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The World Bank

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

Issue 60 – July/August 2011
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CALENDAR OF EVENTS

1 Regional Seminar on Seizing and Recovering the Illegal Proceeds of Drugs and Crime

Date: 6 - 8 September 2011
Organizer: OSCE SPMU/OCEEA
Location: Kyiv, Ukraine
Contact information: valery.korotenko@osce.org

6 AML/CFT Workshop on Domestic Inter-agency Cooperation

Date: 6 – 7 October 2011
Organizer: World Bank/UNODC
Location: Bishkek, Kyrgyzstan
Contact information: Jyldyz.asanbaeva@unodc.org

2 Workshop on International Cooperation in Investigating, Prosecuting and Adjudicating Corruption Offences

Date: 6 - 8 September 2011
Organizer: UNODC
Location: Tashkent, Uzbekistan
Contact information: Jurabek.AMONOV@unodc.org

7 National Risk Assessment Workshop

Date: 11 – 13 October 2011
Organizer: World Bank/UNODC
Location: Astana, Kazakhstan
Contact information: Jyldyz.asanbaeva@unodc.org

3 Europe/Eurasian Regional Review Group meeting (ICRG)

Date: ICRG/EERG/FATF
Organizer: 22 - 23 September 2011
Location: Paris, France
Contact information: Tatjana.Leonhardt@bafin.de

8 FATF Plenary and Working Group Meetings

Date: 24 - 28 October 2011
Organizer: FATF
Location: Paris, France
Contact information: contact@fatf-gafi.org

4 36th MONEYVAL Plenary Meeting

Date: 26 - 30 September 2011
Organizer: Moneyval
Location: Strasbourg, France
Contact information: dghl@moneyval.coe.int

5 FATF WGEI Intersessional Meetings

Date: 26 - 30 September 2011
Organizer: FATF
Location: Rome, Italy
Contact information: wgei@fatf-gafi.org

AML/CFT Developments in Central Asia

AFGHANISTAN



Afghanistan enacted an AML/CFT law in 2004. The FIU was established in 2005. The on-site visit of Afghanistan's mutual APG-IMF evaluation took place in January 2011. Afghanistan is a member of the Asia Pacific Group (APG) and observer to EAG. Afghan FIU became an Egmont Group member during the Egmont plenary meeting in Colombia (June 2010).

BELARUS



The AML/CFT Law of Belarus was adopted in 2000. Belarus became a member of the Egmont Group in 2007. Belarus is a member of EAG. The Mutual Evaluation Report of Belarus was adopted by EAG in December 2008. Two Mutual Evaluation Follow-up Reports were adopted by EAG in December 2009 and December 2010.

CHINA



The AML/CFT law was adopted in October 2006 and came into force on 1 January 2007. The Mutual Evaluation Report of China was adopted by FATF in June 2007 and by EAG in December 2007. China Progress report was adopted by FATF and EAG in July 2008. The fifth Mutual Evaluation Follow-up Report was adopted by EAG in December 2010. China is a member of EAG and FATF, and also holds a position of a Vice-Chair of EAG and co-chairs the EAG Evaluation/Legal Working Group.

KAZAKHSTAN



The AML/CFT law was adopted in June 2009 and came into force on 9th March 2010. The Financial Monitoring Committee (FIU) was established within the Ministry of Finance on 24 April 2008. Kazakhstan is a member of EAG, and co-chairs the EAG Technical Assistance Working Group. In October 2010 Kazakhstan underwent an EAG AML/CFT Mutual Evaluation. The Mutual Evaluation Report was adopted during the EAG Plenary in June 2011. In July 2011 during the 19th plenary meeting in Yerevan, Armenia Kazakh FIU became a member of the Egmont Group.

KYRGYZSTAN



Kyrgyz State Financial Intelligence Service - SFIS (FIU) became a member of the Egmont Group in May 2009. Kyrgyzstan is a member of EAG. The EAG 1st round Mutual Evaluation Report of Kyrgyzstan was adopted in June 2007. A fifth Mutual Evaluation Follow-up Report was adopted by the EAG in December 2010. After the adoption of the Mutual Evaluation Report all together 28

AML/CFT related laws were adopted by the Kyrgyz Parliament and signed by the President in 2009. In March 2010, the Kyrgyz Government approved two Regulations dealing with the CDD, identification of beneficial owners and internal control rules.

RUSSIAN FEDERATION



A Joint AML/CFT Mutual Evaluation of Russian Federation was conducted by FATF/Moneyval/EAG in 2007. The Mutual Evaluation Report was adopted by FATF/Moneyval/EAG in June and July 2008. The first third round progress report of the Russian Federation was adopted by Moneyval in September 2009. In December 2010 the Russian Federation submitted its second follow-up report to the EAG Plenary. The Russian Federation is a member of FATF, Moneyval and EAG; it chairs the EAG and Moneyval and co-chairs the EAG Technical Assistance, Typologies and Evaluation/ Legal Working Groups.

TAJIKISTAN



On 25 March 2011 the AML/CFT Law was adopted by the Parliament and signed by the President. A decision to establish the Financial Monitoring Department (FIU) under the National Bank of Tajikistan was taken by the President on 20 October 2009. Tajikistan is a member of EAG. The World Bank mutual evaluation report was adopted by EAG in December 2008. In December 2008 the EAG decided to place Tajikistan under the enhanced follow up procedure. In February 2010 Tajikistan adopted the Amnesty Law, which has been criticised by the EAG due to its non-compliance with the international AML/CFT standards. In 2009 and 2010 Tajikistan presented four follow-up reports to the EAG Plenary. In June 2011 Tajikistan presented its fifth follow-up report and the EAG decided to keep Tajikistan on the enhanced follow up procedure, thus requiring reporting to the EAG during the next plenary meeting. In June 2011 Tajikistan is included into the current FATF public document "Improving Global AML/CFT Compliance: On-going Process". The FATF encouraged Tajikistan to address its remaining deficiencies and continue the process of implementing its action plan.

TURKMENISTAN



The AML/CFT law was adopted by the Parliament and signed by the President in May 2009. A Financial Intelligence Unit (FIU) was established under the Ministry of Finance in 2009. Turkmenistan became a member of EAG in June 2010. In November 2010 Turkmenistan underwent the EAG mutual evaluation. The Mutual Evaluation Report and the first Follow-up Report of Turkmenistan were adopted during the EAG Plenary in June 2011. EAG decided to place Turkmenistan on

the enhanced follow up procedure, thus requiring reporting to the EAG during the next plenary meeting. Based on high-level written commitments of Turkmenistan to implement an action plan to address specific AML/CFT deficiencies and on progress made, the FATF during its June 2010 plenary meeting decided to move Turkmenistan from its February 2010 Public Statement to the public document "Improving Global AML/CFT Compliance: On-going Process". During its June 2011 plenary meeting FATF decided to keep Turkmenistan under monitoring process and encouraged Turkmenistan to address its remaining deficiencies and continue the process of implementing its action plan.

UZBEKISTAN



Uzbekistan is a member of EAG. The Mutual Evaluation Report of Uzbekistan was adopted during the EAG Plenary meeting in Almaty in June 2010. The first Mutual Evaluation Follow-up Report was adopted by EAG in December 2010. The amendments to the Uzbek AML/CFT Law came into force on April 22, 2009. Amendments to other 16 laws were adopted by the Parliament in September 2009. In its February 2010 statement the FATF welcomed Uzbekistan's significant progress in improving its AML/CFT regime and noted that Uzbekistan addressed the AML/CFT deficiencies that the FATF had identified in February 2008. Uzbekistan is no longer subject to the FATF's enhanced monitoring process. Uzbek FIU became an Egmont Group member during the 19th Plenary meeting in July 2011.

INDIA



A Financial Intelligence Unit (FIU-IND) was set by the Government of India in November 2004 and is a member of Egmont Group. FIU-IND is an independent body reporting directly to the Economic Intelligence Council headed by the Finance Minister. India has criminalised money laundering under the Prevention of Money Laundering Act and the Narcotic Drugs and Psychotropic Substances Act. These laws came into force in 2005 and were amended in 2009. The Unlawful Activities (Prevention) Act was amended in 2004 to criminalise, inter alia, terrorist financing, and it was further amended in December 2008 to broaden its scope and to bring the legislation more in line with the requirements of the International Convention for the Suppression of the Financing of Terrorism. India is a member of FATF and APG and in December 2010 became also a member of EAG. The Mutual Evaluation Report of India was adopted by FATF in June 2010.

EUROASIAN 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-afi.org/dataoecd/24/45/39148209.pdf EAG First MER, Progress report in English: http://www.eurasiangroup.org/mers.php Five Follow up Reports are on EAG website
BELARUS	EAG	July 27 – Aug 3, 2008	Adopted: EAG (December 2008)	MER and Summary in English: http://www.eurasiangroup.org/mers.php MER and Summary in Russian: http://www.eurasiangroup.org/ru/mers.php Two Progress Reports are available on EAG website.
KAZAKHSTAN	EAG	October 2 -10, 2010	Adopted: EAG (June 2011)	MER in English and Russian: http://www.eurasiangroup.org/mers.php http://www.eurasiangroup.org/ru/mers.php
KYRGYZSTAN	EAG	Feb 2007	Adopted: EAG (June 2007)	MER with Summary and Progress report in English: http://www.eurasiangroup.org/mers.php MER with Summary and Progress report in Russian: http://www.eurasiangroup.org/ru/mers.php Four Follow up Reports are on EAG website
RUSSIAN FEDERATION	EAG, FATF, MONEYVAL	Sept 24 – Oct 2, Nov 12-23, 2007	Adopted: FATF (June 2008) Moneyval (July 2008) EAG (July 2008)	MER and Summary in English: http://www.fatf-qafi.org/dataoecd/51/27/40945440.pdf MER and Summary in Russian: http://www.eurasiangroup.org/files/MERs%20-%20RUS/russia.pdf Two Follow up Reports are on EAG website
TAJIKISTAN	EAG, World Bank	June 2007	Adopted: EAG (December 2008)	MER in English: http://www.eurasiangroup.org/mers.php MER in Russian: http://www.eurasiangroup.org/ru/mers.php Five Follow up Reports are on EAG website
UZBEKISTAN	EAG	November 8-14, 2009	Adopted: EAG (June 2010)	MER and Summary in English: http://www.eurasiangroup.org/mers.php MER and Summary in Russian http://www.eurasiangroup.org/ru/mers.php First Follow up Report is on EAG website
TURKMENISTAN	EAG	November 7 - 14, 2010	Adopted: EAG (June 2011)	MER in English and Russian: http://www.eurasiangroup.org/mers.php http://www.eurasiangroup.org/ru/mers.php
INDIA	FATF, APG	Nov 30 – Dec 12, 2009	Adopted: FATF (June 2010) APG (July 2010)	MER and Summary in English: http://www.fatf-qafi.org/document/17/0,3746,en_32250379_32236963_45582417_1_1_1,00.html

- **Russian FIU's training center - ITMCFM held workshop on "Methods of collecting, processing and using information from public sources for the conduct of financial investigations (internet-investigation)" on 28-29 July 2011 in Tashkent, Uzbekistan.** The workshop was organized in the framework of technical assistance to EAG member states with the support of the Department for combating tax and currency crimes and legalization of criminal income under the General prosecutor's office of the Republic of Uzbekistan.

The main purpose of the training was the formation of the professional abilities and skills to conduct analytical activities when working with data, training on practical examples of methods of effective application of analytical technologies to the real problems of the internet-intelligence. The training was attended by 30 specialists of the General Prosecutor's Office and the Central Bank of the Republic of Uzbekistan, carrying out activity in the field of AML/CFT.

For further information please see EAG website: <http://www.eurasiangroup.org>

We welcome contributed articles of up to one page in length!

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TECHNICAL ASSISTANCE update

➤ Money Laundering and Asset Recovery Training Programme in Kyrgyzstan.

Experts from the International Centre for Asset Recovery (ICAR) conducted a six-day country specific training programme in respect of money laundering and asset recovery in Kyrgyzstan in Issyk Kul from 4 to 9 July 2011. This workshop was organized by the International Monetary Fund (IMF), ICAR, the Kyrgyz State Financial Intelligence Service (SFIS) and was fully funded by the Swiss Government through Swiss Co-operation Office in Kyrgyzstan. The training was attended by 27 participants and 2 observers from the SFIS. The list of participants included investigators (National Security Committee, Financial Police Service, Service for Drug Control and Ministry of Internal Affairs), prosecutors, judges and representatives of the State Financial Intelligence Service (SFIS) and Kyrgyz National Bank.

The purpose of the training programme was to provide capacity building training to key law enforcement agencies in analysing, investigating and prosecuting international corruption and related money laundering cases in Kyrgyzstan. It also assisted the Kyrgyz authorities enhancing their staff's ability to handle international requests and to succeed in co-operation with foreign jurisdictions to repatriate stolen assets.

Feedback received from the participants indicated that they particularly appreciated the interactive methodology utilized by the trainers. This required team effort, and assisted in strengthening an integrated approach between ministries and departments dealing with money laundering investigations.

➤ On 14-15 July, on the sidelines of the Egmont Plenary in Yerevan, the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the Egmont Group of Financial Intelligence Units organized a joint "FIU Development Workshop", which gathered FIU representatives from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan to exchange experiences, foster regional co-operation, and for non-Egmont members Tajikistan and Turkmenistan, to learn more about the Egmont accession process. Speakers representing the OSCE, USAID, The Egmont Group, World Bank/UNODC, IMF and the FIUs of Armenia, Russia, Serbia, Israel and the United States facilitated discussions on FIU planning with stakeholders, national risk assessments, IT & Security, information exchange and available international assistance.

The participants' engagement resulted in several conclusions relevant to the development of an FIU. Due to the novelty of AML/CFT mechanisms in many parts of the world, participants agreed that it is useful to regularly engage all stakeholders in the AML/CFT process. This continued engagement, at all levels of the technical and political spectrum is often a pre-requisite for the political will and interagency co-operation necessary to successfully implement a national AML/CFT regime and successfully develop fruitful relationships with international counterparts. Participants also agreed that it is important to set aside the immediacy of current activities and make time for strategic, long-term planning. Doing so better enables FIUs to reach agreed-upon milestones and stay abreast of changes with the FATF Recommendations, within Egmont's membership criteria and within international trends such as the increased use of non-conviction-based asset confiscation and the principle of reciprocity.

Central Asian participants named the following as near-term goals for their respective FIUs:

- Strengthening international cooperation by becoming a member of the Egmont Group
- Further engaging with international organisations including the OSCE, World Bank and IMF
- Closing the AML/CFT gaps identified by international assessors
- Increasing the level of interagency co-operation
- Conducting an AML/CFT national risk assessment
- Implementing new IT platforms and software suites in the FIU, police and reporting entities
- Addressing human resource challenges including high levels of staff turnover
- Organizing capacity building workshops and training exercises for FIUs and law enforcement officials in the following areas:
 - International information exchange through the Egmont Portal
 - Strategic analysis of financial intelligence
 - International best practices in FIU planning and management
 - Securities fraud typologies
 - Guidance to and obligations of reporting entities

The closing session of the workshop gathered representatives of USAID, the World Bank, UNODC, IMF and OSCE to respond to the FIUs' stated near-term goals and to describe the assistance each organization can provide.

➤ The Wolfsberg Group has published a new Anti-Corruption Guidance, which replaces the 2007 Wolfsberg Statement against Corruption. This Guidance takes into account a number of recent developments and gives tailored advice to international financial institutions in support of their efforts to develop appropriate Anti-Corruption programmes, to combat and mitigate bribery risks associated with clients or transactions and also to prevent internal bribery.

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You can find the Guidance and an associated statement regarding its publication on the Wolfsberg homepage: www.wolfsberg-principles.com

FATF update

- The FATF has recently published a **Guidance on Anti-Money Laundering and Terrorist Financing Measures and Financial Inclusion as well as** the following reports:
 - Organised Maritime Piracy and Related Kidnapping for Ransom,
 - Money Laundering Risks Arising from Trafficking of Human Beings and Smuggling of Migrants, and
 - Laundering the Proceeds of Corruption

For further information please visit FATF website: <http://www.fatf-gafi.org>

Egmont Group update

The Egmont Group has published the 19th Egmont Group Plenary Press Release “Financial Intelligence Units Upgrading Mechanisms to Enhance International cooperation in the Fight against Money Laundering and Terrorist Financing”

The 19th Egmont Group Plenary, held in Yerevan, was attended by over 290 representatives of FIUs from 99 jurisdictions and 10 international organizations. The Egmont Plenary meeting, held annually, brings together the Egmont member FIUs and observer organizations for training and in-depth discussions to further the development of the international FIU network.

The Plenary was co-chaired by Mr. Boudewijn Verhelst, Deputy Director of the Belgian FIU, and Mr. Daniel Azatyan, Head of the Financial Monitoring Center (FMC) of Armenia.

The Co-Chairs congratulated the FIUs of Azerbaijan, Kazakhstan, Mali, Morocco, Samoa Islands, Solomon Islands and Uzbekistan, who were endorsed as new members of the Egmont Group during the meeting. In addition to the growth in membership, 55 bilateral cooperation agreements were signed between Egmont members during the week.

In two keynote presentations, delivered after being unanimously endorsed for a further two-year term as Chair of the Egmont Group, Mr. Verhelst noted the growth in the network of Egmont member FIUs from 24 when the organization began in 1995, to the 127 members the Group became during the meetings this week. He emphasized that while this growth is impressive, it is now time to move from an emphasis on quantity to a much stronger focus on quality.

Several of the sessions during the week contributed to this theme, focusing on some of the legal, policy and operational challenges FIUs face, as well as the partnerships that the Egmont Group has with other international organizations, such as the UNODC, World Bank, IMF, Basel Institute on Governance and FATF-style regional bodies (FSRBs), to assist in FIU development and capacity building.

The full text of the press release is available at <http://www.egmontgroup.org/news-and-events/news/2011/07/18/19th-egmont-group-plenary-press-release>

“Egmont” Group Case study: **Concealment within business structures**

A bank noticed that a business account that had been dormant for some years suddenly became active with large-scale fund transfers. The bank account was originally registered to a company registered in an offshore jurisdiction. After US \$150,000 was credited into the account, the firm used the funds to buy shares of a recently privatized Eastern-European company - ‘ABC Corp’.

Three months later Brian, the representative who originally opened the account, deposited a total amount of US\$250,000 in cash into the company account. Immediately after depositing the money, he wanted to transfer US\$100,000 into a personal account at another bank. He claimed that the money came from his personal funds. When the bank asked him about the origin of these personal funds, he submitted commercial documentation showing that he had sold shares of ABC Corp - worth US \$150,000 - for US \$250,000 to another Eastern-European company ‘DEF Corp’. The difference of US\$100,000 Brian explained as risk compensation, in the event the initial US \$150,000 worth of shares invested in company ABC had been devalued. This would have been fairly high return on capital, when one takes into account that a return of US\$100,000 over just three months would have equaled an annual interest rate of over 200 percent.

The bank disclosed the transactions to the national FIU. By checking the records of its own intelligence and financial databases and liaising with other Egmont members, the FIU developed information that indicated Brian was the real owner of the offshore company. Also, it discovered that Brian was a member of the board of directors of company ABC. This suggested that the shares in company ABC might well have been knowingly sold at a low value to the offshore company before being sold onwards for a higher price to a third party. In effect, Brian siphoned off US\$100,000 profit by using his own offshore company as a ‘hidden’ stage in the share transfer.

The FIU notified the corresponding law enforcement authorities that Brian was suspected of money laundering and fraud. As a result of the police investigation, Brian was arrested and prosecuted, with the court also confiscating the US\$100,000 involved.

Indicators:

- Unusually high rates of return for a low risk business activity
- Unrealistic explanation given by customer for account activity

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➤ Re-activation of dormant account

«Egmont» group 100 Sanitized cases are available at: http://www.egmontgroup.org/files/library_sanitized_cases/100casesqb.pdf

For more information please visit the Egmont Group website: <http://www.egmontgroup.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.eurasiangroup.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)
www.egmontgroup.org	The Egmont Group of Financial Intelligence Groups

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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).
http://www.oecd.org/corruption/acn	Anti-Corruption Network for Eastern Europe and Central Asia

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