



United States Mission to the OSCE

Session V: International Information Exchange

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Thank you, Madam Moderator. I have some remarks to make on the subject of international information exchange, and then I will have a question for the panel.

Thank you, distinguished panelists, for providing your views on the value of information exchange in combating money laundering, terrorist finance, and other financial crimes. Throughout its history, going back to the Helsinki Final Act and the Charter of Paris, and stated most recently in the 2003 Maastricht Strategy, the CSCE and OSCE have considered the economic aspects of security to be of utmost importance. The OSCE's work to strengthen participating State's capacities to address a range of economic crimes has contributed to stronger economic security. As a facilitator and platform for dialogue, the OSCE is well-placed to support the work of FATF and FATF-style regional bodies to strengthen standards on cross-border information exchange, particularly as they relate to anti-money laundering and combating the financing of terrorism.

The OSCE can and should help shape the debate on what the rules of the road for information exchange in the OSCE space should be. As a norm-setting institution from the beginning, the OSCE has helped build strong institutions that are transparent and accountable to their citizens, and should continue to do so where those institutions are not yet fully developed. The OSCE can now enhance others' work by ensuring that jurisdictions have strong rule-of-law foundations, so that when they implement the AML/CFT measures, they do so appropriately. A strong institutional foundation is the bedrock upon which international efforts to cooperate on fighting financial crimes rests.

The exchange of financial information must not be used as a tool of political harassment. Mr. Verhelst said in his presentation that mutual cooperation is based on trust, and that anything that breaches that trust destroys the idea of mutual cooperation. I call attention to one case that unfortunately illustrates this principal all too well: the situation of Ales Byalyatski of Belarus, a human rights activist and formerly leader of the human rights center "Vyasna." Byalyatski was arrested only after an information exchange network was used by the government of Belarus to obtain information about Vyasna's finances. The countries that provided this information have since formally withdrawn that information, disavowed its continued use in any legal proceeding, and temporarily ceased cooperation on information

sharing with Belarus until new procedures and controls could be put into place to prevent a recurrence of such a problem.

In the view of the United States, there is no question that Belarusian authorities abused legitimate tools of international cooperation to infringe on Byalyatski's human rights, and as we have noted in other statements, we view this with the utmost concern. Moreover, and particularly with respect to this session, we note that misusing these tools reduces their effectiveness, if countries are put in the position where even "routine" information requests require lengthy, labor-intensive vetting to ensure that shared information will not be used for illegitimate purposes.

In order to open up dialogue on this subject, I would turn my remarks into a question: how do we maintain and strengthen international information exchange in a way that protects the human rights and fundamental freedoms of our citizens?

Thank you, Madam Moderator.