



**ANTI-MONEY LAUNDERING AND COUNTERING THE FINANCING OF TERRORISM
(AML/CFT) NEWSLETTER FOR CENTRAL ASIA**

Issue 35 - February 2009
Available online at <http://www.imolin.org>

CALENDAR

1 FATF plenary and working groups meeting [international]

Date: February 23-27, 2009
Organizer: FATF
Location: Paris, France
Contact information: contact@fatf-gafi.org

2 Egmont Committee and Working Groups [international]

Date: March 2-5, 2009
Organizer: Egmont Secretariat and FIU Guatemala
Location: Guatemala City, Guatemala
Contact information: mail@egmontsecretariat.org

3 Financial Investigation Training Course [national]

Date: March 2-6, 2009
Organizer: UNODC
Location: Bishkek, Kyrgyzstan
Contact information: Madina Sarieva, madina.sarieva@unodc.org

4 Moneyval plenary meeting [regional]

Date: March 16-20, 2009
Organizer: Moneyval
Location: Strasbourg, France
Contact information: dq1@moneyval.coe.int

5 "Methods and Forms of Internet intelligence"- special training for analytical staff of EAG country-member FIUs [regional]

Date: March 26-27, 2009
Organizer: ITMCFM
Location: Moscow, Russian Federation
Contact information: anocentre@mail.ru

6 Workshop on "Implementation of the United Nations convention against corruption into domestic laws and practice" [national]

Date: March 31-April 1, 2009
Organizer: UNODC/ROCA jointly with UNDP and OSCE
Location: Tashkent, Uzbekistan
Contact information: Olga Zudova, olga.zudova@unodc.org

7 AML/CFT Legal support training for EAG country-member FIUs [regional]

Date: March 30 – April 2, 2009
Organizer: ITMCFM
Location: Moscow, Russian Federation
Contact information: anocentre@mail.ru

8 Egmont Plenary Meeting [international]

Date: May 24-28, 2009
Organizer: Egmont Group
Location: Doha, Qatar
Contact information: mail@egmontsecretariat.org

AML/CFT Developments in Central Asia

AFGHANISTAN



Afghanistan enacted an AML/CFT law in 2004. The Financial Intelligence Unit was established in 2005. Afghanistan has commenced application process for Egmont Group Membership in 2007; sponsors are the USA and Malaysia. Afghanistan is scheduled to undergo an APG Mutual Evaluation in the 3rd quarter of 2009. Afghanistan is a member of the

Asia Pacific Group (APG) and observer to the EAG.

BELARUS



Belarus became a full member of the Egmont Group in 2007. The on-site visit of the Belarus mutual evaluation took place at the end of July 2008. The mutual evaluation report was adopted by the

EAG during its Plenary Meeting in Moscow in December 2008. Belarus is a member of EAG, and co-chairs the EAG Typologies Working Group.

CHINA



The AML/CFT law was adopted on 31 October 2006 and came into force on 1 January 2007. The Mutual Evaluation Report of China was adopted by FATF

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in June 2007 and by EAG in December 2007. China Progress report was adopted by FATF and EAG in July 2008. A follow up report was presented during the EAG Plenary Meeting in Moscow in December 2008. China is a member of EAG and FATF, and serves as co-chair of the EAG Evaluation/Legal Working Group.

KAZAKHSTAN



The draft AML/CFT law was adopted in the first reading in the Parliament in February 2009 and its final adoption is expected by the end of March 2009. A decision to establish the Financial Monitoring Committee (FIU) within the Ministry of Finance was taken by the Government on 24 April 2008. The head of the Financial Monitoring Committee was appointed in September 2008. Kazakhstan is scheduled to undergo an EAG Mutual Evaluation in 3rd quarter of 2009. Kazakhstan is a member of EAG, and co-chairs the technical assistance working group.

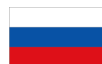


KYRGYZSTAN

EAG 1st round Mutual Evaluation Report of Kyrgyzstan was adopted at the EAG Plenary in June 2007. It is available on the EAG website. Progress reports were presented during the 7th EAG Plenary meeting in 2007 and 8th EAG Plenary in July 2008. A follow up report was presented during the EAG Plenary Meeting in Moscow in December 2008. Eleven amendments to the ML/FT legislation were accepted by the Parliament in 2008 (this includes criminalization of terrorism financing). The Kyrgyz FIU has commenced its application process for membership in Egmont,

sponsored by the Russian Federation and Ukraine. Kyrgyzstan is a member of EAG, and Deputy Chair of EAG.

RUSSIAN FEDERATION



Joint AML/CFT Mutual Evaluation of Russian Federation was conducted by FATF, Moneyval and EAG in 2007. Joint Evaluation Report was adopted by FATF/Moneyval/EAG in June and July 2008. Russian Federation is a member of FATF, Moneyval and EAG; chairs the EAG, has a deputy chair of Moneyval, and co-chairs EAG Technical Assistance, Typologies and Evaluation/ Legal Working Groups.

TAJIKISTAN



The Agency for State Financial Control and Combating Corruption was established in Tajikistan in early 2007. The AML/CFT law is being drafted in the Office of the President in 2007, but is has not been yet presented to the Parliament. The World Bank mutual evaluation report was adopted by the EAG during its Plenary Meeting in Moscow in December 2008. The EAG decided to place Tajikistan under enhanced follow up procedure. Tajikistan is a member of EAG.

TURKMENISTAN



Draft AML/CFT law is being considered by the Parliament of Turkmenistan. On 20 June 2008, 16 October 2008 and 25 February 2009 the FATF reaffirmed its statement of 28 February 2008 regarding the anti-money laundering and countering the financing of terrorism risks posed by Turkmenistan. In the last FATF

statement FATF urges Turkmenistan to adopt without further delay a comprehensive AML/CFT regime, that meets international AML/CFT standards. FATF encourages Turkmenistan to continue to work closely with EAG and IMF to achieve this. Turkmenistan became an observer member of EAG in December 2007.

UZBEKISTAN



Pursuant to Presidential Decrees issued in January, February and April 2007, implementation of certain provisions of the AML/CFT law were suspended until the year 2013. A Decree of Feb. 20, 2008 prohibits banks and officials from enquiring into legality of sources of funds of transactions executed by physical persons. This Decree is effective from 1 April 2008 to 1 April 2009. On 20 June, 16 October 2008 and 25 February 2009 the FATF reaffirmed its statement of 28 February 2008 regarding the AML/CFT risks posed by Uzbekistan. In its last statement FATF stated that despite the progress undertaken by Uzbekistan to adopt comprehensive measures, concrete measures to address the identified deficiencies have not yet been implemented. Uzbekistan is a member of EAG, and will undergo an AML/CFT Evaluation by EAG in 2009.

Euro-Asian Group (EAG) update

Schedule of EAG member-states' AML/CFT Mutual Evaluations:

Country	Evaluators	On-Site Evaluation	Plenary Discussion	Mutual Evaluation Reports [MER]
CHINA	FATF, EAG	Completed 2006	Adopted: FATF (June 2007) EAG (Dec 2007)	MER and Summary in English: http://www.fatf-gafi.org/dataoecd/24/45/39148209.pdf EAG First MER, Progress report in English: http://www.eurasiangroup.org/china.htm
BELARUS	EAG	July 27 – Aug 3, 2008	Adopted: EAG (December 2008)	MER and Summary in English and Russian: http://www.eurasiangroup.org/index-7.htm EAG Executive summary on first MER in English: http://www.eurasiangroup.org/belarus.htm EAG Executive summary on first MER in Russian: http://www.eurasiangroup.org/rus/belarus.htm
KAZAKHSTAN	EAG	3-d Quarter 2009	November 2009	-
KYRGYZSTAN	EAG	Feb 2007	Adopted: EAG (June 2007)	MER with Summary and Progress report in English: http://www.eurasiangroup.org/kyrgyz.htm MER with Summary and Progress report in Russian: http://www.eurasiangroup.org/rus/kyrgyz.htm
RUSSIA	EAG, FATF, MONEYVAL	Sept 24 – Oct 2, Nov 12-23, 2007	Adopted: FATF (June 2008)	MER and Summary in English: http://www.fatf-gafi.org/dataoecd/51/27/40945440.pdf

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			Moneyval (July 2008) EAG (July 2008)	
TAJIKISTAN	EAG, World Bank	June 2007	Adopted: EAG (December 2008)	-
UZBEKISTAN	EAG	2009	EAG (June 2009)	-

<http://www.eurasiangroup.org>

Technical Assistance Update & Regional news

IMF and Switzerland intend to provide more AML/CFT technical assistance to the Kyrgyz Republic. The IMF held a conference on 30 Jan 2009 in Bishkek to discuss the progress of its technical assistance project aimed at strengthening the AML/CFT system in the Kyrgyz Republic. The IMF project was funded by the Swiss Government and had been implemented since February 2007. At the conference, the Swiss Government expressed recognition of the significant progress achieved by the authorities in developing AML/CFT measures with the support and technical assistance provided by the IMF. In that connection, the Swiss Government approved and announced the allocation of more funds to sponsor a follow-up project, to be implemented over 2009 and 2010. The IMF project manager, Mr. Giuseppe Lombardo, highlighted that the follow-up project would focus on the financial sector supervisors and the financial intelligence unit as the key beneficiaries and would include technical assistance aimed at the following:

- Enhancing the country's AML/CFT legislative framework and secondary legislation;
- Strengthening the banking supervisory/regulatory AML/CFT framework such as risk-based approach and onsite inspection;
- Increasing the banking sector's capacity to more effectively implement AML/CFT measures, particularly in the area of customer due diligence and detection and reporting of suspicious transactions;
- Assisting the securities and insurance supervisory agency, which is at the initial stages of developing AML/CFT measures for the securities and insurance sectors; and
- Expanding the capability of the financial intelligence unit in analyzing and disseminating reports submitted by financial institutions.

The conference was preceded by a 2-day workshop held on 28 and 29 January 2009 for commercial banks to enhance their understanding of AML/CFT measures. The workshop was attended by 30 participants and included representations by experts and authorities on transaction monitoring, wire transfer rules and typologies on money laundering and terrorist financing. A primary feature of the workshop was interactive group exercises which required participants to analyze and present their assessments on three case studies.

FATF update

The FATF Plenary Meeting took place in Paris, from 25 to 27 February 2009. During the meeting the FATF members:

- Issued a Statement calling on its members, and urging all jurisdictions, to apply effective counter-measures to protect their financial sectors from the money laundering and terrorist financing risks emanating from **Iran**. The FATF also updated its previous Statement on the money laundering and terrorist financing risks emanating from **Uzbekistan, Turkmenistan, Pakistan and São Tomé and Príncipe**;
- Discussed and adopted the mutual evaluation report of **South Africa**;
- Published a detailed study on the money laundering and terrorist financing vulnerabilities in the **casinos and gaming sector**;
- Analyzed the impact of the **global financial and economic crisis** on efforts to combat money laundering and terrorist financing.

For more info, please visit: <http://www.fatf-gafi.org>

Central Asian Regional Information and Coordination Centre (CARICC) update

- On 5 February, 2009 Mr. Sarsekov, CARICC director attended the meeting of **European Union's Troika** with participation of Horizontal working group on drug issues at the EU directorate of internal affairs and justice, EU member states and delegations from Central Asia. The meeting was also attended by representatives of UNODC, Europol, European monitoring centre for drugs and drug addiction.

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The key discussion point was the drug situation in Afghanistan. It was highlighted that despite measures taken, drug trafficking from Afghanistan continues posing a threat. In particular, EU representative emphasized that Europe remained a main drug consumer, including Afghan heroin. During the meeting a positive role of CARICC in TARCET operation was underlined.

While discussing cooperation of EU with Central Asian countries a results' analysis was made on "BOMCA/CADAP" programmes, highlighting their expediency and topicality. The programmes allowed to improve situation on the borders of Central Asian states and enhanced effectiveness of the work of law enforcement and border control agencies.

- **First meeting of the CARICC Council (Management Board)** took place in Almaty on 26 February, 2009. The Council members from Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan and Turkmenistan took part in the meeting. Russia and Uzbekistan were represented as observers. The meeting was presided by the Minister of Interior of Kazakhstan.

The Council approved strategic plan of CARICC for the nearest two years, CARICC structure, CARICC staff rules and regulations and other important issues for CARICC activities. The Council granted observer status to France and Interpol. Other requests on observer status are being considered.

In addition, Council set a task to CARICC to proceed with clearance of the draft "Agreement on exchange and security of secret information" and took a decision to endorse the candidates for the post of the Director (Representative of Kazakhstan – Mr. Sarsekov) and his Deputy (Representative of Kyrgyzstan – Mr. Madybaev) to be approved by the heads of the member states.

At the moment the Agreement on establishment of CARICC has been ratified by the parliaments of five member-states that allow the Agreement to enter into force and CARICC to become fully operational.

AML/CFT Initiatives of WESTERN UNION

The Western Union Company is an independent, publicly owned company whose shares trade on the New York Stock Exchange (NYSE: WU). Western Union (WU) provides non-account based remittance services to consumers and businesses through more than 275,000 Agent locations in over 200 countries and territories.

The 22 country Eastern Europe/Confederation of Independent States (EE / CIS) region represent a strong growth opportunity for Western Union and other remitters. The World Bank Migration and Remittances Factbook 2008 reports that the top ten remittance recipients in the Europe and Central Asia Region in 2007 were as follows: Romania (US\$6.8 billion), Poland (\$5.0 bn), Serbia and Montenegro (\$4.9bn), Russian Federation (\$4.0 bn), Bosnia and Herzegovina (\$1.9 bn), Bulgaria (\$1.9 bn), Croatia (\$1.8 bn), Albania (\$1.5 bn), Armenia (\$1.3 bn), Tajikistan (\$1.3 bn). With such volumes and anticipated future growth, Western Union recognizes its obligation to maintain a strong Anti-Money Laundering and Counter-Terrorist Funding (AML/CFT) program throughout the region.

WU's Anti-Money Laundering and Counter-Terrorist Funding (AML/CFT) Compliance department includes approximately 300 professionals and support staff in its U.S. headquarters and 39 global field offices, including Moscow, Kiev and Zagreb. The function is led by the Chief Compliance Officer / Associate General Counsel. Regional Vice Presidents and their staffs lead regional AML Compliance operations. The EE / CIS region is supported by several former banking / financial services regulators with extensive experience in the region.

The primary objectives of WU's AML/CFT Compliance department are to:

- Comply with applicable AML/CFT laws and regulations everywhere WU does business.
- Provide AML/CFT Compliance support and guidance to WU's Agents worldwide.
- Work in partnership with AML/CFT regulators and policy makers worldwide to develop effective and workable regulations.

WU provides its services to consumers through authorized Agent representatives, which the company recruits and scrutinizes in a comprehensive due diligence process. WU's Agents are directly in charge of their daily money transfer operations and generally are directly subject to the appropriate licensing and regulatory requirements of the national banking authorities and/or financial intelligence units in their respective countries.

WU Agents are required to meet the applicable AML/CFT regulatory standards attached to their business status. In particular WU Agents are required to:

- Comply with local laws and regulations / Develop direct relationships with local regulators.
- Comply with WU policies.
- Allocate appropriate resources to create a professional compliance staff.
- Maintain proper internal training and audit functions (including internal controls).

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- Maintain records required by local laws and/or WU standards.
- Monitor their WU transaction activity. Identify and report suspicious transactions, as required by local law.

Although its Agents have the primary regulatory obligation for suspicious or large currency transaction reporting in their respective jurisdictions, WU still monitors transaction activity globally to identify inter-country or regional transaction patterns that may be suspicious for money laundering. The company's proprietary monitoring system incorporates internally developed business rules to systematically identify potentially suspicious activity.

WU transactions are screened against the Specially Designated Nationals and Sanctioned Countries lists maintained by the U.S. Office of Foreign Assets Control, and similar lists maintained by the U.N., E.U., Canada and Australia, among others. Transactions with potential matches are researched and released, or held and forwarded to the appropriate authority.

WU has created its own Financial Intelligence Unit (FIU) which has primary responsibility for monitoring the international Agent network and developing tools to effectively address the anti-fraud initiatives of WU. The FIU houses a group of experienced financial analysts dedicated to the special monitoring of selected international Agents and/or countries. It also handles specific monitoring scorecards and analysis reports generated as a result of internal requests and subpoenas. The department also analyzes potential international Agent risks identified through internal risk controls and recommends action plans to manage risk.

WU routinely conducts proactive meetings with U.S. and international governmental agencies such as BaFIN and the European Commission and policy organizations such as International Monetary Fund, World Bank and Regional Development Banks. As a world leader in money remittances, WU is committed to being a world leader in assisting in the protection of the world's financial systems from abuse by money launders and terrorists through effective legislation and enforcement of AML/CFT initiatives.

Provided by Western Union. February 2009.

EGMONT GROUP AML/CFT Case study: USE OF ANONYMOUS ASSET TYPES

David was the owner of an exchange office in an Eastern European country, and a frequent customer of the local bank. Every time he deposited cash into the company account, he told the bank employee that the money originated from customers repaying short-term loans back to the business. Because of the high level of cash deposits - over US\$65,000 – made in a short period, the bank employee became suspicious. After examining the account activities of similar types of business in the locality to determine whether the amounts were typical for a currency exchange firm, the bank informed the national FIU.

By checking the company details against law enforcement data bases, the FIU discovered that the exchange office was not registered for taxes, which were estimated to be some US \$ 400,000 per annum on the information available. The exchange office had also fictitiously ordered services from foreign companies situated in a neighboring country providing consultation, marketing and engineering services. The invoices were properly drawn up but the services were never actually delivered. Based on these fictitious contracts, the exchange office had transferred funds to the neighboring country. The FIU forwarded the disclosure and associated financial analysis to the public prosecutor's office, highlighting a suspicion of tax evasion and fraudulent activities.

The financial police ascertained the amount of taxes the exchange office should have paid, and applied to have all funds frozen prior to confiscation. But David had already transferred almost all company funds to the neighboring country and filed a request for bankruptcy in the first country. The financial police asked the FIU to trace the money. The FIU sent an intelligence request to the FIU in the neighboring country. It not only became clear where the money was, but also that David owned all the foreign companies that had been submitting the fictitious invoices. One of these companies had received the bulk of the money transferred into the country. David had taken out half of the amount in cash, and transferred the other half back to accounts in the first country. He had believed that by using cash, the chances of the authorities tracing the funds back to the source activity were minimized.

At the time of reporting prosecutors in both countries were arranging for David's prosecution for a range of offences including fraud, tax evasion, counterfeit documents, abuse of office and authority, and breach of bankruptcy regulations.

Indicators:

- Unrealistic business turnover
- Large - scale cash transactions
- Use of 'unofficial loan repayments' as a cover story for funds
- A typical or uneconomical fund transfer to or from foreign jurisdiction

«Egmont» group 100 Sanitized cases are available at:

http://www.egmontgroup.org/files/library_sanitized_cases/100casesgb.pdf

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You might be interested....

Position opening: [CARICC financial controller](#).

Deadline for applications: June 1, 2009. Please note that only officers of competent agencies of CARICC member states can apply. For more info, please visit www.caricc.org

Publications and Websites of Interest

http://www.unodc.org	Official website of the UNODC. (In English, Russian, Spanish)
http://www.amlcft.org	World Bank's AML/CFT website. (In English)
http://www.worldbank.org/StAR	World Bank and UNODC's Stolen Assets Recovery Initiative (StAR) website
http://www.imolin.org	International Money Laundering Information Network administered by UNODC Global Program against Money Laundering (GPML) on behalf of a partnership of eleven international organizations and offering model laws, legal library, calendar of key events and other AML/CFT related information. (In English, with some Russian)
http://www.euroasiangroup.org	The EurAsian Group is the FATF-Style Regional Body serving Central Asia. (In English and Russian)
http://www.imolin.org/pdf/imolin/MLawRussian_IMoLIN.pdf	UNODC Model Law in Russian
http://www.fatf-gafi.org/dataoecd/43/46/38960576.pdf	The Guidance on the Risk-Based Approach to combating Money Laundering and Terrorist Financing adopted by the FATF. It outlines the high-level principles involved in applying the risk-based approach, and indicates good public and private sector practice in the design and implementation of an effective risk-based approach.
http://www.fatf-gafi.org/dataoecd/61/28/40248726.pdf	Guidance on Capacity Building for Mutual Evaluations and Implementation of the FATF Standards Within Low Capacity Countries - is primarily intended to support low capacity countries (LCCs) in implementing the FATF standards in a manner reflecting their national institutional systems, is consistent with the ML/FT risks they face, and takes account of their limited resources
http://www.fatf-gafi.org/dataoecd/28/43/40285899.pdf	The study identifies four strategies which could help in further strengthening counter-terrorist financing efforts: (a) Action to address jurisdictional issues, including safe havens and failed states; (b) Outreach to the private sector to ensure access to the information necessary to detect terrorist financing; (c) Building a better understanding of terrorist financing across the public and private sectors; and (d) Using financial investigation, enhanced by financial intelligence.
http://www.eurasiangroup.org/rus/index-5.htm	Russian version of 40 FATF Recommendations [AML] Russian version of 9 FATF Special Recommendations [CFT] with Interpretive Notes
http://www.fatf-gafi.org/dataoecd/45/31/40705101.pdf	FATF's first in-depth study, which examines its vulnerabilities to misuse for money laundering and terrorist financing in real estate sector.
http://www.unodc.org/documents/wdr/WDR_2008/WDR_2008_eng_web.pdf	<i>The World Drug Report 2008</i> provides in depth trend analysis of the four main drug markets in its first section. It also contains an in-depth look at the development of the international drug control system and a small statistical annex which provides a detailed look at production, prices and consumption.
http://www.assetrecovery.org	Asset Recovery Knowledge Center of the International Centre for Asset Recovery (ICAR)

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www.egmontgroup.org	The Egmont Group of Financial Intelligence Groups
http://www.gfip.org/storage/gfip/executive%20-%20final%20version%201-5-09.pdf	Illicit Financial Flows from Developing Countries: 2002-2006 The objective of this study is to estimate the volume and pattern of illicit financial flows exiting the developing world through application of existing economic models using the most recent macroeconomic data available. Illicit financial flows in the context of this report includes the proceeds from both illicit activities such as corruption (bribery and embezzlement of national wealth), criminal activity, and the proceeds of licit business that become illicit when transported across borders in contravention of applicable laws and regulatory frameworks (most commonly in order to evade payment of taxes). This paper does not link illicit financial flows with the underlying activities (whether legal or illegal) that generated the capital to transfer abroad.
http://www.coe.int/t/dghl/monitoring/moneyval/	MONEYVAL - Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
http://www.caricc.org	CARICC - Central Asian Regional Information and Coordination Centre for combating the illicit trafficking of narcotic drugs, psychotropic substances and their precursors, established within the Memorandum of Understanding on sub-regional drug control cooperation dated May 4 1996 (Tashkent, Uzbekistan) between the Republic of Azerbaijan, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan, Turkmenistan, the Republic of Uzbekistan and UN Office on Drugs and Crime (UNODC).

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