



**I N T E R N A T I O N A L
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R E P O R T E R**

Table of Contents

I. YEAR IN REVIEW	39
2025 Retrospective.....	39
II. INTERPOL.....	44
Individualization of Criminal Involvement Under INTERPOL’s Rules	44
INTERPOL Adopts Changes to CCF Statute and Rules on the Processing of Data	47
III. CONFLICT MINERALS	50
D.C.-Based Advocacy Group Sues Apple Over DRC Conflict Minerals.....	50
IV. TRANSNATIONAL CORRUPTION AND INTERNATIONAL HUMAN RIGHTS	52
European Parliament Strengthens the EU Magnitsky-type Global Human Rights Sanctions Regime	52
U.S. Justice Department Dismisses Case over Commercial Bribery in FIFA.....	55
V. CRIMES AGAINST HUMANITY AND WAR CRIMES	56
Did the U.S. Plane Resembling a Civilian Plane Used in Boat Strike Violate the Law against Perfidy?.....	56
VI. EXTRADITION	57
The Capture of an Olympian-Turned-Kingpin and the Importance of Multinational Law Enforcement Cooperation.....	57
Former Burkina Faso President Extradited Back Home	59
Mexico Sends 37 Nationals Wanted for Serious Crimes to the U.S.....	61
VII. INTERNATIONAL ENVIRONMENTAL ENFORCEMENT	63
America’s Role in the Illegal Timber Trade and How a Pattern of Nonenforcement of Environmental Statutes Enables Deforestation	63
Rio Police Bust Major Wildlife Trafficking Network.....	65
VIII. SANCTIONS AND CYBERCRIME ENFORCEMENT	66
UK Office of Financial Sanctions Discusses Ending Sanctions Evasion through Cryptoassets.....	66
CS\$176.9 Million Fine Against Cryptocurrency Exchange From FINTRAC Demonstrates Costs of Non-Compliance.....	68
IX. SECURITIES ENFORCEMENT	69
SEC Proceeds with Bribery Case against Adani	69
SEC Dismisses Case against Cryptocurrency Entity Operated by Trump Backers.....	70
X. SOVEREIGN IMMUNITY	72
Ecuador Files Diplomatic Protest after ICE Tries to Enter its U.S. Consulate and U.S. Allies React to Rule of Law and Human Rights Violations.....	72
XI. RECOVERY AND RETURN OF STOLEN CULTURAL OBJECTS.....	74
Smithsonian Museum of Asian Art to Return 3 Stolen Bronzes to India after Internal Investigation.....	74
XII. PRISONER EXCHANGE	76
Russian Basketball Player and French Researcher Released in Rare Russia-France Prisoner Exchange.....	76
XIII. INTERNATIONAL TAX ENFORCEMENT	78
HSBC Agrees to Settle Criminal Cum-Cum Dividend Tax Case	78

I. YEAR IN REVIEW

2025 Retrospective

By Bruce Zagaris

We at the IELR send you best wishes for the new year. 2025 was momentous for the international enforcement community, and we are grateful to have had you following along with our coverage during our 40th year of discussing international enforcement developments.

We are grateful for the continuing long partnership with Professor Michael Plachta and contributions from practitioners and professors, including Aljohrh Al Abdulsalam, Ore Adedeji, the Basel Institute on Governance (Monica Guy and Kateryna Boguslavska), Dr. Ted Bromund, Lucy Carroll, Dan Fisher-Owens, Christina Gotsis, Frederick T. Davis, Jason Gottlieb, Sandra Grossman, Emily Hong, Paul Gully-Hart, Aiyngul Kachyke, Dimitris Konstantopoulos, Rodrigo Labardini, Marco Stewart Lopez, Charlie Magri, Luz E. Nagle, Konstantinos Magliveras, Jason McClurg, Gino Naldi, Yuriy L. Nemets, Simran Pandey, Michelle Roberts, Adriana Sanford, Katherine Scher, Luiz Fabricio Vergueiro, Alienor Voegelers, and Konstantina Zivla. Since April 2024, Austin Wahl, a second-year law student at Washington College of Law, American Univ., has produced the IELR. Since May, Chloe Fontenelle has served as assistant editor.

We are also grateful for our partnerships with LexisNexis, WestLaw, EBSCO, and William Hein & Co. in distributing the IELR.

The following is a highlight of some of the articles we covered. In many cases, there are overlapping categories into which the articles fall, so we had to choose in which category to discuss the articles.

The Recovery and Return of Stolen Cultural Property

Fontenelle discussed a NYC judge's ruling that an art institute must restitute Nazi-looted artwork to the heirs. Zagaris wrote about Argentina's charges against the daughter of a Nazi officer relating to her concealment of a stolen painting. Carroll covered a stolen Egyptian artifact, returned by the Dutch government.

Money Laundering, Bank Secrecy, and Entity Transparency

The Basel Institute highlighted the gradual improvement in national AML systems as part of the results of the 13th public edition of the Basel AML Index. Zagaris covered the series of lawsuits challenging the constitutionality of the Corporate Transparency Act and FinCEN's decision not to enforce beneficial ownership information reporting for United States (U.S.) persons and domestic entities. Zagaris discussed the Canadian government's intelligence sharing on the laundering of fentanyl trafficking, as well as FinCEN's designation of the Cambodia-based Huione Group as a primary money laundering concern. Kachyke wrote about new guides on international cooperation in AML/CFT: promise and limits.

Atrocity Crimes, Genocide, Crimes against Humanity, and War Crimes

Plachta discussed the United Nations' (U.N.) adoption of a resolution on further work on the Convention on Crimes against Humanity. Zagaris wrote about Israeli soldiers facing criminal investigations abroad. Tinubu covered the violence against journalists in the Israel-Gaza war. Plachta covered the decision of European institutions to establish a special tribunal over aggression against Ukraine, as well as the Council of Europe's (CoE) adoption of a resolution on the Special Tribunal and Register of Damage for Ukraine. He also reported on the U.N. Commission of Inquiry's finding that the enforced disappearances committed by Russian authorities amount to crimes against humanity. Tinubu highlighted the sexual violence against children amidst the conflict in the Democratic Republic of the Congo. Zagaris discussed the U.S. notification of its withdrawal from the International Center to Prosecute Aggression against Ukraine, and the end of its support for the database on accountability for war crimes. Wahl wrote about a Finnish court finding a Russian mercenary guilty of war crimes. Hong covered the alarming accusations of reproductive violence and gender-based atrocity in Gaza against Israel. Zagaris discussed the U.S. indictment of a beekeeper for concealing genocidal participation in Rwanda. Manfield covered the Sudan v. UAE genocide case before the International Court of Justice (ICJ). Fontenelle wrote about the former member of a Gambian death squad's conviction for torture in the U.S., as well as a German court's

decision to give a Syrian doctor a life sentence for war crimes and crimes against humanity. Adedeji discussed immigration, genocide, and the ethics of obtaining U.S. citizenship. Plachta covered the European Court of Human Rights' (ECHR) rules against Russia in the case of Ukraine and the Netherlands v. Russia. Plachta covered U.N. investigators reveal systematic torture and other crimes in Myanmar, as well as the U.N. Commission's allegations that Israel is committing genocide in Gaza. Konstantopoulos discussed the French arrest warrant for Bashar al-Assad and the power of in absentia judicial proceedings. Zagaris wrote about a U.S. jury's awarding of \$20 million to three Sudanese refugees against BNP Paribas. Fontenelle discussed Bangladesh's international crimes tribunal sentences former Prime Minister to death for crimes against humanity.

International Criminal Court

Plachta discussed the International Criminal Court (ICC) Assembly of States Parties' action on outstanding arrest warrants and how Italy has frustrated the ICC arrest warrant for a Libyan warlord accused of war crimes. He also covered ICC prosecutor requests for arrest warrants for Taliban leaders accused of gender-based crimes. Fontenelle wrote about the ICC's conviction of a Sudanese militia commander for war crimes and crimes against humanity. Plachta discussed President Trump's renewed sanctions against the ICC as well as the legal and political ramifications of the arrest of Duterte by the ICC. Plachta covered the ICC Assembly of States Parties' failure to amend the Rome Statute on aggression. Manfield discussed the ICC warrants for Taliban leaders for crimes against women and LGBTQ individuals. Plachta covered the withdrawal of Mali, Niger, and Burkina Faso from the ICC.

Extradition, Its Alternatives, and Human Rights

Zagaris discussed the Bangladesh extradition request for the former P.M. from India, and the Montenegrin extradition of a South Korean crypto entrepreneur to the U.S. Wahl highlighted the exotic use of Samuel Landi and his dream of seasteading to avoid criminal prosecution in Italy, as well as Thailand's approval of the extradition of an illegal online gambling kingpin. Tinubu covered the extradition by France to the U.S. of a man accused of sexual assault. Vergueiro discussed how the international role of the Federal Attorney General's Office in Brazil has expanded to assist in the extradition of a Brazilian criminal defendant abroad. Labardini covered Mexico's transport of twenty-nine Mexican nationals charged with drug-trafficking to the U.S. Zagaris wrote about Romania's capture of a French fugitive nine months after a deadly prison escape. Hong discussed Germany's Constitutional Court's overturning of the extradition of a non-binary citizen to Hungary. Plachta wrote about the U.K. High Court halting extradition to India on human rights grounds. Zagaris discussed a Spanish court's finding that the former director of UNOPS is extraditable to the U.S. for corruption. Wahl discussed the arrest and extradition of cartel broker and fentanyl kingpin 'Brother Zhang' to Cuba.

Economic Integration: The European Union

Plachta discussed Bosnia and Herzegovina's agreements with Eurojust, Europol, and the European Public Prosecutor's Office on cooperation in criminal matters. Plachta covered Europol's release of its report on serious and organized crime threat assessment, as well as the EU's conclusion of its agreement with Brazil to fight organized crime and terrorism. Plachta wrote about the decision by the CJEU on extradition by member states to third countries.

International Asset Forfeiture

Zagaris discussed the sharing by the U.S. of \$50m million in forfeited assets with Estonia in exchange for financial enforcement activities, as well as the U.S. agreement to share \$52.8 million in forfeited corruption proceeds with Nigeria. Zagaris covered Malaysia requesting the extradition of Leissner and the pursuit of asset recovery. Fontenelle discussed Equatorial Guinea's requests to the ICJ to stop the sale of the confiscated French mansion, as well as the DOJ's seizure of millions of assets laundered by ransomware operations.

Cybercrime

Wahl covered the FBI's novel sting operation in a cryptocurrency fraud case. Zagaris reviewed the onset of French prosecutors' criminal investigations against Binance. Zagaris discussed the freeing of thousands of enslaved online scam workers from Myanmar. Wahl considered the plea by two Estonian nationals to \$577 million cryptocurrency fraud, as well as the DOJ's charging of ten Chinese hackers and others with stealing data and suppressing free speech. Gotsis and Gottlieb discussed the U.S. crypto enforcement overhaul. Konstantopoulos examined the DOJ indictment of the leader of a Russian malware scheme and global ransomware conspiracy, as well as the case of a multinational crypto scammer who faces justice after an international pursuit.

Manfield discussed the U.N. Convention on Cybercrime. Wahl covered two OmegaPro executives charged with running a \$650 million cybercrime operation. Kachyke discussed the U.S. State Department reward offer for alleged cybercriminals. Fontenelle reviewed a transnational cyberscamming crackdown, as well as a Chinese court's sentencing of eleven crime syndicate members to death.

INTERPOL

Zivla covered INTERPOL and international parental child abduction. Bromund and Magri discussed Interpol's updates of rules and guidance and the start of a silver notice. Wahl covered an Interpol-led operation targeting scams in Africa. Manfield discussed China, Interpol Red Notices, and GONGOs-- their legal risks and international challenges.

Migration Enforcement

Zagaris wrote about Trump's executive order on foreign terrorists and migration enforcement, and Latin American governments' adverse response to the Trump administration's deportations. Tinubu covered the Trump administration's transfer of detained immigrants in Guantanamo to Venezuela. Zagaris wrote about the U.S. agreement with El Salvador to accept deportees, as well as U.S. transfers of thirteen Mexican detainees with drug convictions and a former governor to Mexico. Hong covered hostage diplomacy and U.S.-Russia prisoner swaps. Zagaris discussed the U.S. Supreme Court's order to the Trump administration not to remove aliens under the Alien Enemies Act without due process. Fontenelle covered Lithuania's landmark migrant smuggling case against Belarus before the ICJ. Manfield discussed domestic immigration raids through an international enforcement lens. Wahl covered the U.S. deportees suing the Ghanaian government over breach of human rights.

International Prisoner Transfers and Swaps

Pandey covered the U.S.-China prisoner swap. Zagaris discussed Venezuela's release of U.S. prisoners and its agreement to accept Venezuelan deportees from El Salvador. Carroll examined Afghanistan's release of a U.S. prisoner and what it signals for U.S.-Taliban relations.

Economic Integration: The Council of Europe

Plachta discussed the CoE's call for comprehensive regulations of mercenaries, private militaries, and security companies, as well as the CoE's effort to open a new Convention on the Protection of the Environment through Criminal Law. Magliveras wrote about the CoE's action addressing Russia's aggression against Ukraine and impunity. Plachta covered the CoE's adoption of a protocol amending the Convention on the Prevention of Terrorism, as well as the treaty between the CoE and Ukraine to establish a special tribunal. Plachta wrote about the CoE's opening for signature of the 3rd additional protocol to the CoE MLAT Convention.

International Tax Enforcement

Zagaris highlighted the issuance by the IRS of "John Does" summonses relating to entities doing business with Trident Trust Group. He covered the cum-ex dividend fraud cases in Denmark, Germany, and the U.S. Zagaris discussed Barrick Mining's bringing of an ICSID case in a criminal tax dispute with Mali. He also considered a former U.S. defense contractor's guilty plea in one of the largest U.S. tax evasion prosecutions, as well as Credit Suisse Services AG's guilty plea to tax crimes concerning its conduct in Singapore. Zagaris covered the OECD report on designing a tax crime investigation manual, as well as the U.S. court's granting of the government's motion to compel Apple to give information in a Swiss tax investigation. He also examined U.S. requests for the extradition of prominent Guyanese for tax evasion and gold smuggling. Zagaris wrote about a Danish tax agency's loss in a cum-ex dividend trial, and their plan to appeal the British court's ruling. He reviewed UBS's agreement to pay \$985.6 million to settle a criminal tax case, and the U.S. court holding that the FBAR penalty assessment violated taxpayers' 7th Amendment rights.

Transnational Corruption and Transparency

The settlement of a bribery investigation by McKinsey & Co. in South Africa was covered by Zagaris. He also covered the charges against former Florida Representative Rivera for FARA and money laundering, and the Trump administration's executive

order pausing enforcement of the Foreign Corrupt Practices Act. Zagaris wrote about the DOJ issuance of guidelines for FCPA enforcement, as well as the U.S. Court of Appeals' overturn of a trial court acquittal on commercial bribery abroad.

Export Control and Sanctions Enforcement

Zagaris covered Trump's imposition of tariffs on China after threatening sanctions and tariffs on Canada and Mexico for drug trafficking and other transnational crimes. Tinubu wrote about Trump's invocation of the Alien Enemies Act to deport Venezuelan immigrants to El Salvador. Konstantopoulos discussed U.S. sanctions on the ICC as a shift in U.S. foreign policy, as well as how new sanctions against the family of Brazilian Supreme Court Justice signal a diplomatic rift between the Americas' two most populous nations. Manfield focused on tariffs, emergencies, and the limits of power: a new chapter in IEEPA jurisprudence. Roberts wrote about the OFAC issues, maximum penalty in enforcement against a venture capital firm for Russia sanctions violations. Sanford discussed higher education at the intersection of export control, accessibility, and federal funding. Zagaris covered the U.S. indictment of the Haitian gang leader "Barbecue" for sanctions violations, as well as the U.S. Appellate Court's affirmation of the decision that Trump's tariffs are illegal, a case which the U.S. Supreme Court will hear on an expedited basis. Roberts, McClurg, and Fisher-Owens discussed the U.S. Department of Commerce BIS's adoption of the "50 Percent Rule."

Transnational Repression

Tinubu discussed the abduction in Kenya of Tanzanian and Ugandan opposition leaders. Hong discussed a new report by Freedom House on transnational repression. Scher covered the U.S. sanctions against Chinese and Hong Kong officials for transnational repression acts. Vogeeler discussed the French application against Iran in the ICJ regarding the detention of two French nationals. Labardini, who covered Mexico, is credited with frustrating an Iranian plot to kill an Israeli Ambassador.

Transnational Organized Crime

Zagaris discussed Europol's disruption of criminal organizations' smuggling of hazardous salvage cars from the U.S; he also reviewed the U.S. and U.K.'s sanctioning of the head of the Cambodian Prince Group, as the U.S. unseals an indictment. Tinubu covered how Irish and Spanish authorities, with the help of Europol, arrested twelve members of "The Family," an Irish criminal network. Konstantopoulos discussed how the case of Carlos Martinez reveals the tentacles of corruption, violence, and organized crime in America's borderlands, as well as how the Rio police raid unveils the complexities of combating multinational gangs and extensive corruption in Brazilian financial institutions. Zagaris wrote about how CARICOM heads prioritize combating transnational organized crime and the strengthening of regional security. Fontenelle covered Ecuador's extradition of a notorious gang leader to the U.S. Konstantopoulos discussed how the arrest of a fugitive Ecuadorian drug lord in Spain reveals the extent of corruption and organized crime in the small Andean country.

International Environmental Enforcement

Plachta wrote about the Council of Europe's convention against ecocide. Wahl discussed the Environmental Investigation Agency's uncovering of a massive illegal mercury trade in gold mining. Konstantopoulos covered the Rio police bust of a major wildlife trafficking network.

Immunity of Heads of State and Diplomatic Premises

Plachta covered the fact that some U.K. politicians hinted at a withdrawal from the ECHR.

Transnational Fraud

Zagaris wrote about IOSCO and the private sector's work on combating online fraud and platform providers, as well as cooperation between Eurojust and the U.S. to take down global credit card fraud. Konstantopoulos discussed the role of foreign actors in defrauding the federal government.

International Sports Enforcement

Sanford discussed how *House v. NCAA* and the SCORE Act are reshaping global compliance in college sports, as well as how legal architecture, AI-enabled integrity, and cross-border enforcement converge at FIFA 2026.

International Human Rights Enforcement

Hong wrote about the U.S.'s expanding forced-labor blacklist, and the impact on global trade and human rights enforcement. Mansfield analyzed the rethinking of victim compensation after *WhatsApp v NSO Group* (re Israeli-based government spyware company). Vogelee discussed France's request to Algeria to release a journalist, citing endangerment of freedom of the press.

Human Trafficking

Wahl discussed a German-U.K. Joint Action targeting human smuggling in the English Channel, as well as an ex-Philippine mayor given a life sentence for human trafficking. Zagaris wrote about an EU court's holding that a Maltese investor citizenship scheme violates EU law. Plachta covered the European Parliament's amendment to the Europol regulation to effectively combat migrant smuggling and trafficking in human beings.

International Narcotics Enforcement

Hong discussed the Mexican authorities' record fentanyl seizure and implications for U.S.-Mexico relations. Zagaris discussed international cooperation between the U.S., Europol, and other governments to disrupt dark web narcotics operations. Wahl wrote about the U.S.'s charges against the leaders of the Sinaloa cartel faction with narco-terrorism. Zagaris discussed the U.S. bringing the first charge of material support to a designated foreign terrorist organization, the Cartel de Jalisco Nueva Generacion, as well as the criticisms from the Mexican president over the son of El Chapo's guilty plea. Carroll analyzed the relationship between war and law enforcement, and the legal challenges of the U.S.'s strike against alleged drug traffickers. Konstantopoulos discussed a kingpin's guilty plea and the critical role of the Sinaloa cartel in modern American foreign policy. Zagaris wrote about how the U.S.-Colombia dispute hinders international narcotics enforcement; he also reviewed a U.N. Security Council meeting over U.S. military strikes on Venezuelan boats and executions. Fontenelle discussed a Bali court's sentencing of a Ukrainian national to life for his involvement in an illicit drug operation. Labardini wrote about Operation Oyamel and Mexican cartels' expansion into Europe.

Counter-Terrorism Enforcement

Plachta covered the Europol 2024 Terrorism Situation and Trend Report. Zagaris wrote about the U.K.'s arrest of an alleged animal rights and ecoterrorist on the U.S. FBI's most-wanted list, as well as the U.S.'s removal of Cuba from the list of state sponsors of terrorism at the end of the Biden administration. Plachta discussed the U.N. Secretary-General's report warning of the undiminished threat and adaptability of ISIL/Da'esh, and the U.N. Security Council's session on the global threat posed by this terrorist organization.

Illicit Firearms Trafficking

Zagaris wrote about the U.S. Supreme Court's unanimous ruling against Mexico in a suit against the U.S. gun industry.

Jurisdiction and Immunities

Magliveras discussed the French highest court's rules on the highly contentious issue of the immunity enjoyed (or not) by serving heads of state and state officials.

Sex Trafficking and Child Pornography

Nagle discussed international joint operations against child sex trafficking resulting in prosecutions and retaliatory lawsuits. Sanford wrote about child protection, AI, and the new architecture of liability on platforms like Meta and Roblox.

Internet Gaming

Zagaris discussed a state attorney general's pressuring of the U.S. DOJ to crack down on illegal offshore gaming.

Citizen Security

Zagaris wrote about IDB announces \$2.5 billion and a rapid response task force for security.

International Evidence Gathering

Davis discussed the High Court of Australia paves the way for the use of “ANOM” evidence – and validates global “outsourcing.”

II. INTERPOL

Individualization of Criminal Involvement Under INTERPOL’s Rules

*By Yuriy Nemets**

This is the second part of a two-part article. The first part is published in the previous issue of the IELR.

In yet another case, the government conducted an investigation that, as it is described in the Commission’s decision, “had led [the government] to the [individual], and upon her interrogation...she had confessed to and provided details of her alleged crime.”¹ At the same time, the individual, in arguing her case before the Commission, “merely relied on an alternative narrative of events to question the evidentiary basis of the charges” and claimed that she was “coerced into signing [her] confession” without, however, providing “any element in support of her contention, which bar[red] the Commission from considering [the] validity or relevance [of this claim] in the study of the case.”² The Commission concluded that the government provided a “clear description of the criminal involvement of the [individual] and the evidentiary basis of the charges, where the [individual] did not provide information that adequately counter[ed] these elements provided by the [government].”³ Nevertheless, as the Commission’s jurisprudence demonstrates, confessions obtained under torture or otherwise coerced may trigger Article 83(2)(b)(i) of the RPD if the Commission is presented with evidence of such conduct on a government’s part. In this regard, in one of the cases before it, the Commission ruled that the government failed to provide sufficient facts linking the individual to the charges against him and a clear description of the criminal activities of which he was accused because the “prosecution appear[ed] to rely mostly – if not only – on a confession which ha[d] been recanted due to its alleged extraction under torture, [which] raise[d] strong concerns as to the legality, adequacy and sufficiency of the evidence adduced.”⁴

In a more recent case considered by the Commission, the Red Notice targeted a business executive accused of fraud and “falsely issuing (. . .) value-added tax invoices.”⁵ The Commission “asked the [government] to provide additional elements which would highlight the possible effective participation of the [individual] to a serious ordinary-law crime” and “raised specific questions, including whether the [individual] personally benefited from the fraud, or how the sums of . . . millions of price and tax[,] [Company 1] earnings of . . . millions of commission charges, and [Company 2] illegal deductions of . . . millions of taxes were calculated and arrived at.”⁶ The Commission noted that “[n]either the summary of facts of the Red Notice, nor the copy of the arrest warrant. . .

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¹ CCF Decision Excerpt No. 2019-07 (Apr. 2019) § 33, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

² *Id.* § 34.

³ *Id.* § 35.

⁴ CCF Decision Excerpt No. 2018-08 (Jan. 2018) §§ 39-44, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

⁵ CCF Decision Excerpt No. 2024-02 §§ 15, 23, 26, 30, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

⁶ *Id.* § 31.

contain any information that would provide answers to the questions raised.”⁷ At the same time, the government submitted “no specific answer... on these issues.”⁸ The Commission concluded that the Red Notice did not comply with Article 83(2)(b)(i) of the RPD because the “information available [could not] be considered as sufficient to demonstrate any criminal act, criminal intent, or personal benefit.”⁹

In yet another case concerning activities of a business enterprise, the individual commercial director of a corporation was targeted by a Red Notice based on the charges of tax evasion and illegal entrepreneurship without obtaining a license and profiting from such conduct.¹⁰ The individual argued that the decisions that he was prosecuted for were beyond his purview and were made by his supervisors, and that the corporation had, in fact, obtained the required license to conduct the activities at issue.¹¹ The Commission ruled that the information submitted by the government was “not sufficient to demonstrate the [individual’s] involvement in a criminal act, criminal intent, personal benefit, and consequently that the data [were] not compliant with [Article 83(2)(b)(i) of the RPD.]”¹² The Commission reasoned that “[w]hile the [government] stated that the [individual] personally gained from the alleged acts...it did not provide supporting elements but rather general statements as to the existence of evidence against the [individual]...nor [were] there clear elements provided by the [government] that ascertain that the [individual] was aware of the falsification of tax declarations, and that he received funds beyond his salary.”¹³ Nor did the government “address the [individual’s] arguments that he was not the [head] of the company and cannot be held responsible for the tax filing...and that said license was actually obtained by the company.”¹⁴

The Commission has also opined on the potential consequences of minor discrepancies that a summary of facts of the case in a Red Notice may include. In this regard, in one of the cases before the Commission, the individual accused of committing a crime while in his role as an employee of a government-controlled corporation pointed to discrepancies in the summary of the facts of the case in the Red Notice “relating to the exact evolution of functions held by [him]”.¹⁵ In its decision in the government’s favor, the Commission called the discrepancies “minor” and concluded that they were “insignificant for the general coherence of the summary of facts,” because the latter, according to the Commission, is “necessarily and by nature an abridged and concise statement and which cannot reflect comprehensively the whole factual context of the case.”¹⁶

It is settled law that a refusal to extradite is not in itself a basis for the deletion of a Red Notice or a Wanted (Red) Persons Diffusion from INTERPOL’s files.¹⁷ In this regard, the Commission “pays specific attention as to the grounds for the extradition refusal, and whether it is purely procedural or connected to issues linked with analogous principles which are part of INTERPOL’s rules.”¹⁸ While a refusal to extradite based on purely procedural grounds (e.g. a violation of the dual criminality requirement, the expiration of the statute of limitations, lack of an extradition treaty, or the individual’s dual nationality) is unlikely to play a major role in the Commission’s consideration of a government’s compliance with INTERPOL’s rules, a decision to deny an extradition

⁷ *Id.* § 32.

⁸ *Id.*

⁹ *Id.* §§ 33, 34.

¹⁰ CCF Decision Excerpt No. 2025-02 § 6, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

¹¹ *Id.* §§ 20-22.

¹² *Id.* § 35.

¹³ *Id.* § 34.

¹⁴ *Id.*

¹⁵ CCF Decision Excerpt No. 2019-09 (July 2019) § 39, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

¹⁶ *Id.*

¹⁷ “[I]f certain countries refuse extradition, this is reported to the other NCBS in an addendum to the original notice.” INTERPOL G.A. Res. AGN/53/RES/7 (1984); “[T]he mere fact that one of INTERPOL’s Member countries has denied the extradition of an individual subject to a Red Notice does not, in itself, directly affect the compliance of the corresponding data registered in INTERPOL’s files.” CCF Decision Excerpt No. 2018-03 (Jan. 2018) § 46; CCF Decision Excerpt No. 2018-15 (July 2018) § 37; CCF Decision Excerpt No. 2018-17 § 36 (Oct. 2018); CCF Decision Excerpt No. 2019-07 (Apr. 2019) § 22, 24, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

¹⁸ CCF Decision Excerpt No. 2019-05 (Apr. 2019) § 26, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

request on substantive grounds may in fact play such a role.¹⁹ In this regard, the Commission on multiple occasions has ruled that a refusal to extradite based on substantive grounds may serve as additional evidence of a government’s non-compliance with Article 2 of the INTERPOL Constitution (for example, when such refusal is based on a risk that the individual’s human rights would be violated upon surrender) as well as with Article 3 of the INTERPOL Constitution if, for example, such refusal reinforces the claim of a politically motivated criminal prosecution.²⁰ More recently, the Commission has ruled that a refusal to extradite based on substantive grounds may play an important role in its consideration of a government’s compliance with Article 83(2)(b)(i) of the RPD as well.

In this regard, in one of the cases before the Commission, the requested country denied the extradition request because it lacked “sufficient information on the offences with which the wanted person [wa]s charged in connection with the criminal proceedings conducted in [the requesting country].”²¹ The government source of data provided the Commission with the “description of facts [that was] very similar, if not identical,” to the one it produced during the extradition trial.²² It also produced “more or less similar documents than those which the requested country... may have received.”²³ The Commission found that, as in the extradition case before the requested country’s court, the government failed to provide the Commission with specific dates when the alleged events took place, evidence that would support the government’s claim that the individual played an influential role in the alleged events, proof of knowledge on the individual’s part, sufficient proof that the individual tried to cover up the alleged criminal conduct, other defendants’ statements, witness testimony and seized documents.²⁴ Citing the extradition court’s reasoning regarding each of these failures on the requesting country’s part, the Commission concluded that in violation of the government-source of data failed to provide evidence “sufficient to demonstrate a clear characterization of the facts and possible criminal involvement of the [individual].”²⁵

The Commission’s jurisprudence described in this article gives us a valuable insight into INTERPOL’s willingness to consider evidence of governments’ compliance and non-compliance with the obligation to provide a “succinct and clear description of the criminal activities” of individuals targeted by Red Notices and Wanted (Red) Persons Diffusions. As the Commission’s decisions in individual cases demonstrate, the extent and depth of its analysis is often significant, despite the Commission’s limited powers in this regard. The Commission’s application of Article 83(2)(b)(i) of the RPD proves that, depending on the circumstances of a particular case, a government must be prepared to demonstrate in a consistent and coherent manner, among other elements, the individual’s knowledge, her or his power to make the decision(s) for which she or he is being prosecuted, her or his role in the alleged crime, specific transactions that constitute criminal conduct, the chain of events, proof of possible intent on the individual’s

¹⁹ “Extradition proceedings are undeniably complex processes, often involving considerations based on the national laws of the requesting and the requested States, on the provisions of criminal cooperation agreements (bilateral, regional or international), and on their interplay with other international obligations (human rights law or refugee law). The grounds of extradition refusals can therefore be very diverse, depending on the particular bilateral extradition situations. They can be either related to procedural or substantive elements, connected to a specific criminal case or rather linked to the requested person’s individual situation. Moreover, they are not always ascertainable to the Commission, or not always conveyed to it. Yet, . . . in some cases, national decisions denying the extradition of an individual on the basis of the risks that his human rights would be violated upon surrender to the requesting State may be regarded as additional evidence supporting the Applicant’s claims of non-compliance with Article 2 of INTERPOL’s Constitution and with the Universal Declaration of Human Rights. Likewise, national decisions denying the extradition of an individual on the basis of the political character of the case may be taken into account as additional evidence supporting the Applicant’s claims of political predominance and non-compliance with Article 3 of INTERPOL’s Constitution.” CCF Decision Excerpt No. 2018-03, §§ 47-49; CCF Decision Excerpt No. 2018-04, § 54; CCF Decision Excerpt No. 2018-15, §§ 38-40; CCF Decision Excerpt No. 2018-17, §§ 37-38; CCF Decision Excerpt No. 2019-03, § 40; CCF Decision Excerpt No. 2023-02, § 36; *see also* CCF Decision Excerpt No. 2017-03, §§ 35, 36, 43, 44; CCF Decision Excerpt No. 2018-06, § 59 available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

¹⁹ CCF Decision Excerpt No. 2017-03, §§ 35, 36, 43, 44; CCF Decision Excerpt No. 2018-04, § 54; CCF Decision Excerpt No. 2018-06, § 59; CCF Decision Excerpt No. 2019-03, § 40; CCF Decision Excerpt No. 2023-02, § 36, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

²⁰ CCF Decision Excerpt No. 2018-03, §§ 51-53; CCF Decision Excerpt No. 2018-15, §§ 42-44; CCF Decision Excerpt No. 2018-17, §§ 40-42, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>;

²¹ CCF Decision Excerpt No. 2023-01, § 28, available at <https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/CCF-sessions-and-decisions>.

²² *Id.* § 32.

²³ *Id.*

²⁴ *Id.* §§ 33-37.

²⁵ *Id.* §§ 33-37, 39-40.

part, personal benefit that the individual has received from the crime, how such benefit has been calculated by the government, the chain of events, and relevant testimonies.

INTERPOL Adopts Changes to CCF Statute and Rules on the Processing of Data

By Dr. Ted R. Bromund, Charlie Magri Esq., and Sandra Grossman Esq.

At its annual meeting on November 24-27, 2025, in Marrakech, Morocco, the INTERPOL General Assembly (GA) adopted changes to INTERPOL’s Rules on the Processing of Data (RPD) and the Statute of the Commission for the Control of INTERPOL’s Files (CCF Statute).

The changes to the RPD – which set out the rules that ensure INTERPOL obeys its constitutional mandate to avoid politics and respect the UDHR – are minor: the GA voted to delete Article 94 (“Stolen Work of Art Notices”).

An INTERPOL spokesperson told Dr. Bromund that “following the creation of the Works of Art database, where all the content is accessible to the general public, the Stolen Work of Art Notice has not been used for many years. This result was that Article 94 no longer served any purpose.”

The changes to the CCF Statute, which defines the responsibilities and operation of the Commission, INTERPOL’s quasi-judicial appellate body, are more impactful and controversial. The GA made changes to Articles 3 (“Competence and Powers of the Commission”), 19 (“Access to the INTERPOL Information System”), 23 (“INTERPOL General Secretariat”), 25 (“Operating Rules”), 28 (“Powers of the Requests Chamber”), and 33 (“Examination of Requests”).

Article 3 now defines the CCF’s power to decide on requests for information access, correction, and deletion as relating to information processed “for the purposes of international police cooperation as defined in Article 10(2) and (6) of INTERPOL’s Rules on the Processing of Data.” These RPD articles, in turn, define the kinds of data and the types of processing permissible in the INTERPOL system. The amendment, therefore, clarifies that the CCF’s mandate is tied to the international police cooperation framework under the RPD, and not to purely administrative data processing within INTERPOL, which is handled through other internal channels.

The change to Article 19 is more consequential. The relevant clause is long, but in essence it prohibits the CCF from accessing INTERPOL’s direct message system – which is essentially a secure email system that connects INTERPOL’s member states – unless it becomes aware of a potential violation of INTERPOL’s rules or unless it is authorized by a recipient of a message. This matters in practice, given the scale of use. In 2021, INTERPOL reported that member countries exchange more than 28 million free-text messages every year via its secure global communication system, I-24/7.¹ It is reasonable to assume that the volume is higher today.

This change follows from one made by the GA in 2024 that added RPD Article 22(6), which imposed a similar prohibition on the INTERPOL General Secretariat’s right to access the direct message system. The result is that, unless the General Secretariat is copied on a message or the CCF is somehow tipped off to abuse, communication through INTERPOL’s direct message system – though still governed by INTERPOL’s constitution – is now effectively free from oversight to ensure that the system is not used in violation of INTERPOL’s rules. This is a weakness that abusive states will not be slow to exploit.

The change to Article 23 is shorter and less controversial. It states that “The INTERPOL General Secretariat shall ensure that access to information received from the Commission is limited to authorized members of its staff.” This amendment regularizes

¹ See INTERPOL, “Netherlands Police backs INTERPOL’s drive to enhance policing information exchange,” 2021. Available at: <https://www.interpol.int/News-and-Events/News/2021/Netherlands-Police-backs-INTERPOL-s-drive-to-enhance-policing-information-exchange>

confidentiality on the General Secretariat side whenever information is shared. That matters, considering the procedural changes discussed below in relation to the revised Article 33, which now expressly requires the Requests Chamber to forward all new admissible requests to the General Secretariat. It has long been an obvious flaw in the INTERPOL system that, while the CCF was bound to respect confidentiality, the General Secretariat was not. The revision of Article 23 closes this gap.

The changes to Articles 25 and 28 work in tandem. Article 25 now empowers the CCF to create procedures for “addressing conduct that it considers abusive, improper, or in bad faith.” Article 28 has a new section that empowers the CCF to a) dismiss a request where it determines there has been a “serious abuse of its proceedings”; b) report “substantiated suspicions” of serious abuse to the General Secretariat, which can refer the matter to national law enforcement; and c) subject to confidentiality requirements, bring to INTERPOL’s attention “reported acts of intimidation, coercion, or reprisal in connection to a request” to the CCF.

It is important, first, to note that the changes in Articles 25 and 28 were made after a public consultation process – to which the authors contributed – on the CCF Statute by INTERPOL’s Committee on the Processing of Data. The changes adopted by the GA are broadly in line with those on which the Committee sought input in April 2025. While this consultation process was commendable, it does not appear to have had a significant effect on the changes adopted, which will require considerable tact and judgment to bring into successful operation.

The authors had recommended that the CCF provide a reasoned and final decision even in cases of suspected “serious abuse.” Notably, subsection a) makes no effort to differentiate between requests that the CCF determines are merely unfounded and those it believes are abusive. Subsection b) places INTERPOL in the position of reporting potentially criminal offenses to national authorities, an unwelcome innovation that is at odds with the fact that INTERPOL is not an investigative body. Finally, while subsection c) implies that nations which threaten CCF applicants might be subject to some INTERPOL sanction, that sanction – like the sanctions that could have been applied within the INTERPOL system to genuinely abusive conduct towards the CCF – has not been specified, or even clearly stated as a possibility.

Most controversial of all, though, have been the changes to Article 33. Again, these changes were made after the public consultation process by INTERPOL’s Committee on the Processing of Data – though in this instance, the changes adopted by the GA are significantly different than those on which input was sought. Article 33 has three new sections, which require that 1) the CCF Requests Chamber to pass all new admissible requests to the General Secretariat; 2) the General Secretariat to notify the Requests Chamber within forty-five days if information on the applicant is being processed in the INTERPOL Information System; and 3) the Requests Chamber to refrain from acting on an admissible request until the General Secretariat has completed any compliance assessment on that data that it is undertaking, and the time this assessment takes may constitute a valid reason for extending the time limits for the CCF to decide on the request.

These changes are not as radical or as unwelcome as they might appear, at least as regards sections 1 and 2. They largely codify the operational sequence that has applied in practice for the last few years. Once a request is declared admissible, the first practical step is to determine whether any data concerning the applicant are recorded in INTERPOL’s files and, if so, to obtain the relevant details. To that end, the Commission must consult the General Secretariat, which confirms the existence of data and provides the associated records. The CCF cannot begin its substantive review until it receives that response. In that context, section 1, requiring the Requests Chamber to forward all new admissible requests to the General Secretariat, and section 2, requiring the General Secretariat to notify the Requests Chamber within forty-five days whether data on the applicant is being processed in the Information System, primarily formalize an existing workflow.

Indeed, the time limit of forty-five days is a significant improvement, as at least some of the delays for which the CCF has become notorious have been driven by slow responses from the General Secretariat to CCF queries. As explained by the CCF Chairperson, Teresa McHenry, during an American Bar Association webinar, delays in replying to such queries in 2024 reportedly

reached up to six months in certain cases, which made it impossible for the CCF to comply with its statutory deadlines, including four months for access requests and nine months for deletion requests.²

The real concern in Article 33 lies in section 3. It introduces a sequencing rule that, in certain cases, prevents the Requests Chamber from acting on an admissible request until the General Secretariat has completed its own compliance assessment. While this mirrors the long-standing practice of the General Secretariat conducting the initial compliance review of requests for police cooperation, formalizing that sequencing carries two risks.

First, section 3 may blunt urgent relief by delaying the CCF precisely when speed is the point. Provisional measures exist to allow the Requests Chamber to act immediately where needed. Article 37 of the CCF Statute provides that: “At any time during the proceedings, the Requests Chamber may decide on provisional measures to be taken by the Organization in relation to the processing of the data concerned.” If section 3 is applied in a manner that prevents the Requests Chamber from acting until the General Secretariat completes its compliance review, Article 37 risks being deprived of part of its practical effect.

A simple example illustrates the point. Consider an applicant arrested on the basis of a legacy Red Notice issued before the creation of the Notices and Diffusions Task Force in 2016 and not yet subjected, for whatever reason, to a full compliance assessment under the more recent review architecture. The applicant is detained and facing imminent extradition. In that scenario, the temporary blocking of the data pending review is precisely the type of urgent relief Article 37 is meant to make available. If, however, Article 33(3) is interpreted as requiring the Requests Chamber to wait until the General Secretariat has completed its assessment before it can act on an admissible request, the CCF may be unable to order provisional measures when time is most critical. In such cases, delay is not a procedural inconvenience. It can have severe consequences, including in asylum and protection contexts where the risk of irreparable harm may be acute.

Second, section 3 risks turning the CCF process into open-ended limbo by making the pace of proceedings depend on an internal assessment with no clear, enforceable deadline. The revised Article 33 expressly contemplates that the time taken by the General Secretariat’s compliance assessment may constitute a valid reason for extending the time limits for the CCF to decide on the request. In practice, this risks rendering the CCF’s statutory timelines largely theoretical if there is no strict and binding deadline for the General Secretariat to complete its preliminary compliance review, and if the CCF cannot proceed in the absence of that completion. Applicants may be left with little visibility on when their case will be examined, and the time limits designed to guarantee timely review may become dependent on an open-ended preliminary stage. The result is a serious risk of prolonged legal limbo, extended detentions, and compounding harms for individuals affected by potentially illegitimate Notices and Diffusions.

While the change to the RPD is of no significance, and those to the CCF Statute were mostly foreshadowed by the consultation process or by changes made in 2024, the fact remains that INTERPOL is continuing to evolve its governance at a rapid clip. When the INTERPOL General Assembly meets in Hong Kong in 2026, it is likely, judging by the latest consultation process that closed in mid-October, to adopt even more changes

² See American Bar Association, “Latest Developments in INTERPOL’s Redress Mechanism,” on-demand webinar, July 30, 2025. Available at: https://www.americanbar.org/groups/international_law/resources/on-demand/latest-developments-interpols-redress-mechanism/

III. CONFLICT MINERALS

D.C.-Based Advocacy Group Sues Apple Over DRC Conflict Minerals

By Lucy Carroll¹

On November 25, 2025, International Rights Advocates, a D.C.-based anti-forced labor advocacy group, filed a lawsuit against Apple, claiming the company engages in deceptive marketing of its products by concealing minerals in its supply chain linked to conflict and human rights abuses in the Democratic Republic of the Congo (DRC).²

IRAdvocates filed the suit in the Superior Court of the District of Columbia under the Consumer Protection Procedures Act (CPPA), seeking an injunction to prevent Apple from engaging in further “deceptive marketing” and advertising. The lawsuit follows prior litigation brought by IRAdvocates in 2019 against Tesla, Apple, and other tech firms in 2019 over alleged cobalt sourcing and reliance on child labor, a case that the Court of Appeals for the District of Columbia Circuit dismissed in March 2024.³

Apple also faced scrutiny from the DRC government, which filed criminal complaints against Apple subsidiaries in France and Belgium in December 2024.⁴ While Apple has repeatedly denied allegations that it uses conflict minerals in its products, citing its Responsible Sourcing Standard and internal supplier audits, IRAdvocates most recent lawsuit reflects the growing legal and civil society scrutiny of mineral sourcing practices linked to forced and child labor in the DRC.

Further, the November 25 suit draws renewed attention to the limits of disclosure and due diligence-based regulatory regimes in meaningfully addressing conflict-linked supply chains.⁵

The Organization for Economic Co-operation and Development (OECD) defines conflict minerals as tantalum, tin, tungsten, and gold (3TG) mined from conflict-affected and high-risk areas.⁶ Although cobalt is not classified as a conflict mineral under United States (U.S.) law, it has long been grouped with 3TG minerals due to persistent concerns regarding forced labor and child labor in cobalt mining.

The DRC occupies a central position in global mineral supply chains, supplying about seventy percent of the world’s cobalt as well as significant volumes of tin, tantalum, and tungsten used in electronic products like phones and batteries. Minerals are often passed through multiple intermediaries, including local traders, smelters, and refiners, and are frequently smuggled from the DRC or neighboring countries.

International groups and civil society organizations have investigated and documented how control over these mineral resources has fueled conflict between armed groups and militias in the DRC, as armed groups use profits from the extraction and smuggling of conflict minerals to sustain their operations.⁷ As companies continue to report obstacles to tracing and verifying mineral origins within multi-tiered supply chains, advocacy groups have emphasized the need for supply chain transparency and stronger corporate accountability mechanisms.

Congress enacted Section 1502 of the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010 to address concerns that mineral revenues were financing armed groups and fueling violence in the DRC and neighboring countries. Section 1502 added Section 13(p) to the Securities and Exchange Act of 1934, directing the U.S. Securities and Exchange Commission

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² *International Rights Advocates v. Apple, Inc.*, **INTERNATIONAL RIGHTS ADVOCATES**, November 25, 2025.

³ Jonathan Stempel, *US court sides with Apple, Tesla, other tech companies over child labor in Africa*, REUTERS, March 5, 2024.

⁴ Priyanka Shankar, *Why Has DRC Filed Criminal Charges Against Apple Over 'Conflict Minerals'?*, ALJAZEERA, December 20, 2024.

⁵ Stephen Nellis, *Apple Says It Has Told Suppliers to Stop Buying Minerals From Congo*, REUTERS, December 17, 2024.

⁶ Organisation for Economic Co-operation and Development, *Responsible Mineral Supply Chains*, OECD, (web page, accessed January 2026).

⁷ Panzi Foundation, *Conflict Minerals in the DRC*, (web page, accessed January 2026).

(SEC) to promulgate rules requiring U.S. public companies to disclose their use of conflict minerals originating in the DRC or adjoining countries.⁸

Under the SEC’s conflict minerals disclosure rule, adopted in 2012 in response to the Dodd-Frank Act, companies must annually report whether tantalum, tin, tungsten, or gold necessary to the functionality or production of their products originated in the DRC or neighboring states. Companies that use conflict minerals are required to conduct a “reasonable country-of-origin” inquiry and undertake “due diligence” on the source of their conflict minerals.

Under certain circumstances, including if the company *has reason to believe* the minerals *may have* originated in the DRC, companies must file a Conflict Minerals Report describing their due diligence efforts, which must include an independent private-sector audit. Notably, this regulatory framework does not prohibit companies from sourcing materials from the DRC but instead relies on disclosure and transparency mechanisms to reduce conflict financing by encouraging reputational pressure.

Findings from a 2024 Government Accountability Office (GAO) report further demonstrate the limitations of the SEC’s disclosure-based conflict minerals rule in addressing conflict financing in the DRC. The report examined the SEC rule’s effectiveness and found “no empirical evidence” that the rule decreased the occurrence of violence in the eastern DRC.⁹ Although companies formally complied with the rule by conducting “country-of-origin” inquiries, the GAO found that many firms continued to report being unable to determine the minerals’ source.

Section 1502’s reliance on disclosure and transparency has therefore led civil society to assume a central role in monitoring compliance by analyzing publicly available conflict minerals disclosures and evaluating whether corporate sourcing claims align with investigative evidence. NGOs such as Global Witness and Amnesty International have documented forced labor, child labor, and armed group involvement in mining and mineral transport in the DRC, using findings to enact reputational pressure on multinational corporations.¹⁰

IRAdvocates’ November 2025 suit leverages findings from NGO investigations, including reports from U.K. organization Rights and Accountability in Development (RAID) and DRC-based legal group Centre d’Aide Juridico Judiciaire (CAJJ) to construct its core allegations against Apple. Apple’s annual SEC Conflict Minerals Reports have consistently stated that the company found “no reasonable basis” for concluding that any smelters or refiners of 3TG identified in their supply chain financed or benefited armed groups in the DRC or an adjoining country.¹¹

Despite these claims, IRAdvocates’ lawsuit alleges that coltan linked to Apple’s supply chain was processed by Chinese smelters and smuggled through Rwanda, and that these sourcing practices “contradict Apple’s public representations and the expectations they create in consumers.”¹² The complaint cites a 2025 University of Nottingham study documenting forced and child labor at mining sites connected to global supply chains, as well as investigations by United Nations experts, to challenge the adequacy of Apple’s disclosed due diligence practices.

A key point of contention in IRAdvocates’ lawsuit is Apple’s use of a “mass balance” approach to measure recycled materials, as part of the company’s 2023 commitment to use 100 percent of recycled cobalt in batteries by 2025.¹³ Under this system, recycled cobalt is blended with newly mined ore, and companies can track the overall quantity of recycled versus mined material rather than the specific origin of each batch.

⁸ U.S. Securities and Exchange Commission, *Disclosing the Use of Conflict Minerals*, SEC, August 21, 2012.

⁹ *Conflict Minerals: Resources and Due Diligence Challenges Persist*, GAO-25-107018, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, January 24, 2025.

¹⁰ *New Investigation Suggests EU Trader Tracys Buys Conflict Minerals From DRC*, GLOBAL WITNESS, September 17, 2025.

¹¹ *International Rights Advocates v. Apple, Inc.*, INTERNATIONAL RIGHTS ADVOCATES, November 25, 2025.

¹² *Id.*

¹³ *Apple Will Use 100 Percent Recycled Cobalt in Batteries by 2025*, APPLE INC., April 2023.

Apple’s 2025 Environmental Progress Report claimed that 76% of the cobalt in its devices is recycled, arguing that this method reduces reliance on newly mined cobalt from high-risk regions.¹⁴ IRAdvocates’ complaint, however, contends that mass balance does not guarantee that minerals are conflict-free, considering newly mined cobalt from the DRC can enter the supply chain undetected and be functionally indistinguishable from recycled minerals.

The lawsuit argues that Apple’s public representations regarding recycled content may therefore overstate the degree to which its products are insulated from conflict-linked sourcing, raising questions about whether mass balance methodologies meaningfully advance traceability or instead obscure continued exposure to forced labor and conflict risks in Apple’s supply chain.

The lawsuit brought by IRAdvocates against Apple underscores the structural weaknesses at the core of the existing conflict minerals regulatory framework. By framing Apple’s alleged deficiencies in mineral sourcing practices as deceptive marketing under consumer protection law, IRAdvocate’s case illustrates how civil society actors have increasingly turned to alternative legal pathways to enforce accountability where disclosure-based regimes have fallen short. As the suit demonstrates, transparency-based regulation without meaningful enforcement or traceability mechanisms risks enabling companies to comply formally while substantive risks of conflict financing and human rights abuses persist.

IV. TRANSNATIONAL CORRUPTION AND INTERNATIONAL HUMAN RIGHTS

European Parliament Strengthens the EU Magnitsky-type Global Human Rights Sanctions Regime

*By Michael Plachta*¹

On January 21, 2026, the European Parliament adopted its resolution addressing impunity through European Union (EU) sanctions, including the EU Global Human Rights sanctions regime (so-called “EU Magnitsky Act”).

The Parliamentarians recalled that on December 7, 2020, the EU Council adopted a decision and a regulation establishing a Global Human Rights Sanctions Regime (EUGHRSR).² For the first time, the EU was equipping itself with a framework that allowed it to target individuals, entities, and bodies – including state and non-state actors – responsible for, involved in, or associated with serious human rights violations and abuses worldwide, no matter where they occurred.³

On December 7, 2020, the EU Council adopted Decision (CFSP) 2020/1999, which establishes a framework for targeted restrictive measures to address serious human rights violations and abuses worldwide. That Decision provides for the freezing of funds and economic resources of, and the prohibition to make funds and economic resources available to natural or legal persons, entities, or bodies responsible for, providing support to, or otherwise involved in serious human rights violations or abuses, as well as those associated with the natural and legal persons, entities and bodies covered. Natural and legal persons, entities, and bodies subject to the restrictive measures are listed in the Annex to Decision (CFSP) 2020/1999.

The second act is Council Regulation (EU) 2020/1998 of December 7, 2020, concerning restrictive measures against serious human rights violations and abuses. This Regulation shall be binding in its entirety and directly applicable in all Member States.

It should be recalled that at its fourth sitting held on January 22, 2019, the Parliamentary Assembly of the Council of Europe (PACE) adopted a Resolution on fighting impunity of perpetrators of serious human rights violations and corruption, most notably in

¹⁴ 2025 *Environmental Progress Report*, APPLE INC., 2025.

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² *EU adopts a global human rights sanctions regime*, Press release, December 7, 2020, <https://www.consilium.europa.eu>.

³ Michael Plachta, *EU Adopts Magnitsky-type Global Human Rights Sanctions Regime*, 36 *Int’l Enforcement L. Reporter* 364-367 (2020).

the Magnitsky case.⁴ The debate and resolution were based on a comprehensive Report prepared by the Committee on Legal Affairs and Human Rights.⁵

It is also noteworthy that the European Court of Human Rights (ECHR), in a unanimous ruling of seven judges in the case *Magnitsky and Others v Russia* (application nos. 32631/09 and 53799/12) on August 27, 2019, held that Russia was responsible for Sergei Magnitsky's death in prison and that he had been subjected to intentional acts of violence amounting to inhuman and degrading treatment.

Modeled on unilateral "Magnitsky-style" sanctions pioneered by the United States (U.S.) and others, the EUGHRSR regime provides the EU with a flexible, standalone tool to address global human rights concerns without requiring country-specific frameworks, filling a gap in prior EU measures that were often geographically limited.⁶ Designations are decided by consensus among EU member states' foreign ministers, with listings published in the Official Journal and subject to periodic reviews and potential delistings if behaviors change; derogations allow for humanitarian aid or basic needs.⁷

As of December 2025, the regime lists 135 individuals and thirty-seven entities, spanning cases in countries including Russia (e.g., officials linked to Alexei Navalny's death and abuses in occupied Ukrainian territories), Iran, Myanmar, North Korea, Syria (al-Assad regime associates), Afghanistan, Haiti, South Sudan, and others such as Hamas and Palestinian Islamic Jihad for violence during the October 2023 attacks, the Wagner Group, and extremist Israeli settlers obstructing aid in the occupied West Bank and Gaza.⁸

The MEPs consider that parliamentary scrutiny of the EUGHRSR – EU Magnitsky Act is necessary in order to strengthen its legitimacy. They regret that Parliament's resolutions containing recommendations for additional listings continue to be insufficiently considered by the Council.

The Parliament opines that the current regime of asset freezes and visa bans could be complemented by additional measures, such as restrictions on financial services, public procurement, and participation in EU-funded projects, and its scope should be extended to cover the immediate family members of human rights violators.⁹

The January 2026 resolution calls for a comprehensive impact assessment of the EUGHRSR – EU Magnitsky Act and its interactions with the EU country-specific sanctions and the other EU horizontal restrictive measures in order to evaluate its coherence, proportionality and effectiveness, including in changing the behaviour of those listed, to identify operational gaps and to ensure consistent and strategic application worldwide, and calls for the EUGHRSR – EU Magnitsky Act to be reviewed in accordance with the findings of this impact assessment.

It calls for the listings drawn up under the EU's EUGHRSR – EU Magnitsky Act to be reviewed continuously and systematically, at least once every twelve months, so as to ensure their consistency, proportionality, and conformity with the latest information and judicial decisions.

The EU Parliament encourages the Council to seek to align EUGHRSR – EU Magnitsky Act listings with the sanctions lists of like-minded partners, in particular those in the G7, and the UN Security Council, where politically and legally feasible, in order to enhance global legitimacy and effectiveness.

⁴ Michael Plachta, *Council of Europe Adopts Resolution on Fighting Impunity by Targeted Sanctions in the Magnitsky Case and Beyond*, 35 Int'l Enforcement L. Reporter 62-64 (2019).

⁵ Parliamentary Assembly of the Council of Europe, Committee on Legal Affairs and Human Rights, *Report. Sergei Magnitsky and beyond – fighting impunity by targeted sanctions*, Rapporteur Lord Donald Anderson, doc. 14661, October 30, 2018.

⁶ <https://carnegieendowment.org/research/2020/12/the-new-eu-global-human-rights-sanctions-regime-breakthrough-or-distraction?lang=en>.

⁷ <https://www.consilium.europa.eu/en/policies/sanctions-human-rights-abuses>.

⁸ [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754474/EXPO_STU\(2025\)754474_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754474/EXPO_STU(2025)754474_EN.pdf).

⁹ European Parliament resolution of 21 January 2026 on addressing impunity through EU sanctions, including the EU Global Human Rights Sanctions Regime (so-called 'EU Magnitsky Act') (2025/2049(INI)), P10_TA(2026)0015.

Likewise, the Parliament calls on the Commission and the Member States to enhance synergies between the EUGHRSR – EU Magnitsky Act and international accountability mechanisms, such as the UN, the International Criminal Court, and regional human rights courts, to improve the effectiveness of EU actions against serious human rights violations.

The resolutions address the problem of corruption. The MEPs fully support the imposition of targeted anti-corruption sanctions within the EU framework, which has been a long-standing priority of Parliament, whether through its inclusion in the EUGHRSR – EU Magnitsky Act or under a different regime. They recommend extending the regime's scope to cover large-scale corruption cases and abuse of state procurement contracts that directly sustain authoritarian regimes, thereby linking human rights abuses with kleptocratic practices. They stress, furthermore, that anti-corruption sanctions should take into account the broader systemic context and be closely linked with comprehensive strategies towards the respective actors.

The Parliament urges the Member States to refrain from bilateral political or diplomatic actions that undermine their commitment to international criminal justice mechanisms, including the Rome Statute, and the defence of human rights, or that contradict the EU's unified stance on sanctions.

The MEPs call on the Commission and the Member States to take the necessary steps to ensure a more harmonized and coordinated application of the sanctions and measures, including by strengthening the capacity for asset freezes, improving the exchange of information, and developing common EU-level monitoring and enforcement mechanisms.

The resolution proposes the establishment of a structured and transparent consultation mechanism for civil society reporting and engagement in the sanctions process, with protective measures for whistleblowers, including the establishment of a dedicated EEAS contact point.

A separate section of the resolution addresses the problem of preventing circumvention and strengthening enforcement tools. It calls for the EUGHRSR – EU Magnitsky Act to be reviewed to prevent sanction circumvention by issuing explicit and updated guidance on the prohibition on providing economic resources and technical and material support to listed individuals and entities, clarifying that the prohibition on providing technical and material support includes non-financial assistance such as ICT infrastructure, software, legal facilitation, and cyber tools used for repression.

Furthermore, the Parliament emphasises the need to strengthen the EU's sanctions regime by broadening and diversifying the use of secondary sanctions with a view to targeting government officials, entities, businesses, and individuals involved in facilitating breaches or the circumvention of sanctions, which would enable authoritarian regimes to continue their grave human rights violations.

The resolution calls on the Commission to enhance cooperation with the European Banking Authority, the European Securities and Markets Authority, the Anti-Money Laundering Authority, and national financial intelligence units in order to systematically identify whether opaque financial products, crypto-assets, and offshore structures are being used to evade sanctions.

The Parliament urges the EEAS to define legal pathways for mobilizing the interest accrued from the frozen assets of individuals sanctioned under the EUGHRSR – EU Magnitsky Act so that it can be used to benefit the victims of the serious human rights violations for which the sanctioned individuals are responsible. It encourages the EU, furthermore, to explore the possibility of establishing a specific procedure regarding ill-gotten gains.

The resolution strongly welcomes the Council's adoption of thematic sanctions packages under the EUGHRSR – EU Magnitsky Act. It urges the Council to systematically and proactively adopt similar targeted measures to address other specific and grave human rights violations, including torture, enforced disappearances, arbitrary detention, and the repression of civil society and human rights defenders.

In 2024, analyses from the European Democracy Hub proposed expanding the EU Global Human Rights Sanctions Regime (GHRSR) to target repression networks, including those linked to corruption, by identifying supportive entities and integrating anti-

corruption measures akin to the U.S. Global Magnitsky program.¹⁰ The European Parliament has repeatedly advocated for incorporating systemic corruption as a designation criterion, noting its absence despite prevalence in other Magnitsky-style regimes, to broaden the regime's scope beyond direct violations.¹¹ These proposals include entity expansions, such as prohibiting equipment and technology for internal repression, with listings growing from 23 in 2022 to 149 by early 2025, though concentrated on Russian actors.¹²

Sanctions alone cannot prevent or end all human rights violations and abuses. They are intended to change an actor's behavior, calculations, and way of thinking and serve as a deterrent to serious human rights violations and abuses. Their application should be consistent with the EU's comprehensive foreign policy approach.

U.S. Justice Department Dismisses Case over Commercial Bribery in FIFA

By Bruce Zagaris

On December 9, 2025, the counsel for the United States Department of Justice (DOJ) filed a brief informing the United States Supreme Court that it was dismissing the criminal case against Hernán Lopez, who was convicted on one count of conspiring to commit honest-services wire fraud. The allegations were that Lopez and a sports marketing company engaged in a scheme to bribe members of the Fédération Internationale de Football Association (FIFA) for the media rights to soccer matches.

According to prosecutors, López participated in a scheme to make secret payments worth millions of dollars to obtain the broadcast rights to the Copa Libertadores and Copa Sudamericana tournaments. Full Play allegedly engaged in a scheme to pay bribes to soccer officials for rights to multiple events over a period of years.¹

Following a jury trial in the U.S. District Court for the Eastern District of New York, Lopez was convicted of the one above-mentioned count, in violation of 18 U.S.C. §§1343, 1346, and 1349, and one count of conspiring to commit money laundering, in violation of 18 U.S.C. §1956(h). The jury also convicted Full Play Group on three counts of each offense. The district court initially denied the defendants' motions to dismiss the indictment,² but later granted petitioners' post-trial motions for judgments of acquittal.³ The court of appeals vacated the judgments of acquittal and remanded for further proceedings.⁴ The appellate court ruled that § 1346 can apply to commercial bribery abroad based on a violation of an employer code of conduct, namely the requirement of "absolute loyalty."

In granting the defendants' motions for acquittal, the court stated that the U.S. Supreme Court's decisions in *Percoco v United States*, 598 U.S. 319 (2023), and *Ciminelli v United States*, 598 U.S. 306 (2023) "compel[led] [it] to find that §1346" (the honest-services statute) "does not apply to foreign commercial bribery."

According to the government, defendants and CONMEBOL⁵ officials breached fiduciary duties by accepting the bribes because FIFA introduced a "code of ethics" in 2004, stating that officials should display "absolute loyalty" not only to FIFA, but also to the continental confederations, and should not accept bribes. Neither Paraguay, Argentina, nor Brazil criminalizes commercial bribery.

¹⁰ <https://europeandemocracyhub.epd.eu/sharpening-the-eus-global-human-rights-sanctions-regime>.

¹¹ [https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754474/EXPO_STU\(2025\)754474_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2025/754474/EXPO_STU(2025)754474_EN.pdf).

¹² https://gropedia.com/page/eu_global_human_rights_sanctions_regime.

¹ Santul Nerkar and Ken Bensinger, *U.S. Moves to Drop Charges in International Soccer Corruption Case*, N.Y. TIMES, Dec. 10, 2025.

² *United States v. Lopez*, E.D.N.Y., 2021 WL 5038765.

³ *United States v. Full Play Grp.*, S.A.690 F. Supp. 3d 5 (E.D.N.Y.)

⁴ *United States v. Lopez*, 963 F.3d 163 (2d Cir. 2025).

⁵ The South American confederation is the Confederación Sudamericana de Fútbol (CONMEBOL). CONMEBOL is a private organization headquartered in Paraguay, with leadership hailing from numerous South American countries, including Bolivia, Colombia, Venezuela, Peru, Ecuador, and Paraguay.

The defendants have argued that the standard of “absolute loyalty” and the honest-services statute are too vague to justify prosecution for mere violation of a fiduciary duty.

Analysis

The DOJ may have been concerned that a ruling for the defendants would exclude foreign bribery from the statute’s scope completely. In recent years, the U.S. Supreme Court has narrowed fraud and bribery statutes and restricted honest services fraud to clear-cut bribes and kickbacks.⁶

Multinational enterprises will welcome the DOJ dismissal as it removes the potential that prosecutions can be based on violations of fiduciary responsibilities and employer codes of conduct. U.S. businesses have long clamored for more clarity in the Foreign Corrupt Practices Act and related laws, such as the honest services fraud statute.

This standard of requiring liability for violating codes of conduct is challenging, especially since criminal statutes require fair notice. The standard is a recipe for arbitrary enforcement. The appellate court’s opinion would have required businesses to conduct additional due diligence and review employee handbooks and ethics codes of any foreign entity with whom a business is working to determine that U.S. prosecutors cannot determine that a part of any transaction could violate a fiduciary duty.

The dismissal came four days after U.S. President Donald J. Trump received the inaugural FIFA Peace Prize on December 5. The U.S., along with Canada and Mexico, will host the 2026 World Cup. President Trump has a close relationship with FIFA President Gianni Infantino.⁷ One of the issues surrounding the hosting of the World Cup is whether the three countries hosting the matches can properly regulate and enforce sports betting connected to the games, as well as cooperate effectively in any enforcement cases arising from the matches.

V. CRIMES AGAINST HUMANITY AND WAR CRIMES

Did the U.S. Plane Resembling a Civilian Plane Used in Boat Strike Violate the Law against Perfidy?

By Bruce Zagaris

On January 12, 2026, the New York Times revealed that the United States Department of Defense (DOD) used a secret aircraft painted to appear as though it was a civilian plane in the first attack on September 2, 2025, resulting in the deaths of eleven persons on board. The U.S. aircraft had its munitions inside the fuselage, instead of visibly under its wings.¹

The DOD defended the use of the aircraft to conduct the strike on an alleged drug boat in the Caribbean because it could be the fastest ready for the operation, and not because it was attempting to deceive the target.²

Already, the attack is under scrutiny because the initial strike on the vessel left two survivors. A video shown to lawmakers showed them hanging onto an overturned piece of the hull. A follow-up strike killed them shortly after the first one.

The Trump administration has claimed the right to extrajudicial strikes on the vessels due to the right of self-defense, declaring the strikes are against narco-terrorists and that cartels “illegally and directly cause the deaths of tens of thousands of American citizens each year.”³ However, even if the Trump administration has evidence to support the claim that the boats were

⁶ Amaris Keys, *The Enforcement Gap: Implications for Private Companies Operating Overseas*, Bribery Matters, Trace, Jan. 13, 2026.

⁷ Associated Press, *U.S. prosecutors move to drop soccer TV rights corruption case*, Dec. 10, 2025.

¹ Charlie Savage, Eric Schmitt, John Ismay, Julian E. Barnes, Riley Mellen, and Christiaan Triebert, *U.S. Attacked Boat with Aircraft that Looked Like a Civilian Plane*, N.Y. TIMES, Jan. 12, 2026.

² Lara Seligman, *Lawmakers have questioned the legality of using the aircraft in attack on an alleged drug vessel in the Caribbean*, WALL ST. J. Jan. 13, 2026.

³ Charlie Savage and Eric Schmitt, *Trump ‘Determined’ the U.S. is Now in a War With Drug Cartels, Congress Is Told*, N.Y. TIMES, Oct. 2, 2025.

carrying narcotics and that the targets were narco-terrorists, the right of self-defense in the law of war cannot justify forcible actions directed at groups involved in drug trafficking. These groups require that for a non-state entity to be part of an armed conflict, it must meet the standard of being an organized armed group. They must be under a responsible command, control a portion of territory, and have the capacity to conduct sustained and concerted military operations.⁴ Until now, it does not appear, using open-source intelligence, that if drug cartels were on the vessels, they fulfill the criteria for being an organized armed group. Another problem is that the administration has not shown that the boats were coming to the U.S., and if they even had enough fuel to reach the U.S.

A second law of armed conflict problem is that, according to a Washington Post article, the Special Operations commander overseeing the attack ordered a second strike to comply with Hegseth's instructions, and the Secretary of Defense Pete Hegseth orally gave the order "to kill everybody."⁵ If correct, the order appears to have violated the prohibition in the law of war against declaring that no quarter be given.⁶

The laws of armed conflict also prohibit perfidy: combatants feign civilian status to trick adversaries into dropping their guard, then attacking and killing them. Combatants are required to distinguish themselves when they conduct attacks.⁷ "Members of the armed group should display a fixed distinctive sign or other device recognizable at a distance."⁸ The prohibition of perfidy also applies to naval warfare.⁹

Multiple officials have explained that the plane belongs to a fleet of U.S. Air Force aircraft painted in civilian schemes and employed in circumstances where it would not be advantageous for persons to see the military's typical gray paint scheme.¹⁰

Although the aircraft may have broadcast as a military aircraft, the men on the small boat may not have had technology on board to receive those transmissions and hence would not have known it was a U.S. military plane.¹¹

Analysis

Since the September 2, 2025, attack, the DOD has since started using recognizably military aircraft for boat strikes.¹² The DOD has carried out twenty strikes on vessels in the Caribbean. The last one was November 10, 2025. As of December 31, 2025, at least 115 people have been killed in thirty-five strikes on thirty-six vessels.¹³ Notwithstanding the loss of so many lives and many apparent violations of international law with respect to the DOD strikes and extrajudicial executions of persons, there are not yet efforts to hold the persons responsible accountable, either in the U.S., international, or foreign justice systems.¹⁴

VI. EXTRADITION

The Capture of an Olympian-Turned-Kingpin and the Importance of Multinational Law Enforcement Cooperation

⁴ See *Nonstate Armed Groups, The Practical Guide to Humanitarian Law*, Médecins Sans Frontières (accessed Oct. 14, 2025).

⁵ Alex Horton and Ellen Nakashima, *Hegseth order on first Caribbean boat strike, officials say: Kill them all*, WASH. POST, Nov. 28, 2025.

⁶ Department of Defense Law of War Manual, §5.4.7 (June 2015, Updated July 2023). Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977, Art. 85 (3) (e) of AP I; Rome Treaty, Art. 8 (2) (b) (vi).

⁷ Department of Defense Law of War Manual, §5.4.8.

⁸ *Id.*, § 4.6.4.

⁹ *Id.*, §§13.13, and 5.21.

¹⁰ Noah Robertson, Tarr Copp, and Ellen Nakashima, *U.S. plane used in boat strike was made to look like a civilian aircraft*, WASH. POST, Jan. 14, 2026.

¹¹ *Id.*

¹² Savage, Schmitt, Ismay, Barnes, Mellen, and Triebert, *supra*.

¹³ Anushka Patil, *A Timeline of Trump's Strikes on Vessels He Says Are Smuggling Drugs*, N.Y. TIMES, Dec. 31, 2025. "

¹⁴ For background on Operation Southern Spear and Related Operations Legal Analysis (Domestic and International Law), see resources, JustSecurity.

By *Dimitris Konstantopoulos*¹

In January 2026, American authorities, working with their Mexican counterparts, apprehended Ryan Wedding, one of the FBI's 10 Most Wanted Fugitives, for his role in a multinational cocaine trafficking operation.² Wedding's detention is especially striking due to his former career as a professional snowboarder representing Team Canada in the 2002 Winter Olympics, held in Salt Lake City.³

Wedding allegedly conspired with Mexican cartels and Colombian paramilitary groups to traffic over sixty tons of cocaine from Colombia to Canada through the United States (U.S.) and Mexico.⁴ The U.S. government also accuses Wedding of orchestrating multiple murders related to his drug trafficking empire. In November 2023, the Department of Justice (DOJ) claims that Wedding ordered the execution of an Ontario-based family over a drug shipment dispute.⁵ In 2024, Wedding and his codefendants allegedly organized the murder of a former client over unpaid debts.⁶

After the DOJ, the Federal Bureau of Investigation (FBI), and their Canadian counterparts began investigating Wedding and secured his indictment in the Central District of California, three hitmen assassinated one of the government's cooperating witnesses in a restaurant in Medellin, Colombia.⁷ Though the identities of the hitmen are currently unknown, the U.S. Department of State believe the assassins have ties to both Wedding and his organized criminal network.⁸ Wedding allegedly used a website, masquerading as a news network called "The Dirty News," to upload a photograph of his target.⁹ The Colombian hitmen referenced the website to familiarize themselves with the victim's appearance and location, allowing them to carry out his assassination in Medellin.¹⁰

Prior to his January apprehension at the U.S. Embassy in Mexico City, American authorities believe Wedding hid in the city, using his criminal connections to continue running his multinational drug trafficking business. Ryan initially relied on the protection of various fractions of the Sinaloa Cartel to operate his criminal empire without interference from Mexican authorities.¹¹ Due to infighting within the Sinaloa Cartel and pressure from U.S. law enforcement, Wedding's Mexican criminal allies ceased offering him protection,¹² giving Wedding no other choice but to capitulate to law enforcement and surrender at the U.S. embassy.

Analysis

The arrest of Ryan Wedding signals the importance of international cooperation when investigating and apprehending high-level multinational criminals. To secure Wedding's capture, American authorities worked with their counterparts in Mexico, Canada, Colombia, and the Dominican Republic.¹³ FBI director Kash Patel released a statement on X that contradicted the official narrative of

¹ Dimitris is a recent graduate of The George Washington University's Elliott School of International Affairs. His undergraduate areas of focus included national security, counterterrorism, geopolitics, and Latin America.

² Luke Barr et al., "Ryan Wedding, Former Olympian Turned FBI Most Wanted Fugitive, Arrested," ABC NEWS, January 23, 2026, <https://abcnews.go.com/US/ryan-wedding-former-olympian-turned-fbi-wanted-fugitive/story?id=129488890>.

³ Tim Stelloh and Madeline Morrison, "Ryan Wedding, Ex-Olympic Snowboarder Accused of Being a Drug Kingpin, Pleads Not Guilty to Drug, Murder Charges," NBCNEWS, January 26, 2026, <https://www.nbcnews.com/news/us-news/ryan-wedding-olympic-snowboarder-drug-murder-rcna256018>.

⁴ *Id.*

⁵ "16 Defendants Charged in Superseding Indictment Alleging Bulk Shipments of Cocaine to Canada, Four Murders," Central District of California, United States Department of Justice, March 5, 2025, <https://www.justice.gov/usao-cdca/pr/16-defendants-charged-superseding-indictment-alleging-bulk-shipments-cocaine-canada>.

⁶ *Id.*

⁷ "Unknown Assassins Responsible for the January 2025 Murder of a U.S. Federal Witness Against Ryan Wedding in Colombia," U.S. Department of State, November 19, 2025, <https://www.state.gov/unknown-assassins-responsible-for-the-january-2025-murder-of-a-u.s.-federal-witness-against-ryan-wedding-in-colombia>.

⁸ *Id.*

⁹ Amy Taxin, Russ Bynum, and Julie Watson, "Former Olympic Snowboarder on FBI's Most-Wanted List Is Arrested in Mexico, Faces Drug Charges," AP NEWS, January 23, 2026, <https://apnews.com/article/ryan-wedding-olympic-snowboarder-drug-ring-1ba939875022738f89e0822cb32f0176>.

¹⁰ *Id.*

¹¹ Jorge Barrera, "What Went down behind the Scenes of Ryan Wedding's Arrest, According to a Mexican Security Expert," CBCNEWS, January 24, 2026, <https://www.cbc.ca/news/world/wedding-capture-fbi-9.7058847>.

¹² *Id.*

¹³ "Former Olympic Snowboarder on FBI's Most-Wanted List Is Arrested in Mexico," *supra*.

Wedding's self-surrender, strongly implying that specialized agents from the FBI entered Mexican territory and apprehended Wedding.¹⁴

Under Mexican law, it is illegal for foreign agents to physically assist in law enforcement operations on Mexican soil.¹⁵ Patel's statement led to diplomatic pushback from the Mexican government. It seems that Wedding did in fact self-surrender at the American embassy.

Patel's statement may not be propitious for future international cooperation with the U.S. government because it appears at odds with the version by Mexican President Claudia Sheinbaum of how the arrest occurred and create the perception among the Mexican public that she surrendered to the Trump administration's demands in violation of Mexican law.

In any event, Patel's statement publicly revealed the covert presence of highly specialized FBI agents in a foreign country.

Ultimately, the arrest of Wedding shows another high-level organized crime figure the U.S. has been able to extract from Mexico with the cooperation of the Mexican government.

Former Burkina Faso President Extradited Back Home

By Austin Wahl¹

On January 20, 2026, the Republic of Togo confirmed that it had extradited Paul-Henri Sandaogo Damiba --- the former transitional president of Burkina Faso --- to authorities in Burkina Faso. The extradition comes after the current government, led by Ibrahim Traoré, leveled accusations of corruption and involvement in attempted coups against the former president.

On January 12, 2026, judges in Ouagadougou, Burkina Faso's capital, submitted an official extradition request to Togo. The request included an international arrest warrant and various charges. Togolese judges reviewed the request to assess its legality and, after further examination by the Investigative Chamber of the Court of Appeal, the request was deemed valid.²

On January 16, 2026, Damiba was arrested in Lomé, Togo, pursuant to the international arrest warrant. He was brought before the Lomé Investigative Chamber of the Court of Appeal, which issued an indictment and authorized his extradition. It held that the decision was based on "the offer of reciprocity from the Burkinabè authorities, the international instruments to which Togo is a party, and the guarantees provided by those authorities regarding respect for the physical integrity and dignity," as well as the right to a fair trial, and the absence of the death penalty.³

On January 17, 2026, Damiba was given over to Burkinabè authorities before being transferred to Ouagadougou. Burkina Faso prosecutors announced criminal charges against him, including embezzlement of public funds, illicit enrichment, corruption, incitement to commit crimes, money laundering, and aggravated concealment. Some official statements from Burkina Faso allege involvement in an attempted coup and assassination plot against the Traoré government, though not all public extradition documents explicitly cited such charges.⁴

¹⁴ Steve Fisher, Alexander Ward, and Santiago Perez, "A Secret FBI Bust Nabbed an Alleged Drug Lord—and Rocked Ties With Mexico," WALL STREET JOURNAL, January 29, 2026, <https://www.msn.com/en-us/news/world/a-secret-fbi-bust-nabbed-an-alleged-drug-lord-and-rocked-ties-with-mexico/ar-AA1VcOuC>.

¹⁵ *Id.*

¹ Austin Wahl is an alumnus of Cornell University and a J.D. candidate at American University, Washington College of Law. In his writing, he focuses on international white-collar crime and cybercrime.

² Celia Atayi, *Togo Extradites Former Burkina Faso President Accused of Corruption and Coup Attempt*, JURIST NEWS, Jan. 21, 2026.

³ *Id.*

⁴ *Togo expels ex-Burkina Faso leader after coup plot claim, sources say*, REUTERS, Jan. 20, 2026.

Damiba served as Burkina Faso's transitional president from January to September 2022, after leading a military coup that deposed President Roch Marc Christian Kaboré. The coup was aided by a rise in Islamic violence, which had severely weakened public support for Kaboré. However, Damiba's reign lasted mere months, as he was himself overthrown in September 2022 (the same year as the coup against Kaboré) by Captain Traoré and subsequently went into exile in Lomé, Togo.⁵

Burkina Faso had recently reinstated the death penalty for certain crimes, such as high treason, but authorities in Togo emphasized that extradition was approved only after receiving guarantees that Damiba would not suffer such a penalty. As of now, Burkina Faso has not yet issued a public statement regarding the next steps in the prosecution.

Analysis

Togo and Burkina Faso lack a bilateral extradition treaty, relying instead on reciprocity, international legal frameworks, and regional agreements to process requests. The extradition of Damiba was explicitly based on "the offer of reciprocity from the Burkinabè authorities,"⁶ indicating a functional, case-by-case legal cooperation rather than a formal, standing treaty. In international law, reciprocity refers to the principle of equality and mutual respect among states. It has long functioned as a basis for covering the gaps in enforcement that arise from the strict application of territoriality. In the context of extradition, legal doctrine recognizes that, even in the absence of a formal treaty, states have a duty to assist one another. Some scholars characterize this obligation as merely moral, while others contend that it rises to the level of a legal obligation, derivative of the nation's membership in the international community and principles of cooperation, mutual assistance, and solidarity.⁷

While having a formalized treaty specifying in detail the various commitments of the countries would be ideal, this is a step towards realizing that ideal. Establishing a pattern of cooperation will serve as a good foundation for a formal treaty in the future. Generally, under United States law (18 U.S.C. § 3184), extradition may be granted only pursuant to a treaty. However, some countries grant extradition without a treaty, and every such country requires an offer of reciprocity when extradition is accorded in the absence of a treaty.⁸

Importantly, Togo's approval was contingent on receiving certain guarantees regarding the former president's physical integrity, dignity, right to a fair trial, and assurance that the death penalty would not be applied. The need to protect human rights during the extradition process is a crucial aspect of the process, as international law forbids an individual's extradition when the extraditing country has reason to believe that the individual will be subject to inhumane treatment upon their return.⁹

As both are West African nations that share a border, they are subject to regional, legal, and international instruments. They are part of several regional integration schemes, and until recently (Burkina Faso has withdrawn), they were both members of the Economic Community of West African States (ECOWAS). Burkina Faso was a founding member but announced its withdrawal from the bloc in early 2024, along with Mali and Niger, to form the Alliance of Sahel States (AES), effectively making its status as a participant in ECOWAS inactive.

The charges for which his extradition is requested, which include "criminal embezzlement of public funds, criminal illicit enrichment, corruption, incitement to commit offences and crimes, aggravated concealment, and money laundering,"¹⁰ are major issues in a number of countries in the region, so one may conclude that his arrest and extradition are encouraging signs of justice. However, in many of these cases, allegations of corruption against former leaders are commonplace, often for political, in addition to

⁵ See *id.*

⁶ Atayi, *supra*.

⁷ Miguel Galvez, Extradition and the principle of reciprocity, Chabaneix; <https://extraditions.info/principle-of-reciprocity/#:~:text=By%20Miguel%20Galvez,this%20is%20a%20political%20decision>

⁸ US Attorney Manual 9-15.100 - Definition and General Principles <https://www.justice.gov/archives/usam/archives/usam-9-15000-international-extradition-and-related-matters>

⁹ See, e.g., Christine van den Wyngaert, *Applying the European Convention on Human Rights to Extradition: Opening Pandora's Box?*, 39 INT'L AND COMPARATIVE L.Q. 757-79 (1990); Bert (A.H.J.) Swart, *Human Rights and the Abolition of Traditional Principles*, in Albin Eser and Otto Lagodny (eds.), *Principles and Procedures for a New Transnational Criminal Law* 505-34 (1991).

¹⁰ Agence France Presse, *Togo EXTRADITES Ex-Burkina Leader After Alleged Coup Plot*, BARRON'S, Jan. 20, 2026.

legal, reasons. Whether valid or not, it is the unfortunate status quo that leads many to resist transitions of power, and perhaps explains in part why countries across West and Central Africa have seen nine military coups since 2020.¹¹

Mexico Sends 37 Nationals Wanted for Serious Crimes to the U.S.

By Bruce Zagaris

On January 21, 2026, the United States (U.S.) Department of Justice (DOJ) announced that it gained custody of thirty-seven fugitives from Mexico who are defendants in federal criminal cases around the U.S. The charges included narcoterrorism, providing material support to a foreign terrorist organization, firearms trafficking, human smuggling, money laundering, and several drug trafficking offenses, including conspiracy to traffic methamphetamine, fentanyl, and cocaine.¹

The individuals transferred to the U.S. include prolific human smugglers, violent arms traffickers, and alleged members of dangerous drug cartels, including ones designated as Foreign Terrorist Organizations and Specially Designated Global Terrorists, such as the Sinaloa Cartel, *Cártel de Jalisco Nueva Generación* (CJNG), *Cártel del Noreste* (CDN), and *Cártel de Golfo* (CDG), as well as additional drug trafficking organizations, such as the Gulf Cartel, La Linea, and the former Beltrán-Leyva Organization.

The transfer constitutes only the third occasion that Mexico has used its National Security Law to expel fugitives to the U.S. and is the biggest transfer of fugitives. The first transfer under the National Security law occurred on February 27, 2025, involved twenty-nine fugitives, and the second, on August 12, 2025, involved twenty-six fugitives.²

Some experts in Mexico questioned the legality of the transfers, since they have occurred outside the normal extradition process. But Mexico's security chief, Omar García Harfuch, characterized the transfers as legal. In particular, he noted that the DOJ agreed that, if any of the fugitives were convicted, they would not receive the death penalty. In Mexico, the death penalty is prohibited.³ Mexico officially prohibits capital punishment (the death penalty) for all crimes, having abolished it constitutionally in 2005 by amending Articles 14 and 22 of its Constitution, aligning with international human rights standards.

The Mexican Transferees

Among the persons transferred were Maria Del Rosario Navarro-Sanchez, the first Mexican national to be charged with providing material support to a designated foreign terrorist organization based on her involvement with the CJNG.⁴

Eduardo Rigoberto Velasco Calderon and Eliomar Segura Torres are alleged to be members of Mexico-based money laundering organizations responsible for collecting bulk cash drug proceeds in the U.S. and transferring the funds to Mexico through cryptocurrency transfers.⁵

Heriberto Hernández Rodríguez is accused of participating in the *Cártel del Noreste*, responsible for drug trafficking, kidnappings, and assassinations, and procuring weapons for the cartel.⁶

¹¹ Reuters, *supra* note 4.

¹ U.S. Department of Justice, *37 Mexican Nationals Wanted for Serious Crimes Transferred to the United States from Mexico, Including Leaders of Foreign Terrorist Organizations*, Jan. 21, 2026.

² *Id.*

³ James Wagner, *Pressured by Trump, Mexico Sends 37*, N.Y. TIMES, Jan. 20, 2026.

⁴ DOJ, *supra*.

⁵ *Id.*

⁶ *Id.*

Pedro Inzunza Noriega and his son, Pedro Inzunza Coronel, were the first Sinaloa Cartel leaders in Mexico to be charged with narcoterrorism and material support of terrorism, along with drug trafficking and money laundering.⁷

Juan Pablo Bastidas Ernas is a high-ranking lieutenant of the Beltran Leyva faction of the Sinaloa Cartel and a longstanding right-hand man of Consolidated Priority Organization Target Oscar Manuel Gastelum Iribe.⁸

Juan Carlos Alonso Reyes was the leader of “The Office,” a transnational criminal organization that operated physical locations in Tijuana where Alonso Reyes and his co-conspirators sold fentanyl and methamphetamine primarily.⁹

Julio Cesar Mancera Dozal was the leader of a drug smuggling organization that was part of the Sinaloa Cartel that imported and distributed hundreds of pounds of cocaine into the U.S. from Mexico. His organization was headquartered in Tijuana.¹⁰

Juan Pedro Saldivar-Farias is charged with engaging in a continuing criminal enterprise, as well as associated drug trafficking offenses.¹¹

Ricardo Cartes-Mateos is a former high-ranking member of the Cartel del Golfo and is charged in the Southern District of Texas with significant drug trafficking offenses for his role in importing large quantities of methamphetamine, fentanyl, and cocaine.¹²

Analysis

Since the start of the second Trump administration, Mexico has sent approximately 100 persons accused of serious crimes to the U.S. outside of the extradition process. Since even before taking office, U.S. President Donald J. Trump has threatened to send the military to Mexico to conduct joint operations to dismantle fentanyl labs and impose tariffs to try to force Mexican officials to apply more aggressive action against cartels and alleged criminals charged in the U.S.¹³

Mexican President Claudia Sheinbaum has rejected the use of the U.S. military in Mexico and has defended the progress her administration has achieved in combating the cartels. She continues to tell the U.S. it needs to better combat the drug trade within its own borders and to curb the flow of firearms into Mexico.¹⁴

On January 17, Mexican officials announced they arrested, with assistance from the F.B.I., a fugitive named Alejandro Rosales Castillo, who had been on the FBI’s Top Ten Most Wanted list since 2017 for murder. Castillo went from the U.S. into Mexico on August 16, 2016, one day before the body of 23-year-old Truc Quan “Sandy” Ly Le was found in a wooded area in Cabarrus County, North Carolina. A state arrest warrant was issued in North Carolina on November 2, 2016, charging Castillo with first-degree murder. He is now detained in Mexico, awaiting extradition.¹⁵

The rendition of so many individuals to the U.S. without an extradition process means that, notwithstanding the fact that many of them face potential life sentences, due process is being sacrificed on a large scale in order to achieve national security and foreign policy goals. The U.S. government’s action in extrajudicial executions of persons on vessels in the Caribbean, the abduction of former Venezuelan President Nicolás Maduro, and the seizure of vessels carrying oil from Venezuela all underscore the potential use of force by the U.S. government to achieve goals of combating serious crimes.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Wagner, *supra*.

¹⁴ *Id.*

¹⁵ Nick Craig, *FBI nabs Charlotte murder suspect on '10 Most Wanted' list*, CAROLINA JOURNAL, Jan. 20, 2026.

Mexico’s transfers required significant logistics and extreme security measures, including undercover missions by hundreds of Mexican special forces to prevent escapes, riots or filing of amparos to prevent transfers to the U.S.¹⁶

VII. INTERNATIONAL ENVIRONMENTAL ENFORCEMENT

America’s Role in the Illegal Timber Trade and How a Pattern of Nonenforcement of Environmental Statutes Enables Deforestation

By Dimitris Konstantopoulos¹

A recent Environmental Investigation Agency (EIA) report published in January 2026 shines light on the illegal lumber trade between Brazilian exporters and both American and European importers.² The illegal logging in the Brazilian state of Pará, fueled by an appetite for cheap lumber in Europe and America, ravages protected indigenous lands and virgin rainforests.³ The report highlights how despite the best efforts from Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis (IBAMA) -- the Brazilian environmental protection agency -- criminals are still able skirt detection from the IBAMA,⁴ likely due to the lack of law enforcement presence and environmental intelligence oversight in the remote Amazonian region.

Widespread imports of illegal Brazilian timber products into the United States (U.S.) demonstrates extensive non-enforcement and non-compliance with the Lacey Act, an environmental regulatory law that prohibits the importation of “certain products without an import declaration.”⁵ The act includes various amendments that “focus on illegal logging and harvesting of wild plants, practices often linked to terrorist funding, political instability, deforestation, and unlawful trade.”⁶ The EIA report claims that a South Florida importer illegally acquired lumber from Brazil and allegedly sold this lumber to large multinational hotel companies, like Marriott and Hyatt, and retail stores like Home Depot and Lowe’s.⁷ The links between Brazilian lumber and large companies convey that the U.S. government fails to thoroughly enforce the Lacey Act, essentially permitting large companies to reap the financial benefits of utilizing cheap illicit lumber and skirting international environmental regulations.

The lack of enforcement for the Lacey Act is part of a much larger pattern: in the U.S., especially under the Trump administration, there is a drastic decline in environmental legal enforcement. For example, there was an 85 percent decrease in civil penalties for environmental related crimes compared to former President Barack Obama’s presidency.⁸ The Trump administration also reinterpreted certain statutes within the Endangered Species Act, allowing companies to directly develop critical habitat for endangered species, even if the action poses a threat to the creature’s likelihood of survival.⁹ These examples demonstrate a politicization of American environmental regulatory enforcement, that prioritizes the development and business over the health of the environment. Lacey Act non-compliance and non-enforcement, especially when it relates to the importation of illicit Brazilian lumber, connects to this larger pattern because it promotes the needs of big business while deprioritizing the environmental destruction caused by illegal logging in Brazil’s Amazonian regions.

¹⁶ Santiago Pérez and Steve Fisher, *Mexico Sends 37 with Drug-Cartel Ties to U.S.*, WALL ST. J., Jan. 21, 2026, at A11, col.1.

¹ Dimitris is a recent graduate of The George Washington University’s Elliott School of International Affairs. His undergraduate areas of focus included national security, counterterrorism, geopolitics, and Latin America.

² “Bootleggers, Brokers, and Buyers,” Environmental Investigation Agency, 2025, https://eia.org/wp-content/uploads/2026/01/EIA_US_Bootleggers-Brokers-and-Buyers-v19.pdf.

³ *Id.*

⁴ *Id.*

⁵ “Lacey Act,” Animal and Plant Inspection Service, February 2023, <https://www.aphis.usda.gov/sites/default/files/fsc-lacey-act.pdf>.

⁶ *Id.*

⁷ “Bootleggers, Brokers, and Buyers,” *supra*.

⁸ Hang Ryeol Na, “Environmental Governance under Trump: From EPA Decline to Judicial Ascendancy,” NiCHE, June 20, 2025, <https://niche-canada.org/2025/06/25/environmental-governance-under-trump-from-epa-decline-to-judicial-ascendancy/>.

⁹ “Habitat at Risk: The Trump Administration’s Rollback of Wildlife & Habitat Safeguards,” Georgetown Environmental Law Review, October 10, 2025, <https://www.law.georgetown.edu/environmental-law-review/blog/habitat-at-risk-the-trump-administrations-rollback-of-wildlife-habitat-safeguards/>.

Analysis

Despite the political shift away from environmental law enforcement in the U.S., there is still a pragmatic approach towards improving Lacey Act compliance without negating the political goals of the current Trump administration. In March 2025, President Donald Trump signed an executive order directing U.S. agencies to enhance domestic lumber production and examine national security risks to foreign lumber imports.¹⁰ The notorious Brazilian gang, Comando Vermelho (CV) controls large illegal deforestation operations in the Brazilian Amazon; they use the power and money they acquire from drug trafficking and illegal timber exports to wage asymmetric war against the Brazilian state, fighting for the control of cities and lucrative trafficking routes.¹¹

Due to CV's linkage to illegal logging and presumed linkage to illicit timber exports to the U.S., strengthening Lacey Act enforcement mechanisms would enhance government compliance with President Trump's executive order. Essentially, illegal timber imports from Brazil directly fund various hardened criminal groups, like the nefarious CV. An enhanced effort to impose criminal penalties on illegal importers of Brazilian lumber would fit within the confines of the current political zeitgeist by inhibiting the flow of funds to multinational criminal organizations, thus reframing Lacey Act enforcement as a vessel to incapacitate transnational criminal actors and bolster American national security.

Even though effective Lacey Act enforcement will minimize illegal lumber imports into the U.S., a more multinational approach is needed to address illegal Brazilian deforestation. A multi-pronged enforcement strategy, incorporating enforcement law enforcement agencies from the U.S., the European Union (EU), and Brazil will address the illegal lumber trade at its source and target illegal imports in Europe and the U.S. The EU needs to effectively enforce the EU Deforestation Regulation – a landmark European legal framework that prohibits the importation of any product linked to extensive deforestation¹² -- especially in countries with close ties to Brazilian lumber exporters like Italy, Austria, and France.¹³ Similarly to the Lacey Act in the United States, sporadic enforcement of environmental and importation regulations in the EU enabled widespread importation of contraband linked to the illicit timber trade.¹⁴ Enforcement of existing environmental statutes will encourage European importers to abandon illicit Brazilian timber under the threat of civil or criminal prosecution.

The Brazilian government, specifically the IBAMA, needs to modernize their surveillance and enforcement mechanisms to disrupt extensive criminal networks operating in the most isolated stretches of the Amazon rainforest.¹⁵ However, widespread corruption, bribery, and a lack of state control in areas with a heavy criminal presence hinders law enforcement operations in Brazil, especially against multinational criminal organizations like CV.¹⁶ Even with enhanced surveillance technology, the Brazilian government will make little progress towards prosecuting illegal deforestation without purging the government of corrupt actors and extensively reforming Brazilian legal institutions to minimize the future risk of bribes and coercion from criminal groups.

¹⁰ "Fact Sheet: President Donald J. Trump Addresses the Threat to National Security from Imports of Timber, Lumber, and Their Derivative Products –]," The White House, March 3, 2025, <https://www.whitehouse.gov/fact-sheets/2025/03/fact-sheet-president-donald-j-trump-addresses-the-threat-to-national-security-from-imports-of-timber-lumber-and-their-derivative-products/>.

¹¹ Astrid Prange de Oliveira, *Cop30: How Brazilian Crime Cartels Undermine Climate Efforts*, DEUTSCHE WELLE, November 15, 2025, <https://www.dw.com/en/cop30-how-brazilian-crime-cartels-undermine-climate-efforts/a-74718584>.

¹² EUDR Team, "What Is the EUDR Regulation? Key Rules and Compliance Guide," EUDR, June 19, 2025, <https://eudr.co/eudr-regulation/>.

¹³ "Bootleggers, Brokers, and Buyers," *supra*.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Roberto Uchôa, "Why the Expansion of Brazilian Gangs Is Largely Going Unnoticed," *Small Wars Journal* by Arizona State University, February 10, 2025, <https://smallwarsjournal.com/2025/02/10/why-the-expansion-of-brazilian-gangs-is-largely-going-unnoticed/>.

Rio Police Bust Major Wildlife Trafficking Network

By Dimitris Konstantopoulos¹

In late September 2025, the State of Rio de Janeiro initiated an anti-wildlife trafficking operation that rescued over 800 wild animals.² The animal rescue mission, known as Operation São Francisco, led to over forty arrest warrants and 270 searches.³ Further, Operation São Francisco unveiled more than just wildlife trafficking. Brazilian police discovered weapons and a criminal network with ties to some of the country's most violent gangs.⁴

The criminals arrested during Operation São Francisco captured animals from the most remote part of the Brazilian wilderness and then trafficked them to large urban centers like Rio de Janeiro and São Paulo for distribution.⁵ The trafficked animals included tropical birds, reptiles, and monkeys.⁶ When capturing monkeys and other primates, wildlife traffickers often drugged the animals,⁷ presumably to make them more docile and easier to transport and manipulate.

The wildlife traffickers often targeted large nature preserves, including Tijuca National Park, where animals would be hunted and captured to be sold in the illicit market.⁸ The traffickers often used forged documents to mislead Brazilian authorities, claiming that the animals were taken from their natural habitat through highly controlled, legal means.⁹ The Brazilian illegal wildlife trade is so environmentally destructive that the majority of animals die before reaching their final destination in the black market.¹⁰ Bernardo Rossi, Brazilian Secretary of the Environment, even described the practice as “a silent extermination of wildlife.”¹¹

The role of criminal gangs in wildlife trafficking cannot be negated. Gangs use wildlife trafficking routes to funnel weapons and ammunition around Brazil.¹² It can be reasonably inferred that these guns are trafficked into large urban areas alongside the captured animals. Brazilian officials have linked guns and ammunition recovered during Operation São Francisco to other violent crimes around the country.¹³

Analysis

Organized wildlife trafficking often has links to other organized criminal networks and the trafficking of illicit contraband.¹⁴ Furthermore, in areas where wildlife traffickers flourish, there tend to be weak state institutions and law structures, which in turn encourage criminal groups to capitalize on other, more violent criminal activities.¹⁵ In fact, wildlife trafficking and drug trafficking are often directly intertwined: wildlife traffickers often recruit impoverished youth and then pay them with drugs.¹⁶ Essentially, organized criminal groups weaponize poverty and addiction to manipulate desperate youth and keep them engaged in poaching and other criminal activity under the promise that they can fuel their drug cravings.

¹ Dimitris is a recent graduate of The George Washington University's Elliott School of International Affairs. His undergraduate areas of focus included national security, counterterrorism, geopolitics, and Latin America.

² Rebecca Manzi, *Rio Launches Record-Breaking Crackdown on Brazil's Wildlife Traffickers*, GREENMAG, (September 28, 2025), https://www.greenmemag.com/animals/rio-launches-record-breaking-crackdown-on-brazils-wildlife-traffickers/#google_vignette

³ *Id.*

⁴ *Id.*

⁵ *Toucans and Other Exotic Animals Rescued in Major Brazilian Trafficking Bust*, ABC NEWS, September 17, 2025, <https://www.abc.net.au/news/2025-09-17/toucans-tortoises-rescued-in-major-brazilian-trafficking-bust/105784392>

⁶ *Id.*

⁷ *Id.*

⁸ Manzi, *supra*.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² ABC News, *supra*.

¹³ *Id.*

¹⁴ Michelle Anagnostou and Brent Doberstein, *Illegal Wildlife Trade and Other Organized Crime: A Scoping Review*, 51 *Ambio* 1615-1631 (2022).

¹⁵ *Id.*

¹⁶ *Criminal Elements: Illegal Wildlife Trafficking, Organized Crime, and National Security*, THE WILSON CENTER, December 6, 2017, <https://www.wilsoncenter.org/event/criminal-elements-illegal-wildlife-trafficking-organized-crime-and-national-security>

Governments and NGOs are looking at other methods to combat wildlife trafficking in addition to legal routes like Operation São Francisco. Organizations are looking at boosting economic activity in communities that often assist with poaching and illegal trafficking; this, in turn, will create more opportunities for people in extreme poverty to earn a living, providing other avenues for work rather than assisting with illegal trafficking.¹⁷

In the case of Brazil, criminal gangs take advantage of the country's vast wilderness to operate with impunity and smuggle contraband. This is especially evident in the tri-border region between Brazil, Colombia, and Peru. Where the three borders converge, Brazilian gangs like Primeiro Comando da Capital (PCC) and Comando Vermelho (CV) capture and smuggle wildlife.¹⁸ These Brazilian gangs utilize the help of Colombia guerilla fighters to expand trafficking routes and criminal networks, while also discouraging any intervention from the region's sparse law enforcement presence.¹⁹ The porous borders and lawlessness of the region promote criminality and allow these gangs to funnel their profits back to their headquarters in Rio de Janeiro and São Paulo.

To more effectively combat wildlife trafficking, Brazil needs to continue executing extensive law enforcement operations like Operation São Francisco. However, to address the root of the problem, Brazil must expand the presence of law enforcement in the country's peripheries and remote regions. By creating economic opportunities, the country's poor will not be circumstantially forced into cooperation with criminal groups. Furthermore, a more effective law enforcement apparatus and economic system outside of major Brazilian urban areas will allow Brazil to enforce its environmental and anti-trafficking laws.

VIII. SANCTIONS AND CYBERCRIME ENFORCEMENT

UK Office of Financial Sanctions Discusses Ending Sanctions Evasion through Cryptoassets

By Bruce Zagaris

On January 28, 2026, the United Kingdom (UK) Financial Conduct Authority (FCA) discussed the recent blog post by the Office of Financial Sanctions Implementation (OFSI), which is part of HM Treasury, on closing the abuse of crypto assets by sanctions evaders.¹ The post complements a prior report on Crypto assets Threat Assessment.²

The blog post highlights the trend whereby sanctions enablers are more frequently using crypto assets to move and hide illicit funds, including those connected to sanctions evasion. Since every transaction leaves a trace, UK agencies, by working together, are using those traces to identify, investigate, and disrupt criminal activity.³

The OFSI has collaborated with the Crypto Cash Fusion Cell (CCFC) to target criminal money connected to sanctions crimes. The CCFC is a pilot, multiagency initiative involving the National Crime Agency, the Metropolitan Police Service, His Majesty's Revenue and Customs, the FCA, City of London Police, and the OFSI. The goal is to strengthen the ability of the UK enforcement and regulatory community to identify, understand, and respond to criminal abuse of crypto assets.⁴

As a result of OFSI sharing detailed intelligence with the CCFC, joint investigations and enforcement have occurred against specific, prioritized targets. Thereafter, they brought law enforcement action against potential breaches of financial sanctions involving crypto assets by UK-based individuals. The collaboration includes law enforcement, regulators, and private sector entities, such as blockchain analytics provider Elliptic. The collaboration has improved law enforcement's understanding of the threat and the

¹⁷ *Id.*

¹⁸ Martinho Jervis, *The Amazon Tri-Border: Organised Crime and Illicit Activity*, GREY DYNAMICS, February 21, 2025, <https://greydynamics.com/the-amazon-tri-border-organised-crime-and-illicit-activity/>

¹⁹ *Id.*

¹ Office of Financial Sanctions Implementation, *OFSI and partners clamp down on the abuse of cryptoassets*, Jan. 28, 2026.

² OFSI, *Cryptoassets Threat Assessment* (July 2025).

³ OFSI, *OFSI and partners clamp down on the abuse of cryptoassets*, *supra*.

⁴ *Id.*

joint knowledge across partners. A short, focused, analytical operation brought together UK law enforcement, government agencies, and the private sector to share intelligence in real time and convert data into operational outcomes.⁵

The OFSI is underscoring to the crypto sector that the use of crypto assets to evade sanctions is treated no differently than the exploitation of traditional currencies. The OFSI will investigate and prosecute sanctions offenses involving crypto assets, alongside partners from across government, law enforcement, and industry. The OFSI's collaboration with the CCFC is an important development in working operationally against the abuse of crypto assets.⁶

The OFSI threat assessment relates that the UK sanctions environment has changed significantly since the illegal Russian invasion of Ukraine in February 2022, and the subsequent implementation of unprecedented financial sanctions on Russia by the UK government and international partners.⁷

The threat assessment observes that the use of crypto assets to circumvent financial sanctions is a crime under the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) regulations 2017 (MLRs) and regulations made under the Sanctions and Anti-Money Laundering Act 2018 (SAMLA).

Since August 2022, crypto asset firms have been required to report certain information to OFSI when, within the course of their business, they know or have reasonable cause to suspect they have encountered a designated person (DP) or know or have reasonable cause to suspect a breach of financial sanctions regulations has happened. The OFSI encourages firms operating in the crypto asset sector, and firms in all sectors, to undertake lookback exercises to identify any past suspected breaches involving crypto assets which might not have been reported to the OFSI. The report tells firms making such reports to refer to "OFSI – Crypto assets Threat Assessment – 0725" in any report.⁸

The report states that it is almost certain that UK crypto asset firms have under-reported suspected breaches of financial sanctions to OFSI since August 2022. The report states that most non-compliance by UK crypto asset firms has likely occurred inadvertently due to common issues such as direct and indirect exposures to DPs and the identification of suspected breaches after a delay in attribution. UK crypto asset firms have likely been directly or indirectly exposed to the designated Russian exchange Garantex since its designation in 2023, resulting in breaches of UK financial sanctions. UK-crypto asset firms have likely been targeted by DPRK-linked hackers and IT workers seeking to steal or obtain funds illegally. In addition, UK cryptoasset firms are likely presently facilitating transfers to Iranian crypto asset firms with suspect connections to DPs.⁹

The report underscores that OFSI values self-disclosure and timely reporting of suspected breaches and solicits such disclosures.¹⁰

The report discusses typologies of breaches, including cross-border payments, centralized exchanges with links to DPs, high-risk and non-KYC services, layering, mixing, and anonymity-enhancing techniques, exchanges operating through darknet marketplaces, over-the-counter (OTC) trades, use of decentralized exchanges, and nested exchanges.¹¹ Additionally, the report sets forth common red flags indicating some instances of insufficiently detailed due diligence checks in the crypto asset sector.¹²

⁵ *Id.*

⁶ *Id.*

⁷ OFSI, Cryptoassets Threat Assessment, *supra*.

⁸ *Id.* at 6.

⁹ *Id.* at 7-8.

¹⁰ *Id.* at 9.

¹¹ *Id.* at 14-16.

¹² *Id.* at 16-19.

Analysis

The OFSI blog post and the threat assessment indicate how criminal law struggles to keep pace with sophisticated criminals using technology in cross-border schemes. One of the means by which regulators and law enforcement endeavor to keep pace is through issuing trends and typologies reports so that all stakeholders, including the private sector, can update and improve compliance and due diligence. Not surprisingly, sanctions evaders have also targeted crypto assets to both commit crimes and to conceal the movement of proceeds. As some regulators and enforcement agencies catch up with respect to regulating crypto assets, criminals will try to find jurisdictions that are new to the sector and/or ones whose regulation and law enforcement regime lags behind others.

C\$176.9 Million Fine Against Cryptocurrency Exchange From FINTRAC Demonstrates Costs of Non-Compliance¹

By Simon Grant, Jessica Horwitz, Andrew Bozzato, and Nicole Liu, Bennett Jones LLP²

The C\$176.9 million administrative monetary penalty imposed against the Vancouver-based, overseas-operated, cryptocurrency exchange Xeltox Enterprises Ltd., operating under the name Cryptomus, by the Financial Transactions and Reports Analysis Centre of Canada (FINTRAC) on October 22, 2025, highlights the regulatory perils that face cryptocurrency exchanges that operate in Canada outside the law.

In what was the largest administrative penalty ever issued by FINTRAC, Cryptomus was found to have committed 2,593 violations, including failing to file 1,068 suspicious transaction reports. The violations related to transactions involving darknet markets and proceeds linked to child trafficking, fraud, ransomware payments, and sanctions evasion, as well as failure to comply with a Ministerial Directive concerning financial transactions associated with the Islamic Republic of Iran. FINTRAC also noted a failure to report 1,518 transactions involving the receipt of C\$10,000 or more in virtual currency from clients, among other violations.

As we have detailed previously, cryptocurrency exchanges that operate in Canada are subject to compliance with anti-money-laundering and know-your-client (AML/KYC) requirements under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (Canada)* (the PCMLTFA).

The regulatory difficulties faced by Cryptomus in Canada are not limited to the fine from FINTRAC. Cryptomus had separately been penalized by the British Columbia Securities Commission (BCSC) for operating a cryptocurrency exchange without having complied with registration requirements under the *Securities Act* (British Columbia).

In the temporary order issued against Cryptomus on May 20, 2025, Cryptomus was prohibited from trading securities or derivatives and from engaging in promotional activities.

The Cryptomus example, while extreme due to the specific nature of the violations, highlights the seriousness of Canadian regulators in enforcing applicable laws and the penalties that face cryptocurrency exchanges that serve residents of Canada without operating within the law, as we have detailed previously.

It is also notable that sanctions evasion transactions were cited among the other proceeds of crime violations as grounds for this penalty. Recent amendments to the PCMLTFA and its regulations now require reporting entities to report to FINTRAC any transactions suspected to involve sanctioned persons or property, along with the traditional "suspicious transaction" reports

¹ This article is a reprint of the blog post that originally appeared on the Bennett Jones LLP website on Oct. 23, 2025, and Bennett Jones LLP retains the copyright.

² The authors are partners at Bennett Jones LLP with the exception of Nicole Liu, who is an articling student at the firm.

concerning transactions involving suspected proceeds of crime. This reflects how the Government of Canada is increasingly using AML laws as a mechanism for civil enforcement of Canada's economic sanctions laws.

IX. SECURITIES ENFORCEMENT

SEC Proceeds with Bribery Case against Adani

By Bruce Zagaris

On January 30, the United States (U.S.) Securities and Exchange Commission (SEC) agreed to serve Gautam Adani with a civil fraud action, permitting the case against India's second-wealthiest person to proceed. The SEC's filing in the U.S. District Court for the Eastern District of New York reveals that counsel for Adani and his nephew, Sagar Adani, states the lawyers agreed to accept the SEC's legal filing, thereby eliminating the requirement that U.S. District Judge Nicholas Garufis must rule on how the defendants should be served.¹

On November 20, 2024, the SEC charged the Adanis, executives of Adani Green Energy Ltd., and Cyril Cabanes, an executive of Azure Power Global Ltd., with conduct arising out of a bribery scheme. The SEC alleges the bribery scheme was concocted to enable the two renewable energy companies to take advantage of a multi-billion-dollar solar energy project that the Indian government awarded the companies. Adani Green raised more than \$175 million from U.S. investors and Azure Power's stock was traded on the New York Stock Exchange.²

One action charges Gautam Adani, Chairman of Adani Green's Board of Directors, and his nephew, Sagar Adani, Executive Director of Adani Green's Board. The SEC complaint alleges the Adanis designed a bribery scheme involving paying or promising to pay the equivalent of hundreds of millions of dollars in bribes to Indian government officials to obtain their commitment to buy energy at above-market rates for the benefit of Adani green and Azure power. The complaint alleges the Adanis participated in the bribery scheme during a September 2021 note offering by Adani Green that raised \$750 million, including approximately \$175 million from U.S. investors. The Adani Green offering materials included statements about its anti-corruption and anti-bribery efforts that were materially false or misleading in view of the Adanis' conduct.³

The other action charges Cyril Cabanes, a former member of Azure Power's Board of Directors, with Foreign Corrupt Practices Act (FCPA) violations for his role in the alleged bribery scheme. Cabanes allegedly facilitated the authorization of bribes in furtherance of the scheme while in the U.S. and abroad.⁴

The SEC's complaint against the Adanis charges them with violating the antifraud provisions of the federal securities law, and seeks permanent injunctions, civil penalties, and officer and director bars. The complaint against Cabanes charges him with violating the FCPA and requests a permanent injunction, a civil penalty, and an officer and director bar.⁵

In November 2024, the U.S. Attorney's Office for the Eastern District of New York unsealed criminal charges against the Adanis and Cabanes, among other individuals connected to Adani Green and Azure Power. However, no public developments have occurred in that case for more than one year. Forbes magazine has reported that Gautam Adani is worth about \$59 billion.⁶

Analysis

¹ Jonathan Stempel, *US SEC fraud case against Gautam Adani can proceed after procedural matter*, REUTERS, Jan. 30, 2026.

² SEC, *SEC Charges Three Senior Executives in Two Actions Alleging Massive Bribery Scheme Involving Indian Energy Companies Adani Green and Azure Power*, 2024-181, Nov. 20, 2024.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Stempel, *supra*. Bruce Zagaris, *U.S. Indictment Against Indian Billionaire for \$250 Million Bribe*, 40 INT'L ENFORCEMENT L. REP. 516 (Dec. 2024).

Although U.S. President Donald J. Trump has issued an executive order and the Department of Justice issued a follow up memorandum deprioritizing transnational corruption cases and although the SEC has stayed or dismissed nine cases involving cryptoassets, the SEC is moving forward on this case.

Gautum Adani congratulated President Trump on his election in a post on X and promised to invest \$10 billion in “U.S. energy security and resilient infrastructure projects” and bring 15,000 new jobs.⁷

Meanwhile, U.S. and India relations have been quite rocky.

Even if there is a political settlement favorable to the Adanis, multilateral development banks may suspend or debar one or more of the Adani entities if they find bribery, and they will be less susceptible to political influence.

The Adanis will undoubtedly argue that the U.S. should not prosecute persons for alleged bribery with respect to activities related to Indian energy projects, notwithstanding the fact that the companies have raised approximately \$175 million from U.S. persons and are on a U.S. stock exchange.

Meanwhile, the shares of Adani Group companies fell between 5 to 13 percent on January 23, as a result of the SEC filings. The Adani Group has denied all misconduct and has characterized the accusations as baseless. The company has said it will pursue all legal avenues to defend itself.⁸

SEC Dismisses Case against Cryptocurrency Entity Operated by Trump Backers

By Bruce Zagaris

On January 23, 2026, the Securities and Exchange Commission (SEC) filed a joint stipulation with Defendant Gemini Trust Company, LLC (hereafter Gemini Trust) to dismiss, with prejudice, the SEC’s pending civil enforcement action against it. The joint stipulation states that the SEC’s decision to request dismissal of the action is “in the exercise of its discretion,” and takes into consideration the “100 percent in-kind return of Gemini Earn investors’ crypto assets,” and the state and regulatory settlements involving Gemini related to the Gemini Earn program.¹ The close connections between billionaire twins, Tyler and Cameron Winklevoss, founders and operators of Gemini Trust, and the United States (U.S.) President Donald Trump raises issues about the integrity of the regulatory and enforcement regime with respect to cryptoassets.

The Settlement

The SEC charged Genesis Global Capital, LLC and Gemini Trust Company, LLC for the unregistered offer and sale of securities to retail investors through the Gemini Earn crypto asset lending program. Genesis and Gemini obtained billions of dollars’ worth of crypto assets through the unregistered offering from hundreds of thousands of investors.

In December 2020, the SEC complaint alleges that Genesis, part of a subsidiary of Digital Currency Group, agreed with Gemini to offer Gemini customers, including retail investors in the U.S., an opportunity to loan their crypto assets to Genesis in exchange for Genesis’ promise to pay interest. Starting in February 2021, Genesis and Gemini offered the Gemini Earn program to retail investors. Gemini Earn investors offered their crypto assets to Genesis, with Gemini acting as the agent to facilitate the transaction. Gemini charged an agent fee, sometimes as high as 4.29 percent, from the returns Genesis paid to Gemini Earn investors.

⁷ Nico Grant, *U.S. Charges Indian Billionaire Adani with Fraud Over Bribery Scheme*, N.Y. TIMES, Nov. 20, 2024.

⁸ Vishnu Kaimal, *Adani Group stocks slide amid SEC investigation*, AMERICAN BAZAAR, Jan. 23, 2026.

¹ SEC, Litigation Release No. 26465, January 23, 2026, *SEC v. Genesis Global Capital, LLC*, et al., No. 1:23-cv-00287 (S.D.N.Y. filed Jan. 12, 2023) *SEC Announces Dismissal of Civil Enforcement Action Against Gemini Trust Company*.

Thereafter, the complaint alleges that Genesis exercised its discretion in how to use investors' crypto assets to make revenue and pay interest to Gemini Earn investors.²

According to the complaint, in November 2022, Genesis announced that it would not permit its Gemini Earn investors to withdraw their crypto assets because Genesis did not have enough liquid assets to fulfill withdrawal requests following volatility in the crypto asset market. At the time, Genesis had about \$900 million in investor assets from 340,000 Gemini Earn investors. Gemini ended the Gemini Earn program in January 2026. However, as of the time of the settlement, Gemini Earn retail investors had still not been able to withdraw their crypto assets.³

The SEC's complaint alleges that the Gemini Earn program was an offer and sale of securities under applicable law and should have been registered with the SEC. The SEC's complaint in the U.S. District Court for the Southern District of New York alleges that Genesis and Gemini violated §§5(a) and 5(c) of the Securities Act of 1933. The complaint requests permanent injunctive relief, disgorgement of ill-gotten gains plus prejudgment interest, and civil penalties.⁴

Connections between Gemini Trust Operators and Trump

The billionaire twins, Tyler and Cameron Winklevoss, founded and operated Gemini Trust. They are said to be among President Trump's closest allies in the crypto sector. They donated to a fundraising committee in support of President Trump's 2024 re-election campaign and other Republican organizations. They also donated to the construction of the new White House ballroom. They served as founding members of an exclusive club, the Executive Branch, partly owned by Donald Trump Jr., the President's eldest son. The brothers' investment firm recently invested in a new crypto mining company called American Bitcoin. Eric Trump, the President's second son, is a co-founder and chief strategy officer of the firm. Donald Trump Jr. is an investor.⁵

Analysis

The SEC brought its case after a regulatory action brought by the New York Attorney General's office. The decision to dismiss the Gemini case constitutes the sixth dismissal of a crypto case involving companies connected to Trump or his family businesses. The others were Binance, Coinbase, Consensus, Cumberland, and Kraken. In addition, the SEC has stayed enforcement action against Ripple and Tron.⁶

The SEC's withdrawal from these cases in a single sector is highly unique. The SEC has let up on more than 60 percent of the crypto cases that were pending when Trump re-entered the White House. Thereafter, the SEC moved to halt litigation, decrease penalties, or dismiss the cases.⁷

A major implication of the Trump administration's deregulation of crypto assets, insofar as persons have financial relations with him and his family, and the fact that Trump has become a crypto mogul is that crypto assets are now at the core of the U.S. financial system. Large banks are now lending against clients' crypto holdings. Retailers are also contemplating issuing their own coins. However, the crypto market is volatile. A crypto-led crisis in the U.S. may precipitate a market downturn, exacerbated by dumping Treasuries by the large crypto platforms that currently have as much as some countries.⁸

² SEC, *SEC Charges Genesis and Gemini for the Unregistered Offer and Sale of Crypto Asset Securities through the Gemini Earn Lending Program*, Release 2023-7, Jan. 12, 2023.

³ *Id.*

⁴ *Id.*

⁵ Ben Protess and Sharon LaFraniere, *S.E.C. Drops Case Against Cryptocurrency Firm Founded by Winklevoss Twins*, N.Y. TIMES, Jan. 23, 2026; Ben Protess, Andrea Fuller, Sharon LaFraniere and Seamus Hughes (with graphics by Elena Shao), *The S.E.C. Was Tough on Crypto. It Pulled Back After Trump Returned to Office*, N.Y. TIMES, Dec. 14, 2025.

⁶ Protess, Fuller, LaFraniere and Hughes, *supra*.

⁷ *Id.*

⁸ Rana Foroohar, *America's economy is at the mercy of crony capitalism*, FIN. TIMES, Dec. 20, 2025.

Depending on the circumstances of such a crypto precipitated crisis, adversaries of the U.S. and just concerned investors may also decide to sell their U.S. Treasuries. Ultimately, such a crisis could lead to some fundamental changes to the global financial system, including a move away from the dollar-backed system to something more globally balanced.⁹

X. SOVEREIGN IMMUNITY

Ecuador Files Diplomatic Protest after ICE Tries to Enter its U.S. Consulate and U.S. Allies React to Rule of Law and Human Rights Violations

By Bruce Zagaris

On January 28, 2026, the Ecuador Ministry of Foreign Affairs announced it had made a formal diplomatic complaint with the United States (U.S.) after a U.S. Immigration and Customs Enforcement (ICE) agent tried to enter the Ecuadorian consulate in Minneapolis without permission.¹ Meanwhile, U.S. allies are starting to react to the rule of law and international human rights violations by the Trump administration.

Consulate staffers prevent an ICE agent from entering the Ecuadorean consult in Minneapolis. The attempted entry led to the Ecuador Foreign Ministry quickly dispatching a “note of protest” to the U.S. Embassy in Quito, demanding that the U.S. not repeat such incidents.²

Ecuador’s Foreign Ministry said ICE officers tried to enter the premises at approximately 11:00 a.m. local time. After Consulate officials blocked the entry of the ICE officers, they activated emergency protocols to safeguard the protection of the Ecuadorian citizens who were inside the consulate at the time.³

A video posted online and shared by multiple Ecuadorian media outlets shows a consulate staff member running to the doorway as the ICE agents approach. The staffer bars their entry, telling them, “(t)his is the Ecuadorean Consulate. You’re not allowed to enter.” One ICE agent responds that he would “grab” the staffer if they touched the officer. After the staffer repeatedly tells the ICE officers they are prohibited from entering, they agree to leave.⁴

At approximately the same time, ICE agents entered a coffee shop near the consular building in northeast Minneapolis. The shop is close to the consulate building in northeast Minneapolis. The location is a frequent meeting place for protesters. The ICE agents said they would return and arrest the protesters.”

The consulate has a clearly marked façade emblazoned with Ecuador’s national seal.⁵

Eyewitnesses working in retail shops close to the consulate said they witnessed immigration agents trying to enter the building.⁶

⁹ *Id.*
¹ Max Bearak and Ali Watkins, *Ecuador Objects After ICE Agent Tries to Enter Minneapolis Consulate*, N.Y. TIMES, Jan. 28, 2026.
² Brad Brooks and Alexandra Valencia, *Ecuador says ICE agent tried to enter consulate in Minneapolis*, REUTERS, Jan. 28, 2026.
³ Annie Gowen and María Luisa Paul, *ICE officers blocked from entering Ecuadorian Consulate in Minnesota, ministry says*, WASH. POST, Jan. 29, 2025, at A7, col. 1.
⁴ *Id.*
⁵ Bearak and Watkins, *supra*.
⁶ Brooks and Valencia, *supra*.

Analysis

The premises, archives, documents, and communications of an accredited diplomatic mission or consular post are inviolable and are immune from any exercise of jurisdiction by the receiving state that would interfere with their official use.⁷ Officials of the receiving state may not enter the premises of a diplomatic or consular mission without consent.⁸ Under the Consular Convention, the sending state's consent is presumed in case of urgency requiring prompt protective action, such as in the event of a fire, hurricane, or riot.

Meanwhile, in Italy, the announcement by the U.S. that an ICE unit would play a role in U.S. security for the Winter Olympics next month has sparked outrage. On January 27, the mayor of Milan, Giuseppe Sala, said "(t)his is a militia that kills. It is a militia that enters people's homes by signing its own permission — it is clear that they are not welcome in Milan," speaking to Italian radio RTL 102.5.⁹

The ICE crackdown and two fatal shootings of U.S. civilians by federal officers in Minneapolis have caught the attention of politicians outside the U.S.¹⁰ These politicians are trying to safeguard their own people from the actions of ICE agents in their country. This concern is likely to impact future efforts of international law enforcement cooperation by ICE and potentially other U.S. law enforcement agencies, since even White House officials have publicly mischaracterized the law enforcement actions and the victims in the two fatal shootings.¹¹

The horror by U.S. allies over the U.S. government's extrajudicial strikes on vessels allegedly carrying drugs, the invasion of Venezuela to abduct Maduro, bombing nuclear facilities in Iran and alleged terrorists in Nigeria, the threatened aggression of Greenland along with threatened tariffs on countries sending troops to Greenland, threats to annex Canada, assert control over the Panama Canal, and the fatal shootings in Minneapolis have resulted in immediate efforts by European Union leaders to diversify trade and security.

For instance, they have signed free trade agreements with MERCOSUR¹² and India¹³. An emergency meeting on January 30 discussed more urgently reducing military dependence on the U.S.¹⁴ Over concerns with serious the human rights violations, Capgemini Government Solutions, a U.S. subsidiary of a French company, withdrew its agreement to serve as ICE's lead contractor for a new program to covertly surveil and photograph undocumented migrants.¹⁵ The German foreign office has issued a travel advisory against travel to parts of the U.S.¹⁶

The advisory adds to the boycott by Canadians over U.S. tariffs and African countries retaliating over recent U.S. restrictions on travel to the U.S. Las Vegas announced its tourism fell 7.5 percent in 2025.¹⁷ Pensions and sovereign funds in Denmark¹⁸ and Sweden¹⁹ have sold their U.S. treasuries. At an energy summit in Goa, India, attendees discussed the need for new multipolar compacts that neutralize American power.²⁰

⁷ RESTATEMENT (3RD), § 466, citing Vienna Convention on Diplomatic Relations, Articles 21–24, 27, and 30; Vienna Convention on Consular Relations, Articles 27, 30–33, and 35.

⁸ Vienna Convention on Diplomatic Relations, Art. 22; Vienna Convention on Consular Relations, Art. 31.

⁹ Alexander Smith, Claudio Lavanga and Matteo Moschella, *ICE role at the Winter Olympics prompts fury in Italy*, NBC NEWS, Jan. 27, 2026.

¹⁰ *Id.*

¹¹ Steven Sloan, Associated Press, *Response to Pretti killing highlights Trump administration's challenges with trust and credibility*, PBS, Jan. 27, 2026.

¹² European Commission, [EU-MERCOSUR Agreement](#) (reached on Dec. 6, 2025)(accessed on Feb. 2, 2026).

¹³ European Commission, [EU and India conclude landmark Free Trade Agreement](#), Jan. 26, 2026.

¹⁴ Jeanna Smialek, Lara Jakes, Steven Erlanger, and Jim Tankersley, *Over Creamy Chicken, Europe's Leaders Try to Reduce Dependence on Trump*, N.Y. TIMES, Jan. 31, 2026. *See also* Ishaan Tharoor, *The world recoils at Trump's 'paramilitary' force and the havoc it has wrought*, WASH. POST, Jan. 31, 2026, at A13, col. 1.

¹⁵ Eva Dou, *ICE launches nationwide program for covert surveillance of immigrants*, WASH. POST, Jan. 31, 2026, at A5, col. 1. Ephrat Livni, *International Companies Doing Business With ICE Are Taking Heat*, N.Y. TIMES, Jan. 31, 2026 (discussing questions over the contract by Roland Lescure, the French minister of finance and economy)..

¹⁶ Tharoor, *supra*.

¹⁷ Alexa Cimino, *Las Vegas's death spiral worsens as shocking new figures show just how badly tourism slumped in 2025*, DAILY MAIL, Feb. 1, 2026.

¹⁸ Alex Harring, *Danish pension fund to sell \$100 million in Treasuries, citing 'poor' U.S. government finances*, CNBC.com, Jan 20 2026.

¹⁹ Edith Olmstead, *Second Pension Fund Dumps U.S. Treasury Holdings as Trump Spirals*, THE NEW REPUBLIC, Jan. 21, 2026.

²⁰ Pranshu Verma, *At India's main energy summit, signs of a new world order without Trump*, WASH. POST, Jan. 31, 2026, at A13, col. 1.

Clearly, concerns over the violations of the rule of law in both U.S. foreign and domestic policy are having economic impacts, especially in defense procurement,²¹ where U.S. companies involved in joint ventures with foreign companies, and international trade. The interplay of international trade and commerce with international human rights remains inextricably linked.²²

XI. RECOVERY AND RETURN OF STOLEN CULTURAL OBJECTS

Smithsonian Museum of Asian Art to Return 3 Stolen Bronzes to India after Internal Investigation

By Bruce Zagaris

On January 28, 2026, the Smithsonian’s National Museum of Asian Art announced plans to return three sculptures to the Government of India, after conducting an internal investigation and provenance research, showing that the sculptures had been removed illegally from temple settings. The Government of India has agreed to make a long-term loan to the museum. The loan will permit the museum to publicly share the full story of the object’s origins, removal, and return, as well as highlight the museum’s commitment to provenance research.¹

The sculptures are “Shiva Natarjaa” (Chola period, ca. 990), “Somaskanda” (Chola period, 12th century), and “Saint Sundarar with Paravai” (Vijayanagar period, 16th century) all of which demonstrate the rich artistry of South Indian bronze casting. The sculptures were originally sacred objects traditionally displayed in temple processions. The “Shiva Nataraja” will be placed on long-term loan and will be on view as part of the exhibition “The Art of Knowing in South Asia, Southeast Asia, and the Himalayas.”²

Statues from South Asia in the form of sacred images have become notorious targets of looting and theft. The early twentieth century expositions by art historian Ananda Coomaraswamy underscored how the emblems stood for India’s exceptionalism. The expositions caused their popularity to increase significantly.³ As a result, souvenirs imitating the sacred image have appeared at gift shops for tourists. Thereafter, the Shiva Nataraja statues disappeared from temples.⁴

According to the Smithsonian, it systematically reviewed its South Asian collections and made a detailed investigation into the provenance of the three sculptures and their transaction history. In 2023, with the help of the Photo Archives of the French Institute of Pondicherry, museum researchers confirmed that the bonzes were photographed in temples in Tamil Nadu, India, between 1956 and 1959. Subsequently, the Archaeological Survey of India confirmed that the sculptures were removed in violation of Indian laws.⁵

The “Shiva Nataraja” belonged to a temple in India where it was photographed in 1957. The National Museum of Asian Art acquired it in 2002 from the Doris Wiener Gallery in New York. Photographic evidence confirming the sculpture’s presence in the temple in India in 1957, and a provenance researcher at the museum learned that the Doris Wiener Gallery had furnished falsified documentation when it sold the piece to the museum.⁶

²¹ James Brooke, *A Trump Effect: Canada’s Carney Turns Away From American Arms Purchases*, N.Y. SUN, Feb. 1, 2026 (Canada is debating whether to switch procurement of submarines and fighter jets from the U.S.).

²² *Id.* See also David Pierson and Berry Wang, *U.S. Allies Are Drawing Closer to China, but on Beijing’s Terms*, N.Y. TIMES, Jan. 31, 2026.

¹ National Museum of Asian Art, *National Museum of Asian Art Returns Three Bronze Sculptures to the Government of India Following the Museum’s Comprehensive Provenance Research*, Jan. 28, 2026.

² *Id.*

³ See e.g., Ananda Coomaraswamy and Mulk Raj, [INTRODUCTION TO INDIAN ART](#) (1956).

⁴ Kelsey Ables, *Smithsonian Asian art museum to return three stolen bronzes to India*, WASH. POST, Jan. 29, 2026, at B1, col. 1.

⁵ National Museum of Asian Art, *supra*.

⁶ *Id.*

The Wieners were apparently clients of convicted antiquities dealer Subhash Kapoor, who smuggled thousands of artifacts out of India and other South and Southeast Asian countries. After the death of Doris, Nancy was accused of trafficking looted antiquities and falsifying documents. In 2021, she pleaded guilty.⁷

The museum acquired the “Somaskanda” and “Saint Sundarar with Paravai” as part of a gift of 1,000 objects from Arthur M. Sackler in 1987. Research headed by the museum’s provenance team at the Photo Archives of the French Institute of Pondicherry confirmed that they were photographed at temples in India in the 1950s.⁸

The museum has been increasing its art provenance research since the early 2000s, including by making research findings publicly accessible through its Provenance Program.

In 2011, the museum started publishing provenance information on object web pages and in its galleries. Since 2020, the museum has worked with the Stiftung Preußischer Kulturbesitz (SPK, Prussian Cultural Heritage Foundation) to co-host six webinars on advanced standardized approaches to provenance research. In 2023, it collaborated with SPK to organize the largest open symposium on the provenance of Asian art.⁹

In April 2025, the museum appointed Nancy Karrels, who has a doctorate in art history and a J.D., as the associate director of provenance research and object histories. The provenance team now has four full-time members, including a curator of provenance research and object histories and two provenance research technicians. In 2026, the museum will co-host a second international provenance symposium with SPK in Berlin.¹⁰

Analysis

The bronze pieces are vulnerable to theft because of their popularity and the temples’ location in tiny villages that cannot afford serious security. Because people want to see the works during worship, they cannot be locked away.¹¹

A challenge for museums and art galleries in researching provenance checks is that the work can require a significant resource commitment, which small museums cannot afford.¹²

According to Vijay Kumar, co-founder of the India Pride Project, a volunteer group that investigates stolen Indian antiquities and works with authorities to facilitate their repatriation, the temple bronzes were not state property, but the property of the temples. Hence, the government of India does not own them and cannot make a long-term loan.¹³

⁷ Rhea Nayyar, *Smithsonian to Return Three Looted Bronzes to Indian Government*, HYPERALLEGIC, January 28, 2026

⁸ *National Museum of Asian Art*, *supra*.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Ables, *supra*.

¹² *Id.*

¹³ Shahana Yasminy, *Internal investigation found the statues had been removed from temples in southern India*, The Independent.com, Jan. 30, 2026.

XII. PRISONER EXCHANGE

Russian Basketball Player and French Researcher Released in Rare Russia-France Prisoner Exchange

By *Chloe Fontenelle*¹

In a prisoner swap facilitated on January 8, 2026, Russia and France agreed to release an imprisoned French researcher in exchange for the return of a detained Russian basketball player, in an uncommon display of bilateral relations between the two countries.

Daniil Kasarkin, a 26-year-old professional basketball player and Russian national, was arrested at Paris’s Charles de Gaulle Airport in June 2025, at the request of United States (U.S.) judicial authorities. He was detained on suspicion of his involvement in an international ransomware ring. Kasarkin is alleged to have negotiated payments for an unnamed ransomware group believed to have targeted about 900 organizations globally between 2020 and 2022, including companies and two U.S. government agencies.²

Kasarkin was charged with conspiracy to commit computer fraud and has been held in French extradition custody since his arrest.³ He has denied all charges. His lawyer has stated that his alleged association with the ransomware group was because he purchased a second-hand computer that the group was using remotely, which was never reset.⁴

French authorities have reported that U.S. officials have sought to extradite Kasarkin to the U.S so that he may face charges. Both the U.S. Department of State and the U.S. Department of Justice (DOJ) have declined to comment regarding whether France informed the agencies prior to the prisoner exchange.

Laurent Vinatier, 49, was arrested by Russia’s Federal Security Service (FSB) in a Moscow restaurant in June 2024 and initially prosecuted for his alleged violation of the country’s “foreign agent” laws. Four months later, a Russian court found him guilty of collecting information as an “unregistered foreign agent” about the Russian military and sentenced him to three years in prison.⁵ At the time of his arrest, the French researcher had been working as a consultant at the Centre for Humanitarian Dialogue, a nonprofit based in Switzerland, which announced in June 2024 that it was doing “everything possible” to aid Vinatier.⁶

During his imprisonment, Vinatier was reportedly being further investigated and prosecuted for espionage charges, which were expected to lead to an additional trial in the near future.⁷ Under Russian law, an espionage charge may carry with it between ten and twenty years in prison.⁸

Upon his release into French custody, the FSB announced in a statement that Russian President Vladimir Putin had pardoned Vinatier.⁹ This pardon can likely be traced back to President Putin’s year-end conference on December 19, 2025, during which he was pressed by the Moscow correspondent for French broadcaster TF1-LCI for information regarding Vinatier’s status.¹⁰

¹ Chloe Fontenelle is a Legal Assistant at Berliner Corcoran & Rowe and Assistant Editor of the IELR. She is a recent graduate of Colorado College, where she studied History-Political Science.

² Ségolène Le Stradic & Nataliya Vasilyeva, *French Researcher and Russian Basketball Player Released in a Prisoner Swap*, NEW YORK TIMES, January 8, 2026, <https://www.nytimes.com/2026/01/08/world/europe/france-russia-prisoner-swap.html>

³ Jonathan Greig, *Basketball player arrested for alleged ransomware ties freed in Russia-France prisoner swap*, THE RECORD, January 8, 2026, <https://therecord.media/france-frees-russian-basketball-player-ransomware-swap>

⁴ Sylvie Corbet, Thomas Adamson, & Samuel Petrequin, *Russia frees French political scholar in a prisoner swap for a basketball player*, AP NEWS, January 8, 2026, <https://apnews.com/article/russia-french-scholar-released-prisoner-exchange-kasarkin-447ff50c13c42d74ea75b050c115f62d>

⁵ Edna Mohamed, *Russia releases French researcher in prisoner exchange*, AL JAZEERA, January 8, 2026, <https://www.aljazeera.com/news/2026/1/8/russia-releases-french-researcher-in-prisoner-exchange>

⁶ Corbet, Adamson, & Petrequin, *supra*.

⁷ Mohamed, *supra*.

⁸ Corbet, Adamson, & Petrequin, *supra*.

⁹ Mohamed, *supra*.

¹⁰ Benjamin Quénelle, *French researcher held in Russia freed in prisoner swap*, LE MONDE, January 9, 2026, https://www.lemonde.fr/en/international/article/2026/01/09/france-researcher-held-in-russia-freed-in-prisoner-swap_6749246_4.html#

At the time, President Putin insisted that he knew “nothing” about Vinatier’s case, but indicated that he would personally follow up on it.¹¹ Vinatier received a presidential pardon and was freed from detention only a few weeks later.

Frédéric Bélot, a French lawyer who served as legal representation for both Kasatkin and Vinatier, expressed that he was “delighted” that both of his clients had been freed through this arrangement.¹²

Analysis

Since the onset of war, Moscow has heightened efforts to arrest and prosecute foreign nationals, particularly those hailing from Western countries and working in activism, journalism, or the nonprofit sector. International media personnel have been especially impacted, and numerous foreign journalists have been detained and charged as part of a larger crackdown on independent media and civil society within the country.

Often, these individuals are held on charges under Russia’s “foreign agent” law, which, since its passing in 2012, has been utilized by Moscow to prosecute nearly 1,000 individuals and entities on suspicion of receiving foreign funding.¹³ Introduced as a political tool to crush opposition and weaken society, the “foreign agent” law has only been strengthened legislatively since then. As recently as September 2025, Russian legislators approved a bill enabling law enforcement to more easily charge any individual or organization considered a “foreign agent,” a term that has become synonymous with “spy” in Russia.¹⁴

This prisoner swap marks a rare instance of diplomatic cooperation between France and Russia, in a bilateral relationship that has become increasingly hostile since Moscow’s 2022 invasion and subsequent war against Ukraine. While transnational prisoner exchanges often help countries re-engage and strengthen their diplomatic ties, whether this holds in this case remains to be seen.

Notably, in this exchange, France appears to disregard the U.S.’s extradition requests in favor of the country’s own interests. In this way, the case resembles a controversial event in 2010, in which France denied a DOJ extradition request for the Iranian businessman Majid Kakavand, who was alleged to have broken a U.S. embargo on exports to Iran.¹⁵ Instead, Kakavand was released. The French government prosecutor justified this action on the grounds that the equipment Kakavand had exported was not necessarily military-related and did not violate French law, as France does not have a general trade embargo with Iran.¹⁶

Shortly after Kakavand’s release, Iran freed Clotilde Reiss, a French teacher who had been arrested for photographing rallies protesting Iran’s election results and then charged with espionage.¹⁷ Although both French and Iranian governments deny any links between the two cases, *The New York Times* reported that U.S. officials close to the Kakavand case privately stated that Kakavand’s and Reiss’s releases were closely connected.¹⁸

While not unprecedented, France’s choice to ignore the U.S. request to extradite may not bode well for U.S.-France bilateral relations, which have historically been strong. It is especially notable because these countries have previously had a good record of extraditing alleged hacktivists, many of whom are Russian nationals.

¹¹ *Id.*

¹² Le Stradic & Vasilyeva, *supra*.

¹³ The Moscow Times, *Russia Moves to Toughen ‘Foreign Agent’ Law*, THE MOSCOW TIMES, September 25, 2025, <https://www.themoscowtimes.com/2025/09/25/russia-moves-to-toughen-foreign-agent-law-a90628>

¹⁴ *Id.*

¹⁵ Steven Erlanger & Nadim Audi, *France Won’t Extradite Iranian Sought by U.S.*, THE NEW YORK TIMES, May 5, 2010, <https://www.nytimes.com/2010/05/06/world/europe/06france.html>

¹⁶ *Id.*

¹⁷ Frank Ruffing, *Ryan Faybee on Extradition in Export Enforcement Cases*, 39 THE EXPORT PRACTITIONER, no. 12, at 31 (Dec. 2025).

¹⁸ Erlanger & Audi, *supra*.

XIII. INTERNATIONAL TAX ENFORCEMENT

HSBC Agrees to Settle Criminal Cum-Cum Dividend Tax Case

By Bruce Zagaris

On January 8, 2026, the French financial prosecutors announced that British-based bank HSBC had agreed to pay a €267.5 million fine to settle criminal charges concerning an alleged dividend tax fraud, which a Paris court has approved.¹

In December 2021, the financial prosecutor’s office started criminal investigations into six large banks, including HSBC, a Crédit Agricole unit Cacib, BNP Paribas and its Exane unit, Société Générale, and Natixis. The investigations and charges concerned the “CumCum” fraud, by which an investor sells shares to another person just before dividend payment day, to avoid paying taxes, and then immediately buys the shares again. Both parties then share the illicit proceeds.²

The charges cover practices between 2014 and 2019. The investigation targets trading schemes concerning intra-group dividend arbitrage transactions. The settlement does not constitute an admission of guilt.³

In a statement, HSBC announced it was “pleased to have resolved this matter which relates to certain historical trading which ended in 2019.” In addition, HSBC noted that the settlement recognizes HSBC’s cooperation with the investigation and the remedial measures it took to address the misconduct.”⁴

The settlement requires HSBC to pay €115 million to compensate the French government for the loss of taxes concerning the cum-cum trading and €152 million in fines.⁵

In September, Crédit Agricole settled with French prosecutors, agreeing to pay €88, the first settlement by a bank in the cum-cum prosecutions in France.⁶

On March 28, 2023, the French national financial prosecutor simultaneously conducted searches of five financial institutions as part of criminal investigations started in December 2021 for suspected aggravated money laundering stemming from aggravated tax fraud.⁷

Analysis

The French investigation emulates similar criminal investigations in Germany, Belgium, and Denmark against banks and professionals for their roles as intermediaries in the cum-cum dividend trades.⁸

French investigations have investigated both French and foreign banks over the past six years to see if they intentionally violated tax laws on the dividend trades.⁹

French prosecutors have previously obtained major criminal settlements with Swiss banks, notably UBS and Credit Suisse, for helping wealthy clients evade taxes between roughly 2004-2012. In late 2025, UBS paid approximately €835 million to settle a

¹ *Six large banks are included in the financial prosecutor’s inquiry launched in December 2021*, LE MONDE WITH AFP, Jan. 8, 2026.

² *Id.*

³ *HSBC to pay France \$312 million to settle dividend tax probe*, REUTERS, Jan. 8, 2026.

⁴ *Id.*

⁵ William Hoke, *French Court Approves HSBC’s €267 Million Cum-Cum Settlement*, TAX NOTES INT’L 2026 TNTI 6-14, Jan. 9, 2026.

⁶ *Id.*

⁷ Anne Michel, Jérémie Baruch and Maxime Vaudano, *BNP Paribas, Société Générale, Exane, Natixis and HSBC offices searched as part of tax fraud scandal*, LEMONDE, Mar. 28, 2023.

⁸ *Six large banks are included in the financial prosecutor’s inquiry launched in December 2021*, *supra*.

⁹ Sarah White, *HSBC settles French dividend trade probe for €300mn*, FIN. TIMES, Jan. 8, 2026.

decade-long case involving unlawful solicitation and money laundering, following Credit Suisse's ~\$234 million settlement in 2022 for similar offenses.¹⁰

The criminal investigations of the role of intermediaries in cum-cum trades reflect the proactive positions by prosecutors in transnational tax cases.

¹⁰ *UBS to Pay Nearly \$1 Billion to Settle French Tax Evasion, Money Laundering Case*, GLOBAL RADAR, Sept. 30, 2025.

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