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

 Issue 29 - July 2008

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CALENDAR

1. EAG Mutual Evaluators Training [regional]
   - Date: September, 2008
   - Organizer: EAG
   - Location: Moscow, Russian Federation
   - Contact information: info@euroasiangroup.org

2. 1-day AML seminar for Kyrgyz FIU, Drug control agency, Financial Police [national]
   - Date: September 17, 2008
   - Organizer: UNODC/GPML
   - Location: Bishkek, Kyrgyzstan
   - Contact information: Julia Pilgrim, julia.pilgrim@unodc.org

3. Seventh Meeting of the Central Asia Border Security Initiative (CABSI) [regional]
   - Date: September 22-23, 2008
   - Organizer: CABSI/EU
   - Location: Astana, Kazakhstan
   - Contact information: Hardy Roehling, hardy.roehling@undp.org

4. Moneyval training for evaluators
   - Date: October 1-3, 2008
   - Organizer: MONEYVAL
   - Location: Strasbourg, France
   - Contact information: Danielida Weber, dpl.moneyval@coe.int

5. International seminar on Combating the Financing of Terrorism [regional]
   - Date: October 1-3, 2008
   - Organizer: Basel Institute on Governance
   - Location: Davos, Switzerland
   - Contact information: Daniel Thelesklaf, thelesklaf@financial-integrity-network.com

6. 9th EAG plenary [regional: draft mutual evaluation reports on Belarus and Tajikistan]
   - Date: December 6-19, 2008
   - Organizer: EAG
   - Location: TBD
   - Contact information: info@euroasiangroup.org

7. 28th Moneyval plenary [regional]
   - Date: 8-12 December, 2008
   - Organizer: MONEYVAL
   - Location: Strasbourg, France
   - Contact information: Gerhard Mild, gerhard.mild@coe.int

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 2008. 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. Belarus is scheduled to undergo a Mutual Evaluation by EAG in July 2008. The mutual evaluation report should be discussed by the EAG 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

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adopted by FATF in June 2007 and by EAG in December 2007. China Progress report was adopted by FATF and EAG in July 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 is in the Parliament and its consideration for adoption is postponed to autumn 2008. A decision to establish an FIU within the Ministry of Finance has been taken by the Government on 24 April 2008. Kazakhstan is scheduled to undergo an EAG Mutual Evaluation in 2nd quarter of 2009. Kazakhstan is a member of EAG, and co-chairs the technical assistance working group.

KYRGYZSTAN

The Kyrgyz FIU has commenced its application process for membership in Egmont, sponsored by the Russian Federation and Ukraine. EAG’s 1st round Mutual Evaluation Report of Kyrgyzstan was adopted at the EAG Plenary in June 2007. It is available in EAG website. Progress report was presented during the 7th EAG Plenary meeting in China, 11-14 December 2007 and during 8th EAG Plenary in Kyrgyzstan, 15-18 July 2008.

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 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. An AML/CFT law is being drafted in the Office of the President. A discussion on the draft Mutual Evaluation Report of Tajikistan has been postponed until EAG Plenary meeting in December 2008. Tajikistan is a member of EAG.

TURKMENISTAN

Draft AML/CFT law is being considered by the Parliament of Turkmenistan.

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. Uzbekistan is a member of EAG, and will undergo an AML/CFT Evaluation by EAG in the 4th quarter of 2008.

**Euro-Asian Group (EAG)**

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On 9-11 July, the OSCE (OSCE Centre in Astana and OSCE Secretariat in Vienna) in co-operation with the United Nations Office on Drugs and Crime (UNODC) organized a 3-day workshop on “Seizing, confiscating and sharing/returning of proceeds/instrumentalities of crime transferred to foreign jurisdictions”.

The event brought together international legal experts from Ireland, the United Kingdom, the United States and the Netherlands as well as fifty counterparts from Central Asia, Afghanistan and Ukraine. Interpol and Europol representatives also participated, along with senior legal advisers from the UNODC.

The workshop was a response to an OSCE Ministerial Decision that recognizes the importance of implementing the United Nations Convention against Trans-national Organized Crime. Participants discussed ways to enhance legal co-operation in the field of mutual legal assistance, particularly in freezing and confiscating criminal assets. The workshop also aimed at establishing informal links among law-enforcement and judicial personnel and contributed to improving domestic laws and implementing practices to bring them into compliance with international standards. The workshop was funded by the governments of Norway, Belgium and the United States.

The 8th EAG Plenary meeting was held on July 16-17, 2008 in Issuk-Kul region (Kyrgyzstan) with the participation of EAG member-states (Belarus, Kazakhstan, China, Kyrgyzstan, Russian Federation, Tajikistan and Uzbekistan), as well as the representatives of observer states and organizations (Armenia, Afghanistan, Great Britain, Georgia, India, Italy, Lithuania, Moldova, Poland, USA, Turkey, Ukraine, FATF, World Bank/UNODC, OSCE, EurAsEC, CIS, EBRD and MONEYVAL).

Members discussed and adopted the joint EAG/FATF/MONEYVAL mutual evaluation report of Russia’s compliance with AML/CFT international standards, as well as the recommendations to address the deficiencies identified in the course of the evaluation. This report has been approved by FATF in June 2008 and by EAG and MONEYVAL in July 2008 accordingly. The plenary meeting also approved the progress reports of China and Kyrgyzstan.

The Plenary urged Uzbekistan to make concrete steps to reinstate all components of its AML/CFT system and confirmed the desire of EAG to provide Uzbekistan with the necessary assistance on this issue. EAG decided to send a mission to assess the situation on the ground in Uzbekistan. The mission should take place in September 2008.

Discussions and the adoption of the Tajikistan mutual evaluation report has been rescheduled for December 2008, because the Tajik authorities did not submit the draft MER to the EAG Secretariat.

AML/CFT typologies research and technical assistance on establishment of national AML/CFT systems in EAG member-states were considered.

Regional Workshop on ML/FT for judges of Central and Eastern Europe took place in Vienna, Austria. The workshop was jointly organized by the OSCE and the UNODC. The main objectives of this workshop were to:

1. provide participants with a sound understanding of the key legal and practical issues relating to the adjudication of money laundering cases;
2. explain the international legal context in which national legislation has been developed;
3. provide an introduction to and practical advice on the application of laws, which allow for the seizure and confiscation of proceeds of crime;
4. All together 26 judges and prosecutors from the following 16 countries attended the workshop: Albania, Kosovo, Belarus, Bosnia and Herzegovina, Bulgaria, Czech Republic, Estonia, Georgia, Hungary, Moldavia, Montenegro, Latvia, Lithuania, Poland, Romania, and Slovenia.

The European Union programme “Central Asia Drug Action Programme” (CADAP) aims at a gradual adoption by beneficiary authorities of EU good practices in the field of drug policies and covers both supply and demand reduction aspects. Adopting modern drug law enforcement tactics and operational techniques is crucial and the establishment of Drug Profiling Units is one of the key components of CADAP. Drug Profiling Units (DPUs) have both operational and analytical activities. Promotion of multi-agency cooperation will increase effectiveness of drug control while reducing opportunities for corruption. Searching and analytical capacities will be enhanced. Implementation of methodologies on “risk analysis” will maximize the chance of detection of drug but at the same time minimize the disruption of circulation of persons and goods.

- on the basis of the country assessment, the project will provide renovation/infrastructure for the DPUs;
- the project will provide office equipment including drug and precursor testing kits and search tools. Equipment is to be delivered before the implementation of field training in order that practical tuition in their use can be incorporated;
- the project will implement on site training at each DPU. The training activity will include consolidation of the work done under CADAP 2 by re-training staff of the DPUs established under that project. A regional DPU seminar is envisaged within the project;
- a study tour of national DPU staff to observe the operation of DPUs in the EU will be organized within the project.

Following activities are being organized within Central Asia Drug Action Programme (CADAP)

- Drug epidemiology: establishment of sustained capacity to analyze drug related data based on guidelines of EMCDDA (European Monitoring Centre on Drugs and Drug Addiction). This is an ongoing event, it will be finalized until end of 2008;
- Prevention campaign in the media: to inform the population of the health-risks of drug use (including HIV infection). The campaign started in March 2008 and will continue until the end of 2008 under the project MEDISSA;

- Drug and explosive detecting dogs and handlers from the region have been trained in Kazakhstan during a 3 months training course, including the procurement of dogs, which are now deployed at Border Crossing Points and airports throughout the country;

- The first Drug Profiling Unit (DPU) in Kazakhstan is a multi agency DPU consisting of the Border guards, the Customs Committee, the Ministry of Interior and the National Security Committee which is related to Astana airport and aimed at gathering the information and analyzing the risk flights to and from Astana airport. The initial training was provided in June 2008. A study tour to Europe at the end of September 2008 as well as regional seminar in Ashgabat, Turkmenistan in November 2008 is envisaged within the project. It is expected that the DPU will be fully furnished and equipped by the project until the end of 2008.

- The design for the construction of the rehabilitation centre at the prison of Pavlodar has been finalized. Tender for construction work and procurement of equipment is under process and the construction work will start in the second half of 2008.

Projects for in 2008:

Regional Dog handlers Training in Regional Cynological Centre of the Customs Control Committee under the Ministry of Finance of the Republic of Kazakhstan started on July 28 to October 28, 2008, the opening ceremony with participation of Mass Media was on July 28, 2008.

The Central Asia Border Security Initiative (CABSI) is a consortium of EU Member States, led by Austria¹. Each year, the CABSI Consortium meets to review the progress of the BOMCA programme and to discuss its future direction and necessary funding. All five previous annual meetings have been held in Vienna, the last years meeting was held in Bishkek, the 2008 meeting is to be held in Astana, so that representative of the five Central Asian states should have an opportunity of explaining their priorities. It is also anticipated that Russia, China and the USA will outline their border management assistance programmes to Central Asia.

The purpose of the 7th CABSI Meeting which will be conducted in September 22-23, 2008 in Astana is the following:

- To present Border Management & Drug Action Programmes in Central Asia
- To provide an opportunity for coordination, comments and discussion
- To promote parallel funding from donor organizations and in-kind contributions to EU projects

Border Management in Central Asia Programme (BOMCA)

- Several regional and national "Training of Trainers" courses with participation of different Kazakhstani and Central Asian Border agencies were conducted in Almaty on the basis of the Border Controllers’ Training Center under Border Service of the National Security Committee of Kazakhstan. The activities have a strong focus on modern methodologies and Integrated Border Management. June 2007, September 2007, October 2007- are the dates of the activities;

- In cooperation with the Military Institute in Almaty intensive English language courses were conducted from January till March 2008, the courses were provided by British Council trainers;

- Official skills training for border guards was conducted by BOMCA/IOM/UNHCR and OSCE activity as a joint activity in June 2008; Renovation and IT/office equipment to “Merke” Railroad Crossing point BCP has also provided under the project;

- Drug Detectors have been successfully procured and delivered to Kazakh – Kyrgyz Border Crossing Point “Kordai” in November 2007, IT equipment for Ministry of Agriculture and procurement of the special equipment for Phyto-sanitary Unit of the Ministry of Agriculture (microscopes/binoculars, etc) was delivered for the use at the border in September 2007.

- Representatives of Kazakhstani Border Guard Service participated in the conference on issues of information exchange between various Border Services in Europe and other countries. The conference took place in Budapest, HU in May 2008. Two more study tours are conducted within the project: One was in Vienna, AT in July 2007 on Border Guards best practices, and the other one is planned to FRONTEX in Poland in October 2008.

⇒ 27th Moneyval plenary meeting was held in Strasbourg, France, from 7 to 11 July 2008. Mutual evaluation reports of Israel, Romania, Russian Federation and Macedonia, as well as progress reports of Poland and Georgia were adopted.

The plenary decided to hold the next Moneyval training for mutual evaluators in Strasbourg, from 1 to 3 October 2008. Whilst the training will be still based on the FATF Methodology it will not include the simulation of the assessment - the

¹ Its members include UK, Finland, France, Poland, Estonia, Latvia, Lithuania, plus Croatia and USA as independent partners.
CARICC update

The draft law on ratification of the CARICC Agreement was submitted to Majilis of Kazakhstan’s Parliament by the Government decree (#662 dated July, 1st/2008).

On June 27, 2008 Deputy Minister of Foreign Affairs of Kazakhstan Mr. Danenov N. met with ambassadors of Azerbaijan, Kyrgyzstan, Russia, Tajikistan and Turkmenistan on ratification issue of the CARICC Agreement. Within the framework of the mentioned meeting the ambassadors of Azerbaijan, Kyrgyzstan and Tajikistan received officially certified copies of the Agreement for ratification.

⇒ In its turn the Ministry of Foreign Affairs of Tajikistan informed that the government launched ratification process of the CARICC Agreement. The Ministry expects it to be ratified in near future (MFA Tajikistan note #17-3(8055) dated 24.06.08).

⇒ In accordance with the note of the Ministry of Foreign Affairs of Uzbekistan to the UNODC Regional Office for Central Asia (#11/17151 dated July, 2nd/2008) the Republic of Uzbekistan also launched pre-ratification process on the CARICC Agreement.

⇒ In Kyrgyzstan the CARICC Agreement has already been endorsed in two committees of Kyrgyz Zhogorgu Kenesh (Parliament) and submitted to plenary session for ratification, which will take place in autumn session.

⇒ Thus, following Turkmenistan which ratified CARICC Agreement in December 2007, other member states are proceeding in the same direction.

⇒ The Prime Minister of the Russian Federation Putin V.V. mentioned the necessity for the Russian Federation to join the CARICC Agreement in his address on July 7th/2008 on Government presidium session.

Besides, plenipotentiary representative (liaison officer) of competent authorities of Kazakhstan was seconded to CARICC. The same decision was taken by Uzbek government.

"EGMONT" group case study:

Paula and Eric were a married couple living in a European city, both immigrants from a foreign jurisdiction. Each day after his return from ‘work’ Eric gave Paula US $ 1,000 - $2000 in small bills. Paula was aware that Eric was illegally living in the country and was also involved in drug trafficking, but the relationship and wealth that he provided her overcame any feelings of guilt. He made a lot of money, but was aware of the risks of identification involved when undertaking any financial transaction with a legitimate institution. He decided to use Paula - who is a legal resident - as a figurehead. She exchanged the dollars into larger denominations at various financial institutions and handed over the notes to Eric. Eric was arrested for a minor drug trafficking offence and placed in detention awaiting trial. At home, Paula had US$42,000 in cash, which helped her overcome her sadness at his arrest. Paula immediately went to her bank and transferred US$ 16,500 to her mother’s account in another country, and transferred a further US$24,000 into her own account at another institution in the same foreign country. Three days later, when Paula visited her mother in the second country, Paula and her mother withdrew the US$ 16,500. They spent the money on a new car as a gift for Paula’s brother. Then Paula withdrew the US$24,000 out of her own account, and gave the money to her father, in order for him to exchange it into another currency. However, Paula’s father suggested that it may be more sensible to invest the money rather than spend it straight away, and gave the money to Paula’s brother. Shortly afterwards, Eric’s criminal contacts traced Paula to the foreign country and began to demand the return of the money that Eric ‘owed’ them. They told her that if she didn’t return the money, her family would be killed. But Paula - now being a rich woman by local standards - was not afraid. She didn’t pay any attention to them until they raided her brother’s house and threatened his wife. Seeing no other way out, Paula turned to the local police and explained everything. The police informed the national FIU of the monetary aspects of the case. The FIU initiated an investigation and asked the national public prosecutor to take precautionary measures. A few days later Paula and her relatives were charged for the offence of violating the law of preventing money laundering. The car and Paula’s bank account were restrained. Unfortunately, there was not much left in the account because Paula had withdrawn the funds in cash shortly before informing the police of her problem. Her brother claimed to have lost the whole amount gambling.

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The Paris Pact Initiative is an international partnership of states and organizations to combat traffic in and abuse of Afghan opiates. It aims to positively impact on the drug situation in key countries along the Afghan opiates trafficking routes through a concerted identification of problem areas (both geographically and substantively) and actions required to address them, as well as through coordination of counter narcotics technical assistance.

More than 55 countries and organizations sealed a pact (the Paris Pact) at the Conference on Drug Routes from Central Asia to Europe, held in Paris on 21-22 May 2003. They agreed on concerted measures to limit the trafficking of Afghan opiates through West & Central Asia and Europe and on the need for stronger and better coordinated action in border control and law enforcement. This commitment was subsequently reiterated by the countries of the G8, by the United Nations Security Council and at a second Ministerial Conference on Drug Trafficking Routes from Afghanistan, held in Moscow on 26-28 June 2006.

Through the Paris Pact Initiative, UNODC facilitates periodical consultations at the expert and policy level in order to jointly discuss, identify and set in motion drug supply and demand reduction actions in the countries most affected by the production and trafficking of Afghan opiates. Furthermore, this Initiative promotes a more effective use of technical assistance resources in the field of counter narcotics enforcement. To this purpose, information and data on technical assistance in this field is made available to partners through the Automated Donor Assistance Mechanism (ADAM - www.paris-pact.net), a secure, internet-based coordination tool. The Paris Pact Initiative is also strengthening counter narcotics analytical capacities in and around Afghanistan through the work of a network of National Strategic Analysts based in Central Asia, Afghanistan, Pakistan, Islamic Republic of Iran and the Russian Federation.

Paris Pact consultations have provided a forum for information sharing on opiate trafficking trends and the identification of new trafficking routes and methods. Expert Round Tables have promoted a strategic approach that targets the problem of Afghan opiates trafficking from a regional and sub-regional perspective. The establishment of the Central Asian Regional Information and Coordination Centre (CARICC) and the Gulf Centre for Criminal Intelligence are two examples of regional centres for information and intelligence sharing in Central Asia and the Persian Gulf, respectively, which have been devised and launched in the framework of Paris Pact consultations. The analysis of information carried out at the expert-level has also helped priority countries to upgrade their national drug control plans and strategies. For instance, the new National Drug Control Master Plan for Pakistan has been developed based on Paris Pact expert recommendations. Last but not the least, Paris Pact consultations have been instrumental to coordinate counter narcotics activities and plan priority actions to strengthen border control and law enforcement capacities along the three main trafficking routes of Afghan opiates to western markets.

In order to make the Paris Pact more action-oriented, in 2007 UNODC grouped the outcomes and recommendations of the expert round tables into seven action plans which, together, have come to be better known as the “Rainbow Strategy”. The Rainbow Strategy is a regional strategy which calls for a series of actions to reduce the negative health, social and security consequences of opium and heroin production and consumption in and around Afghanistan. An important principle in the development of this regional strategy was to break it down into smaller components to allow local alliances to converge around shared interests. The proposed initiatives de facto surround Afghanistan, which makes it possible to engage constructively with its neighbours and prime regional actors.

Four of the action plans which form part of the Rainbow Strategy were already completed in 2007. These include Operation Target, an ongoing operation targeting the smuggling of precursor chemicals en route to Afghanistan ("the red paper"), the "blue paper" which aims to increase the number of opium-free provinces in Afghanistan and improve governance records; the "green paper" which is meant to strengthen cross-border counter-narcotics cooperation amongst Afghanistan, Iran and Pakistan (also known as the Triangular Initiative); and the "yellow paper" to secure Central Asia’s borders with Afghanistan through intelligence cooperation and border management. The purple paper, which is to be finalized in 2008, aims to foster cooperation in the Caspian Sea and between Turkmenistan, Afghanistan and Turkmenistan and Iran.

The Paris Pact Secretariat recently initiated a new initiative aimed at looking the financial flows derived from Opium production and trafficking in an out of Afghanistan. A Working Group, to which the EAG is a member, was set up in March and will prepare a background document, to be examined and reviewed by the Experts of the Paris Pact in November 2008.

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Publications and Websites of Interest

- **http://www.unodc.org**
  - Official website of the UNODC. (In English, Russian, Spanish)

- **http://www.amicft.org**
  - World Bank’s AML/CFT website. (In English)

- **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.

  - 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.euroasiangroup.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.

  - The World Drug Report 2008 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.

- **www.assetrecovery.org**
  - Asset Recovery Knowledge Center of the International Centre for Asset Recovery (ICAR)

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