**TRANSNATIONAL FINANCIAL REPRESSION:**

**The Weaponisation of AML/CFT, INTERPOL and Mutual Legal Assistance Frameworks Against Human Rights Defenders, Civil Society, Donors and Entrepreneurs in the OSCE Area**

Thank you, Chair.

I am a Ukrainian human rights defender. For 17 years, I have led the Open Dialogue Foundation, documenting torture, political imprisonment and transnational repression across the OSCE area. In the course of this work, I have been prosecuted by at least nine states. Ukraine, my own country, has never been among them.

Today I will address three questions:

First, why transnational repression is a growing trend, and why its most sophisticated form, transnational financial repression, poses a direct threat to the sovereignty and financial integrity of democratic states. I will speak from our own experience.

Second, why regime change in the perpetrator state does not undo the damage.

Third, what must change: the trust-based model of interstate cooperation that enables this abuse, and the recognition of privacy as a fundamental human right in the digital age.

In June and July of this year, the European Parliament, the Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly each adopted resolutions recognising transnational repression as a direct attack on the sovereignty and financial integrity of democracies.[1,2] The OSCE PA resolution, adopted at its 33rd Annual Session in The Hague, specifically addresses transnational financial repression and the weaponisation of Interpol, AML/CFT mechanisms and cybersecurity tools. [3]

What is transnational financial repression? As the OSCE PA resolution adopted in The Hague defines it, it is the misuse or exploitation of AML/CFT frameworks, cybersecurity legislation, mutual legal assistance treaties and INTERPOL instruments by foreign states to silence, intimidate, surveil or exert economic coercion upon persons and entities outside their territorial jurisdiction. Its targets are not limited to civil society or diaspora. Today they include current and former officials of NATO and the EU, members of parliament, judges, scientists, entrepreneurs and donors of civil society. Attacks on each of these categories are attacks on the democratic, economic and security architecture of the OSCE area as a whole.

[1] European Parliament resolution of 16 June 2026 on countering transnational repression, towards an EU strategy to protect Europe's sovereignty and democratic values (2025/2179(INI)), P10_TA(2026)0203. Available at: https://www.europarl.europa.eu/doceo/document/TA-10-2026-0203_EN.html

[2] Parliamentary Assembly of the Council of Europe, Resolution 2669 (2026), "Fighting back against transnational repression," 25 June 2026 (rapporteur: Mr Constantinos Efstathiou, Doc. 16421). See also Recommendation 2309 (2026). Available at: https://pace.coe.int/en/files/36247/html

[3] OSCE PA, The Hague Declaration, 33rd Annual Session, paragraph 10, 4-8 July 2026, https://www.oscepa.org/en/documents/annual-sessions/2026-the-hague/declaration-32/5581-the-hague-declaration-eng/file

For the authoritarian regime, the cost of launching such repression is close to zero: one fabricated request through an existing cooperation channel. For the victim, the consequences are years of litigation, frozen assets, destroyed reputations and drained resources, with almost no prospect of full recovery.

**Now, I will illustrate with two cases from our own experience why transnational repression is a growing trend**, and why its most sophisticated form, transnational financial repression, poses a direct threat to the sovereignty and financial integrity of democratic states. This case involves Kazakhstan, reaching both U.S. and EU jurisdictions.

**In the case of Kazakhstan,** over the past decade we have experienced every form of transnational repression: smear campaigns, physical and cyber surveillance, attacks, intimidation of our partners, donors and family members across multiple jurisdictions. I will focus on the most recent case in Belgium, because it demonstrates the asymmetry at the core of this problem: those who misuse international law face no accountability, while their targets bear the full consequences.[4]

The OSCE PA resolution adopted in The Hague in July 2026 specifically references the case of ODF and me personally. In 2022, Kazakhstan's security services organised a collective criminal complaint against me in Belgium through serving police officers disguised as private individuals. Their objective was to compel the removal of our publications documenting torture and repression, and to obtain access to my personal data: bank accounts, correspondence, travel records between Belgium, other EU member states and the United States. Belgian courts dismissed the complaint at every level, established that the complainants were serving Kazakhstani police officers, and awarded ODF costs. The Kazakhstani side refused to execute the Belgian court decision and pay the awarded compensation. Belgium has no effective mechanism to enforce this judgment against foreign state agents, as enforcement relies on a presumption of good faith compliance that Kazakhstan's conduct systematically undermines, and no EU-wide framework exists to compel it.

This is the essence of transnational repression: the authoritarian regime exploits the rule-of-law infrastructure of democratic states, exhausting the victim and the judicial, law enforcement and prosecutorial resources of the host state, while no mechanism exists to hold it accountable. **We cannot allow a system built and funded by the taxpayers of democratic states to serve as a free arsenal for the repression of authoritarian regimes.**

This is one component of a broader apparatus. Kazakhstan simultaneously pursues opposition figures and their families through fabricated criminal cases and abuse of FATF-built channels, including INTERPOL notices, seizure of assets through MLAT mechanisms, and designation on "terrorism financing" or "money laundering" lists that strip citizens of bank accounts, employment and medical care even after they have

[4] For a comprehensive account of the transnational repression targeting ODF and its President, see Open Dialogue Foundation, "SLAPP & Transnational Financial Repression across Belgium/EU and the United States: The Case Against Lyudmyla Kozlovska and the Open Dialogue Foundation," 11 June 2025, https://en.odfoundation.eu/a/727264,slapp-transnational-financial-repression-across-belgium-eu-and-the-united-states-the-case-against-lyudmyla-kozlovska-and-the-open-dialogue-foundation/. On the documented attacks against ODF, see https://en.odfoundation.eu/foundation/attacks-on-the-open-dialogue-foundation/. See also the profile of Lyudmyla Kozlovska at the Hoover Institution's Freedom Frequency: https://www.thefreedomfrequency.org/a/lyudmyla-kozlovska. Written testimony to the Tom Lantos Human Rights Commission of the U.S. Congress, June 2025: https://humanrightscommission.house.gov/sites/evo-subsites/humanrightscommission.house.gov/files/evo-media-document/final_tlhrc_lyudmyla_kozlovska_written_testimony_open_dialogue_foundation.pdf.

served their sentences, as has happened with every activist and political prisoner associated with Democratic Choice of Kazakhstan and Koshe Partiyasy.[5]

The case of philanthropist and investor Barlyk Mendygaziev and his family members, who are U.S. citizens, is a direct example of this weaponization on the international level. Mendygaziev, founder of the Freedom Kazakhstan Foundation supporting families of political prisoners. Mendygaziev's case and that of his brother Bekizhan, who was held as a political hostage, are mentioned in two European Parliament resolutions,[6] in written declarations of PACE members,[7] in U.S. State Department country reports for four consecutive years,[8] and in Canada's Petition 441-00155.[9] As of today, none of these EU resolutions or U.S. reports has brought accountability to the Kazakhstani officials responsible for transnational and domestic repression. INTERPOL removed its Red Notice against Barlyk Mendygaziev in December 2020, recognising the political motivation of the prosecution. Despite this, in July 2025 he was sentenced in absentia to ten years with confiscation of property. In March 2026, a new criminal case was fabricated to extend the prosecution onto U.S. territory through FATF-built channels, including MLAT requests and threats to place both Barlyk and his wife Nuriya, who was for the first time artificially included as a co-defendant, on Interpol's Diffusion lists. A Kazakhstani court authorised the seizure of his U.S. company's account at Wells Fargo based on these fabricated accusations.

**How does Kazakhstan manage to protect its reputation while ignoring the voice of U.S. and EU institutions?** The Eurasian Group on Combating Money Laundering, the EAG, which conducts mutual evaluations of Kazakhstan under FATF methodology, gave Kazakhstan positive effectiveness ratings in its July 2023 report.[10] Four months later, the Kazakhstani court convicted opposition leader Marat Zhylanbayev using the very apparatus the EAG had evaluated positively. The EAG ignored what was already documented by multiple EU, U.S. and Canadian parliamentary and governmental bodies. It ignored the January 2022 mass shooting that killed at least 238 people, followed by arbitrary detention of some 10,000 and documented torture.[11] Kazakhstan receives from the EAG evaluation exactly what it

[5] For detailed case-by-case documentation, see Open Dialogue Foundation, "Political Prisoners in Kazakhstan," 13 February 2025, https://en.odfoundation.eu/content/uploads/2025/02/13.02.2025_report_political_prisoners_kz_fin_eng-1.pdf. On the abuse of INTERPOL and MLAT mechanisms, see PACE Resolution 2161 (2017), https://pace.coe.int/en/files/23714/html. On the overbroad application of extremism and terrorism financing charges against DCK members, see U.S. Department of State, Country Reports on Human Rights Practices: Kazakhstan, 2023, https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/kazakhstan/. The European Parliament recognised the peaceful character of DCK in its resolution of 14 March 2019 (2019/2610(RSP)), https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html.

[6] European Parliament resolution of 11 February 2021 on the human rights situation in Kazakhstan (2021/2544(RSP)), https://www.europarl.europa.eu/doceo/document/TA-9-2021-0056_EN.html; European Parliament resolution of 20 January 2022 on the situation in Kazakhstan (2022/2505(RSP)), https://www.europarl.europa.eu/doceo/document/TA-9-2022-0012_EN.html.

[7] PACE Written Declaration No. 734, Doc. 15452, 20 May 2022, https://pace.coe.int/en/files/30051/pdf; PACE Written Declaration No. 745, Doc. 15575, 27 June 2022, https://pace.coe.int/en/files/30207/html.

[8] U.S. Department of State, Country Reports on Human Rights Practices: Kazakhstan, for 2021 (https://2021-2025.state.gov/reports/2021-country-reports-on-human-rights-practices/kazakhstan/), 2022 (https://2021-2025.state.gov/reports/2022-country-reports-on-human-rights-practices/kazakhstan/), 2023 (https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/kazakhstan/) and 2024 (https://www.theadvocatesforhumanrights.org/res/USDOS+Human+Rights+Report+Kazakhstan+2024.pdf).

[9] Petition 441-00155 (Foreign affairs), presented to the Canadian House of Commons by MP Garnett Genuis, 9 February 2022. Government response tabled 25 March 2022. https://www.ourcommons.ca/petitions/en/Petition/Details?Petition=441-00155

[10] EAG, Mutual Evaluation Report of the Republic of Kazakhstan, adopted at the 38th EAG Plenary, 21 July 2023 (second round of mutual evaluations). The Executive Summary (para. 10, p. 9) states that Kazakhstan achieved a "significant level of effectiveness" and "certain progress" in applying proportionate and targeted measures to the activities of NPOs. Full report: https://eurasiangroup.org/files/uploads/files/ME_(2023)_1_rus_rev1_2.pdf. See also the FATF publication page: https://www.fatf-gafi.org/en/publications/Mutualevaluations/Mutualevaluationofkazakhstan.html.

[11] Open Dialogue Foundation, "Kazakhstan: Unprecedented Acts of the Regime's Terror against Civilians and the Russian-led CSTO's Military Intervention," January 2022, https://en.odfoundation.eu/a/178807,kazakhstan-unprecedented-acts-of-the-regimes-terror-against-civilians-and-the-russian-led-cstos-military-intervention/; ODF, "Mass Shootings and Torture of Peaceful Protesters in Kazakhstan: Country's Authorities Cannot Be Trusted. The Need of Independent International Investigation," February 2022, https://en.odfoundation.eu/a/207747,mass-shootings-and-torture-of-peaceful-protesters-in-kazakhstan-countrys-authorities-cannot-be-

seeks: impunity for the abuse of interstate cooperation, a positive international rating that protects its access to correspondent banking and international investment, and, critically, a shield against sanctions.

The second part of my presentation focuses on why regime change in the perpetrator state does not undo the damage. I will illustrate this with a case from our own experience in Poland.

## REGIME CHANGE DOES NOT UNDO THE DAMAGE

The Law and Justice government that governed Poland from 2015 to 2023 used the prosecution service as a political instrument to target civil society, judges, prosecutors, and entrepreneurs. Between 2015 and 2023, the Law and Justice government initiated a series of proceedings against ODF: defamation suits, money laundering charges against leadership, a Schengen Information System entry ban against ODF's President, and a customs and tax inspection directed not to the Warsaw office where the Foundation is registered but to the Łódź office where Minister Waszczykowski's brother held a senior position. [12] We won every court case. The money laundering charges were discontinued. The defamation suits, including one brought personally by Minister Waszczykowski, ended in ODF's favour with damages and public apologies ordered.[13] The SIS II entry ban was rejected as politically motivated by other EU member states and Switzerland, and deleted by court order in February 2024.[14] The Law and Justice government fell in 2023. The customs inspection remains ongoing close to ten years later.

The same apparatus was deployed against prominent Polish entrepreneurs who refused to comply with corrupt demands. Przemysław Krych, founder of Griffin Real Estate, was arbitrarily detained for six months after refusing a €1.5 million bribe demanded on behalf of the deputy head of the Central Anti-Corruption Bureau.[15] Piotr Osiecki, founder of Altus TFI, spent twelve months in arbitrary pre-trial detention after refusing a multimillion bribe.[16] These are not isolated incidents. As ODF has documented since 2021, the prosecution service under PiS systematically targeted not only civil society, but hundreds of entrepreneurs through malicious prosecution, fabricated charges and abuse of international law enforcement cooperation, including Europol, SIS II and Interpol.[17] Members of PACE raised individual cases in written declarations in 2023 and 2024;[18] thirteen Members of the European Parliament wrote to the Commission

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trusted-the-need-of-independent-international-investigation/; ODF, "The Aftermath of the Bloody January Crackdown on Prodemocratic Protests in Kazakhstan," June 2022, https://en.odfoundation.eu/a/293144,the-aftermath-of-the-bloody-january-crackdown-on-prodemocratic-protests-in-kazakhstan/. See also OSCE/ODIHR, "Trial Monitoring Report, Kazakhstan (November 2022 - December 2023)," published 06.05.2025, https://www.osce.org/odihr/590381.

[12] For a full account of the proceedings initiated against ODF during this period, see Open Dialogue Foundation, "Attacks on the Open Dialogue Foundation," https://en.odfoundation.eu/foundation/attacks-on-the-open-dialogue-foundation/.

[13] The courts ordered Polish Radio to apologise and pay PLN 200,000 in damages; MEPs Tarczyński and Jaki and former Minister Waszczykowski were ordered to apologise; the defamation case brought by former Deputy Minister Wąsik was dismissed at final instance by the Warsaw Court of Appeal. See ibid.

[14] Voivodeship Administrative Court in Warsaw, judgment ordering the removal of Kozlovska's entry ban as unjustified (verdict entered into force 5 February 2024). See Open Dialogue Foundation, "Unprecedented Court Order to Remove Lyudmyla Kozlovska's Polish Entry Ban," 25 January 2024, https://en.odfoundation.eu/a/724944,unprecedented-court-order-to-remove-lyudmyla-kozlovskas-polish-entry-ban/.

[15] Open Dialogue Foundation, "Punishing Philanthropy in Poland: Case of Przemysław Krych," 9 June 2023, https://en.odfoundation.eu/a/637094,punishing-philanthropy-in-poland-case-of-przemyslaw-krych/. See also the investigation opened by the District Prosecutor's Office in Lublin on 14 April 2025 into abuse of power by CBA and the Katowice Regional Prosecutor's Office in connection with this case: https://en.odfoundation.eu/a/727497,investigation-into-abuse-of-power-by-prosecution-and-special-services-against-przemyslaw-krych/.

[16] See the ODF and "Themis" Association of Judges report below (fn. 3), "Entrepreneurs and Executives" section, case of Piotr Osiecki.

[17] Open Dialogue Foundation and "Themis" Association of Judges, "Polish Public Prosecutor's Office: Selected Cases of Malicious Prosecution and Dereliction of Duties since 2015," February 2022. Summary at: https://en.odfoundation.eu/a/725983,judges-report-on-prosecutor-harassment-of-business/.

[18] PACE Resolution 2316 (2020), "The functioning of democratic institutions in Poland," 28 January 2020, https://pace.coe.int/en/files/28504/html; PACE Resolution 2359 (2021), "Judges in Poland and in the Republic of Moldova must remain

in May 2025 raising the cross-border consequences of these politically motivated prosecutions, including financial exclusion and reputational damage.[19]

Despite the change of government in 2023, these cases remain unresolved. The National Prosecutor's Office itself found significant irregularities in 233 of 400 selected cases it reviewed, yet the cases of entrepreneurs have been largely omitted from this analysis, and its recommendations have not been implemented.[20] **The regime is no longer in power, but there is no efficient legal mechanism to ensure these cases are reviewed and closed as of now, especially because prosecutors at the lower level associated with the previous government remain in place, and some continue to maintain politically motivated charges**.

Third, what must change.

The trust-based model of interstate cooperation that enables this abuse must be reformed. INTERPOL, mutual legal assistance, AML/CFT frameworks: all operate on a presumption that requesting states act in good faith. Authoritarian regimes exploit this presumption systematically. The European Parliament, the Parliamentary Assembly of the Council of Europe and the OSCE Parliamentary Assembly have all recognised transnational repression as a direct attack on the sovereignty and financial integrity of democracies this year alone.[1] The recommendations are there. What remains is the political will to act on them.

We call on OSCE participating States to apply enhanced scrutiny to requests from states that enable transnational repression. There should be a rebuttable presumption that such requests carry a risk of abuse. This applies first to the Russian Federation, given the scale and pattern of documented abuses, and should be extended to other states on the basis of documented evidence. States enabling transnational repression should face, by default, refusal of reciprocal legal aid, INTERPOL Notices, behavioural data sharing, asset tracking and cybersecurity cooperation. This default refusal is grounded in the precedent set by the EU's non-recognition of decisions issued under Article 248 of the Russian Federation's Code of Arbitration Procedure, as established by Regulation 2024/3192.[2] Documented abuses of these mechanisms must be treated as matters of national security. This posture must remain in force, at a minimum, until judicial independence in the requesting state is restored.

Alongside the reform of cooperation mechanisms, privacy must be recognised as a fundamental human right in the digital age. We see a growing trend, led by China and followed by other authoritarian states, to classify privacy-preserving technologies as tools of criminal activity. End-to-end encryption, secure messaging, donation platforms ensuring donor privacy, digital payment tools, virtual private networks:

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independent," 26 January 2021, https://pace.coe.int/files/29000/html; PACE Written Declaration No. 768, "Repression in Poland by the State prosecution must stop," Doc. 15753, 27 April 2023, https://pace.coe.int/en/files/31764/html; PACE motion for a resolution, "Ending the abuse of politically motivated prosecutions by the State prosecution service in Poland," Doc. 15755, 28 April 2023, https://pace.coe.int/files/31763/html; PACE Written Declaration No. 799, "Political prosecution in Poland from 2015 to 2023 must be audited and victims rehabilitated," Doc. 16049, 30 September 2024, https://pace.coe.int/en/files/33794/html.

[19] Letter from Members of the European Parliament to European Commissioners Albuquerque, McGrath and Serafin, 26 May 2025, https://odfoundation.eu/content/uploads/2025/07/gu9cnmqwmaa4nxm_merged.pdf.

[20] Prokuratura Krajowa [National Prosecutor's Office], second part of the report of the team of prosecutors for the review of cases of public interest conducted in 2016-2023, 29 April 2025, https://www.gov.pl/web/prokuratura-krajowa/raport. The first part of the audit (14 January 2025) found irregularities in 163 of the first 200 cases reviewed. On the omission of entrepreneurs' cases and the audit's structural deficiencies, see Open Dialogue Foundation, "Polish Public Prosecutor's Office: Restoring Independence and Reviewing Politicised Criminal Cases in Poland," https://en.odfoundation.eu/a/726958,polish-public-prosecutors-office-restoring-independence-and-reviewing-politicised-criminal-cases-in-poland/; see also Verfassungsblog, "Review of Political Prosecution Cases in Poland," 12 March 2025, https://verfassungsblog.de/pr-stunt_public-prosecutors-office/

the OSCE PA resolution explicitly calls for neutral terminology respectful of fundamental rights when describing these tools, and for ensuring they are not automatically treated as indicators of suspicious or criminal activity.[3] We already live in an age where every aggregated piece of data is the most sought-after commodity and can be easily weaponised. Privacy is not a privilege. It is a precondition for the exercise of every other right.

Finally, the cost of transnational repression must fall on the perpetrator, not on the victim and not on the taxpayers of democratic states whose judicial, law enforcement and international cooperation systems are exhausted in the process. Authoritarian regimes and their proxies must be required to compensate both victims and the state institutions whose infrastructure they have weaponised.

The good news is that if these recommendations are implemented, and this is entirely within the power of democratic states, we can be safe again. Until that time, nobody is safe, because the current design of international law allows for this weaponisation.

Thank you.

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