



ОТЧЁТ

о проведённой работе по мониторингу международных консультаций и подготовке институциональных материалов ARGА

В рамках текущей институциональной работы ARGА был проведён мониторинг международных консультаций, открытых запросов на предоставление экспертных комментариев и профильных процедур, связанных с вопросами прав человека, международного сотрудничества, противодействия транснациональной преступности, правовых гарантий, финансового compliance, миграционных процедур и защиты от злоупотребления уголовно-правовыми механизмами.

Работа была направлена на выявление актуальных международных площадок, где позиция ARGА может быть представлена в качестве экспертного вклада, отражающего практический опыт организации по делам о трансграничном уголовном преследовании, экстрадиционных рисках, международном полицейском сотрудничестве, миграционных последствиях уголовных обвинений, ограничениях доступа к финансовой системе и нарушениях due process.

По итогам мониторинга были подготовлены и направлены материалы ARGА по нескольким релевантным направлениям. Также были зафиксированы дополнительные международные процессы, имеющие значение для последующей аналитической и институциональной работы организации.

1. OHCHR — Call for Inputs: Counter-terrorism law, organized crime and human rights

В качестве одного из ключевых направлений была выбрана консультация Управления Верховного комиссара ООН по правам человека:

Call for Inputs: Counter-terrorism law, organized crime and human rights

Консультация проводится Специальным докладчиком ООН по вопросу о поощрении и защите прав человека и основных свобод в условиях борьбы с терроризмом. Материалы собираются для подготовки тематического доклада, который будет представлен Генеральной Ассамблее ООН.

Данная консультация имеет прямое значение для ARGА, поскольку затрагивает вопросы, лежащие в центре практической работы организации: расширительное применение категорий “терроризм”, “организованная преступность”, “экстремизм” и “угроза национальной безопасности”; использование таких квалификаций в трансграничных уголовных делах; влияние подобных обвинений на экстрадицию, миграционный статус, международное полицейское сотрудничество, доступ к банковским услугам и право на справедливое судебное разбирательство.

ARGА подготовила письменную позицию на английском языке и направила её в адрес Специального докладчика.

В позиции ARGА были отражены следующие ключевые тезисы:

сохранение правового разграничения между организованной преступностью и терроризмом;

недопустимость автоматического переноса контртеррористических режимов на дела, связанные с экономическими, корпоративными, финансовыми или иными уголовными обвинениями;

необходимость индивидуальной оценки прав человека при экстрадиции, международной правовой помощи, INTERPOL-related cooperation и миграционных процедурах;

риски использования уголовных обвинений и security-based labels для давления на предпринимателей, политических оппонентов, гражданское общество, лиц в изгнании и заявителей на международную защиту;

важность гарантий non-refoulement, fair trial, judicial review, access to remedies and protection against arbitrary detention.

Материал был направлен 10 июня 2026 года на адрес hrc-sr-ct@un.org с темой письма:

Submission by ARGA - Counter-terrorism law, organized crime and human rights

К письму был приложен подготовленный документ **OHCHR.pdf**.

Таким образом, ARGА представила собственную экспертную позицию в рамках консультации OHCHR по вопросам, напрямую связанным с международной защитой, экстрадиционными рисками и злоупотреблением уголовно-правовыми механизмами.

2. DFSA Dubai — Consultation Paper No. 172: Enhancements to the Islamic Finance Rules

В рамках мониторинга также была рассмотрена консультация Dubai Financial Services Authority:

Consultation Paper No. 172 – Enhancements to the Islamic Finance Rules

Консультация касается уточнения правил Islamic Finance в DIFC, включая обстоятельства, при которых Authorised Person считается Conducting Islamic Financial Business и нуждается в Islamic endorsement.

Несмотря на отраслевой характер консультации, она была признана релевантной для ARGА с точки зрения более широкой темы regulatory clarity, compliance, due diligence, proportionality and avoidance of excessive regulatory burden.

ARGА подготовила и подала комментарий по вопросу о критериях, при которых финансовая организация должна считаться осуществляющей Islamic Financial Business.

В позиции ARGА была поддержана необходимость правовой определённости и прозрачного регулирования. Одновременно было указано, что требование Islamic endorsement должно применяться пропорционально и не должно автоматически распространяться на ситуации, когда организация лишь предоставляет доступ к исламскому финансовому продукту, осуществляет execution-only services, custody, brokerage, platform access или дистрибуцию продуктов третьих лиц без самостоятельных заявлений о Shari'a compliance или Shari'a governance.

ARGА также подчеркнула необходимость практических разъяснений и примеров для участников рынка, чтобы избежать неоднородного толкования правил и неоправданного расширения регуляторных обязанностей.

Комментарий был подан через онлайн-форму DFSA. По итогам подачи получено техническое подтверждение завершения формы:

Thank you for completing the form.

Таким образом, ARGА приняла участие в консультации DFSA, представив позицию по вопросам regulatory clarity, proportionality and compliance safeguards.

3. OECD Development Assistance Committee — Call for input: Review of the Development Assistance Committee

В ходе дополнительного мониторинга была выявлена консультация OECD Development Assistance Committee, которая не входила в первоначальный перечень, но была оперативно добавлена в работу как релевантная для ARGА:

Call for input: Review of the Development Assistance Committee

Консультация посвящена пересмотру роли, инструментов и подходов OECD DAC в условиях изменения глобальной системы развития и международного финансирования. Особое значение для ARGА имели направления, связанные с governance, rule of law, international cooperation, development finance, ODA transparency, institutional safeguards and stakeholder engagement.

Данная консультация была признана значимой для ARGА, поскольку развитие международной помощи и институционального сотрудничества всё чаще затрагивает сферы правосудия, правоохранительных органов, антикоррупционной политики, AML/CFT, миграционного контроля, финансовой разведки, asset recovery и международной правовой помощи.

ARGА подготовила письменную позицию на английском языке и направила её в адрес OECD DAC Review Team.

В позиции ARGА были отражены следующие основные элементы:

необходимость включения human rights, rule of law and due process safeguards в программы развития, связанные с правосудием, правоохранительными органами, борьбой с коррупцией, AML/CFT, миграцией и международным сотрудничеством;

важность прозрачности данных ODA в части программ, которые поддерживают органы прокуратуры, полиции, финансовой разведки, миграционные службы, антикоррупционные органы, criminal databases and asset recovery mechanisms;

необходимость предотвращения ситуаций, когда развитие институциональной ёмкости фактически усиливает структуры, вовлечённые в politically motivated prosecution, abusive extradition, misuse of international police cooperation or arbitrary asset seizure;

защита частных лиц, предпринимателей, гражданского общества, displaced persons and persons in exile от произвольного использования уголовных, финансовых и административных механизмов;

необходимость учитывать institutional vulnerability, judicial independence, civic space, corruption risks and human rights protection при оценке стран и процедур ODA graduation;

важность системного участия civil society, legal practitioners, human rights experts, compliance professionals and affected communities в обсуждении будущих подходов DAC.

Материал был направлен 10 июня 2026 года на адрес DAC.review@oecd.org с темой письма:

Submission by ARGA – Call for input: Review of the Development Assistance Committee

К письму был приложен подготовленный документ **OECD Development Assistance Committee.pdf**.

Таким образом, ARGА дополнительно включилась в процесс OECD DAC Review и представила позицию по вопросам rule of law, safeguards, international cooperation and protection against misuse of criminal proceedings.

4. FATF — Plenary and Working Group Meetings

Отдельно в рамках мониторинга было зафиксировано направление FATF:

FATF Plenary and Working Group Meetings

Период проведения: **15–19 июня 2026 года**.

Данное направление имеет значение для ARGА в связи с вопросами AML/CFT, sanctions compliance, financial exclusion, de-risking, crypto-assets, cross-border financial restrictions and misuse of compliance tools.

В контексте практической работы ARGА тематика FATF важна прежде всего потому, что финансовые и AML/CFT-механизмы всё чаще оказывают прямое влияние на лиц, вовлечённых в трансграничные уголовные дела, находящихся в эмиграции, запрашивающих международную защиту или сталкивающихся с политически мотивированными обвинениями. Речь идёт о блокировках счетов, отказах в обслуживании, ограничениях платёжных инструментов, санкционном over-compliance, репутационных рисках и автоматическом усилении финансового контроля на основании непроверенных иностранных обвинений.

По данному направлению была проведена фиксация события и определён возможный формат дальнейшей работы ARGА: подготовка отдельного аналитического материала или институциональной позиции к повестке FATF, с акцентом на необходимость due process, human review, proportionality, access to remedies and safeguards against abusive financial restrictions.

FATF-направление целесообразно оставить для следующего среза институциональной работы, поскольку мероприятие будет проходить в конкретные даты — с 15 по 19 июня 2026 года — и может быть использовано для дальнейшего позиционирования ARGА в повестке AML/CFT and compliance safeguards.

5. Дополнительные направления мониторинга

В рамках работы также были проанализированы дополнительные международные процессы, связанные с антикоррупционным регулированием, stablecoins, sanctions compliance, AML/CFT, financial integrity and international cooperation.

Эти направления были зафиксированы как перспективные для дальнейшей аналитической работы ARGА, поскольку они пересекаются с ключевыми темами организации: злоупотребление уголовными процедурами, трансграничное давление, финансовое

исключение, блокировка активов, санкционный over-compliance, международная правовая помощь и защита от политически мотивированных обвинений.

Особое значение имеют направления, связанные с OECD anti-bribery agenda и регулированием digital assets / stablecoins, поскольку они позволяют в дальнейшем развивать позицию ARGА по вопросу того, как антикоррупционные, AML/CFT и санкционные механизмы могут использоваться не только для легитимных целей, но и как инструменты давления, ограничения доступа к финансовой системе и трансграничного преследования.

6. Итоги проведённой работы

По итогам проведённой работы ARGА были выполнены следующие действия:

проведён мониторинг международных консультаций и институциональных процедур, релевантных для прав человека, rule of law, international cooperation, AML/CFT, compliance, migration and safeguards;

подготовлена и направлена позиция ARGА в адрес OHCHR по теме counter-terrorism law, organized crime and human rights;

подготовлен и подан комментарий ARGА в рамках DFSA Consultation Paper No. 172 – Enhancements to the Islamic Finance Rules;

дополнительно выявлена консультация OECD Development Assistance Committee, не входившая в первоначальный перечень, по которой была подготовлена и направлена отдельная позиция ARGА;

зафиксировано FATF-направление как будущая площадка для следующего среза институциональной и аналитической работы ARGА;

сформирована основа для дальнейшего позиционирования ARGА в международной повестке по вопросам rule of law, due process, compliance safeguards, protection against misuse of criminal proceedings and human rights-compliant international cooperation.

7. Заключение

Проведённая работа позволила ARGА представить свою позицию сразу в нескольких международных направлениях, связанных с ключевыми направлениями деятельности организации.

В рамках OHCHR ARGА обозначила риски расширительного применения контртеррористических и security-based frameworks к делам об организованной преступности, а также подчеркнула необходимость процессуальных гарантий при экстрадиции, миграционных процедурах, международном полицейском сотрудничестве и финансовом compliance.

В рамках DFSA ARGА представила позицию по вопросам regulatory clarity and proportionality, подчеркнув необходимость ясного разграничения между полноценным Islamic Financial Business и техническим предоставлением доступа к отдельным финансовым продуктам без самостоятельных заявлений о Shari'a compliance.

В рамках OECD DAC Review ARGА дополнительно включилась в обсуждение будущей роли development co-operation, сделав акцент на rule of law, governance safeguards, justice sector

accountability, AML/CFT, migration and protection against misuse of international cooperation mechanisms.

Особое значение имеет то, что в ходе работы была выявлена и добавлена дополнительная консультация OECD DAC Review, которая отсутствовала в первоначальном перечне, но оказалась содержательно релевантной для ARGА и позволила расширить институциональное присутствие организации в повестке OECD.

Отдельно зафиксировано FATF-направление: в период с 15 по 19 июня 2026 года будет проходить FATF Plenary and Working Group Meetings, что создаёт основу для следующего этапа аналитической работы ARGА по вопросам AML/CFT, санкционного over-compliance, финансового исключения, digital assets, de-risking and safeguards against misuse of compliance mechanisms.

Таким образом, по итогам работы ARGА не только подготовила и направила конкретные экспертные материалы, но и расширила карту дальнейшего институционального взаимодействия по вопросам, находящимся в центре её практики: международное сотрудничество, защита от политически мотивированного уголовного преследования, экстрадиционные и миграционные риски, due process, финансовые ограничения и предотвращение злоупотребления правовыми механизмами в трансграничном контексте.

Подтверждения отправки и подачи материалов сохранены в виде электронных писем, приложенных документов и технического подтверждения формы.



Ekaterina Khomutinnikova <ekaterina@arga.world>

Submission by ARGA – Call for input: Review of the Development Assistance Committee

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world>

10 June 2026 at 16:58

To: DAC.review@oecd.org

Dear OECD DAC Review Team,

Please find attached the submission of Asylum Research & Global Assistance (ARGA) in response to the call for input on the Review of the Development Assistance Committee.

ARGA's submission focuses on the rule of law, human rights and governance dimensions of development co-operation, including safeguards in ODA-supported justice, law enforcement, anti-corruption, AML/CFT, migration and international cooperation programmes.

We respectfully request that the attached submission be considered as part of the DAC review process.

Please do not hesitate to contact us should any further information be required.

Kind regards,

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**Asylum Research & Global Assistance****Ekaterina Khomutinnikova**

External Relationship Assistant to the President of the Association, Sergei Khrabrykh

**OECD Development Assistance Committee .pdf**
160K



**Submission by Asylum Research & Global Assistance (ARGA)
To the OECD Development Assistance Committee**

**Call for input: Review of the Development Assistance Committee
June 2026**

Asylum Research & Global Assistance (ARGA) welcomes the opportunity to provide comments in the context of the OECD Development Assistance Committee review process.

ARGA is a legal and analytical organization working on transnational criminal proceedings, misuse of international cooperation mechanisms, politically motivated prosecution, extradition risks, migration and asylum-related protection issues, compliance risks, and the human rights implications of cross-border legal and financial measures.

ARGA's comments focus on the role of development co-operation in strengthening rule of law, integrity, transparent institutions, accountable justice systems, and human rights-compliant international cooperation. These issues are directly relevant to the future effectiveness of official development assistance and to the DAC's role in a changing global environment.

1. Development co-operation should place stronger emphasis on rule of law safeguards

Development co-operation increasingly takes place in contexts where governance, justice sector reform, anti-corruption, law enforcement, migration management, financial integrity and security cooperation intersect. These areas are important, but they also carry risks if development support strengthens institutions that lack independence, accountability or respect for human rights.

ARGA recommends that the DAC review place greater emphasis on safeguards in all ODA-supported programmes involving justice, law enforcement, anti-corruption, asset recovery, border management, migration control, financial intelligence, sanctions compliance, AML/CFT systems, and international legal cooperation.

Support for institutional capacity should not be assessed only by formal outputs, such as the number of trained officials, digital tools deployed, investigations supported, or laws adopted. It should also be assessed by whether such support improves due process, judicial independence, access to remedies, protection from arbitrary detention, defence rights, non-refoulement safeguards, transparency, and accountability.

Where development co-operation contributes to justice or security-related systems, donors should ensure that assistance cannot be used to facilitate politically motivated prosecution, abusive extradition requests, misuse of international police cooperation, unlawful asset seizure, repression of civil society, or targeting of political opponents and persons in exile.

2. DAC data should better capture governance, justice and human rights risks

ARGA supports the DAC's workstream on enhanced, transparent and timely data on ODA and other flows. In our view, better data should not be limited to financial classification or disbursement tracking. It should also help identify the institutional and human rights impact of development financing.

ODA data should more clearly indicate when assistance supports justice institutions, prosecution authorities, police bodies, financial intelligence units, border agencies, migration authorities, anti-corruption bodies, asset recovery mechanisms, digital identity systems, criminal databases or international cooperation frameworks.

This level of transparency is important because such assistance can have profound consequences for individuals and civil society. Technical assistance to law enforcement or justice institutions may be positive where it strengthens legality and accountability. However, it can also create risks where supported institutions operate in environments marked by political interference, lack of judicial independence, corruption, discriminatory enforcement, or misuse of criminal justice tools.

ARGA recommends that DAC reporting frameworks include more detailed information on the purpose, institutional recipient, safeguards, risk assessment, oversight mechanisms and expected rule of law outcomes of ODA-funded governance and justice programmes.

3. ODA should support human rights-compliant international cooperation

International cooperation is a central component of development, governance and rule of law work. However, ARGA's practical experience shows that cross-border cooperation mechanisms may be misused in politically sensitive or abusive cases.

This includes misuse of extradition requests, mutual legal assistance, international police notices, financial intelligence exchanges, AML/CFT tools, anti-corruption narratives, migration alerts, and asset recovery mechanisms. In some cases, criminal proceedings are used not only to investigate genuine crime, but also to pressure entrepreneurs, civil society actors, political opponents, journalists, former officials, investors, or persons who have left the country.

Development co-operation should therefore strengthen the quality and safeguards of international cooperation, not merely its speed or operational efficiency.

ARGA recommends that DAC members promote standards requiring individualized human rights assessment, due process review, proportionality, access to effective remedies, and protection against refoulement in any ODA-supported justice or security cooperation programmes.

Programmes designed to improve anti-corruption, AML/CFT, asset recovery or law enforcement capacity should include safeguards against politically motivated use, selective enforcement, unlawful confiscation, and reliance on untested allegations from requesting States.

4. The role of ODA within total development finance should include safeguards for private actors and civil society

ARGA supports a broader reflection on the role of ODA within total development finance flows. As development finance increasingly involves public-private partnerships, private capital, financial institutions, compliance systems and cross-border payment infrastructure, human rights and rule of law safeguards become even more important.

Private actors may be affected by weak governance, politicized enforcement, abusive criminal proceedings, sanctions over-compliance, financial exclusion, account closures, frozen assets, reputational attacks, or politically motivated allegations. These risks can directly undermine investment, entrepreneurship, remittances, access to finance and sustainable development.

ARGA recommends that the DAC review consider how development co-operation can support fair, transparent and predictable legal environments for private actors, including entrepreneurs, investors,

civil society organizations, media actors, human rights defenders, displaced persons and persons in exile.

Development finance should not only aim to mobilize capital, but also to ensure that legal and financial systems do not become tools of arbitrary pressure or exclusion.

5. Country eligibility and graduation should reflect institutional vulnerability, not only income indicators

ARGA welcomes the DAC's review of country eligibility and the ODA graduation process. While income-based indicators remain important, they do not always capture institutional vulnerability, governance fragility, rule of law deterioration, human rights regression, corruption risks, forced migration pressures, or weaknesses in justice systems.

A country may show formal economic progress while still facing serious challenges in judicial independence, law enforcement accountability, civic space, protection of property rights, corruption control, migration pressure or political misuse of criminal justice. These factors are directly relevant to sustainable development and should inform decisions regarding eligibility, graduation and post-graduation engagement.

ARGA recommends that the DAC review consider a more nuanced approach that includes institutional resilience, human rights protection, anti-corruption safeguards, access to justice, civic space and vulnerability to external shocks.

Graduation should not create abrupt gaps in support for governance, rule of law, civil society, anti-corruption, justice reform or protection mechanisms where such needs remain significant.

6. DAC ways of working should include broader stakeholder engagement

ARGA welcomes the DAC's intention to conduct the review through an open and inclusive process. In our view, future DAC work should more systematically involve civil society organizations, legal practitioners, human rights organizations, anti-corruption experts, migration and asylum specialists, compliance professionals, investigative journalists, and representatives of affected communities.

These stakeholders can provide practical evidence on how development policies, governance reforms, financial integrity measures and international cooperation tools operate in real cases.

ARGA recommends that the DAC create regular channels for stakeholder input on rule of law, anti-corruption, migration, asset recovery, AML/CFT, justice reform and international cooperation. This would help ensure that DAC standards reflect not only institutional perspectives, but also the experience of individuals and communities affected by weak governance or abusive legal mechanisms.

7. Recommendations

ARGA respectfully recommends that the DAC review process consider the following points:

1. Integrate human rights, rule of law and due process safeguards into ODA-supported justice, law enforcement, anti-corruption, AML/CFT, migration and international cooperation programmes.
2. Improve ODA data transparency by identifying institutional recipients, objectives, safeguards and expected rule of law outcomes in governance and justice-related assistance.

3. Ensure that development co-operation does not facilitate politically motivated prosecution, abusive extradition, misuse of international police cooperation, arbitrary asset seizure or repression of civil society.
4. Promote human rights-compliant international cooperation, including individualized assessment, proportionality, access to remedies, and non-refoulement safeguards.
5. Consider institutional vulnerability, civic space, judicial independence, corruption risks and human rights protection in country eligibility and graduation decisions.
6. Strengthen stakeholder engagement with civil society, legal experts, human rights practitioners, compliance professionals and affected communities.
7. Encourage DAC members to evaluate development effectiveness not only through financial and institutional outputs, but also through practical improvements in fairness, accountability, access to justice and protection from abuse.

8. Conclusion

ARGA supports the DAC's review as an important opportunity to adapt development co-operation to a more complex global environment. In this context, development effectiveness should be understood not only as financial mobilization or institutional capacity-building, but also as the strengthening of accountable, fair and human rights-compliant systems.

Development co-operation can play a positive role in supporting rule of law, anti-corruption, financial integrity and international cooperation. However, these areas require strong safeguards to ensure that development assistance does not inadvertently strengthen abusive mechanisms or expose individuals, civil society and private actors to arbitrary or politically motivated measures.

ARGA remains available to provide further input on the human rights and rule of law dimensions of development co-operation, especially in relation to justice systems, international cooperation, anti-corruption frameworks, AML/CFT measures, migration-related safeguards and protection against misuse of criminal proceedings.



CONSULTATION PAPER NO. 172 - Enhancements to the Islamic Finance Rules

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Submission by ARGA - Counter-terrorism law, organized crime and human rights

1 message

Ekaterina Khomutinnikova <ekaterina@arga.world>

10 June 2026 at 16:44

To: hrc-sr-ct@un.org

Dear Special Rapporteur,

Please find attached the submission of Asylum Research & Global Assistance (ARGA) in response to the Call for Inputs on "Counter-terrorism law, organized crime and human rights".

ARGA's submission addresses the human rights implications of treating organized crime as terrorism, with particular attention to transnational criminal proceedings, extradition risks, international police cooperation, asylum and migration consequences, financial exclusion, and due process safeguards.

We respectfully request that the attached submission be considered in the preparation of the Special Rapporteur's thematic report to the General Assembly.

Please do not hesitate to contact us should any further information be required.

Kind regards,

**Ekaterina Khomutinnikova**

External Relationship Assistant to the President of the Association, Sergei Khrabrykh

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**Submission by Asylum Research & Global Assistance (ARGA)
To the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

**Call for Inputs: Counter-terrorism law, organized crime and human rights
Subject line: SRCT - Call for Inputs on Organized Crime**

June 2026

Asylum Research & Global Assistance (ARGA) respectfully submits the following comments in response to the call for inputs on “Counter-terrorism law, organized crime and human rights”.

ARGA is a legal and analytical organization working with cases involving transnational criminal proceedings, misuse of international police cooperation mechanisms, extradition risks, politically motivated prosecution, asylum-related protection issues, and the impact of criminal allegations on migration status, financial access, and fundamental rights.

ARGA welcomes the Special Rapporteur’s initiative to examine the human rights consequences of treating organized crime as terrorism. In ARGA’s practical work, we observe that the expansion of security-based legal categories often creates serious risks for individuals who are subject to transnational criminal proceedings, especially where domestic criminal cases are later used for extradition, migration exclusion, international police alerts, asset freezes, financial de-risking, or reputational destruction.

While States have a legitimate interest in combating organized crime, drug trafficking, money laundering, corruption and violence, such efforts must remain within the limits of legality, necessity, proportionality, due process and international human rights law. The functional or formal assimilation of organized crime to terrorism may create a legal shortcut that weakens procedural safeguards and normalizes exceptional measures.

1. General position

ARGA submits that profit-motivated organized criminal groups should not, as a rule, be treated as terrorist organizations unless the legal threshold for terrorism is clearly met. Terrorism should remain linked to conduct intended to cause death or serious violence against civilians or other protected persons, or comparable serious harm, with the purpose of intimidating a population or compelling a government or international organization to act or refrain from acting.

A purely profit-driven criminal organization, even when violent, should generally be addressed through organized crime, narcotics, anti-money laundering, corruption and ordinary criminal law frameworks, not counter-terrorism law. The gravity of organized crime does not justify collapsing distinct legal categories.

The conflation of organized crime and terrorism is particularly dangerous because terrorism-related frameworks often carry exceptional legal consequences: broader surveillance powers, special detention regimes, restrictions on defence rights, lower thresholds for preventive measures, immigration exclusion, asset freezing, sanctions exposure, international cooperation without adequate scrutiny, and stigmatization that is difficult to reverse.

2. Human rights risks of treating organized crime as terrorism

The designation or treatment of organized criminal groups as terrorist organizations may have several human rights consequences.

First, it risks weakening the principle of legality. Individuals may face consequences not because their own conduct meets the legal definition of terrorism, but because of a broad association with a group, business environment, region, family member, transaction, or alleged network. In transnational proceedings, this often creates guilt by association.

Second, terrorism labels can undermine fair trial rights. Where a case is framed as terrorism or quasi-terrorism, domestic authorities may restrict access to evidence, classify materials, rely on intelligence rather than admissible evidence, limit public scrutiny, or justify prolonged detention. Defence lawyers may face practical obstacles in challenging the factual basis of the designation.

Third, such labels can increase the risk of arbitrary detention and excessive pre-trial detention. The seriousness of the terrorism label may be used to justify detention even where individual risk assessment is weak, evidence is incomplete, or the person has strong ties abroad and no history of violence.

Fourth, the terrorism framework can distort extradition and mutual legal assistance proceedings. Requested States may feel political or diplomatic pressure to cooperate quickly, while the requested person may be deprived of a meaningful opportunity to challenge the political, discriminatory, abusive or disproportionate nature of the request. The risk is particularly acute where the requesting State has a record of using criminal proceedings against political opponents, entrepreneurs, journalists, civil society actors, opposition supporters or persons in exile.

Fifth, the terrorism label may seriously affect migration, asylum and refugee protection. Even unproven allegations may be invoked to deny visas, refuse residence permits, restrict access to asylum procedures, trigger exclusion clauses, or justify removal. This is especially problematic where the underlying domestic proceedings are politically motivated or where the person faces a real risk of torture, ill-treatment, unfair trial or persecution if returned.

Sixth, the consequences extend beyond formal criminal justice. A person associated with a terrorism-related or organized crime designation may be excluded from banking, payment services, employment, housing, academic opportunities, insurance, professional licensing and cross-border travel. Financial institutions and private actors often apply over-compliance measures, resulting in practical punishment without judicial determination.

3. Impact on international police cooperation and INTERPOL-related risks

ARGA's work shows that transnational criminal allegations can have severe consequences even before any final judgment. International notices, diffusions, border alerts, extradition requests and informal police communications may restrict liberty of movement, trigger arrest at borders, affect immigration status and damage reputation.

When organized crime allegations are framed in terrorism-like language, the risk of automatic cooperation increases. Foreign authorities may treat the case as urgent or security-sensitive and may not sufficiently examine whether the underlying proceedings comply with human rights standards.

This is especially problematic where criminal accusations are used as instruments of political pressure, corporate conflict, asset seizure, retaliation against persons in exile, or coercion in commercial disputes. In such cases, labels such as "organized criminal group", "extremism",

“terrorism”, “financial support”, “criminal community” or “national security threat” can be deployed to convert an ordinary or politically motivated case into a transnational security matter.

ARGA therefore considers that any international cooperation based on terrorism or organized crime designations should include an individualized human rights assessment. States and international cooperation mechanisms should not rely solely on the formal classification adopted by the requesting State.

4. Extradition, asylum and non-refoulement

The treatment of organized crime as terrorism can create specific risks in extradition and migration proceedings.

Requested States must ensure that terrorism or organized crime labels do not override non-refoulement obligations. A person must not be removed, extradited or otherwise transferred where there are substantial grounds to believe that they would face torture, inhuman or degrading treatment, enforced disappearance, arbitrary detention, denial of a fair trial, persecution, or other serious human rights violations.

In asylum and refugee procedures, authorities should carefully distinguish between serious individual responsibility and untested allegations originating from the State of feared persecution. Exclusion from refugee protection must be based on a high standard of individualized assessment, not on political rhetoric, media framing, generalized security assumptions, or the mere existence of a criminal case abroad.

ARGA recommends that the Special Rapporteur emphasize that security-based labels must not be used to bypass asylum procedures or to justify summary removal, accelerated deportation, or denial of access to protection mechanisms.

5. Organized crime law remains the appropriate framework

ARGA considers that existing organized crime, narcotics, corruption, anti-money laundering and criminal justice frameworks are, in principle, the appropriate legal tools for addressing profit-driven criminal activity. Where these frameworks fail, the solution should be to strengthen investigative capacity, judicial independence, cross-border evidence standards, witness protection, asset recovery safeguards, and anti-corruption controls, rather than to reclassify organized crime as terrorism.

The use of counter-terrorism law may appear attractive because it provides States with broader powers and stronger political messaging. However, from a human rights perspective, this is precisely the danger. Exceptional legal regimes should not become substitutes for ordinary criminal justice.

6. Recommendations

ARGA respectfully recommends that the Special Rapporteur consider the following points in the thematic report:

1. States should maintain a clear legal distinction between terrorism and organized crime. Seriousness, violence or profitability alone should not justify a terrorism designation.
2. Any designation of a group as terrorist must be based on clear, precise and foreseeable law, with an identifiable political, ideological or coercive purpose consistent with the legal definition of terrorism.

3. Designation procedures should include judicial or independent review, access to reasons, the ability to challenge evidence, periodic reassessment, and effective remedies.
4. Individuals should not suffer terrorism-related consequences solely on the basis of family ties, business contacts, residence in a particular region, professional activity, or unproven association with an alleged group.
5. Extradition and mutual legal assistance requests involving terrorism or organized crime labels should require an individualized human rights assessment by the requested State.
6. Non-refoulement obligations must remain fully applicable in all cases involving terrorism, organized crime, national security or migration control.
7. INTERPOL-related cooperation should include safeguards against politically motivated or abusive notices, diffusions and police communications, especially where the requesting State uses broad security or organized crime classifications.
8. Migration and asylum authorities should not rely mechanically on foreign criminal allegations or terrorism-related terminology. They should assess the reliability, context, motivation and human rights implications of the underlying proceedings.
9. Financial institutions and compliance actors should be encouraged to avoid blanket de-risking based on untested allegations, nationality, political exposure, residence status, or association with a person subject to foreign proceedings.
10. States should prioritize human rights-compliant responses to organized crime, including judicial cooperation with safeguards, anti-corruption measures, public health approaches where relevant, financial transparency, asset recovery with due process, and protection of victims and witnesses.

7. Conclusion

ARGA respectfully submits that the expansion of counter-terrorism concepts into the field of organized crime risks normalizing exceptional measures in ordinary criminal justice and transnational cooperation. This trend may weaken fair trial guarantees, increase arbitrary detention, distort extradition and asylum procedures, and expose individuals to severe administrative, financial and reputational consequences without adequate judicial review.

The fight against organized crime is necessary. However, it should not be pursued through legal shortcuts that erode human rights protections. States should strengthen ordinary criminal justice and international cooperation frameworks while preserving a strict distinction between organized crime and terrorism.

ARGA remains available to provide further information on the transnational human rights implications of abusive criminal proceedings, international police cooperation, extradition risks and migration-related consequences of security-based designations.