorism that poses serious dangers to life and limb.*[18]

The development was significantly reinforced by the *Wissenschaftliche Dienste* of the German Bundestag, the Bundestag's scientific service, which published an *"Aktueller Begriff"* (a "current definition") on *Transnationale Repression* on 26 March 2025.[19] This document provides a

13 Stacy, S., Nadakavukaren Schefer, K. (2024), Addressing Transnational Repression: a Report on the Approaches of Australia, Belgium, Canada, France, Germany, Netherlands, Sweden, United Kingdom, the United States and Italy (addendum), Swiss Institute of Comparative Law, p. 14.

14 Bundesamt für Verfassungsschutz. 'The German Domestic Intelligence Services'. *https://www.verfassungsschutz.de/EN/home/home_node.html*

15 For instance, the latest 2024 Report German Federal Ministry of the Interior (2025), Brief Summary 2024 Report on the Protection of the Constitution. *https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2025-06-brief-summary-2024-report-on-the-protection-of-the-constitution.pdf?__blob=publicationFile&v=6*

16 German Federal Ministry of the Interior (2021), Brief Summary 2020 Report on the Protection of the Constitution, p. 39-45. *https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2021-06-brief-summary-2020-report-on-the-protection-of-the-constitution.html*

17 German Federal Ministry of the Interior (2024), Brief Summary 2023 Report on the Protection of the Constitution, p.58. *https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2024-06-brief-summary-2023-report-on-the-protection-of-the-constitution.pdf?__blob=publicationFile&v=4*

18 ibid.

19 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.*

comprehensive definition of TNR, which is based largely on the definition of the used by the NGO Freedom House,[20] describing it as:

> *...the various methods used by authoritarian regimes to silence their critics beyond borders – including assassinations, illegal deportations, abductions, digital threats, misuse of law enforcement mechanisms, and intimidation of individuals and their families.*[21]

The Bundestag's scientific service stresses that acts of TNR not only violate the sovereignty and legal order of democratic host states like Germany but also constitute severe human rights violations.[22] Based on data collected by Freedom House, the report highlights that, between 2014 and 2024, there were 1,219 TNR incidents in 103 countries, committed by 48 governments, with 10 of these governments responsible for 80% of physical attacks.[23] China, Russia, Turkey, Egypt, and Tajikistan rank among the top perpetrators.[24]

The Bundestag document also notes Germany's slow but growing institutional engagement with TNR.[25] It highlights parliamentary inquiries (e.g., from the CDU/CSU parties on 2 May 2024[26] and from the FDP party on 21 January 2025[27]) and the federal government's establishment of a central contact point at the BfV for TNR victims,[28] as well as increased international engagement through the EU, G7, and bilateral exchanges.[29] This trend towards greater political recognition has also been reflected at the executive level, with the federal government explicitly committing itself in its 2025 coalition agreement to combat transnational repression by foreign state actors on German territory.[30]

At the same time, the document echoes calls from civil society actors such as the *Friedrich-Naumann-*

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de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf

20 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

21 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

22 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

23 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

24 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

25 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

26 Deutscher Bundestag, Drucksache 20/11244 (2024), Transnationale Repression gegenüber ausländischen Staatsbürgern in Deutschland, (Kleine Anfrage). *https://dserver.bundestag.de/btd/20/112/2011244.pdf*

27 Deutscher Bundestag, Drucksache 20/14592 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Kleine Anfrage). *https://dserver.bundestag.de/btd/20/145/2014592.pdf*

28 Bundesamt für Verfassungsschutz (BfV), 'Threatened by a foreign intelligence service? Your information can help!'. *https://www.verfassungsschutz.de/SharedDocs/downloads/DE/Meldungen/hinweistelefon-en.pdf?__blob=publicationFile&v=4*

29 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

30 Koalitionsvertrag zwischen CDU, CSU, und SPD (2025), Verantwortung für Deutschland. *https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav_2025.pdf*

Stiftung for a human rights-oriented strategy, stronger inter-agency coordination, and the tying of international cooperation to human rights compliance.[31]

The Coalition against Transnational Repression, an alliance of German human rights and diaspora organisations formed in 2023 to raise awareness on TNR, has criticised the definition of TNR in the 2023 BfV report as overly narrow and pointed out that some forms of TNR fall below the criminal threshold.[32] Moreover, while the most recent BfV report refers to incidents that could be considered forms of TNR in various country sections, it fails to explicitly recognise or categorise them as TNR.[33]

Importantly, the current definitions used by the BfV and the Bundestag's scientific service are not legally binding. Germany does not currently have a standalone formal legal definition of TNR. Legal responses to TNR must therefore rely on existing German laws that cover specific acts commonly associated with TNR, as will be discussed in the section below.

3. Legal Frameworks Addressing TNR

3.1. Criminal Code Provisions and Case Law on Espionage

TNR is not codified as a standalone crime under German law. Instead, acts typically associated with TNR, such as threats, coercion, assault, or abduction, are prosecuted under the general provisions of the German Penal Code (*Strafgesetzbuch; StGB*). These include:

- § 223 StGB: Assault;
- § 240 StGB: Coercion;
- § 241 StGB: Threats; and
- § 239 StGB: False Imprisonment.

For these ordinary crimes, German law does not recognise the fact that the perpetrator may be acting on behalf of a foreign state as a specific or systematic aggravating factor. While the involvement of a foreign state can be considered in sentencing under the general principle set out in § 46 StGB,[34] there is no explicit legal aggravating factor tied to foreign interference.

Certain offences in the German Penal Code, however, do include the foreign element as an essential part of the crime. These are:

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31 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

32 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 4. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

33 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 4. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

34 § 46 StGB requires courts to consider the motives and circumstances of the act.

- § 94 StGB: Treason involving the transfer of state secrets to a foreign power;
- § 99 StGB: Espionage activities on behalf of a foreign intelligence service; and
- § 100a StGB: Treasonous Fabrication.

While §§ 99 and 94 StGB directly target activities linked to foreign powers or foreign intelligence services (including, for example, surveillance of political exiles and dissidents carried out on their behalf), § 100a StGB addresses treasonous falsification that may serve foreign interests or harm Germany's external security. German authorities have increasingly relied on these provisions to prosecute state-directed surveillance and harassment of exiled dissidents as part of broader TNR campaigns.[35]

In 2025, the Federal Public Prosecutor indicted three suspects, a Ukrainian, an Armenian, and a Russian national, suspected of planning the assassination of a Ukrainian exile in Germany – a veteran and former officer of the Ukrainian military intelligence services.[36] The suspects reportedly acted on behalf of Russian state services. Prosecutors charged the individuals under § 99 StGB for conducting secret service agent activity on behalf of a foreign intelligence service.[37] While the case is being handled under espionage provisions, the indictment did not address the broader repressive intent or the systematic nature of the targeting.

Section 99 StGB would apply where foreign intelligence agents monitor, track, or collect information on exiled dissidents residing in Germany, activities that are central to many TNR campaigns. While these espionage provisions provide an important legal tool for addressing certain aspects of TNR, they are limited in scope. They focus on foreign-state intelligence activity rather than on the broader, systematic targeting of political exiles and dissidents. As a result, they do not offer comprehensive or victim-centred protection against TNR.

Case law has further determined that espionage activities carried out by a foreign state against its own nationals on German soil are also directed against the Federal Republic itself, as they have the potential to interfere with fundamental freedoms that Germany is obliged to protect.[38] However, it remains unclear to what extent these legal provisions have been systematically applied to those engaged in TNR in practice.[39]

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35 For example, in 2024, German prosecutors charged Jian Guo, a former aide to a Member of the European Parliament, with violations of § 99 StGB for allegedly spying on Chinese dissidents within Germany on behalf of Chinese intelligence services: Danagher, K. (2024), 'German Authorities Arrest Aide of EU Parliament Member on Charges of Espionage', JuristNews. *https://www.jurist.org/news/2024/04/german-authorities-arrest-aide-of-eu-parliament-member-on-charges-of-espionage/*Connolly, K. (2024), 'AfD Politician's Aide Arrested on Suspicion of Spying for China.' The Guardian. *https://www.theguardian.com/world/2024/apr/23/afd-politician-employee-arrested-germany-on-suspicion-of-spying-for-china*

36 (2025), 'Bundesanwaltschaft klagt drei mutmaßliche Russland-Spione an', Der Spiegel. *https://www.spiegel.de/politik/deutschland/frankfurt-am-main-bundesanwaltschaft-klagt-drei-mutmassliche-russland-spione-an-a-72a68c13-7e07-4a65-a100-2c284b081da7* Generalbundesanwalt beim Bundesgerichtshof (2025), Anklage wegen Geheimdienstlicher Agententätigkeit erhoben. *https://www.generalbundesanwalt.de/SharedDocs/Pressemitteilungen/DE/2025/Pressemitteilung-vom-28-05-2025-2.html?nn=478184*

37 Generalbundesanwalt beim Bundesgerichtshof (2025), Anklage wegen Geheimdienstlicher Agententätigkeit erhoben. *https://www.generalbundesanwalt.de/SharedDocs/Pressemitteilungen/DE/2025/Pressemitteilung-vom-28-05-2025-2.html?nn=478184*

38 Haider, I., (2018), Austrian Law as a Safe Haven for Foreign Spies? An Analysis on the Basis of the Recent Phenomenon of 'Embassy Espionage', European Journal of Crime, Criminal Law and Criminal Justice, 26(3), p. 209; German Supreme Court, 31 August 2016, ak 46/16, BeckRS 2016, 20219; 18 May 2016, ak 25/16, BeckRS 2016, 10585.

39 Dr. Marcus Michaelsen, Die Grenzüberschreitende Einschränkung der Freiheit: Transnationale Repression und der autoritäre Angriff auf Menschenrechte in Europa, Friedrich Naumann Foundation, pp. 11-12.

More generally, it is important to note that the offences listed above do not exhaustively capture the full range of conduct associated with TNR. Many TNR tactics, particularly those operating in digital spaces, such as online harassment, surveillance, or doxxing, may fall outside these provisions or be addressed only indirectly. While general criminal laws such as those on threats or coercion may cover some digital manifestations, the absence of a comprehensive, TNR-specific legal framework limits the ability of authorities to respond systematically to the breadth and evolving nature of these threats.

However, recent legislative developments indicate a growing recognition of transnational repression within the German legal framework. At the time of writing, lawmakers are considering draft amendments to the Criminal Code, including the proposed introduction of a new provision, § 87 StGB, intended to criminalise unlawful acts carried out in Germany on behalf of a foreign state, particularly where such conduct forms part of broader patterns of foreign interference or repression targeting exiled dissidents and opposition figures.[40] The draft reform would complement existing espionage- and state-security-related offences by addressing conduct that may fall outside the current scope of §§ 99, and related provisions, thereby acknowledging gaps in the present legal framework.

While the proposed reform marks an important acknowledgment of transnational repression within German criminal law, the structure of the new offence, centred on foreign influence and agent activity, indicates a primary orientation toward countering foreign interference and protecting state security interests. At the same time, the explicit reference to intimidation of exiled opposition figures suggests a partial shift toward recognising the protection needs of victims of transnational repression. If adopted, the proposed amendments would represent an important step toward addressing transnational repression in German criminal law, although their practical impact on victim protection will ultimately depend on legislative design and implementation.

3.2. Legal Duty to Investigate and Distinguish TNR

Under German law, the duty of the police and public prosecutors to investigate is based on the principle of legality (*Legalitätsprinzip*). This principle is codified in § 152 (2) of the German Code of Criminal Procedure (*Strafprozessordnung*; StPO). The public prosecutor's office is obliged to investigate ex officio if there is an initial suspicion (*Anfangsverdacht*) of a criminal offence. If, in the course of the investigation, sufficient suspicion of a criminal offence arises, criminal proceedings must generally be initiated (§ 163 StPO).

This unconditional duty to investigate applies to any suspected crime and applies regardless of whether it involves TNR or a domestic matter. It means that once concrete indications of a criminal offence emerge, police and prosecutors are legally required to initiate an investigation. This duty to investigate extends to acts of TNR if they can be classified under existing criminal offences in German law (see above).

If TNR conduct meets the threshold for these offenses, German authorities have a mandatory duty to investigate. However, effectiveness of these investigations depends on the available investigative powers under the StPO. For ordinary crimes like assault or threats, only standard investigative

40 Deutscher Bundestag, (2026) '"Ausübung fremder Einflussnahme" soll bestraft werden' *https://www.bundestag.de/presse/hib/kurzmeldungen-1139936#:~:text=Die%20abschlie%C3%9Fende%20Beratung%20im%20Bundestag,staatlichen%20Stelle%20einer%20fremden%20Macht%E2%80%9C*.

measures are available. For espionage and certain serious crimes, special investigative techniques (such as wiretaps and undercover operations) can be used.[41]

The lack of a dedicated offence for TNR in Germany means that if conduct does not fit existing serious offences, special investigative techniques might not be available, despite a general duty to investigate. In practice, this can limit the effectiveness of investigations into TNR campaigns, especially when these campaigns rely on non-violent but highly coercive or intimidating tactics that do not reach the threshold for serious offences under the StPO.

Ongoing legislative developments[42] do not alter the underlying duty to investigate under the Legalitätsprinzip in §§ 152(2) and 163 StPO. However, the proposed introduction of a new offence addressing foreign-state-directed influence or agent activity could expand, in practice, the range of transnational repression conduct capable of triggering mandatory investigations and potentially enable the use of enhanced investigative powers associated with state-security offences. At the same time, the reform does not establish a procedural obligation to identify or treat cases as transnational repression *per se*, meaning that investigations would continue to focus on the underlying criminal offence rather than on the broader, victim-centred phenomenon of TNR.

3.3. Strategic and Institutional Gaps in Countering TNR

3.3.1. FRAGMENTED COORDINATION AND LIMITED PREVENTIVE MEASURES

Despite the increasing incidence of TNR, awareness within German institutions remains partial. A review of governmental reports indicates recognition and moderate engagement with certain forms of TNR, yet the phenomenon as a whole is not treated as a standalone policy concern, nor are its broader risks consistently taken seriously by the authorities.[43] Dissidents continue to be targeted by harassment and threats from their countries of origin.[44] While law enforcement does provide some protections, the risk assessments are often inadequate and there is limited training on this phenomenon at the local level. Notably, the Conference of Interior Ministers of the Federal States (IMK) has yet to integrate TNR into police training programmes.[45] Reporter ohne Grenzen further reported that they are not aware that specific training on TNR can be undertaken by police forces.[46]

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41 § 100a StPO - Telekommunikationsüberwachung (Telecommunication surveillance): This provision allows surveillance (e.g. wiretaps) only for certain serious offenses listed in the statute, such as crimes under § 99 StGB (espionage), § 94 StGB (treason), § 129a StGB (terrorist organizations), etc.

42 Deutscher Bundestag, (2026) '"Ausübung fremder Einflussnahme" soll bestraft werden' *https://www.bundestag.de/presse/hib/kurzmeldungen-1139936#:~:text=Die%20abschlie%C3%9Fende%20Beratung%20im%20Bundestag,staatlichen%20Stelle%20einer%20fremden%20Macht%E2%80%9C*.

43 Dr. Marcus Michaelsen, Die Grenzüberschreitende Einschränkung der Freiheit: Transnationale Repression und der autoritäre Angriff auf Menschenrechte in Europa, Friedrich Naumann Foundation, p. 12. Stacy, S., Nadakavukaren Schefer, K. (2024), Addressing Transnational Repression: a Report on the Approaches of Australia, Belgium, Canada, France, Germany, Netherlands, Sweden, United Kingdom, the United States and Italy (addendum), Swiss Institute of Comparative Law, p. 14.

44 Dr. Marcus Michaelsen, Die Grenzüberschreitende Einschränkung der Freiheit: Transnationale Repression und der autoritäre Angriff auf Menschenrechte in Europa, Friedrich Naumann Foundation, p. 12.

45 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p 13. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

46 Call with reporters ohne grenzen

The Ministry of the Interior assigns a limited number of staff to work on TNR alongside other responsibilities. However, TNR is not treated as a priority, as many cases are considered to fall below the criminal threshold.[47] The ministry's mandate is largely confined to addressing security threats.[48]

The BfV is aware of evolving espionage strategies, including the deployment of "illegals" (agents using civilian cover), the infiltration of international organisations, and misuse of civilian employment as cover. However, these recognitions have yet to result in a unified TNR-specific policy architecture.[49]

Germany's preventive efforts likewise reveal significant gaps. For instance, a 2018 BfV brochure aimed at refugees emphasised vigilance against foreign extremists but framed the issue through the lens of terrorism, inadvertently portraying refugees as potential threats rather than victims of foreign repression.[50]

The government's response to the latest inquiry on TNR mainly cited existing countermeasures.[51]

However, while the previous federal government had committed to enhancing protection for civil society, including in cases of "crossborder persecution",[52] the 2025 coalition agreement expressly identifies TNR and the government's commitment to combat it.[53] This marks a political shift with the potential to lay the groundwork for more targeted and coherent action going forward.

3.4. Conclusion

Germany's legal framework permits the prosecution of individual elements of TNR, particularly through espionage provisions such as § 99 StGB. Digital harassment, surveillance, and coercion are likewise criminalised. Yet these offences are typically addressed in isolation, and the primary challenge lies not in the absence of legal provisions but in recognising and prosecuting TNR as a coordinated and systematic practice.

While authorities are legally obliged to investigate any suspected offence, the absence of a dedicated TNR offense limits the use of advanced investigative tools for lower-threshold, non-violent conduct. This hampers effective enforcement and victim protection. However, recent legislative developments on the issue are promising.

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47 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.4. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

48 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p.4. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

49 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 3. *https://freedomhouse.org/report/transnational-repression/germany*

50 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 3. *https://freedomhouse.org/report/transnational-repression/germany*

51 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p 13. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

52 'Mehr Fortschritt wagen", Koalitionsvertrag 2021-2025 zwischen der SPD, Bündnis 90/Die Grünen und der FDP, p. 116 *https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf*

53 'Verantwortung für Deutschland', Koalitionsvertrag 2025 zwischen CDU, CSU und SPD, p. 134 *https://www.koalitionsvertrag2025.de/sites/www.koalitionsvertrag2025.de/files/koav_2025.pdf*

Institutionally, Germany lacks a legally enshrined definition and national strategy on TNR. Awareness is growing but training is not systematic, and preventive measures are fragmented. Without targeted legal and policy reforms, responses to TNR risk remaining reactive and incomplete.

4. Victim Protection and Operational Challenges

4.1. TNR Monitoring

The main responsibility for safeguarding potential victims against TNR falls on German law enforcement. This includes threat prevention and criminal prosecution, guided by existing legal frameworks and subject-matter competencies. Politically motivated and general offences are reported to the Federal Criminal Police Office (BKA) via established reporting channels, including the Criminal Police Reporting Service – Politically Motivated Crime (KPMD-PMK).[54]

These incidents are catalogued in the Police Crime Statistics (PCS) [55] and the Police State Protection Crime Statistics (PCS-S), published annually. While TNR offences are implicitly captured within these broader categories – such as foreign ideology, other politically motivated crime, espionage, or attacks on exiled individuals – the BKA does not issue a dedicated report or situation analysis specific to TNR. However, in its 2024 reporting, the BKA explicitly identified TNR as one of the key trends within the broader landscape of politically motivated crimes.[56]

4.1.1. REPORTING CHANNELS AND INSTITUTIONAL CONTACT POINTS

The Federal Office for the Protection of the Constitution (BfV) plays a pivotal role in uncovering and combating TNR. It conducts intelligence operations targeting repression efforts by foreign states against dissidents within Germany.[57] The BfV applies all available intelligence resources to this work. Under the Federal Constitution Protection Act (BVerfSchG), federal and state constitutional protection authorities are tasked with gathering and analysing information on activities that threaten security or involve foreign espionage. This includes identifying, preventing, and analysing transnational repression by foreign states, as well as conducting preventative work in this field.[58]

Additionally, when there is information indicating potential activities by foreign state actors that could harm individuals residing in Germany, state police forces conduct case-specific awareness-

54 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p. 3. *https://dserver.bundestag.de/btd/20/149/2014938.pdf* Bundeskriminalamt (2024), 'Politisch motivierte Kriminalität – Bundesweite Fallzahlen 2023', *https://www.bka.de/SharedDocs/Downloads/DE/UnsereAufgaben/Deliktsbereiche/PMK/2023PMKFallzahlen.html*

55 Bundeskriminalamt, 'Police Crime Statistics', *https://www.bka.de/EN/CurrentInformation/Statistics/PoliceCrimeStatistics/policecrimestatistics_node.html*

56 Bundeskriminalamt (2025), 'Politisch motivierte Kriminalität: Höchster Anstieg seit Beginn der Erfassung'. *https://www.bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/PMKZahlen2024/PMKZahlen2024_node.html*

57 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p 3. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

58 Federal Constitution Protection Act (BVerfSchG), § 3(1)(2) .

raising conversations with the affected individuals.[59] During these conversations, individuals are typically provided with contact information for designated police representatives.[60]

Furthermore, TNR victims can contact the BfV confidentially using a 24/7 reporting channel for espionage-related matters.[61] The German Coalition against Transnational Repression has criticised that the staff answering the hotline is not sensitised to dealing with targeted individuals, and that individuals are not provided with service in required languages and are not informed how the information provided is being used. The Coalition warns that there is a risk that the contact could have serious psychological and emotional consequences for those affected as well as undermining affected individuals' trust in German institutions.[62] Moreover, the hotline is operated, as the sole point of contact, by the BfV, Germany's domestic intelligence service. Individuals already fleeing intelligence services in their home countries might hesitate to turn to such an agency to report threats or seek help.[63] This limitation was also highlighted during an open hearing of the Federal Government's Human Rights Commission, where Dr Marcus Michaelsen emphasised that the BfV hotline cannot function as a primary reporting or first-contact mechanism for affected individuals, as the immediate protection of persons at risk does not fall within the intelligence services' mandate. Rather, the hotline should only serve a complementary role alongside a specialised reporting and counselling mechanism, supporting information gathering and analysis.[64]

In general, affected individuals can always contact their local police station or the Federal Criminal Police Office (BKA) at any time for assistance.[65] However, while there have been instances in which local police measures have provided protection in more serious cases, victims are often left to shoulder the burden of collecting evidence and contextual information themselves. This is largely due to the limited investigative capacity of the authorities and a lack of systematic cooperation between institutions.[66] At the same time, despite being key actors, migration and law enforcement authorities often lack the expertise to respond effectively to TNR, especially in cases that do not meet the criminal threshold or involve digital surveillance, harassment, or intimidation tactics.[67] The Conference of Interior Ministers of the Federal States (IMK) has not yet integrated TNR into

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59 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p. 4. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

60 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p. 4. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

61 Bundesamt für Verfassungsschutz (2024), 'Neuer Hinweiskanal bei Spionageverdacht – BfV erweitert sein Angebot'. *https://www.verfassungsschutz.de/SharedDocs/kurzmeldungen/DE/2024/2024-05-29-hinweistelefon.html*

62 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 3. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

63 As also discussed in Dr. Marcus Michaelsen, Die Grenzüberschreitende Einschränkung der Freiheit: Transnationale Repression und der autoritäre Angriff auf Menschenrechte in Europa, Friedrich Naumann Foundation, p. 13.

64 Dr. Marcus Michaelsen (2026), Written submission to the Human Rights Committee of the German Bundestag on transnational repression, BT-Drs. 20/14480, available at: *https://www.bundestag.de/resource/blob/1136336/Stellungnahme-SV-Dr-Michaelsen.pdf*

65 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort) p. 4. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

66 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 4. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

67 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 3. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

mandatory police training programmes.[68] This results in an inconsistent and fragmented response to TNR cases across Germany, with the specific risk that local police may fail to recognise TNR when an individual act does not meet the threshold for criminal liability.

German authorities have taken a range of protective actions for individuals targeted by TNR. These include notifying individuals under foreign surveillance, providing police protection to those facing threats, and conducting awareness-raising conversations.[69] However, the criteria for and frequency of such protective actions remain inconsistent.[70] Information-sharing between institutions is essential for these responses, but Germany's federal system presents persistent challenges for seamless coordination, contributing to gaps in victim protection.[71]

4.2. Lack of Federal Leadership and Coordination

Apart from the authorities mentioned above, there is no central body or dedicated mechanism within the federal government for monitoring and reporting on instances of TNR.[72] The absence of an accessible and clearly designated point of contact for reporting or receiving support contributes to underreporting, as affected individuals are often reluctant to come forward.[73] Consequently, only a limited number of TNR cases are officially recorded, which distorts understanding of the scale and severity of the issue. There is currently no reliable or comprehensive assessment of the situation regarding TNR against individuals in Germany.[74]

The Federal Foreign Office has recently taken steps to formally integrate TNR considerations into its broader foreign policy strategies through the establishment of a dedicated coordination unit.[75] Prior to the creation of this unit, TNR-related issues were addressed in a fragmented manner by individual country desks. While the new unit operates with a country-agnostic perspective and improves strategic coordination within the Federal Foreign Office at the federal level, there is no

68 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort). *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

69 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort). *https://dserver.bundestag.de/btd/20/149/2014938.pdf*.

70 Alexander Fröhlich (2018), 'Erdogan-Kritiker Werden Eingeschüchtert – In Berlin', Der Tagesspiegel, https://*www.tagesspiegel.de/berlin/polizeischutz-fuer-can-duendar-erdogan-kritikerwerden-eingeschuechtert-in-berlin/23167244.html*; Attila Mong, "For Turkish Journalists in Berlin Exile, Threats Remain, But in Different Forms," Committee to Protect Journalists, July 18, 2019, *https://cpj.org/2019/07/for-turkish-journalists-in-berlin-exile-threats-re/*; (2017), 'Geheim Darf Das Ohne Kenntnis Unseres Staates Nicht Geschehen', Deutschlandfunk, , *https://www.deutschlandfunk.de/tuerkische-spionage-geheim-darf-das-ohne-kenntnis-unseres-100.html*

71 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 4. *https://freedomhouse.org/report/transnational-repression/germany*

72 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort). *https://dserver.bundestag.de/btd/20/149/2014938.pdf*_Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 3. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

73 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 3. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

74 Dr. Marcus Michaelsen (2026), Written submission to the Human Rights Committee of the German Bundestag on transnational repression, BT-Drs. 20/14480, available at: *https://www.bundestag.de/resource/blob/1136336/Stellungnahme-SV-Dr-Michaelsen.pdf*

75 Government of Canada, 'G7 Compendium of Tools to Counter Transnational Repression'. *https://www.publicsafety.gc.ca/cnt/ntnl-scrt/g7/imm-cmpndm-2025-en.aspx*

interministerial coordination unit or mechanism with an overarching mandate to address TNR across federal ministries.[76]

Within the Ministry of the Interior, only a small number of officials engage with TNR-related matters and, even then, as part of a broader portfolio. TNR is generally not prioritised, particularly in cases that fall below the criminal threshold. Members of the Coalition against Transnational Repression have reportedly been told that the ministry "only deals with security threats".[77]

5. Civil Society Mobilisation and the Role of the Coalition against TNR

In August 2024, concerns about increasing threats against members of exile and diaspora communities in Germany led to the formation of the Coalition against Transnational Repression, a network of 21 human rights and diaspora organisations previously referenced in this report. The Coalition aims to raise awareness about TNR and advocate for a stronger, coordinated political response.[78] Among its key recommendations are the establishment of a distinct, accessible and trusted contact point, the implementation of structured case documentation, and the development of support services for individuals targeted by TNR. The Coalition specifically highlights the absence of adequate support structures for affected individuals and communities. According to its members, those targeted by TNR often have nowhere to turn for specialised counselling and assistance. Many require legal, psychological, and medical support, but such services are typically unavailable. The Coalition also emphasises that, because perpetrators are often aware of victims' whereabouts, those affected frequently lack access to safe housing, financial aid, residence permits, and victim or witness protection.[79]

The German Federal Government has maintained a dialogue with the Coalition against Transnational Repression, indicating some level of institutional engagement.

These proposals align with recent human rights oriented scholarship, which has put forward the idea of a "Transnational Rights Protection Office" to be established within Germany's existing National Human Rights Institutions (NHRI).[80] Such an office would be responsible for monitoring TNR, conducting outreach to vulnerable communities, supporting policy development, and liaising internationally on the issue.

In parallel, the Friedrich Naumann Foundation has called for a more robust and coordinated national response.[81] It recommends enhanced cooperation among ministries and agencies and emphasises

76 Background conversations

77 Tackling Transnational Repression in Germany A Policy Paper by the Coalition Against Transnational Repression in Germany, April 2025 *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/* p. 4

78 Tibet Initiative, 2024

79 Coalition Against Transnational Repression in Germany (2025), Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany, p. 3. *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

80 Chubb, A. & Roberts Lyer, K. (2024), Transnational Human Rights Violations: Addressing the Evolution of Globalized Repression through National Human Rights Institutions, Journal of Human Rights Practice. *https://doi.org/10.1093/jhuman/huae017*.

81 Dr. Marcus Michaelsen, Die Grenzüberschreitende Einschränkung der Freiheit: Transnationale Repression und der autoritäre Angriff auf Menschenrechte in Europa, Friedrich Naumann Foundation, p. 13.

that international partnerships should be conditional on human rights protections. The Foundation also calls for a victim-centred, human rights based approach to protecting individuals in exile and for ensuring that national security policies remain firmly grounded in democratic principles when responding to authoritarian threats from abroad.[82]

6. Illustrative Case Studies of Transnational Repression in Germany

A series of recent cases illustrates the varied forms that TNR against Russian citizens can take on German territory, from targeted assassinations to digital surveillance and suspected poisonings. These incidents shed light on the scope of repressive tactics used by the Russian state and the limitations of existing institutional responses.

6.1. The Khangoshvili Assassination in Berlin

On 23 August 2019, Zelimkhan Khangoshvili, an ethnic Chechen, Georgian citizen, and former military commander, was shot dead in broad daylight in Berlin's Kleiner Tiergarten park by Vadim Krasikov, a Russian national who was operating under the false identity of Vadim Andreevich Sokolov.[83] Khangoshvili was killed in retaliation for his role fighting alongside Chechen separatists against Moscow in the 2000s. In December 2021, a Berlin court convicted Krasikov of murder and concluded the killing was ordered by Russian state authorities. He was sentenced to life imprisonment, with the court describing the act as "state terrorism".[84]

The ruling triggered a diplomatic crisis: in December 2019, Germany expelled two Russian diplomats, and Russia responded by expelling German diplomats. Germany's foreign minister cited the act as a "grave violation of German law and the sovereignty" of the country.[85]

In August 2024, Germany released Krasikov as part of a high-profile prisoner exchange. In return, Germany received 16 individuals, including Russian opposition figures and a German citizen sentenced to death in Belarus. The government described it as a difficult decision made in the interest of protecting lives and supporting international cooperation, though critics called attention to the moral and legal ramifications.[86]

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82 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

83 Flade, F., Mascolo, G., Steinke, R., (2019), 'Mord im Kleinen Tiergarten – Neue Hinweise von Geheimdiensten', Sueddeutsche Zeitung. *https://www.sueddeutsche.de/politik/mord-berlin-kleiner-tiergarten-geheimdienste-1.4598364*

84 Escritt, T. (2019), 'German Court accuses Russia of "State Terrorism" over 2019 Berlin Park Murder', Reuters. *https://www.reuters.com/world/europe/german-court-convicts-russian-2019-berlin-park-murder-2021-12-15/ Oltermann, P. (2021), 'Berlin expels Russian diplomats after court rules Moscow ordered dissident's murder'. The Guardian. https://www.theguardian.com/world/2021/dec/15/germany-convicts-russian-man-of-of-chechen-separatist*

85 Oltermann, P. (2021), 'Berlin expels Russian diplomats after court rules Moscow ordered dissident's murder'. The Guardian. *https://www.theguardian.com/world/2021/dec/15/germany-convicts-russian-man-of-of-chechen-separatist*

86 Escritt, T. (2024), ' A murderer goes free: Germany blaches at grim moral calculus'. Reuters. *https://www.reuters.com/world/europe/murderer-goes-free-germany-blanches-grim-moral-calculus-2024-08-02/*

Khangoshvili's assassination remains one of the most prominent examples of foreign state-ordered violence on EU territory. It triggered strong diplomatic, judicial, and intelligence measures in Germany and underscored the growing awareness of TNR targeting exiled dissidents on European soil.

6.2. Suspected Poisoning of Elena Kostyuchenko

Elena Kostyuchenko is a Russian investigative journalist known for her work with *Novaya Gazeta* and her independent reporting on war crimes and human rights violations during Russia's full-scale invasion of Ukraine. In 2022, she contributed articles to *Meduza* and *n+1*, covering events in areas such as Mariupol, Odesa, and Kherson.[87] Following the tightening of repression in Russia, she relocated to Germany, where she continued her work in exile.

In October 2022, while travelling by train from Munich to Berlin, Kostyuchenko experienced a sudden and severe illness involving neurological and systemic symptoms. Initial medical assessments did not confirm a specific toxic substance. However, in the context of similar incidents involving other exiled Russian journalists, the possibility of poisoning was later reassessed. German authorities initiated an investigation on suspicion of attempted murder by poisoning.[88]

As of August 2023, German federal prosecutors had reopened an investigation on suspicion of attempted murder by poisoning. No suspects were publicly identified. Toxicological testing carried out weeks after the incident did not detect a specific substance, but the symptoms were assessed by medical professionals as consistent with exposure to a toxic agent. There has been no official confirmation since then on the status or outcome of the case.[89]

6.3. Pegasus Spyware Attack on Galina Timchenko

In February 2023, Galina Timchenko, co-founder and publisher of the independent Russian news outlet *Meduza*, was alerted by Apple to a potential state-sponsored attack on her iPhone while in Berlin. Subsequent forensic analysis by Access Now and Citizen Lab confirmed her device had been infected with NSO Group's Pegasus spyware, with the infection occurring around 10 February 2023.[90]

Pegasus is a highly intrusive zero-click spyware developed by NSO Group, an Israeli cyber intelligence firm that markets its product exclusively to government agencies. Once installed, Pegasus allows covert access to nearly all functions of a targeted device, including the microphone, camera,

87 (2023), "I want to live – and that why I'm writing.' Russian journalist Elena Kostyuchenko recounts surviving an apparent posioning attempt in Germany. Meduza. *https://meduza.io/en/feature/2023/08/15/i-want-to-live-and-that-s-why-i-m-writing* Kostyuchenko, E. (2023), "You may have been poisoned': how an independent Russian journalist became a target', The Guardian. *https://www.theguardian.com/world/2023/sep/12/you-may-have-been-poisoned-how-an-independent-russian-journalist-became-a-target*

88 Kostyuchenko, E. (2023), "You may have been poisoned': how an independent Russian journalist became a target', The Guardian. *https://www.theguardian.com/world/2023/sep/12/you-may-have-been-poisoned-how-an-independent-russian-journalist-became-a-target*

89 Kostyuchenko, E. (2023), "You may have been poisoned': how an independent Russian journalist became a target', The Guardian. *https://www.theguardian.com/world/2023/sep/12/you-may-have-been-poisoned-how-an-independent-russian-journalist-became-a-target* (2023), 'Germany investigates attempted murder of 'poisoned' Russian journalist', Reuters. *https://www.reuters.com/world/europe/germany-investigates-attempted-murder-poisoned-russian-journalist-2023-08-25/*

90 Krapiva, N. (2023), 'Hacking Meduza: Pegasus spyware used to target Putin's critic.', Access Now. *https://www.accessnow.org/publication/hacking-meduza-pegasus-spyware-used-to-target-putins-critic/* Satter, R. (2023), 'Russian journalists's phone hacked with Israeli spyware, researchers say.', Reuters. *https://www.reuters.com/world/russian-journalists-phone-hacked-with-israeli-spyware-researchers-2023-09-13/*

messages, photos, and geolocation data. The infection of Timchenko's phone marks the first confirmed case of Pegasus being used against a Russian journalist in exile.[91]

This incident occurred shortly after Russia designated Meduza as an "undesirable organisation," and just before Timchenko attended a meeting of exiled journalists in Berlin. While no direct attribution has been made, the case raised international alarm about the extraterritorial use of commercial spyware and spurred further investigations into similar infections among journalists and activists in Europe.[92]

There is no publicly known response from the German government regarding the infection of Galina Timchenko's phone with Pegasus spyware, despite the fact that the attack occurred while she was on German territory. Press freedom and digital rights organisations, including Reporters without Borders (RSF) and the Committee to Protect Journalists (CPJ), have called for thorough investigations and stronger protections for exiled journalists.[93] RSF urged German authorities to investigate the incident swiftly, while CPJ highlighted the case as part of a broader threat to press freedom and digital security for journalists in exile.

6.4. "Extremism" Qualifications for a Number of German Organisations, including the *Deutsche Gesellschaft für Osteuropakunde*

TNR by the Russian Federation has not been limited to individuals only. Recent developments show that German research and civil society organisations engaging with Russian partners have also been affected by restrictive measures adopted by Russian authorities.[94]

A notable example is the *Deutsche Gesellschaft für Osteuropakunde* (DGO), Germany's oldest association dedicated to Eastern European studies. On 25 July 2024, the Supreme Court of the Russian Federation included the DGO on an official list of "extremist organisations".[95] The decision classified the DGO together with 54 other entities as part of an alleged "anti-Russian separatist movement". All listed organisations were simultaneously declared extremist. The DGO is the first German institution with this status.[96]

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91 Krapiva, N. (2023), 'Hacking Meduza: Pegasus spyware used to target Putin's critic.', Access Now. *https://www.accessnow.org/publication/hacking-meduza-pegasus-spyware-used-to-target-putins-critic/*

92 Krapiva, N. (2023), 'Hacking Meduza: Pegasus spyware used to target Putin's critic.', Access Now. *https://www.accessnow.org/publication/hacking-meduza-pegasus-spyware-used-to-target-putins-critic/*

93 (2023), 'RSF demands a thorough investigation after Pegasus was used to spy on a prominent exiled Russian journalist.', Reporters without Borders. *https://rsf.org/en/rsf-demands-thorough-investigation-after-pegasus-was-used-spy-prominent-exiled-russian-journalist* (2023), 'Investigation finds Russian journalist Galina Timchenko targeted by Pegasus spyware'. Committee to Protect Journalists. *https://cpj.org/2023/09/investigation-finds-russian-journalist-galina-timchenko-targeted-by-pegasus-spyware/*

94 (2024), 'DGO in Russland als "extremistische Organisation" gelistet.', Deutsche Gesellschaft für Osteuropakunde. *https://dgo-online.org/informieren/aktuelles/dgo-russland-extremistische-organisation/*

95 (2024), 'DGO in Russland als "extremistische Organisation" gelistet.', Deutsche Gesellschaft für Osteuropakunde. *https://dgo-online.org/informieren/aktuelles/dgo-russland-extremistische-organisation/*

96 (2024), 'DGO in Russland als "extremistische Organisation" gelistet.', Deutsche Gesellschaft für Osteuropakunde. *https://dgo-online.org/informieren/aktuelles/dgo-russland-extremistische-organisation/*

Although this designation has no legal effect in Germany, the ruling carries significant implications for anyone engaged with the DGO in any form. Under Russian law – most notably, Article 282.2 of the Criminal Code on "organising the activities of an extremist organisation" – acts such as membership, financial support, or collaboration with an organisation placed on the extremist list may result in prison sentences of up to twelve years.[97] Prosecution under this provision is not limited to Russian nationals; foreign citizens may also be held liable. This creates a clear risk environment for individuals who maintain professional or academic ties with the DGO.[98]

Russian researchers associated with the DGO have withdrawn articles or cancelled participation in joint conferences to avoid possible criminal prosecution in Russia. The organisation has faced increased demand for legal advice and risk assessment, and some of its activities are now conducted in a more restricted or non-public format. Several members have resigned, and younger scholars report uncertainty about cooperating with institutions labelled "undesirable" by the Russian Federation.[99]

These effects amount to a chilling influence on German-Russian academic cooperation. The classification limits scholarly exchange, reduces the visibility of research on Russia, and constrains already fragile networks in the field of contemporary Eastern European studies. The decisions taken by the Russian Ministry of Justice and the resulting self-censorship and withdrawal of Russian partners have tangible consequences for research freedom in Germany.

Russia's actions demonstrate that an authoritarian state can influence the society and public discourse of a target country through extraterritorial measures. This influence is inherently asymmetrical, as it bypasses the safeguards of liberal democratic institutions such as the rule of law and human rights protections in Germany.[100] German institutions have limited means to prevent this. Legal remedies against such decisions in Russia are generally ineffective, and even when their political nature is widely acknowledged, the lack of formal rehabilitation leaves those affected subject to ongoing stigma.[101]

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97 (2024), 'DGO in Russland als "extremistische Organisation" gelistet.', Deutsche Gesellschaft für Osteuropakunde. *https://dgo-online.org/informieren/aktuelles/dgo-russland-extremistische-organisation/*

98 (2024), 'DGO in Russland als "extremistische Organisation" gelistet.', Deutsche Gesellschaft für Osteuropakunde. *https://dgo-online.org/informieren/aktuelles/dgo-russland-extremistische-organisation/*

99 Von Gall, C. (2025), 'Analyse: Russlands transnationale Repression gegen die deutsche Ost-europaforschung.', Bundeszentrale für politische Bildung. *https://www.bpb.de/themen/europa/russland-analysen/nr-467/563548/analyse-russlands-transnationale-repression-gegen-die-deutsche-osteuropaforschung/*

100 Von Gall, C. (2025), 'Analyse: Russlands transnationale Repression gegen die deutsche Ost-europaforschung.', Bundeszentrale für politische Bildung. *https://www.bpb.de/themen/europa/russland-analysen/nr-467/563548/analyse-russlands-transnationale-repression-gegen-die-deutsche-osteuropaforschung/*

101 Von Gall, C. (2025), 'Analyse: Russlands transnationale Repression gegen die deutsche Ost-europaforschung.', Bundeszentrale für politische Bildung. *https://www.bpb.de/themen/europa/russland-analysen/nr-467/563548/analyse-russlands-transnationale-repression-gegen-die-deutsche-osteuropaforschung/*

7. Legal Protection against Transnational Repression in Asylum, Deportation, and Extradition Procedures

7.1. Legal and Policy Framework for Extradition and Deportation

Extradition and deportation procedures in Germany remain exposed to potential misuse by authoritarian states. A key challenge lies in preventing legal mechanisms from being weaponised to target political exiles and dissidents. To address this, Germany applies a set of legal and institutional safeguards aimed at ensuring that requests for extradition or removal are not used to facilitate politically motivated persecution.

Upon receipt of the extradition request, the Federal Office of Justice, acting in coordination with the Federal Foreign Office and any other federal authorities whose respective areas of responsibility is affected, determines whether there are any legal or political grounds to deny the request. The Higher Regional Court examines whether the legal requirements for extradition are satisfied.[102]

German authorities must also assess whether extradition would expose the person concerned to a human rights violation. This assessment must be balanced with Germany's international obligations and the principle of respecting the sovereignty and legal systems of other states.[103]

In any case, the German state is bound by fundamental rights in all its actions (Art. 1(3) GG). Accordingly, it must always consider and respect minimum fundamental and human rights requirements when deciding on extradition requests. These constitutional obligations frame the entire extradition procedure.[104]

Extradition is, in theory, inadmissible if there are serious reasons to believe that the person being sought would be persecuted or punished upon extradition on account of their religion or political beliefs, among other grounds, or that their situation would be worsened for one of these reasons.[105] The assessment is carried out as part of the judicial extradition procedure, taking into account both the general situation in the requesting country and the individual circumstances of the person, for instance, information from asylum proceedings.[106]

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102 Deutscher Bundestag (2025), Prüfung von Auslieferungsersuchen autoritärer Staaten. *https://www.bundestag.de/presse/hib/kurzmeldungen-1050778*; Bundesamt für Justiz, Internationale Rechtshilfe in Strafsachen. *https://www.bundesjustizamt.de/DE/Themen/InternationaleZusammenarbeit/Strafsachen/Rechtshilfe/Rechtshilfe.html*

103 Schlun & Elseven, 'Human Rights Considerations in German Extradition Cases'. *https://se-legal.de/services/lawyer-for-extradition-proceedings/human-rights-considerations-in-extradition-cases/?lang=en#locations*

104 Schlun & Elseven, 'Human Rights Considerations in German Extradition Cases'. *https://se-legal.de/services/lawyer-for-extradition-proceedings/human-rights-considerations-in-extradition-cases/?lang=en#locations*

105 Gesetz über die internationale Rechtshilfe in Strafsachen (Law on International Mutual Legal Assistance in Criminal Matters), § 6 paragraph 2; European Convention on Extradition (1957), Art. 3.

106 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik

Despite these formal safeguards, German practice has also demonstrated gaps in implementation, particularly where authorities fail to recognise or react quickly enough to politically motivated requests. Monitoring by civil society organisations shows that individuals targeted by authoritarian governments have, in several instances, still been detained, arrested, or even extradited before the relevant risks were properly assessed.[107] For example, an Egyptian journalist was detained in 2015 on the basis of an Egyptian extradition request, despite Egypt's well-documented pattern of politically motivated prosecutions; he was released only after two days, once the nature of the charges became clearer.[108] A similar dynamic was at play in 2017, when a Rwandan national was taken into custody in Germany before the Federal Foreign Office intervened to prevent his extradition, an intervention that came only after the individual had already spent time in detention.[109] Failures have been more serious in other cases: in 2017 and 2018, two Chechen asylum-seekers were extradited to Russia, even though there was a widely recognised likelihood of politically influenced proceedings and ill-treatment on return.[110] These incidents illustrate that, while the legal framework is comparatively robust, its protective function depends heavily on the proactive engagement of defence lawyers, and a level of institutional awareness that is not consistently present across all authorities.

7.1.1. POLITICAL OFFENCE EXCEPTION

Germany's extradition system is embedded within a robust legal framework that incorporates both domestic and international human rights obligations. Germany refuses extradition if there is a risk of the death penalty, torture, or unfair trial.[111] Suspects cannot be extradited for political crimes.[112]

Under the European Convention on Extradition (1957), extradition is prohibited if the offense is of a political nature.[113] German extradition law bars extradition for political offences.[114] This safeguard is particularly important in TNR cases, where the requesting state often disguises politically motivated persecution as prosecution for ordinary criminal offences, such as fraud or corruption. German courts must therefore carefully examine the substance of the charges and the broader context, including patterns of abuse by the requesting state.

China, (Antwort) p. 5. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

107 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 8. *https://freedomhouse.org/report/transnational-repression/germany*

108 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 8. *https://freedomhouse.org/report/transnational-repression/germany*

109 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 8. *https://freedomhouse.org/report/transnational-repression/germany*

110 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 8. *https://freedomhouse.org/report/transnational-repression/germany*

111 European Convention on Human Rights (ECHR), Art. 2; Protocol No. 13; Art. 3; Art. 6; *Soering v United Kingdom* (App no. 14038/88, 7 July 1989); *Chahal v United Kingdom* (App no. 22414/93, 15 November 1996); *Saadi v Italy* (App no. 37201/06, 28 February 2008).

112 'Extradition Treaty Between UAE and Germany', Extradition Lawyers. *https://extraditionlawyers.ae/locations/extradition-uae-and-germany/*; Gesetz über die internationale Rechtshilfe in Strafsachen (IRG), § 6 Abs. 1 and 2.; Ferner J., (2025), 'Extradition in German Criminal Law'. German Lawyer Ferner. *https://www.ferner-alsdorf.com/extradition-in-german-criminal-law/*

113 European Convention on Extradition (1957), Article 3(1)

114 Gesetz über die internationale Rechtshilfe in Strafsachen (IRG), § 6 Abs. 1 and 2.

7.1.2. DETENTION CONDITIONS AND PROTECTIONS AGAINST TORTURE

A central component of human rights review in extradition proceedings is the assessment of the detention conditions that the individual would face in the requesting state. Under Art. 1(1) of the German Constitution, interpreted in conjunction with Art. 3 ECHR, extradition is impermissible wherever there exists a real risk of torture or of inhuman or degrading treatment or punishment.[115] While Germany cannot require foreign prison systems to resemble its own, it must ensure that the minimum level of human dignity protected by Art. 3 ECHR is respected.[116]

This review is strictly individualised. It does not involve an assessment of the requesting state's entire legal or penitentiary system but focuses on whether the particular person would, in practice, be exposed to unacceptable conditions.[117] All aspects of the detention environment, such as space, hygiene, overcrowding, access to medical care, and vulnerability to violence, are considered cumulatively, since no rigid numerical thresholds determine whether Art. 3 ECHR would be violated. The decision is made on a case-by-case basis by the extradition authority and the competent courts.

If there is a credible risk of ill-treatment, the person concerned acquires a right not to be extradited because German authorities may not participate in acts of cooperation that would expose an individual to violations of Art. 3 ECHR.[118]

The decisive factor in practice is the judicial assessment of the factual circumstances, including detention reports, country information, and the reliability of any assurances provided by the requesting state.

7.1.3. ABSOLUTE BAR IN DEATH PENALTY CASES

German law contains an explicit prohibition of extradition where the person may face the death penalty. Under § 8 IRG, extradition may not be carried out under any circumstances in such cases. This reflects the special weight accorded to the right to life and Germany's commitment to its maximum protection.[119]

7.1.4. PROCESSING OF EXTRADITION REQUESTS AND INTERPOL NOTICES IN GERMANY

In recent years, growing evidence has highlighted the misuse of Interpol's systems by authoritarian states to pursue political opponents, exiled dissidents, journalists, and human rights defenders

115 Kromrey, H. (2017), 'Haftbedingungen als Auslieferungshindernis - Ein Beitrag zur Verwirklichung der Menschenrechte', Schriften zum Strafvollzug, Jugendstrafrecht und zur Kriminologie, 62, pp. 158-160 *https://rsf.uni-greifswald.de/storages/uni-greifswald/fakultaet/rsf/lehrstuehle/ls-harrendorf/Bd62_9783942865753.pdf*

116 Kromrey, H. (2017), 'Haftbedingungen als Auslieferungshindernis - Ein Beitrag zur Verwirklichung der Menschenrechte', Schriften zum Strafvollzug, Jugendstrafrecht und zur Kriminologie, 62, pp. 158-161-162 *https://rsf.uni-greifswald.de/storages/uni-greifswald/fakultaet/rsf/lehrstuehle/ls-harrendorf/Bd62_9783942865753.pdf*

117 Schlun & Elseven, 'Human Rights Considerations in German Extradition Cases'. *https://se-legal.de/services/lawyer-for-extradition-proceedings/human-rights-considerations-in-extradition-cases/?lang=en#locations.*

118 Kromrey, H. (2017), 'Haftbedingungen als Auslieferungshindernis - Ein Beitrag zur Verwirklichung der Menschenrechte', Schriften zum Strafvollzug, Jugendstrafrecht und zur Kriminologie, 62, pp. 158-162-163 *https://rsf.uni-greifswald.de/storages/uni-greifswald/fakultaet/rsf/lehrstuehle/ls-harrendorf/Bd62_9783942865753.pdf*

119 Schlun & Elseven, 'Human Rights Considerations in German Extradition Cases'. *https://se-legal.de/services/lawyer-for-extradition-proceedings/human-rights-considerations-in-extradition-cases/?lang=en#locations*

beyond their borders.[120] These states often exploit Interpol's Red Notice mechanism, intended to locate and provisionally arrest individuals wanted for prosecution or to serve a sentence, as a tool of transnational repression. Despite Interpol's constitutional prohibition against interventions of a political, military, religious, or racial nature (Article 3), authoritarian states have repeatedly exploited the system by issuing politically motivated alerts based on fabricated charges, using them to harass, detain, or threaten dissidents abroad, undermining due process and international human rights standards.[121] Although Interpol and national authorities have publicly introduced a range of legal review procedures, technical filters, and oversight bodies intended to curb such misuse, in practice these reforms have often functioned more as assurances of vigilance than as consistent barriers to politically motivated abuse, allowing authoritarian states to continue manipulating the system with limited consequence.[122]

In Germany, foreign Interpol search requests are received by the Federal Criminal Police Office (BKA), which, in its role as Germany's National Central Bureau, examines each request independently of the requesting state.[123]

The BKA may proceed with the implementation of a foreign arrest request at the national level if a German court determines that extradition or transfer into custody is legally permissible. The procedure for this review is set out in national legislation.[124] In cases considered to be of specific political, legal, or factual relevance, the BKA consults the Federal Ministry of Justice (BMJ) / Federal Office of Justice (BfJ) and the Federal Foreign Office (AA) before proceeding.[125]

National implementation of a foreign search request is executed by entering the request into the German police information system (INPOL), which is accessible to all federal and state police authorities. If an arrest is made in Germany based on an INPOL entry, a competent court reviews whether the individual can be held in (provisional) extradition custody. The duration of provisional custody extends until the end of the day following the arrest, during which time the person must be brought before a judge, who decides whether continued custody is warranted based on the Red Notice or Red Diffusion.[126]

In the judicial extradition procedure that follows, the competent Higher Regional Court (OLG), upon application by the competent Public Prosecutor General (GStA), determines whether the individual may be extradited and considers any grounds for refusal. If the court approves the extradition, the requesting NCB is informed so that transfer arrangements can be coordinated.

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120 Policy Department DG EXPO, (2019), Misuse of Interpol's Red Notices and impact on human rights – recent developments, European Parliament, p. 6-7 *https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf*

121 Policy Department DG EXPO, (2019), Misuse of Interpol's Red Notices and impact on human rights – recent developments, European Parliament, p. 6-7 *https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf*

122 Policy Department DG EXPO, (2019), Misuse of Interpol's Red Notices and impact on human rights – recent developments, European Parliament, p. 6-7 *https://www.europarl.europa.eu/RegData/etudes/STUD/2019/603472/EXPO_STU(2019)603472_EN.pdf*

123 Bundeskriminalamtgesetz (BKAG), § 3 Abs. 1.

124 Bundeskriminalamtgesetz (BKAG), §33

125 Bundeskriminalamtgesetz (BKAG), §33 Abs. 3; Richtlinien für den Verkehr mit dem Ausland in strafrechtlichen Angelegenheiten, Nr. 13. *https://www.bmjv.de/SharedDocs/Downloads/DE/RiVaSt/Anhaenge/RiVaSt_Textfassung_2016.pdf?__blob=publicationFile&v=3*

126 Gesetz über die internationale Rechtshilfe in Strafsachen (IRG), § 22 Abs. 1

The Federal Criminal Police Office (BKA) tends to rely heavily on the review carried out by Interpol's General Secretariat (IPSG). As noted by Schlun & Elseven, a German law firm specialising in extradition cases, "the National Central Bureau often relies on the merely rudimentary check by the General Secretariat of Interpol. A more extensive review of the content is therefore not carried out" before entering Red Notices into INPOL.[127] The BKA is formally responsible for verifying the accuracy and relevance of data transmitted via Interpol, as required under Articles 62 and 63 of Interpol's data rules and §3(1) of the German BKA Act (BKAG). In politically or legally sensitive cases, the BKA may consult with the Federal Office of Justice and the Federal Foreign Office before proceeding.[128] However, experts have warned of a "cascade effect" in which each authority involved relies on the review carried out by the preceding body.[129] In practice, the Higher Regional Courts may trust the assessment of the Prosecutor General's Office, which in turn relies on the BKA, which itself defers to the Interpol General Secretariat and the requesting state's own NCB. The result is a procedural chain where no actor conducts a substantive assessment of the political nature or credibility of the charges.[130]

Since 2014, the BKA has reported an increase in the scope and intensity of its reviews of international search requests, in coordination with the BMJ/BfJ and the AA, with evaluations of these procedures conducted regularly or as necessary.[131] However, these adjustments have not resolved core structural issues. As noted, the system continues to rely heavily on the initial – often criticised as limited – checks by Interpol's General Secretariat and the cascade effect persists. Without a consistent and substantive assessment at the national level of the political motivation or credibility of the charges, especially of Red Notices emanating from authoritarian states, the risk remains that politically motivated Red Notices will be enforced through German legal channels.

7.2. Migration Law and Protection against TNR

Migration law plays a critical role in determining the level of protection afforded to individuals at risk of TNR. Authoritarian regimes increasingly use tools such as deportation, extradition, and revocation of legal status to silence dissidents abroad. In this context, asylum systems, residence permits, and deportation safeguards serve as key protective mechanisms.

Germany, as one of the world's leading host countries for refugees, is particularly exposed to the risks of TNR. Germany is the third largest refugee-hosting country in the world and the largest in the EU, with 2.5 million refugees from all over the world.[132] Over one million of Germany's refugees

127 Schlun & Elseven, 'Interpol Red Notice Abuse: How to Challenge and Remove False Alerts' *https://se-legal.de/services/lawyer-for-extradition-proceedings/misuse-of-an-interpol-red-notice/?lang=en&*

128 Bundeskriminalamtgesetz (BKAG), § 33 Abs. 3; Richtlinien für den Verkehr mit dem Ausland in strafrechtlichen Angelegenheiten (RiVASt), Nr. 13.

129 Wegner, K. (2018), '"Mythos Interpol" und sein Missbrauch durch autoritäre Regime', Verfassungsblog. *https://verfassungsblog.de/mythos-interpol-und-sein-missbrauch-durch-autoritaere-regime/*

130 Deutscher Bundestag, Drucksache 19/6555 (2018), Missbrauch von Interpol durch autoritäre Staaten, (Kleine Anfrage). *https://dserver.bundestag.de/btd/19/065/1906555.pdf*

131 Deutscher Bundestag, Drucksache 20/14938 (2025), Transnationale Repression durch die Regierung der Volksrepublik China, (Antwort), p. 7. *https://dserver.bundestag.de/btd/20/149/2014938.pdf*

132 UNHCR, 'Germany'. *https://reporting.unhcr.org/donors/germany?utm_* ; Eurostat, 'Asylum decisions – annual statistics, Final Decisions taken on appeal or review' *https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_decisions_-_annual_statistics&#Final_decisions_taken_on_appeal_or_review.*

are from Ukraine, with substantial communities also originating from Syria, Afghanistan, Iraq, Iran, Turkey, Eritrea, and Russia – countries with documented state persecution and TNR policies.[133]

When democratic states fail to grant adequate protection to victims of political repression, they may unwittingly enable repressive agendas. Restrictive migration frameworks, limited recognition rates, and the absence of secure legal pathways often leave those fleeing persecution in a precarious legal limbo.

7.2.1. DEPORTATION BANS AND LEGAL SAFEGUARDS

Germany's migration law includes several important safeguards against return to harm, which, at least in theory, provide a protective buffer against TNR. Under the Residence Act, deportation is prohibited if returning the person to their country of origin would result in a threat to life, limb, or liberty due to race, religion, nationality, membership of a particular social group, or political opinion.[134] Additional protections apply if the individual would face torture, inhuman or degrading treatment, or harm due to armed conflict or serious illness.[135] Deportation is also barred if it would violate the European Convention on Human Rights, or if the individual risks being subjected to the death penalty.[136] These provisions are relevant to Russian dissidents, who may face imprisonment, forced recruitment, or retaliation if returned.

However, these protections are not absolute. Exceptions exist if the person poses a serious threat to public safety or national security, for example, by committing a serious criminal offence.[137] Even in such cases, deportation must be preceded by a formal warning and a reasonable period must be granted for voluntary departure.[138]

The German Residence Act allows for the temporary suspension of deportation in situations where legal or practical obstacles prevent a person's return.[139] These obstacles may include ongoing asylum proceedings, serious health conditions, or other circumstances that make deportation currently impossible. Where legal or practical barriers to return exist, but no formal status is granted, individuals may instead receive a Duldung (tolerated stay), a short-term status with few rights and no long-term protection guarantees.

Deportation bans under German law are primarily designed to prevent return to direct, state-led violence or legally codified persecution. However, TNR often involves subtler, indirect mechanisms, such as harassment via consulates, smear campaigns, threats to family members, or enforced disappearance upon return, which may not trigger conventional protection thresholds.

The revocation of refugee or subsidiary protection status is subject to procedural safeguards, including the right to appeal.[140] Similarly, individuals can challenge deportation orders issued by

133 UNHCR, 'Germany'. *https://reporting.unhcr.org/donors/germany?utm_*_Hoffmeyer-Zlotnik, P, (2022), 'Statistics: Germany', Asylum Information Database. *https://asylumineurope.org/reports/country/germany/statistics/*.

134 Aufenthaltsgesetz (Residence Act), § 60 Abs. 1.

135 Aufenthaltsgesetz (Residence Act), § 60 Abs. 2 and Abs. 7.

136 Aufenthaltsgesetz (Residence Act), § 60 Abs. 5 and Abs. 3.

137 Aufenthaltsgesetz (Residence Act), § 60 Abs. 8 and Abs. 9.

138 Aufenthaltsgesetz (Residence Act), § 60 Abs. 10.

139 Aufenthaltsgesetz (Residence Act), § 60a.

140 Asylgesetz (Asylum Act), § 74 seqq.

the Federal Office for Migration and Refugees (BAMF) before administrative courts.[141] These judicial mechanisms offer important opportunities for independent review, especially in cases involving shifting risk profiles, such as those who become vulnerable to transnational repression while in exile.

However, in the absence of a legal obligation to assess cases through a TNR lens, neither BAMF nor the courts are systematically required to consider extraterritorial threats like surveillance, intimidation, or retaliation by foreign state actors. While individual judges may account for such risks on a case-by-case basis, the lack of a consistent legal framework leads to uneven outcomes and missed protections. This gap weakens the effectiveness of Germany's deportation safeguards in shielding dissidents and opposition figures from repression across borders.

In addition to safeguards designed to prevent the return of individuals to persecution, German migration law also provides administrative tools that may be relevant in responding to TNR activities carried out by foreign actors within Germany. Several provisions of the Residence Act allow authorities to take immigration-related measures against foreign nationals whose conduct poses a threat to public security or to Germany's constitutional order.

In particular, the Residence Act provide the legal basis for expulsion where a foreign national is considered a threat to public security, public order, or to the free democratic basic order.[142] In addition, the Act enables the imposition of entry bans preventing individuals who have been expelled or removed from re-entering Germany for a specified period.[143] These measures may be particularly relevant in situations where transnational repression activities, such as intimidation, surveillance, or harassment of exiled dissidents, do not reach the threshold for criminal prosecution but nevertheless raise concerns for public security.

7.2.1a Case Example: The Khangoshvili Family Deportation

In October 2025, German authorities deported Zurab Khangoshvili, brother of the assassinated Chechen-Georgian dissident Zelimkhan Khangoshvili, together with his family to Georgia.[144] The removal was carried out after the Potsdam Administrative Court rejected their *Eilanträge* ("urgent appeals"), relying also on Georgia's designation as a safe country of origin.[145] Since the family's asylum applications had been denied and they were residing under *Duldung* ("tolerated stay") status, the deportation was treated as a standard enforcement measure.[146]

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141 Asylgesetz (Asylum Act), § 74 seqq.; Verwaltungsgerichtsordnung (VwGO) (Code of Administrative Court Procedure), § 67 Abs. 1; Federal Office for Migration and Refugees, 'Appeals against Decision'. *https://www.bamf.de/EN/Themen/AsylFluechtlingsschutz/AblaufAsylverfahrens/Rechtsmittel/rechtsmittel-node.html*

142 Aufenthaltsgesetz (Residence Act), §§ 53 and 54.

143 Aufenthaltsgesetz (Residence Act), § 11.

144 Stöber, S. (2025), 'Bruder des Opfers mit Familie abgeschoben', Tagesschau. *https://www.tagesschau.de/ausland/europa/tiergartenmord-russland-mordopfer-bruder-abschiebung-georgien-100.html* Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html* Esipov, V. (2025), 'The Brother of Khangoshvili, ho was killed in Berlin, was deported to Georgia. Deutsche Welle. *https://www.dw.com/ru/brata-ubitogo-v-berline-hangosvili-deportirovali-v-gruziu/a-74489095?ref=oc-media.org*

145 Stein, J, (2025), 'Grosse Abschiebeaktion: Familie des Tiergarten-Mordopfers ausgeflogen.' Berliner Morgenpost. *https://www.morgenpost.de/berlin/article410311565/grosse-abschiebeaktion-familie-des-tiergarten-mordopfers-ausgeflogen.html* Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html*

146 Stöber, S. (2025), 'Bruder des Opfers mit Familie abgeschoben', Tagesschau. *https://www.tagesschau.de/ausland/europa/tiergartenmord-russland-mordopfer-bruder-abschiebung-georgien-100.html* Conrad, M. (2025), 'Familie des Tiergarten-

While the decision formally complied with existing asylum law, it illustrates the procedural application of rules at the expense of individualised risk assessment. The Federal Office for Migration and Refugees (BAMF) based its rejection on the family's previous negative asylum ruling in Sweden, treating that verdict as binding and thereby precluding a fresh examination of personal security concerns in Germany.[147] The Potsdam Administrative Court upheld this interpretation, concluding that the legal conditions for reopening the case or imposing a deportation ban were not met.[148]

The removal also reflects a broader political shift of intensified deportation policy.[149] According to a spokesperson for the Federal Interior Ministry, the coalition agreement explicitly included a commitment to "increase the number of deportations" and to ensure more consistent implementation of return orders. The ministry presented the rising figures as early "successes", noting that the federal government was providing "extremely intensive support" to the *Länder* in carrying out removals.[150] At the same time, for the last two year, Georgia has been considered a safe third country by the German government.[151] Reporting indicates the deportation of the Khangoshvili family was part of a broader spike in removals from Germany in 2025, including 1,379 persons returned to Georgia in the first nine months of the year, which constitutes a nearly 20% increase compared to the previous year.[152] Within this policy environment, the Khangoshvili family's deportation appears less as an administrative anomaly than as part of a systematic drive to accelerate returns, even in cases involving politically sensitive profiles.

Indeed, the decision appears to disregard the specific threat environment in Georgia and the particular risks faced by this family. Reports from *Tagesschau* and ZDF indicate that Georgian authorities have, in recent years, cooperated more closely with Russian security services and that deportations to Russia have become more frequent.[153] Both Zelimkhan and Zurab Khangoshvili fought against Russia during the Chechen wars and Zurab Khangoshvili often publicly criticised the pro-Russian orientation of the Georgian government as well as the Russian government itself.[154] Georgian law-enforcement agencies have been documented using excessive force against

Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html*

147 Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html*

148 Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html* Stöber, S. (2025), 'Bruder des Opfers mit Familie abgeschoben', Tagesschau. *https://www.tagesschau.de/ausland/europa/tiergartenmord-russland-mordopfer-bruder-abschiebung-georgien-100.html*

149 Sädler, F. (2025), "Too Late': Khangoshvili Family Case Highlights Shift in German Deportation Policy', Civil Georgia. *https://civil.ge/archives/710554*

150 Esipov, V. (2025), 'The Brother of Khangoshvili, who was killed in Berlin, was deported to Georgia. Deutsche Welle. *https://www.dw.com/ru/brata-ubitogo-v-berline-hangosvili-deportirovali-v-gruziu/a-74489095?ref=oc-media.org* Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html*

151 Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html* Sädler, F. (2025), "Too Late': Khangoshvili Family Case Highlights Shift in German Deportation Policy', Civil Georgia. *https://civil.ge/archives/710554*

152 Sädler, F. (2025), "Too Late': Khangoshvili Family Case Highlights Shift in German Deportation Policy', Civil Georgia. *https://civil.ge/archives/710554*

153 Stöber, S. (2025), 'Bruder des Opfers mit Familie abgeschoben', Tagesschau. *https://www.tagesschau.de/ausland/europa/tiergartenmord-russland-mordopfer-bruder-abschiebung-georgien-100.html* Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html*

154 Conrad, M. (2025), 'Familie des Tiergarten-Mordopfers nach Georgien abgeschoben', ZDF Heute. *https://www.zdfheute.de/politik/ausland/tiergarten-mord-opfer-familie-abgeschoben-100.html*

members of the Chechen community and protesters,[155] while previous serious attacks against Zelimkhan in Tbilisi in 2015 – widely believed to have been ordered by Russian security services – remain unresolved.[156] Georgian authorities delayed investigative steps for years, crucial evidence was lost, and protection measures for the family were denied.[157] Four years later, Khangoshvili was murdered in Berlin by a Russian agent, confirming the threats previously ignored in Georgia. Deporting his immediate relatives back to the same country, which failed to protect him and where political alignment with Russia has deepened, therefore raises fundamental questions about the application of German risk assessment.

In fact, this case exposes a systemic gap: although German law provides for deportation bans under § 60 Abs. 5–7 *AufenthG* ("Residence Act"), these mechanisms do not seem to be designed to capture risks arising from transnational repression or to account for indirect exposure through family ties. The Khangoshvili deportation therefore underscores the need to embed TNR-specific criteria into asylum and deportation procedures and to ensure coordination between migration authorities, security agencies, and foreign policy actors, particularly so that, amid heightened political pressure to increase deportations, individual circumstances and concrete security risks are not overlooked.

7.2.2. RECOGNITION TRENDS FOR RUSSIAN ASYLUM-SEEKERS[158]

In 2024, asylum applications from Russian nationals in Germany remained substantial, with a total of 5,625 applications filed.[159] This figure reflects the ongoing impact of Russia's war of aggression against Ukraine, continued military conscription, and intensified political repression. Over the course of the year, the Federal Office for Migration and Refugees (BAMF) issued 8,003 decisions on Russian asylum cases, of which 415 resulted in protection grants and 3,652 were rejections, while the remaining 3,936 cases were closed through other procedural outcomes. As of December 2024, 4,598 applications were still pending, including 3,915 first-time and 683 subsequent applications.[160]

155 Stöber, S. (2025), 'Bruder des Opfers mit Familie abgeschoben', Tagesschau. *https://www.tagesschau.de/ausland/europa/tiergartenmord-russland-mordopfer-bruder-abschiebung-georgien-100.html*

156 (2019), 'Georgian National, Chechnya-Russia war veteran killed in Berlin.', OC Media. *https://oc-media.org/georgian-national-chechnya-russia-war-veteran-killed-in-berlin/*

157 (2019), 'Georgian National, Chechnya-Russia war veteran killed in Berlin.', OC Media. *https://oc-media.org/georgian-national-chechnya-russia-war-veteran-killed-in-berlin/*

158 Report sections 7.2.2-7.2.7 are based primarily on the 2025 AIDA Country Report on Germany (*asylumineurope.org*), complemented by statistical and legal sources from BAMF, PRO ASYL, and other NGOs.Riemer, L., Rau, L., Schalast, R. (2025), 'Country Report: Differential Treatment of Specific Nationalities in the Procedure – Germany', AIDA and ECRE. *https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/?*

159 Riemer, L., Rau, L., Schalast, R. (2025), 'Country Report: Differential Treatment of Specific Nationalities in the Procedure – Germany', AIDA and ECRE. *https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/?*

160 Bundesamt für Migration und Flüchtlinge (2024), 'Antrags-, Entscheidungs- und Bestandsstatistik'. *https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/Asylgeschaeftsstatistik/hkl-antrags-entscheidungs-bestandsstatistikl-kumuliert-2024.pdf?__blob=publicationFile&v=21*

In 2024, Russians still ranked among the top ten nationalities receiving the highest number of final decisions after appeal or review in Germany, with one of the highest recognition rates at 10.9%.[161] However, the 2024 protection rate marks a notable decrease when compared to previous years. In 2023, the rate stood at 12.1%[162], at 26.1% in 2022[163] and 13.1% in 2021[164], indicating that recognition rates in 2024 were lower than even those recorded prior to the full-scale invasion of Ukraine. At the same time, the number of asylum applications from Russian nationals also declined, falling from 9,028 in 2023, including 7,663 first-time applications[165], and moving further away from the peak levels recorded shortly after Russia's full-scale invasion of Ukraine.

7.2.3. BARRIERS TO ACCESS AND HUMANITARIAN VISAS

According to the human rights organisation PRO ASYL, Russian nationals seeking protection in Germany face serious access barriers, primarily due to the absence of legal and safe routes out of the country. Direct flights from Russia to Germany are unavailable and entry restrictions imposed by countries along the EU's external borders mean that Russian citizens can no longer rely on Schengen visas for onward travel.[166] While Germany has issued humanitarian visas, these have been limited to exceptional cases, such as high-profile individuals, most notably journalists or public dissidents who have already attracted international attention. In contrast, German embassies and consulates reportedly reject the vast majority of humanitarian visa requests.[167]

The lack of safe and legal channels forces vulnerable dissidents to remain within Russia or transit through unsafe routes, heightening the risk of arrest, surveillance, and intimidation by Russian security services, especially in countries with weak rule of law or close ties to Russia.

PRO ASYL further notes that, in certain cases, German embassies located outside of Russia may accept applications for long-stay visas (e.g., for employment, study, or family reunification) from Russian nationals who face serious risk if required to apply within Russia. This exception is said to apply primarily to individuals at risk of persecution, including human rights defenders, anti-war activists, conscientious objectors, and independent media professionals.[168]

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161 Eurostat, 'Asylum decisions – annual statistics, Final Decisions taken on appeal or review', Figure 7, filtered for Germany *https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_decisions_-_annual_statistics&#Final_decisions_taken_on_appeal_or_review*.

162 Eurostat, 'Asylum Decisions at final instance by type if decision - % of total decisions at final instance.' *https://ec.europa.eu/eurostat/databrowser/view/migr_asydecfp__custom_17575549/default/table*

163 Eurostat, 'Asylum Decisions at final instance by type if decision - % of total decisions at final instance.' *https://ec.europa.eu/eurostat/databrowser/view/migr_asydecfp__custom_17575556/default/table*

164 Eurostat, 'Asylum Decisions at final instance by type if decision - % of total decisions at final instance.' *https://ec.europa.eu/eurostat/databrowser/view/migr_asydecfp__custom_17575566/default/table*

165 Bundesamt für Migration und Flüchtlinge (2023), 'Antrags-, Entscheidungs- und Bestandsstatistik', *https://bit.ly/3UjFWf0* ; Bundesamt für Migration und Flüchtlinge (2022), 'Antrags-, Entscheidungs- und Bestandsstatistik', *https://bit.ly/3lCA29E*.

166 (2022), 'Flucht aus Russland: Was wir aktuell sagen können', Pro Asyl. *http://bit.ly/3LyoDm0*

167 (2022), 'Flucht aus Russland: Was wir aktuell sagen können', Pro Asyl. *http://bit.ly/3LyoDm0*

168 Riemer, L., Rau, L., Schalast, R. (2025), 'Country Report: Differential Treatment of Specific Nationalities in the Procedure – Germany', AIDA and ECRE. *https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/?*

7.2.4. CONSCIENTIOUS OBJECTORS AND LEGAL UNCERTAINTY

According to Germany's Federal Ministry of the Interior and Community, individuals who have deserted from the Russian armed forces – those actively fleeing from military service already underway – may qualify for refugee protection on the basis of political persecution.[169] However, conscientious objectors, who refuse to enter military service in the first place, are subject to a stricter legal standard. Instead, protection may only be granted where the punishment for refusal is excessively severe, where the refusal leads to politically motivated persecution, or when the individual can demonstrate that their conscription would have involved participation in war crimes, crimes against humanity, or crimes against peace and that their refusal was rooted in this concern.[170]

The Federal Office for Migration and Refugees (BAMF) evaluates such cases individually. As of February 2023, only two known decisions had been issued by BAMF concerning Russian nationals seeking asylum on the grounds of military evasion. In one instance, protection was granted, not due to military refusal, but because of the applicant's political activism. In the other, involving a man over 40 with no prior military training, BAMF concluded that the likelihood of his forced deployment was too low to justify protection. This position has been criticised by human rights organisations, who argue that Russia's conscription practices are unpredictable, making such assumptions about individual risk unreliable.[171]

7.2.5. RESTRICTIVE ASYLUM TRENDS FOR RUSSIAN DRAFT EVADERS

In 2024, German authorities continued to reject the majority of asylum claims submitted by Russian men fleeing military service.[172] Civil society organisations report that many decisions rely on standardised language and statistical reasoning that estimate the likelihood of conscription at just 2-6%, leading the BAMF to frequently dismiss individual claims as insufficiently substantiated.[173] Nearly three years after the full-scale invasion of Ukraine, asylum has been granted to Russian men of conscription age only rarely.

One procedural factor contributing to this is the visa requirement: Russian nationals are unable to enter Germany directly and typically transit through other EU Member States, which, under the Dublin III Regulation, are then deemed responsible for processing their asylum claims.[174] Since

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169 Federal Ministry of the Interior and Community (2022), 'Beantwortung von offenen Fragen zu Top 1 („Bericht des Bundesministeriums des Innern und für Heimat über die aktuelle Lage im Ukraine-Konflikt sowie die damit verbundenen innenpolitischen Auswirkungen") der Sitzung des Ausschusses für Inneres und Heimat vom 11. Mai 2022', p.3 *https://bit.ly/3Lwoe3q*.

170 (2022), 'Flucht aus Russland: Was wir aktuell sagen können', Pro Asyl. *http://bit.ly/3LyoDm0*

171 Riemer, L., Rau, L., Schalast, R. (2025), 'Country Report: Differential Treatment of Specific Nationalities in the Procedure – Germany', AIDA and ECRE. *https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/?* (2023), 'Bundesamt für Migration lehnt Asyl für russischen Verweigerer ab', Pro Asyl. *https://bit.ly/3Jp9d0z*.

172 Riemer, L., Rau, L., Schalast, R. (2025), 'Country Report: Differential Treatment of Specific Nationalities in the Procedure – Germany', AIDA and ECRE. *https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/?* (2024), 'Zwei Jahre nach Teilmobilmachung: Weiter kein Asyl für russische Kriegsdienstverweiger*innen', Flüchtlingsrat Niedersachen. *https://www.nds-fluerat.org/60483/aktuelles/zwei-jahre-nach-teilmobilmachung-weiter-kein-asyl-fuer-russische-kriegsdienstverweigerinnen/*

173 (2024), 'Klare Forderung auf Asyl bei Verweigerung eines Angriffskrieges', Connection e.V. *https://de.connection-ev.org/article-4319*

174 Feneberg, V. (2025), 'Asyl für russische Kriegsdienstverweigerer: Lebensgefährlicher Kriegseinsatz und die erzwungene Beteiligung an Kriegsverbrechen führen zu subsidiärem Schutz', Verfassungsblog. *https://verfassungsblog.de/asyl-fur-*

February 2022, over half of all decisions have been classified as "other closures", such as transfers or withdrawals. Among the remaining substantive decisions, the protection rate stood at 16%. Germany's approach has become increasingly restrictive: while approximately 37% of Russian conscription-age men received protection before mid-2023, that figure fell to just 11% between September 2023 and September 2024.[175]

7.2.6. CONFLICTING JURISPRUDENCE AND FRAGMENTED OUTCOMES

Germany's jurisprudence on asylum claims from Russian military deserters and conscientious objectors illustrates a broader problem of legal fragmentation. Courts have issued diverging rulings, while the Federal Office for Migration and Refugees (BAMF) has been criticised for relying on outdated country of origin information (COI), resulting in inconsistent recognition practices.[176]

In early 2025, the Administrative Court of Berlin granted subsidiary protection to several Russian men, citing the risk of forced recruitment and coercion into combat near the Ukrainian border.[177] By contrast, in August 2024, the Higher Administrative Court (OVG) of Berlin-Brandenburg rejected similar claims, concluding that young men, including those of Chechen origin, did not face a substantial risk of harm.[178] These rulings underscore the absence of a harmonised approach to protection and the legal uncertainty applicants face.

Beyond fragmented case law, Germany's protection system lacks a legal definition of TNR. This gap has practical consequences: neither BAMF officials nor administrative judges are required to assess whether individuals like draft evaders or political activists risk retaliation, intimidation, or coercion by the origin state abroad. For instance, draft evasion may be interpreted by authoritarian regimes as political defiance, increasing vulnerability to surveillance or retribution. Without a systematic obligation to consider these dynamics through a TNR lens, such individuals are often excluded from protection frameworks.

7.2.7. RESIDENCE OPTIONS FOR REGIME-CRITICAL PROFESSIONALS

In June 2022, the Federal Ministry of the Interior and Community issued a policy directive aimed at supporting Russian cultural and media professionals critical of the Kremlin.[179] The directive encouraged the use of existing provisions in German residence law to grant residence permits or visas for employment or self-employment. It also allowed immigration authorities to issue residence

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russische-kriegsdienstverweigerer/

175 Feneberg, V. (2025), 'Asyl für russische Kriegsdienstverweigerer: Lebensgefährlicher Kriegseinsatz und die erzwungene Beteiligung an Kriegsverbrechen führen zu subsidiärem Schutz', Verfassungsblog. *https://verfassungsblog.de/asyl-fur-russische-kriegsdienstverweigerer/*.

176 (2023), 'Bundesamt für Migration lehnt Asyl für russischen Verweigerer ab', Pro Asyl. *https://bit.ly/3Jp9d0z*. Riemer, L., Rau, L., Schalast, R. (2025), 'Country Report: Differential Treatment of Specific Nationalities in the Procedure – Germany', AIDA and ECRE. *https://asylumineurope.org/reports/country/germany/asylum-procedure/differential-treatment-specific-nationalities-procedure/?*

177 Administrative Court Berlin (Verwaltungsgericht Berlin), 33rd Chamber, cases VG 33 K 504/24 A and VG 33 K 519/24, decision of 20 January 2025, press release *https://www.berlin.de/gerichte/verwaltungsgericht/presse/pressemitteilungen/2025/pressemitteilung.1526847.php*

178 Higher Administrative Court Berlin-Brandenburg, cases 12 B 17/23 and 12 B 18/23, decision of 22 August 2024

179 Bundesministerium des Innern und für Heimat (2022), 'Beschäftigung von regimekritischen Kultur- und Medienschaffenden aus der Russischen Föderation in Deutschland; Voraussetzungen für eine Beschäftigung im öffentlichen Interesse im Sinne von § 19c Absatz 3 AufenthG', *https://www.asyl.net/fileadmin/user_upload/30729w.pdf*

permits directly, without a prior visa procedure, for individuals already in Germany, if a return to Russia would pose a risk.[180]

For those who do not meet the criteria for international protection or a residence title, the directive implied that a tolerated stay (*Duldung*) could be granted, given that deportations to Russia are currently not feasible.[181]

However, implementation has been uneven. Many Russian journalists and dissidents report being granted only *Duldung* status, which offers no long-term legal security, restricts access to employment, and effectively prevents them from resuming their professional work in exile.[182]

This lack of legal stability weakens their ability to remain active in opposition from abroad and may deter further political expression. In doing so, it contributes to an enabling environment for TNR by fostering isolation and economic precarity among those targeted by authoritarian regimes.

7.2.8. STRUCTURAL VULNERABILITIES IN THE ASYLUM SYSTEM

Germany's migration system, administered by the Federal Office for Migration and Refugees (BAMF), aims to process asylum claims efficiently. However, structural features of the system, such as reliance on freelance interpreters and centralised housing arrangements, can expose asylum-seekers to TNR, especially from authoritarian regimes seeking to monitor or silence dissents abroad.

7.2.8.1. Interpreter System and Political Interference

During the 2015 influx of asylum-seekers, the BAMF expanded its interpreter pool rapidly, often recruiting freelancers with limited vetting.[183] Although the BAMF introduced reforms in 2017, including a code of conduct, language proficiency requirements, and a complaint mechanism, according to Freedom House, these do not sufficiently address the risk of politically motivated interference.[184] Civil society groups and asylum-seekers continue to report instances where interpreters may act in the interests of origin state governments. This includes breaches of confidentiality, biased translation, or deliberate misrepresentation. The burden of reporting such misconduct often falls on vulnerable individuals, who may fear retaliation or distrust complaint mechanisms.[185]

These interpreter-related vulnerabilities create openings for foreign influence in the asylum process and contribute to a broader climate of fear and self-censorship.

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180 Bundesministerium des Innern und für Heimat (2022), 'Beschäftigung von regimekritischen Kultur- und Medienschaffenden aus der Russischen Föderation in Deutschland; Voraussetzungen für eine Beschäftigung im öffentlichen Interesse im Sinne von § 19c Absatz 3 AufenthG', *https://www.asyl.net/fileadmin/user_upload/30729w.pdf*

181 (2022), 'Flucht aus Russland: Was wir aktuell sagen können', Pro Asyl. *http://bit.ly/3LyoDm0*

182 Merkuyeva, K. (2023), 'Warten aufs Visum : Seit sieben Monaten geduldet', Tagesspiegel.de. *https://www.tagesspiegel.de/politik/warten-aufs-visum-seit-sieben-monaten-geduldet-9729218.html*

183 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 6. *https://freedomhouse.org/report/transnational-repression/germany*

184 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 6. *https://freedomhouse.org/report/transnational-repression/germany*

185 Freedom House (2023), Germany: Transnational repression Host Country Case Study, p. 6. *https://freedomhouse.org/report/transnational-repression/germany*

7.2.8.2. Shared Housing and Surveillance Risks

Germany's use of centralised reception centres and shared accommodation is designed to streamline service delivery. Yet these arrangements may inadvertently facilitate surveillance and intimidation by foreign state actors. A 2017 publication by the BfV highlighted the risk of foreign intelligence services infiltrating refugee communities by posing as asylum-seekers, with the aim of monitoring political dissidents and influencing asylum procedures. Such activities may also have repercussions for family members remaining in the country of origin.[186]

An additional concern relates to the practice of housing asylum seekers from the same country within shared accommodation facilities. This arrangement can create opportunities for TNR to occur within refugee communities themselves.[187] In one case, a Saudi asylum-seeker suspected that a fellow resident had reported her activities to authorities in her home country, following interrogations of acquaintances back home.[188] Eritrean refugees, meanwhile, have faced demands for payment of the regime's diaspora tax, an example of continued extraterritorial control.[189]

These examples demonstrate how the very infrastructure designed to protect can, if inadequately safeguarded, become a channel for foreign regimes to extend their reach. Without tailored security protocols and information protections, such vulnerabilities undermine Germany's ability to shield dissidents from TNR.

8. Foreign Policy Dimension and Diplomatic Responses

8.1 Germany's General Approach to Russia and Russian Exiles

Germany's response to TNR has often been overshadowed by broader diplomatic priorities. While the country has been proactive in supporting multilateral sanctions for incidents outside its borders, domestic cases of repression have not spurred a unified European reaction or led to significant shifts in Germany's foreign relationships. The assassination of Zelimkhan Khangoshvili, despite sharp criticism from German officials, did little to impact Germany's overall stance toward Russia.

186 Federal Office for the Protection of the Constitution (BfV) (2017), 'Wie Erkenne Ich Extremistische Und Geheimdienstliche Aktivitäten?, *https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/allgemein/2017-08-wie-erkenne-ich-extremistische-und-geheimdienstliche-aktivitaeten. pdf?__blob=publicationFile&v=7*

187 Felden, E., Raddy, N. (2019), 'Bedrohte saudische Frauen in Deutschland: "Wir werden dich kriegen"' Deutsche Welle. *https://www.dw.com/de/bedrohte-saudische-frauen-in-deutschland-wir-werden-dich-kriegen/a-47562270*

188 Aziza, S. (2019), 'The Saudi Government's Global Campaign to Silence Its Critics,' New Yorker. *https://www.newyorker.com/news/dispatch/the-saudi-governments-global-campaign-to-silence-its-critics*

189 Hirt, Nicole (2020), 'The Long Arm of the Regime – Eritrea and Its Diaspora,' Bundeszentrale für politische Bildung. *https://www.bpb.de/themen/migration-integration/regionalprofile/english-version-country-profiles/305657/the-long-arm-of-the-regime-eritrea-and-its-diaspora/*

Shortly after the verdict in the Khangoshvili case, Chancellor Olaf Scholz signalled a willingness to renew diplomatic ties with Russia, reflecting a focus on reconciliation.[190] This outreach occurred even as concerns over state-sponsored repression persisted, underscoring the secondary priority such issues hold in Germany's foreign policy. However, these efforts were quickly set aside following Russia's invasion of Ukraine in early 2022. Nevertheless, the protection of individuals threatened by Russian security structures remains largely compartmentalised within migration and asylum procedures, which tend to apply standardised risk assessments and rarely consider TNR as a distinct threat factor. As a result, such cases are not addressed within a coherent national strategy against extraterritorial persecution. The 2025 deportation of Khangoshvili's brother Zurab and his family to Georgia clearly illustrates the consequences of this gap.

8.2. Diplomatic Actions and Sanctions against Russian Diplomats

The assassination of Georgian exile Zelimkhan Khangoshvili in Berlin in 2019 triggered a serious diplomatic crisis between Germany and Russia in recent years. The German judiciary identified the act as a state-ordered assassination carried out by Russian intelligence operative Vadim Krasikov. In response, Germany expelled two Russian diplomats, which prompted reciprocal expulsions by Moscow.[191] The case became a defining example of extraterritorial repression on EU soil and spurred broader scrutiny of Russian intelligence activity in Germany.

Tensions escalated again in August 2024, when Germany released Krasikov in a high-profile prisoner swap with Russia and Belarus. In exchange, 16 individuals were freed, including 15 political prisoners and a German national facing the death penalty in Belarus. Among them were prominent opposition figures such as Vladimir Kara-Murza and Ilya Yashin. While presented as a humanitarian gesture, the swap sparked significant domestic debate. Attorney General Jens Rommel reportedly opposed the release, arguing it undermined judicial integrity and could embolden future state-sponsored violence.[192] Justice Minister Marco Buschmann, however, emphasised the moral obligation to free unjustly imprisoned dissidents.[193] Solidarity with the US, also party to the deal, factored into the decision.[194]

The exchange raised broader concerns about Germany's consistency in confronting TNR. Releasing a convicted assassin sent by a foreign government risks normalising impunity, may erode the credibility of Germany's justice system, and potentially incentivise future repression. Victims of surveillance and intimidation may become less likely to report threats, fearing that political considerations may outweigh legal accountability. The move also potentially places German nationals abroad at greater risk, turning them into future bargaining chips for authoritarian regimes.

190 Dettmer, J. (2022), 'Smaller European Nations Uneasy as Germany's Scholz Plans to Meet Putin' Voice of America. *https://www.voanews.com/a/smaller-european-nations-uneasy-as-germany-scholz-plans-to-meet-putin/6379*.

191 Sayram, I. (2024), 'Deal wider Willen', Tagesschau. *https://www.tagesschau.de/inland/innenpolitik/gefangenenaustausch-bundesregierung-100.html*

192 Sayram, I. (2024), 'Deal wider Willen', Tagesschau. *https://www.tagesschau.de/inland/innenpolitik/gefangenenaustausch-bundesregierung-100.html*

193 Sayram, I. (2024), 'Deal wider Willen', Tagesschau. *https://www.tagesschau.de/inland/innenpolitik/gefangenenaustausch-bundesregierung-100.html*

194 Sayram, I. (2024), 'Deal wider Willen', Tagesschau. *https://www.tagesschau.de/inland/innenpolitik/gefangenenaustausch-bundesregierung-100.html*

The Khangoshvili case was not an isolated diplomatic incident. Following the assassination, Germany expelled four Russian diplomats, mirroring similar actions in other cases.[195] For instance, the 2017 abduction of Vietnamese asylum seeker Trinh Xuan Thanh led to the expulsion of two Vietnamese diplomats and a criminal trial. In 2012, four Syrian diplomats were expelled over surveillance of exiled opposition figures. These cases show Germany's willingness to act decisively in high-profile incidents but also highlight the selective enforcement of diplomatic measures. Many lower-profile acts of TNR go unaddressed, particularly those involving intimidation, surveillance, or family-based coercion that do not meet the threshold for criminal prosecution.

Since Russia's full-scale invasion of Ukraine in 2022, Germany has adopted more robust countermeasures against Russian intelligence operations. In April 2022, Germany expelled 40 Russian diplomats, followed by another 50 in April 2024.[196] Four out of five Russian consulates in Germany, which were long suspected of serving as hubs for intelligence operations, have been ordered to close.[197] The BfV estimates that nearly one third of the 180 staff at the Russian embassy in Berlin are intelligence operatives. Authorities have also reported increased use of "illegals" (agents under false identities), embedded operatives in civilian roles, and officers using international organisations as cover.[198] These developments underscore the strategic and persistent nature of foreign intelligence threats and the need for sustained diplomatic vigilance.

German intelligence leaders, including former BfV president Thomas Haldenwang and leader of the *Bundesnachrichtendienst* (BND) Bruno Kahl, have acknowledged that extraterritorial assassinations and other acts of repression serve strategic and deterrent purposes for authoritarian states such as Russia.[199] They have also recognized that these states show a growing interest in diaspora communities residing in Germany, and that such operations appear to be part of their broader foreign policy.[200]

However, despite this growing awareness, TNR has yet to be addressed as a distinct national security threat. It is clear that, without a dedicated policy framework, non-lethal or low-visibility forms of repression often fall outside the current response model.

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195 Alkousaa, R. (2017), 'Germany Expels Second Vietnamese Diplomat Over 'Cold War-Style' Abduction,' Reuters. *https://www.reuters.com/%20article/us-germany-vietnam/germany-expels-*_Deutscher Bundestag (2020), Drucksache 19/21318 , 'Auf Die Kleine Anfrage Der Abgeordneten Sevim Dağdelen, Heike Hänsel, Dr. André Hahn, Weiterer Abgeordneter Und Der Fraktion,' (Antwort), *https://dserver.bundestag.de/btd/19/213/1921318.pdf* .

196 Gibadlo, L. (2023), 'Germany is expelling Russian diplomats'. OSW. *https://www.osw.waw.pl/en/publikacje/analyses/2023-04-25/germany-expelling-russian-diplomats*

197 German Federal Ministry of the Interior (2024), Brief Summary 2023 Report on the Protection of the Constitution, p. 59 *https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2024-06-brief-summary-2023-report-on-the-protection-of-the-constitution.pdf?__blob=publicationFile&v=4*

198 German Federal Ministry of the Interior (2024), Verfassungsschutzbericht 2023, p. 311 *https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/verfassungsschutzberichte/2024-06-18-verfassungsschutzbericht-2023.pdf?__blob=publicationFile&v=17*

199 Biermann, K., Wetter, A. (2020), 'Es Wurden Gezielt Menschen Getötet', Zeit Online. *https://www.zeit.de/2020/42/thomas-haldenwang-spionage-deutschland-coronavirus-gesundheitssektor-forschung/komplettansicht*

200 Fiedler, M. (2020), 'Das Sind Die Wichtigsten Aussagen Der Geheimdienstchefs', Der Tagesspiegel.

8.3. Foreign Policy Tools and Constraints in Responding to Transnational Repression

The Federal Foreign Office plays a key role in Germany's response to TNR, raising concerns in formal communications with the governments involved and emphasising the negative diplomatic consequences of such actions. Germany also cooperates with international partners to strengthen protection measures and improve coordinated responses to TNR.

In the summer of 2025, Germany established a dedicated coordination unit on TNR within the Federal Foreign Office, tasked with addressing TNR through foreign policy instruments.[201] The unit is mandated to develop bilateral responses to individual cases, including diplomatic messaging, *demarches*, visa restrictions, and, where appropriate, sanctions. At the multilateral level, Germany raises concerns related to TNR through statements and resolutions, notably at the UN Human Rights Council.[202] In parallel, the Foreign Office has formally integrated TNR considerations into its broader foreign policy strategies.[203] Prior to the establishment of this unit, TNR was addressed in a fragmented manner by individual country desks within the Foreign Office. By contrast, the new coordination unit operates with a country-agnostic perspective, streamlining and systematising the use of foreign policy measures to counter TNR across regions and countries.[204]

Western sanctions, particularly those targeting so-called "legal residencies," have disrupted some of Russia's longstanding intelligence structures.[205] According to the BfV, legal residencies refer to covert operational hubs maintained by foreign intelligence services from within embassies, consulates, trade offices, and other state-affiliated institutions, including national airlines.[206] As these avenues have come under increased scrutiny, Russian services have shifted towards alternative methods of medium- and long-term intelligence-gathering, relying more heavily on traveling officers, "illegals" operating under false identities, and personnel embedded in civilian or international organisations. In parallel, authorities have observed an increasing reliance on proxy actors and so-called "low-level agents", often recruited via social media to carry out surveillance, intimidation, or disruptive acts.[207]

Germany has also supported EU-led sanctions in response to TNR. It notably backed the 2021 EU sanctions against Belarus following the forced diversion of a Ryanair flight to arrest opposition figure Roman Protasevich.[208] However, Germany's reliance on multilateral action, rather than developing

201 Government of Canada, 'G7 Compendium of Tools to Counter Transnational Repression'. *https://www.publicsafety.gc.ca/cnt/ntnl-scrt/g7/imm-cmpndm-2025-en.aspx*

202 Government of Canada, 'G7 Compendium of Tools to Counter Transnational Repression'. *https://www.publicsafety.gc.ca/cnt/ntnl-scrt/g7/imm-cmpndm-2025-en.aspx*

203 Government of Canada, 'G7 Compendium of Tools to Counter Transnational Repression'. *https://www.publicsafety.gc.ca/cnt/ntnl-scrt/g7/imm-cmpndm-2025-en.aspx*

204 Background Conversations.

205 German Federal Ministry of the Interior (2024), Brief Summary 2023 Report on the Protection of the Constitution, p. 59 *https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2024-06-brief-summary-2023-report-on-the-protection-of-the-constitution.pdf?__blob=publicationFile&v=4*

206 German Federal Ministry of the Interior (2024), Brief Summary 2023 Report on the Protection of the Constitution, p. 59 *https://www.verfassungsschutz.de/SharedDocs/publikationen/EN/reports-on-the-protection-of-the-constitution/2024-06-brief-summary-2023-report-on-the-protection-of-the-constitution.pdf?__blob=publicationFile&v=4*

207 Bundeskriminalamt, 'Politisch motivierte Kriminalität – Bundesweite Fallzahlen für 2024 veröffentlicht.' *http://bka.de/DE/UnsereAufgaben/Deliktsbereiche/PMK/PMKZahlen2024/PMKZahlen2024_node.html*

208 Waterfield, B. (2021), 'EU Punishes Belarus For Forced Landing Of Roman Protasevich Flight,' The Times. *https://www.thetimes.co.uk/article/eu-punishes-belarus-for-forced-landing-of-roman-protasevich-flight32ccbl5nc;* Von Der Burchard, H. (2021),

autonomous national sanctions mechanisms, has constrained its capacity to respond swiftly and independently.

This limitation underscores the need for robust domestic accountability tools. While the EU Global Human Rights Sanctions Regime (EU GHRSR), adopted in 2021, offers a potential framework for addressing TNR, it has never been applied to perpetrators of TNR, despite the mounting evidence of such acts across the EU.[209] A more proactive and autonomous German approach, including national legislation enabling targeted sanctions, would strengthen deterrence and signal stronger political commitment to protecting exiles and dissidents within its borders.

8.4. Germany's Role in Multilateral Forums (EU and G7) and International Dialogue

Germany continues to develop its approach to TNR through active participation in both multilateral and bilateral platforms. This includes strategic engagement within forums such as the European Union and the G7, as well as direct diplomatic exchanges with EU member states and international partners. These efforts underline Germany's commitment to fostering a unified and coordinated international response to TNR.[210] Notably, at the 2025 G7 Summit, Germany joined other G7 leaders in issuing a joint statement on TNR, explicitly condemning the practice and committing to coordinated efforts to protect exiled dissidents and uphold human rights globally.[211]

In September 2025, Germany also led on a joint statement at the 60th session of the UN Human Rights Council on "Transnational Repression as a human rights threat".[212] In the joint statement, Germany and more than 45 other states denounced TNR as a growing human rights threat, calling on states to cease cross-border repression, ensure accountability, and protect affected individuals.

In April 2023, the German government, together with the governments of Australia, Kosovo, Latvia, Lithuania, Slovakia, and the United States, signed a "Declaration of Principles to Combat Transnational Repression" in which it "acknowledge[s] transnational repression as an issue requiring urgent attention and response, and commit[s] to working to address impunity, build resilience, and protect the vulnerable".[213] While a positive step, this declaration is a political commitment and does not establish any legally binding obligations for Germany.

'Germany Threatens Sanctions 'Spiral' Unless Belarus Frees Prisoners,' Politico. *https://www.politico.eu/ article/germany-warns-alexander-lukashenko-belarus-spiral-of-sanctions*

209 Coalition Against Transnational Repression in Germany (2025). Tackling Transnational Repression in Germany - A Policy Paper by the Coalition Against Transnational Repression in Germany *https://ldsf.info/blog/2025/06/27/policy-paper-tackling-transnational-repression-in-germany/*

210 Deutscher Bundestag, Wissenschaftlicher Dienst, Aktueller Begriff - Transnationale Repression. *https://www.bundestag.de/resource/blob/1058916/a940c9b69872694a4cca8139d763d853/Transnationale-Repression.pdf*

211 G7 Canada, 'G7 Leaders' Statement on Transnational Repression'. *https://g7.canada.ca/en/news-and-media/news/g7-leaders-statement-on-transnational-repression/*

212 Permanent Mission of Norway to the UN (2025), 'Item 3 - General Debate. JST Germany' *https://www.norway.no/en/missions/wto-un/nig/statements/hr/hrc/hrc60/hrc60item3gd/*

213 (2023), 'Summit for Democracy: Six Countries Join United States in Pledging to Strengthen the Fight against Transnational Repression'. Freedom House. *https://freedomhouse.org/article/summit-democracy-six-countries-join-united-states-pledging-strengthen-fight-against*

9. Recommendations

To enhance Germany's capacity to identify, prevent, and respond to TNR, this report puts forward the following recommendations across legal, policy, institutional, and diplomatic dimensions:

1. Define and Recognise Transnational Repression in Law and Policy

- Introduce a clear legal definition of transnational repression in German law, covering the full spectrum of tactics used by foreign state actors or their proxies, including intimidation, surveillance, harassment, coercion of family members, and digital threats, even where such conduct falls below the threshold of criminal prosecution; and
- Ensure that all relevant state institutions systematically assess potential TNR risks in asylum, deportation, extradition, and criminal justice proceedings.

2. Strengthen Migration and Asylum Protections

- Improve recognition rates and protection pathways for dissidents, journalists, human rights defenders, and conscientious objectors by clarifying legal thresholds and explicitly recognising TNR as a relevant form of persecution;
- Address legal fragmentation by issuing binding guidance to BAMF and administrative courts on how to assess TNR risks in asylum claims, particularly for individuals fleeing military service or political persecution;
- Integrate TNR as a distinct risk category in country-of-origin information (COI) and security assessments conducted by BAMF, including risks of extraterritorial retaliation and long-distance repression;
- Expand access to humanitarian visas and ensure that consular discretion is exercised transparently and consistently, particularly for at-risk individuals without high public profiles;
- Ensure secure and rights-based alternatives to *Duldung* status, especially for individuals unable to return due to repression risks; and
- Facilitate family reunification for individuals targeted by repression, recognising that pressure on relatives remaining in the country of origin is a common and effective tool of TNR and a major source of vulnerability.

3. Close Structural Gaps in Reception and Procedural Safeguards

- Reform interpreter recruitment and oversight procedures to prevent politically motivated interference in asylum interviews and hearings. Introduce standardised training on confidentiality and neutrality, as well as accessible complaint mechanisms; and
- Mitigate surveillance risks in shared accommodation by reviewing housing policies for political dissidents and introducing individualised risk assessments to prevent co-location with potential informants or hostile actors.

4. Establish Secure Reporting, Documentation, and Data Collection Mechanisms

- Acknowledge that no comprehensive, evidence-based overview of TNR in Germany currently exists and prioritise the systematic documentation and analysis of incidents.
- Establish low-threshold, secure, and confidential reporting mechanisms capable of capturing both criminal conduct and repression tactics that remain below prosecutorial thresholds; and
- Create a central reporting and documentation body at the interface between civil society and state authorities, equipped to receive reports via protected communications channels and with appropriate sensitivity to potential trauma;
- Ensure that collected data is documented in strict compliance with data protection, information security, and privacy standards, and prepared for possible publication in anonymised form; and
- Integrate regularly collected data into relevant state reporting formats, including the Federal Government's Human Rights Report.

5. Improve Oversight of Interpol Red Notices and Extradition Requests

- Enhance national review mechanisms for foreign arrest warrants, including systematic assessments of politically motivated misuse of Interpol mechanisms; and
- Ensure that German authorities, including the BKA and courts, conduct independent and substantive evaluations of extradition requests, rather than relying on Interpol's internal review or on procedural cascade effects. Introduce a national notification and redress system for individuals affected by politically motivated Red Notices.

6. Establish Focal Points for Victims

- Establish a permanent National Coordination Office on Transnational Repression within the Federal Chancellery (*Bundeskanzleramt*).[214] Locating such a mechanism at the level of the Chancellery could facilitate cross-ministerial coordination between the Federal Foreign Office, the Federal Ministry of the Interior, law enforcement authorities, and migration institutions.
- Policymakers should strengthen structured network among independent counselling centres and civil society organisations assisting victims of TNR. Such a network should enable confidential peer-to-peer coordination, knowledge-sharing, and case-specific support, while fully respecting professional confidentiality obligations.
- Authorities should further ensure that affected individuals have access to specialised legal, psychological, medical, and housing services, particularly in situations involving imminent threats or insecure residence status.

214 Law and Democracy Support Foundation e.v., (2026), Bridging the Gap: Freedom of Opinion and Expression under Transnational Repression in Germany.

7. Strengthen Law Enforcement Capacity and Training

- Expand and strengthen police capacities at both federal and state levels for the prevention, investigation, and prosecution of TNR;
- Improve coordination and structured information exchange between police authorities across Germany and with European partners;
- Systematically sensitise local police forces, often the first point of contact for affected individuals, to the specific risks, patterns, and manifestations of TNR; and
- Integrate mandatory training modules on TNR into police education and continuing professional development, covering typical tactics, risk groups, political contexts, and trauma-informed engagement with affected persons.

8. Reinforce Diplomatic and Foreign Policy Responses

- Treat TNR as a national security and foreign policy priority, recognising its deterrent and coercive purpose in suppressing dissents and controlling diaspora communities;
- Increase transparency and consistency in diplomatic responses, including the expulsion of diplomats involved in surveillance or harassment, even in non-lethal or low-profile cases; and
- Support the development of autonomous German sanctions mechanisms to enable rapid responses to extraterritorial repression independently of EU-level measures.

9. Lead on Multilateral Coordination and Norm-Setting

- Use Germany's position within the EU, G7, and other international forums to mainstream TNR as a shared democratic concern, promote data-sharing, and support the development of international norms and protocols; and
- Advocate for the application of the EU Global Human Rights Sanctions Regime to perpetrators of TNR and support discussions toward a Council of Europe convention on the issue.

IPHR International Partnership for Human Rights

State Capture Accountability Project