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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 116th International Training Course on “Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes”, from 28 August to 15 November 2000. In this Course we welcomed 11 Japanese and 14 overseas participants: 8 from Asia, 2 from Oceania, 1 from South America, and 3 from Africa. They included members of the police, judiciary and other high-ranking public officials. As this newsletter demonstrates, this Course was extremely productive. It consisted of Individual Presentations, Group Workshop Sessions, visits to relevant criminal justice agencies, and presentations by visiting experts and *ad hoc* lecturers.

Continuing UNAFEI’s commitment to address transnational organized crime, the 116th International Training Course examined current trends and issues in investigating such crime, particularly the expansion of investigative techniques in the areas of electronic surveillance, controlled delivery, undercover operations and tracing crimes. It is recognised that transnational organized crime is increasing in the global community at an unprecedented rate. Its perpetration, under the influence of criminal organizations, has proved a serious problem in various countries of the world, including those in the Asia-Pacific region.

In order to combat transnational organized crime, various methods need to be addressed at all levels of the criminal justice system. At the legislative level, criminalization of participation in an organized criminal group, establishment of money laundering offences, adoption of confiscation measures, and criminalization of the bribery or intimidation of witnesses and officials are recommended.

At investigation, the introduction of special techniques such as controlled delivery, electronic or other forms of surveillance, and undercover operations should be promoted. New investigative technologies, such as taking testimony or statements via video link or other modern means of communication, should also be taken into consideration, as should the use of statements and testimony with witness immunity. In order for such evidence to be admitted in court, revision of the evidentiary rules in each country and the adoption of witness and victim protection measures may also be necessary at the trial level.

The effectiveness of surveillance and investigative techniques for transnational organized crime needs to be secured through corresponding changes in domestic and international legislative provisions and legal practices. Without a coordinated and cooperative approach between all criminal justice agencies - locally, nationally and globally - the prevalence and growth of transnational organized crime will not be contained.

During the twelve-week period, the participants diligently and comprehensively examined measures to prevent and combat transnational organized crime. This was accomplished primarily through comparative analysis of the current situation of and problems in investigative practices, including legislative and technological issues, in relation to such crime. Our in-depth discussions enabled us to put forth effective and practical solutions to the emerging and existing problems of organized crime in the global society.

I would like to offer my sincere congratulations to all the participants for their successful completion of the Course, made possible by their strenuous efforts. My heartfelt gratitude goes to the visiting experts and *ad hoc* lecturers who contributed a great deal to the Course's success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by the various agencies and institutions which helped diversify the programme.

A warm tribute must be paid to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Course. At the same time, I must express great appreciation to the Asia Crime Prevention Foundation (ACPF) and its branch organizations for their substantial contributions. Lastly, I owe my gratitude to all the individuals whose unselfish efforts behind the scenes contributed significantly to the successful realization of this Course.

Upon returning to their home countries, I genuinely believe that, like their predecessors, the strong determination and dedication of the participants will enable them to contribute significantly to the improvement of their respective nation's criminal justice systems, and to the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 116th International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work, and that the human bonds fostered among the participants, visiting experts, lecturers and UNAFEI staff will continue to grow for years to come.

November 2000

Mikinao Kitada
Director, UNAFEI

THE 116TH INTERNATIONAL TRAINING COURSE
“EFFECTIVE METHODS TO COMBAT TRANSNATIONAL ORGANIZED CRIME
IN CRIMINAL JUSTICE PROCESSES”

Course Rationale

Transnational organized crime is a growing threat to the security of the international society and the stability of sovereign states. It undermines the integrity of legitimate national economies, global financial systems, the rule of law and fundamental social values. It is of particular concern that transnational organized crime breeds corruption, and weakens emerging democracies and developing countries around the world.

Drug trafficking, money laundering, the use of violence and extortion, acts of corruption, trafficking in women and children, illicit manufacturing of and trafficking in firearms, the illegal trafficking and transportation of migrants, environmental crime, card fraud, computer related crime, illegal trafficking of stolen vehicles, industrial espionage and sabotage, maritime piracy, infringement of intellectual property rights, perpetrated under the influence of criminal organizations, have been serious problems in various countries of the world, including Asia and the Pacific region.

In recognition of the gravity of the above-mentioned situation, the United Nations has given special attention to the issue of transnational organized crime. Initiatives have been taken in this regard by the United Nations Ministerial Conference on Organized Transnational Crime, held in Naples, Italy in 1994. The Conference adopted an international document entitled the “Naples Political Declaration and Global Action Plan against Organized Transnational Crime”, which was subsequently endorsed by the United Nations General Assembly (General Assembly resolution 49/159 of 23 December 1994).

Furthermore, pursuant to General Assembly resolution 53/111 of 9 December 1998, the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was created for the purpose of drafting a comprehensive international convention on transnational organized crime, and for discussing the elaboration, as appropriate, of international instruments addressing: trafficking in women and children; the combating of the illicit manufacture of and trafficking in firearms, their parts and components, and ammunition; and the illegal trafficking in and transporting of migrants, including by sea. An intensive drafting exercise is ongoing in the Ad Hoc Committee, with the goal of completing its work by the year 2000.

Taking this into consideration, UNAFEL, as a regional institute (affiliated with the United Nations) for the prevention of crime and the treatment of offenders, decided to undertake a series of international training courses and seminars for the coming few years under the general theme of “transnational organized crime”.

In order to combat transnational organized crime, the draft United Nations Convention against Transnational Organized Crime proposes various methods. At the legislative level, criminalization of participation in an organized criminal group (Article 3), establishment of money laundering offences (Article 4), establishment of the liability of legal persons for participation in serious crime involving an organized criminal group (Article 5), adoption of confiscation measures (Article 7), and criminalization of the bribery of witnesses and intimidation of witnesses/officials (Article 17) are proposed.

In investigation, the Convention encourages member states to introduce the appropriate use of special investigative techniques such as controlled delivery, electronic or other forms of surveillance, and undercover operations (Article 15). New investigative technologies, such as taking testimony or statements via video link (close circuit TV) or other modern means of communication, should be taken into consideration. This Convention will be of particular importance to criminal justice in the coming century, as it corresponds with recent developments in scientific technology throughout the world. In this connection, the use of statements and testimony with immunity can be taken into consideration.

In order for evidence, through the above methods, to be admitted as substantial evidence in trial, revision of the evidentiary rules in each country may be needed. Furthermore, member states are encouraged to adopt witness and victim protection measures, such as establishing procedures for physical protection, and permitting testimony to be given through the use of communications technology (Article 18 and 18 bis). Thus in order to implement effective methods for investigating, prosecuting and punishing transnational organized criminals, it is significant to analyze the situation of the said crimes, and accordingly, to examine the feasibility and modality of such methods to address them.

Giving due consideration to the above rationale, this Training Course purports to explore the ways and means of strengthening and improving investigative methods in the fight against transnational organized crime. Particular focus will be given to the effective implementation of the mechanisms of criminal investigation and trial. Sharing practical information and experiences on how other countries tackle our common issues will facilitate our efforts in the fight against transnational organized crime.

In the discussion of this course, focus will be placed on the following elements:

- (1) Overview of the situation of transnational organized crime.
 - (i) Current situation of:
 - (a) Illicit drug trafficking
 - (b) Illegal firearms trafficking
 - (c) Human (women and children) trafficking
 - (d) Trafficking of stolen vehicles
 - (e) Card fraud
 - (f) Money laundering
 - (g) Others (excluding terrorism)
 - (ii) Current situation of:
 - (h) Major transnational organized criminal groups
- (2) Tools facilitating the investigation of transnational organized crime.
 - (i) The current situation, problems in utilizing and solutions for:
 - (a) Controlled delivery
 - (b) Electronic surveillance (wire-tapping, communications interception etc)
 - (c) Undercover operations
 - (ii) Best practice and weak points of conventional investigative techniques such as interrogation of suspects, interviews with witnesses, search and seizure, shadowing, observation etc.
- (3) Methods for obtaining cooperation with witnesses to punish organized criminals. Current situation, problems in utilizing and solutions for:

- (a) Immunity
 - (b) Witness and victim protection programmes
- (4) Components and legal frameworks for combating transnational organized crime:
- (a) Criminalization of participation in an organized criminal group
 - (b) Anti-money laundering system
 - (c) Asset forfeiture system (for assets derived from organized crimes)
- (5) Best practice in exercising international cooperation in criminal matters (extradition and mutual legal assistance) to tackle transnational organised crime.

Course Summary

Lectures

In total, 14 lectures were presented by visiting experts, 14 by *ad hoc* lecturers, 9 by the faculty, Deputy Director and Director of UNAFEI. Five distinguished criminal justice practitioners from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the Course by encouraging discussions after their own lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, *ad hoc* lectures were delivered by distinguished senior officials of the Government of Japan. Lecturers and lecture topics are listed on pages 7 to 10.

Individual Presentations

During the first four weeks, each Japanese and overseas participant delivered a one-hour Individual Presentation which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled into a book entitled "COUNTRY REPORTS FOR THE INTERNATIONAL TRAINING COURSE IN CRIME PREVENTION" and distributed to all the participants. The titles of these Individual Presentation papers are listed on pages 11 and 12.

Group Workshop Sessions

Group Workshop Sessions further examined the subtopics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as 'group members' for the sub-topics, based on their response to a questionnaire previously distributed. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs, and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the Group Workshop Sessions. The participants and UNAFEI faculty seriously studied the topics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. After the Group Workshop Sessions, reports were drafted based on the discussions in the conference hall. These reports were subsequently presented in the Report-Back Session, where they were endorsed as the reports of the Course. Summaries of the Group Workshop reports are provided on pages 13 through 30.

Visits and Special Events

Visits to various agencies and institutions in Japan helped the participants obtain a more practical understanding of the Japanese criminal justice system. In addition to the Course's academic agenda, many activities were arranged to provide a greater understanding of Japanese society and culture, with the assistance of various organizations and individuals, including the Asia Crime Prevention Foundation (ACPF). For more detailed descriptions, please refer to pages 31 through 36.

Lecture Topics

UNAFEI Lectures

Mr. Mikinao Kitada, *Director, UNAFEI*

- International Efforts to Combat Transnational Organized Crime

Mr. Keiichi Aizawa, *Deputy Director, UNAFEI*

- Current Crime Trends in Japan
- United Nations Activities in the Field of Crime Prevention and Criminal Justice

Professors Lectures

1) Mr. Yuichiro Tachi, *Professor, UNAFEI*

- Investigation and Prosecution: Criminal Justice System in Japan

2) Mr. Chikara Satou, *Professor, UNAFEI*

- Criminal Procedure after Prosecution

3) Mr. Hiroshi Iitsuka, *Professor, UNAFEI*

- Criminal Justice System in Japan: the Courts

4) Mr. Shinya Watanabe, *Professor, UNAFEI*

- Corrections in Japan

5) Ms. Mikiko Kakihara, *Professor, UNAFEI*

- The Criminal Justice System in Japan: Rehabilitation in the Community

6) Mr. Akihiro Nosaka, *Professor, UNAFEI*

- Volunteer Probation Officers (VPOs) in Japan

Visiting Experts Lectures

- 1) Dr. Johan Peter Wilhelm Hilger (Germany)
 - Measures of Investigation in Cases of Organized Crime in the Criminal Process of Germany
 - Controlled Delivery
 - Principal Witness Regulations to Suppress Organized Crime in Germany
 - Organized Crime/ Witness Protection in Germany

- 2) Mr. Peter Yam Tat-wing (Hong Kong)
 - Triads
 - Components of an Effective Anti-money Laundering Regime
 - Fighting Hong Kong's Organized Crime: The Organized & Serious Crime Ordinance

- 3) Mr. Franco Roberto (Italy)
 - Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes

- 4) Mr. Park Yong Kwan (Korea)
 - Transnational Organized Crime and the Countermeasures in Korea

- 5) Mr. Bruce Ohr (United States of America)
 - Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes

- 1) Mr. Noriaki Kojima
*Director, International Research and Training Institute for Criminal Investigation,
National Police Academy of Japan*
 - Japanese Police

- 2) Mr. Kou Akatsuka
Director of Management, Asia Crime Prevention Foundation (ACPF), Japan
 - International Cooperation for “Prosperity without Crime”: Past, Present and Future of the Asia Crime Prevention Foundation

- 3) Mr. Yuuki Furuta
Director General, Criminal Affairs Bureau, Ministry of Justice, Japan
 - Current Issues of Criminal Justice Administration in Japan

- 4) Prof. Masahito Inouye
Professor, Tokyo University, Japan
 - Interception of Telecommunications in Organized Crime Investigation

- 5) Mr. Jiro Ono
Director, First Organized Crime Control Division, National Police Agency, Japan
 - Measures to Combat Organized Crime

- 6) Mr. Minoru Ui
*Deputy Director, Criminal Affairs Department, Tokyo District Public Prosecutors
Office, Japan*
 - Issues in the Investigation and Prosecution of Boryokudan Related Cases

- 7) Mr. Yasushi Iijima
Attorney, Ministry of Justice, Japan
 - Outline of the Victim Protection Program of Japan

- 8) Mr. Mune Ohno
Deputy Director, Criminal Affairs Department, Tokyo District Public Prosecutors Office, Japan
 - Issues in Investigating and Prosecuting Transnational Organized Crime (TOC) Cases - Special Emphasis on Controlled Delivery and Confiscation of Illicit Proceeds

- 9) Mr. Isamu Ikenoue
Enforcement Division, Customs & Tariff Bureau, Ministry of Finance, Japan
 - Illicit Trafficking and Countermeasures in Japan: Intelligence, Controlled Delivery etc.

- 10) Mr. Megumi Yamamuro
Judge, Tokyo District Court, Japan
 - Admissibility of Evidence Obtained in the Course of Undercover Operations, Controlled Delivery and Electronic Surveillance

- 11) Mr. Kenzaburo Yazawa
Attorney, Ministry of Justice, Japan
 - Outline of the New Anti-Organized Crime Laws

- 12) Mr. Masayoshi Kimura
Attorney, Finance Service Agency, Japan
 - Legal Framework for Anti-Money Laundering in Japan and the Role of the Finance Service Agency

- 13) Mr. Takayoshi Tsuda
Superintendent, National Police Agency, Japan
 - Current Situation of and Countermeasures against Transnational Organized Crime in Japan

- 14) Mr. Keisuke Senta
Public Prosecutor, Criminal Affairs Department, Tokyo District Public Prosecutors Office, Japan
 - On the draft United Nations Convention against Transnational Organized Crime

Individual Presentation Topics

Overseas Participants

- 1) Mr. Ruy Gomes Silva (Brazil)
 - Crime Prevention: Effective Measures to Combat Transnational Organized Crime in Criminal Justice Processes
- 2) Mr. Xue Qin Wang (China)
 - The Chinese Illegal Immigrants' *Modus Operandi* and Countermeasures
- 3) Mr. Ramend (Fiji)
 - Crime Prevention: The Administration of Criminal Justice
- 4) Mr. Sanjiv Kumar Upadhyay (India)
 - Crime in India
- 5) Mr. Genot Hariyanto (Indonesia)
 - Indonesia Country Report
- 6) Mr. Sengsouvanh Chanthalonnavong (Laos)
 - Crime Prevention: Effective Measures to Combat Transnational Organized Crime in Criminal Justice Processes
- 7) Mr. Md. Mustafa Bin Abdullah (Malaysia)
 - Country Paper on Transnational Organized Crime (Malaysia)
- 8) Mr. Donald Ngor Ngor Awunah (Nigeria)
 - Crime Prevention: Effective Measures to Combat Transnational Organized Crime in Criminal Justice Processes - the Nigerian Perspective
- 9) Mr. Zafar Iqbal Gondal (Pakistan)
 - Crime Prevention (The Administration of Criminal Justice): Effective Measures to Combat Transnational Organized Crime in Criminal Justice Processes
- 10) Mr. Hubert Sareke (Papua New Guinea)
 - Country Report: Transnational Organized Crime in Papua New Guinea
- 11) Mr. Ricardo Tiuseco Pamintuan (Philippines)
 - Country Report on Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes (Philippines)
- 12) Mr. Iddi Saidi King'wai (Tanzania)
 - Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes: Tanzania's Experience
- 13) Mr. Suwit Savaengthong (Thailand)
 - Transnational Organized Crime relating to Women Trafficking in Thailand

- 14) Mr. John Kanya (Uganda)
 • Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes: A Case for Uganda

Japanese Participants

- 15) Mr. Hiroyoshi Amamoto (Japan)
 • Treatment of Organized Gangster Group Members and Foreigners in Penal Institutions
- 16) Mr. Toshihiro Fukushi (Japan)
 • Evidence for the Proceedings of Transnational Organized Crime: The Actual Situation of Japanese Criminal Procedure
- 17) Mr. Yoshihiko Hatanaka (Japan)
 • Drug Trafficking Case by an Organized Criminal Group
- 18) Ms. Keiko Hoshi (Japan)
 • Crime Prevention: Effective Measures to Combat Transnational Organized Crime in Criminal Justice Processes
- 19) Ms. Mitsuyo Inada (Japan)
 • The Treatment of Boryokudan Members
- 20) Mr. Shuichi Inoue (Japan)
 • The Present Situation of Smuggling and Trafficking of Migrants: Countermeasures to these Problems from the Viewpoint of the Immigration Control Administration
- 21) Mr. Satomi Konno (Japan)
 • Report on Countermeasures against Illegal Drugs
- 22) Mr. Takeshi Miyamoto (Japan)
 • A Study on Effective Investigation and Measures for Trials Regarding Organized Crime (Syndicates) in Japan
- 23) Mr. Masashi Shibata (Japan)
 • The Protection of Witnesses and Victims in Japanese Criminal Procedure
- 24) Mr. Testuji Tamagoshi (Japan)
 • Illegal Trafficking of Immigrants, Drugs and Firearms in the Waters Surrounding Japan
- 25) Mr. Tomoyuki Yokokawa (Japan)
 • Possible Prevention Measures against Transnational Organized Crime from the Perspective of a Public Security Investigation Agency Officer

figures available but it was reported that there are 120 countries involved in illicit cannabis cultivation worldwide, with Morocco, South Africa, Nigeria, Afghanistan, Pakistan, Mexico, Colombia and Jamaica still being "primary" source countries. Thailand emerged as a major center of the illicit production of Amphetamine-Type-Stimulants (ATS) in South East Asia, which are increasingly gaining ground not only in Asia but also in North America and Western Europe. The *Golden Triangle*, which at one time was used exclusively for the refining of heroin, is now being used for the manufacturing of methamphetamine as well.

Second is the issue of consumption. It is reported that worldwide drug abuse has reached alarming levels. In the USA for example, about 13 million people (6.1% of the total population) used drugs on a casual or a monthly basis in 1996. In Pakistan, the number of people addicted to heroin was estimated to be 1.52 million people in 1995. It is estimated that 20% of the total European population is affected by drugs in one way or another. Cocaine consumption is most widespread in Spain, the UK, Netherlands and Germany. Switzerland and Italy also seem to have rather high levels of cocaine consumption. Abuse of cocaine is also reported to have spread more widely in Australia, Western and Southern Africa. In South East Asia, the abuse of drugs like cannabis and heroin still remains high and ATS like *ecstasy* and *shabu* have gain much ground. The abuse of these types of drugs is also widespread in China, India, Pakistan and Japan. On the other hand, cocaine is the drug of choice in West Africa, particularly Ghana and Nigeria, and also in South America, particularly Brazil.

Besides consuming, countries such as China, Thailand, Malaysia, Singapore, Laos, Indonesia, the Philippines, India, Pakistan and Brazil are also known to be major transit countries used by drug traffickers. This is because those countries are closer to the main drug resource regions. It is noted that some other drug transiting countries have also been turning into consuming ones.

Third is the issue of the *modus operandi* and trafficking routes. Since drug trafficking has been the most profitable illegal activity in the world, drug traffickers, while spreading their wings, have resorted to the use of all sorts of *modus operandi* to evade detection by the authorities. Though their *modus operandi* might differ from country to country, internationally detected modes of concealment are ingestion, leg casts and body wraps; use of false bottoms of luggage, concealment in imported packages such as electronic equipment, food, false cavities of furniture etc; concealment in special compartments in vehicles and ships, containers and air freights; and delivery by courier services. In Japan, methods such as soaking clothes in drug solutions and melting drugs in whisky have been detected. Besides this, cargo vessels equipped with Global Positioning System (GPS) are being used to ferry in large amounts of methamphetamine for easy maneuvers and meetings on the high seas.

The routes taken in the trafficking of drugs are often by air, sea and land, depending very much on the geographical location of the countries concerned. In countries like Brazil and Japan, sea and air routes are usually used; while in Laos, China, Pakistan and India, land and air routes are the favorite choice because of their geographical vicinity to the *Golden Triangle* and the *Golden Crescent*. The drug rings who are engaged in the illicit smuggling of heroin from the *Golden Triangle* to the USA, Australia and Europe are more often using Thailand, the Philippines, Malaysia and Singapore as their trans-shipment points.

Fourth is the issue of drug trafficking mafia groups. It is observed that big criminal organizations such as Chinese mafia groups, Russian mafia groups, Taiwanese mafia groups, Colombian cocaine cartels and so forth are deeply involved in drug trafficking around the world. The Japanese *Boryokudan* groups are known to have links with these groups, especially in the

trafficking of methamphetamine/ATS. Iranian organized drug trafficking groups in Japan are also rising sharply in recent years. Other known groups are the Hong Kong-based Triads, the Dawood Ibrahim Group of India, the Nigerian and Italian groups which are operating in Brazil, Myanmar's ethnic militia organization such as the Kachin Independent Army (KIA), New Democratic Army (NDA), Wa Army (WA) and Shan Independent Army (SIA) which are operating in the *Golden Triangle* and last, but not least, the Force Armed Revolution Colombia (FARC) which is operating in its controlled territorial position in Colombia.

Finally is the issue of drug seizures. It is noted that in 1988, the Asian region emerged as a leader in terms of seizures in opium and heroin, whereas the American region came out on top in the seizure of cocaine. ATS has the potential to become the major drug problem of the twenty-first century, based on the global seizure of this drug in 1999. One of the factors that contributed to the surge in ATS abuse is economic incentives, where, in some countries, the clandestine manufacture of methamphetamine could lead to a profit of nearly 3,000% of the cost of raw materials.

In conclusion, analysis indicates that illicit drug trafficking poses a big threat to world economies and communities. The *modus operandi* of transporting these drugs are changing day to day (both in scope and complexity), often requiring the devising of new methods of detection. Therefore international concerted effort is required to fight this menace if we are to have a safer world community.

Group 2 **CURRENT SITUATION OF ILLEGAL FIREARMS TRAFFICKING**
Phase 1 **AND HUMAN (WOMEN, CHILDREN AND MIGRANTS)**
TRAFFICKING

Chairperson	Mr. Ramend Hem Raj	(Fiji)
Co-Chairperson	Mr. Toshihiro Fukushi	(Japan)
Rapporteur	Mr. Ricardo Tiuseco Pamintuan	(Philippines)
Co-Rapporteur	Ms. Keiko Hoshi	(Japan)
Members	Mr. Sengsouvanh Chanthalonnavong	(Laos)
	Mr. Hubert Sareke	(Papua New Guinea)
	Mr. Suwit Savaengthong	(Thailand)
	Mr. Hiroyoshi Amamoto	(Japan)
	Mr. Shuichi Inoue	(Japan)
Advisers	Prof. Hiroshi Iitsuka	(UNAFEI)
	Prof. Shinya Watanabe	(UNAFEI)

Report Summary

I. ILLEGAL FIREARMS TRAFFICKING

Firearms are generally trafficked for profit; since their underground sale is unregulated, suppliers have absolute control over their prices. They are also used to purchase narcotics, as is happening in Brazil and Papua New Guinea. Likewise, civil strife and a strong military presence greatly contribute to the accumulation of firearms and ammunition in certain places. The proliferation of firearms in Nigeria is due largely to armed conflicts in that region. In Tanzania, although there is no internal strife, guns enter the country because of the civil wars in neighboring states. At other times, soldiers in war-torn countries, who find themselves with no meaningful employment and no use for guns at the cessation of hostilities, end up selling their guns, as happened at the Thai border at the end of the war with Cambodia and Vietnam.

Guns also support the illegal activities of organized criminal groups in countries like Brazil, Japan, Papua New Guinea, Tanzania, and Uganda, or are used in terrorist or guerilla warfare, as is happening in the Indian state of Jammu and Kashmir, and in Muslim Mindanao in the Philippines. Firearms are trafficked around the globe through the black market. In Brazil, this is the main activity of frontier smugglers in the Brazil-Paraguay area, and the Russian mafia is suspected of sponsoring the importation of illicit arms to Brazil through the ports of Rio de Janeiro and Santos in São Paulo.

Firearms find their way to Papua New Guinea through Australia, Indonesia and the Solomon Islands via container cargo vessels, light aircraft, fishing trawlers and by individual couriers or through parcel ports. Philippine-made guns reach Taiwan, Japan, Malaysia, and other Asian countries as mis-declared cargo consigned to fictitious persons, or as smuggled goods in non-commercial ports. In India, Malaysia and Nigeria, the porous borders and coasts pose a major problem in monitoring and controlling the movement of illegal firearms. On the other hand, the illicit trafficking of firearms in Japan is mainly done through or by the *bouryokudan*, which is the collective term used to represent the various organized crime groups in Japan. In fact, in 1998, *bouryokudan* members or associates were accountable for 87% of all gun-related offences.

II. HUMAN TRAFFICKING

Economic alleviation and political refuge are some of the common reasons for immigration. But some people, mostly women and children, are uprooted from their native soil to work as

prostitutes or as slaves in another country. In the first instance, the migration is voluntary. Entry into a foreign country is legal at the beginning, such as through gainful employment, education, cultural exchange or tourism, but becomes illegal when the authorized period of stay or employment expires and the foreigner opts to stay on as an illegal migrant.

By the same token, in human smuggling, prospective migrants try (but fail) to obtain legitimate travel documents and end up seeking help from organized crime groups, who are willing to provide them with forged travel documents for a very high fee. To pay these fees, they sometimes resort to drug trafficking, weapons smuggling, kidnapping, murder, robbery, blackmail or extortion, and even terrorism. Their destination is usually a progressive country like the US, France, UK, Italy, Australia or Japan, but a developing nation like China also attracts illegal migrants.

The problems of China, Japan and Fiji are more of illegal immigration rather than human trafficking. Migrants who travel by air normally use forged passports, but those who encounter difficulties in the face of strict landing procedures take sea routes. This leads criminal syndicates to adopt more ingenious methods of trafficking, such as changing vessels, traveling with forged documents aboard vessels of legal registry, hiding in secret compartments, and disembarking at non-commercial ports.

In Brazil, Nigeria, Uganda, Thailand, India and the Philippines, some women who apply for jobs abroad end up working as prostitutes; their travel documents are withheld from them by the same syndicates who helped them leave their respective countries. Traffickers employ various tactics to attract victims, such as the offer of education, gainful employment, mail-order bride schemes, or success stories. But at other times they use outright force, coercion, fraud, or deceit. Some children in Uganda are abducted by Sudanese rebels, used in combat, sold into slavery, or exchanged for guns. Other countries, like Laos and Malaysia, serve only as transit points for trafficking women *en route* to a third country for prostitution or forced labor.

**Group 3
Phase 1**

**CURRENT SITUATION OF ORGANIZED CRIME IN
TRAFFICKING STOLEN VEHICLES, CARD FRAUD,
MONEY LAUNDERING AND
MAJOR TRANSNATIONAL ORGANIZED CRIMINAL GROUPS**

Chairperson	Mr. Sanjiv Kumar Upadhyay	(India)
Co-Chairpersons	Mr. Takeshi Miyamoto	(Japan)
Rapporteur	Mr. Zafar Iqbal Gondal	(Pakistan)
Co-Rapporteur	Mr. Tomoyuki Yokokawa	(Japan)
Member	Mr. Donald NgorNgor Awunah	(Nigeria)
	Mr. Iddi Saidi King'wai	(Tanzania)
	Ms. Mitsuyo Inada	(Japan)
Advisers	Deputy Director Keiichi Aizawa	(UNAFEI)
	Prof. Yuichiro Tachi	(UNAFEI)
	Prof. Akihiro Nosaka	(UNAFEI)

Report Summary

I. INTRODUCTION

Globalization of world markets, dismantling of trade barriers, easing of visa and travel restrictions and modern information technology has provided fertile ground for organized criminal groups to expand into new territories, forging alliances with other criminal groups, and acquiring a transnational character. Variations in rules, procedures and policies in different countries on banking, taxation, trade and business, and assistance in criminal matters has made it easier for criminal organizations to use international circuits for criminal activities and storage of the proceeds of crime.

II. TRAFFICKING STOLEN VEHICLES

Illicit trafficking is a serious problem in many parts of the world. The stolen vehicles recovered in African countries are of European, American or Japanese origin. In African countries, stolen vehicles are driven across the border or dismantled into spare parts and transported to other African countries. Motor vehicles robbed from Tanzania and other countries of the Great Lake region and Southern African region have been recovered in Uganda. In the same vein, vehicles robbed in Uganda have been recovered in other countries of the region. Similar problems exist in Nigeria.

In India, there are incidences of the trafficking of stolen vehicles to Nepal. In Japan, the *Boryokudan* groups, Myanmar nationals and Vietnamese are involved in trafficking stolen vehicles. *Boryokudans* steal luxury vehicles and smuggle them to Russia by sea routes, with the help of the Russian Mafia. Myanmar nationals smuggle vehicles to Myanmar and Bangladesh, whereas Vietnamese groups send stolen motorcycles to Vietnam. Stolen motorcycles from Japan are also smuggled into China, Hong Kong, the Philippines and Thailand.

III. CARD FRAUD

The credit card market has grown fast in Asian countries in recent years. In India, where the average person is not credit card friendly, the annual card spending has grown to 70,000 million

Rupees. The usual methods for committing card fraud have been counterfeiting, misusing stolen or lost cards, making multiple imprints or using mail orders. In Brazil, fraud is mainly perpetrated by the cloning of credit cards. Cloning is mostly done with equipment procured from abroad (where it is freely available), whereas in Brazil the sale of such equipment is prohibited.

In Malaysia, the *modus operandi* used in credit card fraud is by using card number generators, skimming, mail/telephone order and using a fictitious identity. In the Philippines, there are syndicates with intricate knowledge of computers and it is not difficult for them to hack bank transactions, manufacture counterfeit credit cards or forge signatures. In Japan, organized criminal groups of Malaysian-Chinese, Japanese and Hong Kong nationals have been found to be involved in credit card fraud. Besides this, Iranians are reported to have indulged in telephone card fraud in Japan.

IV. MONEY LAUNDERING

Transnational criminal organizations have resorted to money laundering in different countries in an effort to legitimize the proceeds of crime. One of the popular methods of remittance among Asian communities settled abroad (who send money back home) is *hundi* or *hawala*, an alternative non-banking remittance channel.

In Brazil, international mafia have used ghost beneficiaries and front and fictitious companies for money laundering. In India, money laundering is indulged in by corporate houses to evade taxes, as well as by organized criminal groups to launder dirty money. In Nigeria, organized criminal groups involved in drug trafficking repatriate money from abroad by direct purchase and re-sale of luxury items like cars and jewelry. Other methods include the over-invoicing of goods and trading in stocks and shares.

In Pakistan, money laundering has linkages with drug trafficking, smuggling, tax evasion and corruption. There have been about ten cases of money laundering in Japan since 1992 when the law on money laundering was enacted. *Boryokudans* have indulged in laundering the proceeds of the sale of stimulant drugs. Chinese 'Snakeheads' have used underground banks for laundering money from their human trafficking activities in Japan.

V. MAJOR TRANSNATIONAL ORGANIZED CRIMINAL GROUPS

Nigerian and Italian groups are prominent in illicit drug trafficking in Brazil. Nigerian groups get cocaine from neighboring countries using Nigerians as couriers. The Italian mafia use Europeans as couriers for trafficking drugs. Triads and 'Snakeheads' are Chinese mafia operating in countries where there are Chinese settlers. 'Snakeheads' are mostly dealing in the trafficking of human beings, whereas Triads are involved in drug trafficking, local extortion, illegal gambling and human trafficking.

Some of the major transnational organized crime groups operating in India are the Dawood Ibrahim group, Chhota Rajan group and Babloo Shrivastava group. The most dreaded group is the Dawood Ibrahim group which deals in drug trafficking, firearms trafficking, money laundering, contract killings, smuggling and extortion. Although there may not be any organized Nigerian criminal groups operating within Nigeria, Nigerians are reported to be members of organized crime groups abroad.

There are dozens of identified transnational crime groups in the Philippines, whose illegal

activities include trafficking in women and firearms, and they have connections with the Japanese *Yakuza*. In Thailand, criminal networks are involved in the trafficking of women. There are at least seven families in Bangkok who recruit, sell and smuggle Asian women for prostitution throughout the world.

The main organized criminal groups operating in Japan are *Boryokudans*, Chinese Triads and Chinese Snakeheads. The main illegal activities of *Boryokudan* groups are 'protection money', drug trafficking and gambling. Chinese Triads are indulging in drug trafficking, firearms trafficking, human trafficking and robbery. Chinese Snakeheads are engaged in human smuggling using forged documents.

The upsurge of trafficking in stolen vehicles, card fraud and money laundering, coupled with the emergence of transnational criminal organizations across the globe, demands galvanized international effort to stem this trend.

Group 1
Phase 2

**SPECIAL INVESTIGATIVE TOOLS TO COMBAT
TRANSNATIONAL ORGANIZED CRIME**

Chairperson	Mr. Mustafa Abdullah	(Malaysia)
Co-Chairperson	Mr. Ruy Gomes Silva	(Brazil)
Rapporteur	Mr. John Kanya	(Uganda)
Co-Rapporteur	Mr. Satomi Konno	(Japan)
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	Mr. Yoshihiko Hatanaka	(Japan)
	Mr. Masashi Shibata	(Japan)
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	Prof. Mikiko Kakihara	(UNAFEI)
Visiting Expert	Mr. Bruce Ohr	(USA)

Report Summary

I. INTRODUCTION

The use of traditional investigative methods to combat Transnational Organized Crime (TOC) has proved to be very difficult and ineffective. This demands that law enforcement agencies utilize special investigative tools such as controlled delivery, undercover operations and electronic surveillance (wiretapping, communications interception etc) to effectively fight TOC. However, the use of these tools are often surrounded with controversy because there is always public fear that they might infringe on human rights, rights to privacy or be misused by the government to oppress citizens.

II. CONTROLLED DELIVERY

Controlled delivery is recognized to be one of the most effective investigative tools in fighting TOC, particularly illicit drug trafficking. It is defined as the technique of allowing illicit or suspect consignments to pass out of, through or into the territory of one or more states, under the knowledge and the supervision of competent authorities, with a view to the investigation of an offence and the identification of persons involved. It is noted that most participating countries have applied the use of this tool. Countries such as the US, Italy, Japan and Pakistan have laws explicitly providing for the use of the tool after other investigative methods have proved ineffective or insufficient, and requires permission from relevant authorities.

In practice, the operation of controlled delivery is very difficult and complicated, particularly when it involves many countries. Worse still is when there is a difference in legal systems and practices of the countries concerned, as well as the lack of cooperation and coordination amongst various law enforcement agencies. In utilizing this tool, enforcement agencies are often haunted by fears that the illicit consignments may end up lost in the process. Even worse, in the case of firearms, is the direct link of their loss with danger. In order to overcome these problems, we need international cooperation and the development of new technologies like monitoring devices to supplement this tool.

III. UNDERCOVER OPERATIONS

Undercover operations means investigations involving a series of related undercover activities by an undercover employee (agent) over a period of time. It may be directed at only a single crime incident, or a long-term criminal enterprise. Through such undercover operations, law enforcement agents are able to infiltrate the highest levels of organized crime groups by posing as criminals when real criminals discuss their plans and seek assistance in committing crimes.

It is noted that all the participating countries except Brazil and India have employed this technique. China, Germany, Italy, Japan (for narcotics and firearms trafficking only), Malaysia and Pakistan have special laws or regulations pertaining to the conduct of undercover operations, while other countries have conducted these operations according to guidelines formulated by the relevant authorities.

The use of this tool has contributed greatly to the success in combating TOC. Prominent among the undercover operations which were carried out by the US Drug Enforcement Administration (DEA), with the assistance of other law enforcement agencies, were *Operation Dinero* (1994), *Operation Green Ice II* (1995) and *Operations Pipeline and Convoy* (since 1984). There are a few common underlying problems in employing undercover operations. These problems include the risk of disclosure of the true identity of an undercover agent (putting his/her life in considerable danger), the risk that he/she may be required to undergo a test of innocence, the stressfulness of the work and the lack of cooperation by some countries.

IV. ELECTRONIC SURVEILLANCE

Electronic surveillance covers wiretapping, communications interception etc. Telephone interception and the monitoring of all electronic communications are the most controversial aspects of electronic surveillance. Yet these are very useful in assisting law enforcement agencies to combat TOC. Wiretapping or telephone interception is defined simply as the interception of a telephone conversation between parties without their knowledge, using equipment that is inserted into the electronic circuit between the transmitter and the receiver.

In an attempt to analyze the situation of electronic surveillance among the participating countries, two categories were identified: those countries that have legal provisions allowing the use of electronic surveillance and those countries that do not. Among the countries with no legislation are Fiji, Laos, Nigeria, Papua New Guinea, Tanzania and Thailand. It is, however, noted that some of these countries employ this technique under guidelines internally issued by the relevant authorities for the purpose of intelligence gathering, instead of court evidence.

On the other hand, Hong Kong, Indonesia, Pakistan and Uganda have legal provisions allowing the employment of this tool, and the power granting authority is the head of the police. There are countries, however, which have legal provisions for the employment of this technique, after obtaining a warrant from a court judge. These countries include Brazil, China, Germany, Italy, Japan, the Philippines and the US.

The main problem hampering the use of this technique is the lack of adequate legislation, lack of funds to purchase equipment, lack of voice experts, persistent emergence of new technologies, lack of cooperation by the telephone companies and uncooperative countries. To overcome these problems, there should be enabling laws that make electronic surveillance practicable and useful, and which compel telephone companies to cooperate and promote international cooperation.

V. CONCLUSION

In conclusion, employment of new investigative tools is highly necessary to fight against the ever-growing threat of TOC. Undercover operations, controlled delivery and electronic surveillance stand out as the most effective investigative tools against TOC, given the fact that where they have been used they have exhibited a high level of ability to deliver good results. However, like all new innovations, use of these tools has to overcome a lot of problems, ranging from lack of or ineffective legislation, lack of trained manpower, challenges from civil society and the admissibility of evidence obtained through their application.

enforcement with individual human rights, and from changes in the public's attitude toward crime and punishment.

It has been observed that the absence or existence of an immunity system depends as much on each nation's culture, history and national sentiment, as on their body of laws. This difference, in turn, poses one of the main obstacles in enforcing the immunity system provision of the draft United Nations Convention against Transnational Organised Crime, which would bind all State Parties to consider the adoption of such a system.

II. RECOMMENDATIONS

As regards witness and victim protection, in order to get public cooperation in the fight against TOC, citizens must be assured that in doing so their life or property, or that of their family, will be safe from the criminal organizations they are challenging. Depending on the degree of cooperation and the type of witness, this protection may be given before, during and/or after the judicial proceedings. Some countries have specific witness protection programs, while others have incorporated witness protection provisions in their criminal laws or criminal procedure codes.

Witness protection programs (WPP) may include one or more of the following measures:

- (i) Relocation of the witness or placing him/her in a safehouse;
- (ii) Police protection in the course of the investigation or trial ;
- (iii) Financial and employment assistance;
- (iv) Retention of employment benefits;
- (v) Protecting the address of the witness;
- (vi) Non-disclosure of personal information about the witness;
- (vii) Totally concealing the identity and person of the witness;
- (viii) Change of identity;
- (ix) Supply of food and clothing;
- (x) Travel expenses and subsistence allowance during the inquiry;
- (xi) Social, psychological and medical assistance;
- (xii) Medical treatment, hospitalization and medication in case of injury;
- (xiii) Burial benefits, in the case of death due to participation in the WPP;
- (xiv) Free education to children, from primary to college level in any state or private school, college or university, if the witness dies or becomes permanently incapacitated from work as a result of participation in the WPP;
- (xv) Denial of bail for defendants;
- (xvi) Reducing the penalty by one-third in case of conviction (for co-accused acting as witnesses);
- (xvii) Allowing attendants, screens, or video links;
- (xviii) Isolating the witness;
- (xix) Out-of-court examination; and
- (xx) Criminalization of certain acts to protect witnesses.

Many countries do not have witness protection programs that specifically apply to cases involving TOC. The programs of other nations are generally used in ordinary crimes, but these may also be used in TOC cases, in addition to legal provisions that do not form part of any witness protection program. This does not mean, however, that all countries should adopt a uniform program for witness protection.

To conclude, witness protection strategies are strongly endorsed by the United Nations. Upon passage of the United Nations Convention against Transnational Organised Crime at the end

of this year, State Parties may have to devise feasible immunity programs, adopt legislation specially designed for the protection of witnesses and victims, or otherwise enhance existing systems so that they will conform to international standards and best practices. Inter-country cooperation in this regard will be more attainable if the necessary domestic laws are already in place.

Group 3 **COMPONENTS AND LEGAL FRAMEWORKS FOR**
Phase 2 **COMBATING TRANSNATIONAL ORGANIZED CRIME**
(CRIMINALIZATION OF PARTICIPATION IN ORGANIZED CRIMINAL GROUPS,
ANTI-MONEY LAUNDERING SYSTEMS AND ASSET FORFEITURE SYSTEMS)

Chairperson	Mr. Iddi Saidi King'wai	(Tanzania)
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Rapporteur	Mr. Donald NgorNgor Awunah	(Nigeria)
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Member	Mr. Zafar Iqbal Gondal	(Pakistan)
	Mr. Takeshi Miyamoto	(Japan)
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	Prof. Yuichiro Tachi	(UNAFEI)
	Prof. Akihiro Nosaka	(UNAFEI)
Visiting Expert	Mr. Franco Roberti	(Italy)

Report Summary

I. INTRODUCTION

There is a dichotomy between the individual criminal and the organized criminal group, attributing to the complex nature of transnational organized criminal crime. The arrest, prosecution and conviction of a member of any organized criminal group does not necessarily lead to the demise of the group. Consequently, criminalization of participation in organized criminal groups, developing anti-money laundering systems and articulating an asset forfeiture system that enables law enforcement agencies worldwide to deprive criminals of their proceeds is imperative.

II. CRIMINALIZATION OF PARTICIPATION IN ORGANIZED CRIMINAL GROUPS/CONSPIRACY

A. Draft UN Convention

Previous efforts notwithstanding, the tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders set in motion an instrument “*to align national laws in criminalizing acts committed by organized criminal groups*”. The Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime came out with a draft UN Convention against TOC (hereafter the ‘draft Convention’) in July 2000. The draft Convention proposes to criminalize participation and conspiracy in regard to organized criminal groups, particularly activities such as agreeing to commit a serious crime, participation in the criminal activities of organized criminal groups, and organizing, directing etc the commission of serious crimes.

B. Criminalization of Participation

As many countries penal provisions were not sufficient to deal with serious crimes by members of organized criminal groups, provisions were suggested to criminalize participation in such activities as organizing, directing, facilitating or counseling the commission of a serious crime or taking part in criminal and certain other activities of the organized criminal group, as a specific criminal offences. Italy incorporated such provisions into its laws. Similarly, China amended its Criminal Law in 1997, imposing imprisonment of 3 to 10 years for anyone who organizes, leads or actively joins any

underworld organization that commits crimes or infringes gravely upon economic and social order. Conversely, in Japan, the law regarding participation in an organized criminal group has not found favour with the authorities, as it appears incompatible with the constitutional provision of freedom of association. Equally in India, in regard to organized groups forming intra-state Mafia type organizations, the existing laws have been found wanting.

C. Conspiracy

Article 5(1)(a)(i) of the draft Convention proposes that agreeing with one or more persons to commit a serious crime should be a penal offence. Similar provisions already exist in many countries like Fiji, India, Indonesia, Laos, Malaysia, Nigeria, Pakistan, Papua New Guinea, Philippines, Tanzania, Thailand and Uganda. The offence of conspiracy generally states that when two or more persons agree to do, or causes to be done, an illegal act, the act is designated as a criminal conspiracy. In Japan, the Penal Code deals extensively with complicity among co-principals, instigators, and accessories. However, mere agreement to commit a crime is not an offence, except in some cases like insurrection.

III. ANTI MONEY-LAUNDERING SYSTEMS

Money laundering has a direct linkage to organized crime. According to the definition adopted by the international criminal police organization (ICPO/INTERPOL), “ *money-laundering denotes any act or attempted act to conceal or disguise the identity of illegally obtained proceeds so that they appear to have originated from legitimate sources* ” . Money laundering can be categorized into a three-stage process. Firstly, severing any direct link between the money and the predicate crime generating it. Secondly, obscuring the money trail to foil pursuit. Thirdly, re-investing the crime proceeds in furtherance of committing more crimes.

The major thrust of the Vienna Declaration on Crime and Justice - Meeting the Challenges of the Twenty-first Century, and of the Naples Political Declaration and Global Action Plan against Transnational Crime, was to initiate procedures to develop a legal framework for anti money-laundering systems. The draft Convention also provides for criminalization of the laundering of the proceeds of crime and for measures to combat money laundering respectively.

Japan has legislation against money laundering, though reported cases are relatively low. In Italy, in accordance with EU directives, law was enacted regulating the reporting of suspicious transactions to the Italian Exchange Bureau. The Suspicious Transactions Service was also established in Italy's National Anti-Mafia Bureau.

Pakistan enacted the Control of Narcotic Substances Act in 1997, with substantial provisions dealing with illegal proceeds derived from drug trafficking. With the later National Accountability Bureau Ordinance 1999, a comprehensive scheme against illegal proceeds derived from other crimes has also been established. In neighboring India, legislation on money laundering is at the draft stage.

In 1995, Nigeria introduced the Money Laundering Decree and established the Money Laundering Surveillance Unit in the Central Bank of Nigeria. Similarly, in 1998 Brazil enacted laws to combat money laundering, also establishing the Council of Financial Activities (COAF) responsible for identifying illicit activities related to money laundering.

In China, Article 191 of the Criminal Law deals with money laundering deriving from drug crimes, organized crimes or smuggling; stipulating 5 years imprisonment and the confiscation of all ill-gotten wealth and profits. In 1999, Thailand enacted the Money Laundering Control Act and the Money Laundering Control Board was established to deal with money laundering problems. Further, a Transaction Committee was set up to examine and audit transactions and properties related to criminal or predicate offences.

While Tanzania and Uganda have not developed any substantive anti-money laundering legal frameworks, they have formed National Anti-Money Laundering Committees in line with the principles of the East and Southern Africa Anti-Money Laundering Group (EASAAMLG). In the Philippines, there is no specific legislation criminalizing money laundering and anti-money laundering regulations have been found wanting, especially in respect of such basic features as customer identification, record keeping and bank secrecy provisions.

III. ASSET FORFEITURE SYSTEMS

Asset forfeiture systems deprive criminals of illegally acquired proceeds, and return such proceeds to the community for the greater good of society. The draft Convention provides for confiscation and seizure of the proceeds or property of crime. The central idea is generally to make transnational organized crime unattractive and unproductive. The legal provisions regarding asset forfeiture differ from country to country. In countries like Nigeria, Tanzania and Uganda, there are no discernible laws relating to asset forfeiture. However, Nigeria has provisions that allow for seizure and confiscation of the proceeds of crime, but with limited scope. Similar laws exist in China, Japan, Malaysia, Indonesia, Laos, India, Pakistan and Thailand, though the requirements and scope of applicable requisite offences in each country varies. Brazil does not have an asset forfeiture system specific to cases of organized crime.

IV. RECOMMENDATIONS

A. Participation in Organized Crime Groups

From the foregoing it can be concluded that many countries do not criminalize participation in an organized criminal group or the laws are not all embracing. In some countries, the scope of the offence of conspiracy is limited. There may be the necessity in countries like Japan to expand the concepts of complicity or conspiracy for serious offences.

There is apparent need, in accordance with the draft Convention, to criminalize participation in an organized criminal group, both in terms of the activities of the group as well as in the committing of serious crime. If such provisions are not incorporated, organized criminal group members may find refuge in a country where there is no such law, and in that event, extradition may not be possible as the requirement of dual criminality will not be fulfilled. The draft Convention gives concrete guidelines on enacting comprehensive domestic laws for criminalization of participation in organized criminal group, and thus should be ratified by all Member States.

B. Anti-Money Laundering Systems

There are certain countries whose bank secrecy laws make it attractive to deposit money

without easy identification, while there are others whose procedures do not effectively deter the opening of fictitious bank accounts. Some countries company laws make it easy to register offshore companies on payment of a small fee, with no proper auditing of financial accounts. Such facilities tend to promote money laundering. In this respect, the draft Convention recommends adequate record keeping and the reporting of suspicious transactions, which may require a basic change in the policy regarding banks, non-banking financial companies, and company registration and accounts. Furthermore, a Financial Intelligence Unit is proposed to be established in member countries to collect, analyze and disseminate information about potential money laundering.

C. Asset Forfeiture System

Provisions like that of Italy, where disproportionate assets can be forfeited, should be incorporated (if permissible under the domestic laws of the countries concerned). In transnational cases, where the proceeds of crime are derived in one country but moved to another, it may be necessary to enter bilateral or multilateral agreements to facilitate the easy transfer of such proceeds to the requesting country or to facilitate the sharing of assets seized.

Observation Visits

<i>Date</i>	<i>Agency/Institution</i>	<i>Main Persons Concerned</i>
Sept. 6	Fuchu Police Station	• Mr. Shigeo Kurose Chief
Sept. 13	Tokyo District Public Prosecutors Office	• Mr. Shoichi Kobayashi Deputy Director General Affairs Department
	Ministry of Justice	• Mr. Takashi Kawahara Private Secretary to the Minister of Justice
Sept. 27	Tokyo Metropolitan Police Department & Command Communications Center	• Mr. Toshinobu Miyasako Assistant Police Inspector/ Liaison Officer Public Relations Division
		• Mr. Katsuhiko Numao Police Sergeant/ Liaison Officer Public Relations Division
Oct. 3	Tokyo Immigration Bureau & Tokyo Customs House, Narita Airport	• Mr. Kenich Muranaka Director Narita Customs
		• Mr. Toshiki Eguchi Director Narita Immigration
Oct. 16	Fuchu Prison	• Mr. Kanichiro Ishiwatari Assistant Director General Affairs Division

<u>Date</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
Oct. 20	Tokyo District Court	<ul style="list-style-type: none">• Mr. Megumi Yamamuro Presiding Judge Fifth Criminal Division• Mr. Yasuo Tsujikawa Judge Fifth Criminal Division
	Supreme Court	<ul style="list-style-type: none">• Mr. Yukihiko Imasaki Director, Second Division Criminal Affairs Bureau• Mr. Junichi Shirakura Liaison Officer Secretariat Division General Secretariat

Group Study Tours

<u>Date</u>	<u>Group</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
Sept. 21 & 22	Nagano	<ul style="list-style-type: none"> • Nagano District Public Prosecutors Office 	<ul style="list-style-type: none"> • Mr. Toshio Itou Deputy Chief Prosecutor
Oct. 10 ~ 13	Hiroshima- Kansai	<ul style="list-style-type: none"> • 6th Regional Coast Guard Headquarters • Nishi-Nihon Immigration Center 	<ul style="list-style-type: none"> • Mr. Osamu Shiroichi Deputy Director Guard & Rescue Division • Mr. Akimichi Nakata Deputy Director
Nov. 8 ~ 10	Hokkaido	<ul style="list-style-type: none"> • Sapporo High Public Prosecutors Office • Sapporo District Public Prosecutors Office • Hokkaido Police Headquarters 	<ul style="list-style-type: none"> • Mr. Hideo Iida Superintending Prosecutor • Mr. Issei Yamaguchi Chief Prosecutor • Mr. Takahiro Yamada Chief

Special Events

Aug. 28

Welcome Party

Aug. 31 & Sept. 1, 5, 7, 11, 12, 18, 20
 Sept. 30, Oct. 7, 21 & Nov. 4

Japanese Conversation Classes

The overseas participants attended Japanese conversation classes provided by JICA and the ACPF. They learned practical Japanese expressions. The sensei (teachers) were Mr. Michio Kawachi, Ms. Mariko Kambayashi, Ms. Kimiko Hiraiwa, Ms. Kazue Suzuki and Ms. Yukiko Shiina. *Iroiro Arigato Gozaimashita.*

Sept. 8

UNAFEI Olympics

The UNAFEI Olympic Games were held on the grounds of the Training Institute for Correctional Personnel. The participants competed in such events as the three-legged race, racket relay and the true-false quiz. Afterwards, there was a friendship party at UNAFEI.

Sept. 13

Reception by Vice-Minister of Justice

After visiting the Ministry of Justice, a reception was held by Vice-Minister of Justice, Mr. Kunihiro Matsuo, at the Lawyers Club.

Sept. 15

Tea Ceremony

'*Cha-no-yu*' or '*Sado*', a formal Japanese tea ceremony, was demonstrated for the participants in UNAFEI Lounge B by Ms. Soue Kubo, an Ura Senke Tea Master, and her apprentices.

Sept. 21

ACPF Nagano Party

ACPF Nagano Branch hosted a dinner party at the Hotel Kokusai 21 in honor of the participants.

Sept. 25

Flower Arrangement

A group of volunteer instructors, led by Ms. Kuniko Mori, explained and demonstrated to the participants '*Ikebana*', traditional Japanese flower arrangement. Afterwards, the participants had the opportunity to arrange the flowers themselves

Oct. 6

International Friendship Gathering

JICA Hachioji International Training Center (HITC) hosted an international friendship gathering for the participants at the Keio Plaza Hotel Hachioji. Guests included high ranking government officials (including members of the Diet), Hachioji City Mayor and leaders of organizations involved in implementing JICA training courses.

Oct 10 ~ 13

Hiroshima-Kansai Study Tour

Hiroshima: On their first day, the participants visited the Peace Memorial Museum and Peace Memorial Park in Hiroshima. The next day, the participants were escorted by two Regional Coast Guard vessels to Miyajima Island, located in the Seto Inland Sea near Hiroshima.

Kyoto: On their third day, the participants visited the Nishi-Nihon Immigration Center and the Panasonic Hall of Science and Technology. The next day, the participants went on a guided bus tour to Nijo Castle, Kinkakuji Temple and the Kyoto Imperial Palace.

Oct. 14

JICA Bus Tour

The overseas participants joined other JICA course participants training at HITC on a scenic bus tour of Lake Kawaguchi and its surrounding environs.

Oct. 21

Tokyo Horse Race Course

At the invitation of the Fuchu Rotary Club, the participants observed and bet on horse races at the Tokyo Horse Race Course. Mr. Eiichi Tanaka, General Manager of the Tokyo Horse Race Course, hosted the event.

Oct. 21

Home Visits

ACPF Fuchu Branch organized dinners for the participants in the homes of members from the Fuchu International Exchange Salon, Tokyo Fuchu Rotary Club and Soroptimist International of Tokyo, Fuchu. The hosts were Ms. Kaoru Yajima, Mr. Yoshiyuki Sakano, Mr. Yasuhiro Momota, Mr. Rinshi Sekiguchi, Ms. Junko Ogawa, Ms. Chieko Nomura and Mr. Takeshi Mutou.

Oct. 25

VPOs' International Training

Ten Volunteer Probation Officers visited UNAFEI for an International Training Program. It was jointly organized by UNAFEI and the Rehabilitation Bureau of the Ministry of Justice of Japan. A discussion session and friendship party were arranged to exchange views between the VPOs and the participants.

Oct. 27 & 28

Visits to ACPF Branches

The overseas participants were invited on local overnight trips by six branch organizations of the ACPF, namely: Iwate, Shikoku, Sendai, Nagoya, Yamaguchi, and Shizuoka. Each branch held a reception in honor of the participants visiting their region.

Oct. 30

Koto Concert

The Ensemble 21st Century, a group of volunteer musicians, performed traditional Japanese 'Koto' music for the participants at UNAFEI.

- Nov. 1 *UNAFEI-ACPF International Bowling Tournament*
ACPF Fuchu Branch sponsored the fourteenth UNAFEI-ACPF International Bowling Tournament. The participants enjoyed bowling and socializing with members of the ACPF Fuchu Branch.
- Nov. 8 ~ 10 *Hokkaido Trip*
After official visits to the Sapporo High and District Public Prosecutors Offices, and to the Hokkaido Police Headquarters, the participants enjoyed sightseeing, including visits to Otaru city, Shakotan Peninsula, a salmon aquarium and the Nikka Whiskey Distillery.
- Nov. 13 *Tachikawa Bosai Center*
The participants visited the Tachikawa Bosai Center, an educational facility for emergency and disaster training. They experienced fire and earthquake simulations, and learnt how to respond in the event of natural disasters.
- Nov. 13 *Suntory Musashino Brewery*
At the invitation of the Fuchu Rotary Club, the participants visited the Suntory Musashino Brewery. Mr. Shozo Katayama, Plant Manager, hosted the tour.
- Nov. 14 *Farewell Party*

Reference Materials Distributed

Publications about the Japanese Criminal Justice System

- (1) Summary of the White Paper on Crime 1999
- (2) Criminal Justice in Japan: various publications

UNAFEI Publications

- (1) UNAFEI Resource Material Series No. 54
- (2) Criminal Justice Profiles of Asia
- (3) UNAFEI Pamphlet
- (4) 116th International Training Course lectures and presentation papers

Combating Transnational Organized Crime: Efforts by the United Nations and G8

- (1) Naples Political Declaration and Global Action Plan against Organized Crime (Naples, Italy, 23 November 1994, World Ministerial Conference on Organized Transnational Crime)
- (2) United Nations General Assembly resolution 49/159 of 23 December 1994, entitled “Naples Political Declaration and Global against Organized Transnational Crime”
- (3) United Nations General Assembly resolution 51/60 of 12 December 1996, entitled “United Nations Declaration on Crime and Public Security”
- (4) P8-Senior Experts Group 40 Recommendations to Combat Transnational Organized Crime (Paris, April 1996)
- (5) United Nations General Assembly resolution 53/111 of 20 January 1999, entitled “Transnational Organized Crime”
- (6) G8 Communiqué Okinawa 2000 (Okinawa, 23 July 2000)

Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

- (1) Background paper on the “Draft United Nations Convention against Transnational Organized Crime”
- (2) Background paper on “Fighting Transnational Organized Crime”
- (3) Opening Statement to the High-level Segment, by Pino Arlacchi, Under Secretary-General, Executive Director, 14 April 2000
- (4) Vienna Declaration on Crime and Justice: Meeting the Challenges of Twenty-first Century (A/CONF.187/4/Rev.3)

Elaboration of the draft United Nations Convention against Transnational Organized Crime

- (1) Draft United Nations Convention against Transnational Organized Crime (A/AC.254/L.230/Add.1)
- (2) Interpretative notes for the official records (travaux préparatoires) of the negotiations of the United Nations Convention against Transnational Organized Crime (A/AC.254/L.230/Add.2)
- (3) Reports of the Ad Hoc Committee on the Elaboration of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/9, 11, 14, 17, 19, 23, 25)

- and 28)
- (4) Proposal and contributions received from governments (A/AC.254/5, A/AC.254/5/Add. 1-8, 14-17, 20 and 23)
 - (5) United Nations Economic and Social Council resolution 1999/20 of 28 July 1999, entitled “Draft United Nations Convention against Transnational Organized Crime”
 - (6) Progress report of the Ad Hoc Committee on the Elaboration of the draft United Nations Convention against Transnational Organized Crime (A/AC.254/30-E/CN.15/2000/4)

Japanese Legislation

- (1) Law for the Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters
- (2) Law concerning the Prevention of Unjust Acts by Boryokudan Members
- (3) Immigration Control and Refugee Recognition Act
- (4) Firearms and Swords Control Law
- (5) Law concerning Special Provisions for the Narcotics and Psychotropics Control Law, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conduct and Other Activities Involving Controlled Substances through International Cooperation

Money Laundering

- (1) The Forty Recommendations (Financial Action Task Force on Money Laundering, FATF), 1990 (revised in 1996)
- (2) Review to Identify Non-Cooperative Countries or Territories: Increasing the Worldwide Effectiveness of Anti-Money Laundering Measures (FATF, 22 June 2000)
- (3) Model Legislation on Laundering, Confiscation and International Cooperation in relation to the Proceeds of Crime (Office for Drug Control and Crime Prevention, Global Programme against Money Laundering)

Drug, Human Trafficking and Vehicle Theft etc

- (1) United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna Convention 1988), (E/CONF.82/15)
- (2) Commentary on the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (extract)
- (3) World Situation with regard to Illicit Drug Trafficking and Action Taken by the Subsidiary Bodies of the Commission on Narcotic Drugs (E/CN.7/2000/5)
- (4) Activities of the United Nations International Drug Control Programme (E/CN.7/2000/9)
- (5) 2nd Conference on Drugs Policy in Europe (Brussels, 28-29 February 2000)
- (6) Global Programme against Trafficking in Human Beings (E/CN.15/1999/CRP.2)
- (7) Trafficking in Human Beings (UPDATE, UNODCCP, January 2000)
- (8) “Combating Vehicle Theft along the Texas Border” by Philip A. Ethridge and Raul Gonzalez (FBI Law Enforcement Bulletin, January 1996)
- (9) “Passport Fraud” (FBI Law Enforcement Bulletin, July 1998)
- (10) “YACS Crime Groups”, by Richard A. Ballezza (FBI Law Enforcement Bulletin, November 1998)
- (11) “Reexamining the Importance of Firearm Investigations”, by William J. Vizzard (FBI Law Enforcement Bulletin, May 1999)
- (12) “Drug Conspiracies”, by Edward M. Hendrie (FBI Law Enforcement Bulletin, June 1999)

Investigative Tools

- (1) “Undercover Investigations and the Entrapment Defense”, by Thomas V. Kukura (FBI Special Agent, FBI Law Enforcement Bulletin, April 1993)
- (2) “The Use of Modern Technology and Criminal Procedures for Investigations and Legal Protection Issues: Collection, Analysis, and Sharing Information on Organized Crime”, by Slawamir Redo (Senior Crime Prevention and Criminal Justice Expert, CICIP, UNODCCP Central Asian Seminar on TOC, Tashkent, March 2000)
- (3) “New Measures of Investigation as Countermeasures against Organized Crime”, by Edwin Kube (Professor, University of Giesen, Germany, International Workshop on Crime in the Post-modern Society and its Countermeasures, Bali, Indonesia, December 1997)
- (4) “New Measures of Investigation as Countermeasures against Organized Crime”, by Koesparmono Isran (*Ibid*, Bali, December 1997)
- (5) “Entrapment and Wiretapping as a Means of Investigation”, by Dagmar Kube (*Ibid*, Bali, December 1997)
- (6) “Combating Organized Crime: the Legislative and Regulatory Framework”, by William P. Schaefer (Assistant US Attorney, Thailand, 30 November 1999)
- (7) “Legal Framework and Investigative Tools for Combating Organized Crime: the Italian Experience”, by Giuliano Turone (Prosecuting Trial Attorney, Thailand, 30 November 1999)
- (8) “Conducting Successful Interrogations”, by David Vessel (FBI Law Enforcement Bulletin, October 1998)
- (9) “Avoiding the Informant Trap”, by James E. Hight (FBI Law Enforcement Bulletin, November 1998)
- (10) “Managing Undercover Stress”, by Stephen R. Band and Donald C. Sheehan (FBI Law Enforcement Bulletin, November 1998)
- (11) “The Motor Vehicle Exception”, by Lisa A. Regini (FBI Law Enforcement Bulletin, July 1999)
- (12) “Drug Detection Dogs”, by Michel J. Bulzomi (FBI Law Enforcement Bulletin, January 2000)
- (13) “The Financial Crimes Task Force of Southwestern Pennsylvania”, By Kenneth W. Newman and John A. Wisniewski (FBI Law Enforcement Bulletin, February 2000)
- (14) “Electronic Surveillance”, by Thomas D. Colbridge (FBI Law Enforcement Bulletin, February 2000)
- (15) “Working with Informants”, by James E. Hight (FBI Law Enforcement Bulletin, May 2000)
- (16) “The Qualified Privilege to Protect Sensitive Investigative Techniques from Disclosure”, by Jayme S. Walker (FBI Law Enforcement Bulletin, May 2000)
- (17) “The Technique of Controlled Delivery as a Weapon in Dealing with Illicit Traffic in Narcotic Drugs and Psychotropic Substances”, by P. D. Cutting (Bulletin on Narcotics, No.4, 1983)

Legal Framework

- (1) “Rules and Principles in National Laws (with Special regard to Austria and Germany) in their International Context”, by Frank Höpfel (Professor, University of Vienna, NPA Forum on International Standards of Countermeasures against Organized Crime, Tokyo, 13 October 1999)
- (2) “The Fight against Organized Crime: Possibilities, Problems and Opportunities, with a Special Focus on the EU”, by W. Bruggeman (Deputy Director Europol, *Ibid*, Tokyo, 13 October 1999)
- (3) “Organized Crime in China: Trends, Form and Control”, by Mo Hongxian (Professor, Wuhan University, Police Policy Forum, Tokyo, 30 June 1999)
- (4) “RICO”, by Gerard E. Lynch (Professor, Columbia University, Police Policy Forum, Tokyo, December 1998)

- (5) “Overview of the US Organized Crime Control Attack”, by James B. Jacob (Professor, New York University, Police Policy Forum, Tokyo, December 1998)
- (6) “Forfeiture as a Domestic and International Law Enforcement Tool”, by Susan Lea Smith (Trial Attorney, USDOJ, Police Policy Forum, Tokyo, December 1998)
- (7) “Legal Frameworks for Combating Organized Crime: Overview of the Organized and Serious Crimes Ordinance Hong Kong SAR”, by Michel C. Blanchflower (Deputy Principle Government Counsel, Senior Criminal Justice Executive Program Session II, International Law Enforcement Academy, Thailand, 29 November 1999)
- (8) “Case Study – Under New Management: Using Federal Forfeiture Statutes to Attack the Drug Case”, by Carl G. Ringwald (FBI Law Enforcement Bulletin, June 1996)
- (9) “Combating Gangs”, by Lisa A. Regini (FBI Law Enforcement Bulletin, February 1998)
- (10) “Gang Congregation Ordinance”, by Daniel L. Schofield (FBI Law Enforcement Bulletin, September 1999)

Others

- (1) Project Proposal, United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention (Manila, March 1998)
- (2) Manila Declaration on the Prevention and Control of Transnational Crime (Draft) (Manila, March 1998)
- (3) Report of the Asian Regional Ministerial Meeting on Transnational Crime (Draft) (Manila, March 1998)
- (4) Asia-Pacific Ministerial Seminar on Building Capacities for Fighting Transnational Organized Crime, held in Bangkok on 20 and 21 March 2000 (A/CONF.187/CRP.3)
- (5) “Russian Organized Crime”, by Scott O’Neal (FBI Law Enforcement Bulletin, May 2000)
- (6) New Delhi Declaration Adopted by the Seventh Asia Crime Prevention Foundation World Conference on Crime Prevention and Criminal Justice on the Theme “Effective Regional Cooperation in Crime Prevention and Criminal Justice in the Next Millennium”, held at New Delhi from 23 to 26 November 1999 (A/CONF.187/NGO.2)
- (7) International Cooperation in Combating Transnational Crime, by Asia Crime Prevention Foundation (E/CN.15/1998/NGO/1)
- (8) The Prevention and Control of Organized Crime: a European Union Strategy for the New Millennium (2000/C124/01)
- (9) 1998 – EU Organized Crime Situation Report: Open Version (14119/199, Rev1)

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INFORMATION ABOUT PROGRAMMES

Recent Activities

1. Training Program: Juvenile Treatment Systems

UNAFEI conducted a training program for Kenyan criminal justice officials who are working for the prevention of delinquency and the treatment of juvenile delinquents in their country. The training course, entitled “Juvenile Treatment Systems”, was held from 2 October to 25 October 2000. The course exposed Kenyan officials to the workings of the Japanese juvenile justice and treatment system through lectures and observation visits to relevant agencies. As a result of this comparative study, the officials successfully developed action plans for the implementation and development of institutional and community-based treatment systems for juvenile delinquents in Kenya.

2. Training Program: Corruption Control in Criminal Justice

UNAFEI is currently conducting a training course entitled “Corruption Control in Criminal Justice” from 6 November to 1 December 2000. In this course, thirteen foreign officials engaged in corruption control are comparatively analyzing the current situation of corruption, methods of corruption prevention, and measures to enhance international cooperation in this regard.

Forthcoming Training Programmes

1. The 117th International Seminar

The 117th International Seminar, entitled “Current Situation and Countermeasures against Money Laundering”, is scheduled to be held from 15 January to 16 February 2001. The 117th International Seminar will examine current issues and problems in preventing, investigating and prosecuting transnational organized crime, particularly in regard to money laundering and related offences.

Rationale

Money laundering is the conversion or transfer of property, knowing that such property is derived from criminal activity, for the purpose of concealing the illicit nature and origin of the property from government authorities. Typically, this is done by moving it from one country to another (physically or electronically) and obscuring its origin through complicated financial transactions.

Money laundering is a growing threat to the security of the international society and the stability of sovereign states. It undermines the integrity of legitimate national economies, global financial systems, the rule of law and fundamental social values. According to the Financial Action Task Force on Money Laundering (FATF), it is estimated that the amounts of money laundered annually worldwide from the illicit drug trade alone range between US\$300 billion and US\$500

billion (1998). The inclusion of laundered illicit funds from economic and other non-drug crime could potentially more than double these figures.

Money laundering, which is perpetrated under the influence of transnational criminal organizations, has caused terrible problems in the various countries of the world, including Asia and the Pacific region. It is predicted to become more sophisticated and difficult to detect due to the increasing use of professionals, such as lawyers, accountants and financial advisers. There are many cases of money laundering worldwide. An infamous example of money laundering from drug sales was “The Pizza Connection”, where 38 people were charged in New York City with heroin trafficking and money laundering. The case revealed how organized crime networks were involved in this activity, in collusion with major banks in the United States and Switzerland. A linkage between the poppy fields of South-east Asia and pizza parlors across America was also disclosed¹.

Similarly, in July 1991, in a case revealing the complexity of investigating money laundering, more than US\$12 billion in assets was seized from the Bank of Credit and Commerce International (BCCI) after regulators discovered evidence of widespread fraud. The bank actively sought to provide financial services to underworld profiteers in drug trafficking, terrorism, dictatorships, intelligence agencies and arms trading, by promoting itself as a safe haven. BCCI was able to commit or facilitate a variety of crimes through the skilful use of “shell” corporations, off-shore financial centers (the safe havens of illicit funds), bank secrecy and the complex corporate structure of the bank².

In recognition of the gravity of international money laundering, initiatives were taken in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (adopted at Vienna, 19 December 1988) to provide anti-money laundering provisions (Paragraph 1, Subparagraph (b) of Article 3). In accordance with the Convention, many countries legislated domestic laws to ratify the Convention (at present 108 countries including Japan). However, as the Convention was adopted in relation to drug offences, the provisions relating to money laundering cover a limited area.

Concurrently, the G-7 Summit in Paris, (1989) established FATF to examine measures to combat money laundering. In April 1990, FATF issued a report containing a programme of forty recommendations in this area. The recommendations are designed to provide a comprehensive blueprint for action against money laundering covering; the criminal justice system and law enforcement; the financial system and its regulation; and international co-operation. In accordance with the recommendations, each country has to, for example, establish Financial Intelligence Units (FIU) to collect suspicious transactions and must disclose anonymous accounts or accounts held in fictitious names. Although the recommendations are not a binding international convention, each of the FATF members has made a firm political commitment to combat money laundering. In 1996, the recommendations were modified to take into account recent money laundering trends and potential future threats.

Similarly, the United Nations Ministerial Conference on Organized Transnational Crime, (Naples, Italy 1994.) adopted an international document entitled the “Naples Political Declaration and Global Action Plan against Organized Transnational Crime”, which was subsequently endorsed by the United Nations General Assembly. Furthermore, an Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime was created to draft a comprehensive

¹ Richard Parlour ~~International Guide to Money Laundering Law and Practice~~, Butterworth & Co Ltd, 1995, P2

² United Nations Office for Drug Control and Crime Prevention ~~United Nations Global Programme against Money Laundering~~, December 1998, DPI/2010-98-28445E

international convention to counter transnational organized crime. During the discussions of the Committee, it has been generally understood that predicate offences for money laundering should not be limited to drug-related crimes and that more effective countermeasures against money laundering must be introduced to combat transnational organized crime. Against the background of such international concern, in February 1997 the Asia/Pacific Group on Money Laundering (APG) was established to examine measures to combat money laundering within the Asia-Pacific region, as well as at the international level.

Taking this into consideration, UNAFEI, as a regional institute (affiliated with the United Nations) for the prevention of crime and the treatment of offenders, decided to undertake a series of international training courses and seminars for the coming years under the general subject of “transnational organized crime”. This seminar on money laundering is part of UNAFEI’s continuing commitment to this internationally important theme.

Giving due consideration to the above rationale, this seminar will explore the ways and means of strengthening and improving methods and techniques in the fight against money laundering. By gathering best practice examples from the participants, analyzing the factors for success, we will be able to develop more effective countermeasures against money laundering at each stage of the criminal justice process. Sharing practical information and experience on how other countries tackle our common issues will facilitate our efforts against money laundering.

In the discussions of this seminar, focus will be placed on the following elements:

1. Current situation of:
 - (a) Money laundering cases (number, scale, etc)
 - (b) Major transnational organized criminal groups and their activities
2. Current situation of :
 - (a) Criminalization of money laundering
 - (b) Scope and extension of predicate offences for money laundering
 - (c) Function and activities of Financial Intelligence Units (FIU)
 - (d) Cooperation by banks and non-bank financial institutions
 - (e) Asset confiscation
 - (f) Other anti-money laundering systems/strategies
3. Discussion of specific money laundering cases to identify problems and solutions at the stage of investigation, prosecution and trial.
4. Introduction of successful cases involving the cooperation of financial institutions in providing information on suspicious financial transactions. Discussion on the involvement of offshore financial centers, and on practices of information sharing between FIU and law enforcement agencies.
5. Effective investigation methods for money laundering. Practices and problems relating to the following methods:
 - (a) controlled delivery
 - (b) electronic surveillance (wire-tapping, communications interception, etc)
 - (c) undercover operations

Issues relating to conventional investigative techniques such as interrogation of suspects, interviews with witnesses, search and seizure, shadowing, observations, etc. Strategies to facilitate

money laundering investigation, such as immunity from prosecution.

2. The 118th International Training Course

The 118th International Training Course tentatively entitled “Best Practices in Institutional and Community-based Corrections” is scheduled to be held from 8 May to 9 July 2001. The 118th International Training Course will examine current trends and issues in Corrections, including the improvement of the treatment of juvenile offenders.

Upcoming Activities

1. Nepal-UNAFEI Joint Seminar

The Nepal-UNAFEI Joint Seminar will be held in Kathmandu under the theme of “Effective Countermeasures to Combat Organized Crime in Criminal Justice Processes” from 19 to 22 December 2000. The Government of the Kingdom of Nepal, through the Ministry of Home Affairs, and UNAFEI will organize the Joint Seminar.

ADMINISTRATIVE NEWS

Overseas Trips by Staff

Mr. Keiichi Aizawa (Deputy Director), Mr. Chikara Satou (Professor), Ms. Mikiko Kakihara (Professor), and Mr. Kenji Koroyasu (President, Research and Training Institute, Ministry of Justice) visited the People's Republic of China, from 12 to 19 July 2000, for the purpose of fostering international exchange in criminal justice administration.

Mr. Hiroshi Tsutomi (Professor) and Akihiro Nosaka (Professor) visited Kenya as short-term experts, as part of a JICA international assistance scheme for the prevention of crime by children and young persons, from 16 July to 25 August 2000.

Mr. Hiroshi Iitsuka (Professor) and Mr. Shinya Watanabe (Professor) represented UNAFEI at the Second International Training Course on the Improvement of Prison Conditions and Correctional Programmes, San Jose, Costa Rica, from 18 to 26 July 2000.

Mr. Mikinao Kitada (Director) presented a lecture on behalf of UNAFEI at the First World Congress on Public Security and the Procurement and Administration of Justice, Mexico City, Mexico, 25 to 29 July 2000.

Mr. Mikinao Kitada (Director) visited the International Center for Criminal Law Reform and Criminal Justice Policy (ICCLRCJP) in Vancouver, Canada, from 28 to 30 July 2000, to exchange views on the administration of criminal justice institutes and the working program of each institute for fiscal year 2001.

Mr. Hiroshi Iitsuka (Professor) visited Kathmandu, Nepal, from 8 to 13 August 2000, in preparation for the Nepal-UNAFEI Joint Seminar to be held December 2000.

Mr. Hiroshi Tsutomi (Professor) participated in the Youth Justice 2000 Conference Singapore from the 13 to 15 September 2000.

Mr. Mikinao Kitada (Director) attended the Fifteenth Coordination Meeting of the Network of UN Institutes in Turin, Italy from 19 to 20 September 2000. He then traveled to Courmayeur, Italy to attend the Eighth ISPAC Plenary Session and the International Conference on "Countering Terrorism through Enhanced International Co-operation" from 21 to 22 and 22 to 24 September 2000, respectively.

Mr. Mikinao Kitada (Director) and Mr. Keiichi Aizawa (Deputy Director) attended the Eighth Asia Crime Prevention Foundation World Conference held in Beijing, The People's Republic of China from 11 October to 16 October 2000. UNAFEI was co-organizer of the Group Meeting "Internet Related and Other 'High-tech' Crimes" for this conference; a follow-up forum to the "Workshop on Crimes Related to the Computer Network", which UNAFEI coordinated as part of the Tenth United Nations Congress on the Prevention of Crime and Treatment of Offenders, held in Vienna, April 2000.

Mr. Shinya Watanabe (Professor) represented UNAFEI at the Twentieth Asian and Pacific

Conference of Correctional Administrators in Sydney, Australia from 5 to 11 November 2000.

Mr. Keiichi Aizawa attended the First Independent Commission Against Corruption (ICAC) Symposium in Hong Kong from 13 to 16 November 2000.

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