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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 131st International Training Course on "The Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power - Twenty Years after Its Adoption" which took place from 29 August to 6 October 2005.

In this Course, we welcomed eight Japanese and sixteen overseas participants: eight from Asia, three from Latin America, two from Africa, two from the Pacific and one from Europe. They included police officers, public prosecutors, judges, a probation officer, a correctional officer, a coast guard officer, a lecturer at a police academy and other high-ranking public officials.

As this newsletter demonstrates, the Course was extremely productive. It consisted of individual presentations, group workshop sessions, visits to relevant criminal justice agencies, and presentations by visiting experts, faculty members and ad hoc lecturers.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was adopted at the Seventh United Nations' Congress and subsequently by the General Assembly in 1985. The Declaration is the most fundamental instrument adopted by the UN in relation to the improvement of the treatment of victims in the criminal justice field and recommends specific measures to be taken by Member States.

Concerned that little progress was being made in implementing the measures, the UN Commission on Crime Prevention and Criminal Justice, at its fifth session in 1996, adopted a resolution to develop a manual or manuals on the use and application of the Declaration. From this resolution, an Expert Group Meeting produced a "Handbook" on the use and application of the Declaration and a "Guide" for policymakers. The Guide pointed out that despite the years since the Declaration was adopted there was probably no jurisdiction where the treatment of victims of crime and abuse of power was fully in accordance with the Declaration. In 2000 the Vienna Declaration on Crime and Criminal Justice declared 2002 as a target date for States to take the necessary measures in accordance with the Declaration.

UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, undertook this Course to explore the various issues and measures recommended in the Declaration in order to promote its more effective use and application.

During the Course the participants diligently and comprehensively examined the situation of justice for victims of crime and abuse of power from the perspective of the Declaration, primarily through a comparative analysis of the current situation. The participants shared their own experiences, and knowledge of the issues, and identified problems and areas in which improvements could be made. After engaging in in-depth discussions with the UNAFEI faculty and visiting experts, the participants were able to put forth effective and practical solutions that could be applied in their respective countries.

I would like to offer my sincere congratulations to all the participants upon 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 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 work towards the improvement of their respective nation's criminal justice systems, and to the benefit of the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 131st International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work, and that the bonds fostered among the participants, visiting experts, and UNAFEI staff will continue to grow for many years to come.

October 2005



Masahiro Tauchi
Director, UNAFEI

**“THE USE AND APPLICATION OF THE UNITED NATIONS
DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF
CRIME AND ABUSE OF POWER¹ ~ TWENTY YEARS AFTER ITS ADOPTION”**

Course Rationale

Considerable attention has deservedly been paid to ensuring due process and establishing fundamental rights for suspects and defendants. In contrast, under modern criminal justice systems, victims of crime were "forgotten persons" until the middle of the twentieth century. Despite the fact that they were most adversely affected by crime, little attention was paid to their protection, support, rights, interests and legal status in the criminal justice system. However, a common understanding regarding the necessity of promoting the protection and the support of victims of crime has developed. This development, which mainly took place in Western countries after the 1960s, can be divided into three stages. The first stage was the establishment of a system of monetary support for the victim (1960s). The second stage was the strengthening of immediate and direct support for the victim (1970s). After the second stage there was a realization that the victim in the criminal justice process had very few rights and the actual process sometimes victimized them a second time and this led to the third stage. The third stage has brought about the enactment of statutes for the improvement of the legal status of the victim and the establishment of the rights of the victim (from the 1980s).

It was not until the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (hereinafter referred to as "the Congress") in 1980 that the United Nations really focused on the issue of the protection of victims, when the Congress discussed this issue under the agenda item "Crime and the abuse of power: offences and offenders beyond the reach of law". Five years later, "The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (hereinafter referred to as "the Declaration") was adopted at the Seventh Congress held in Milan, Italy in August and September 1985, and subsequently by the United Nations General Assembly on 29 November 1985. The Declaration is the most fundamental instrument adopted by the United Nations in relation to the improvement of the treatment of victims in the crime prevention and criminal justice field. The Declaration is divided into two parts, namely Part A: Victims of Crime and Part B: Victims of Abuse of Power. In summary, based on the philosophy that victims of crime should be treated with compassion and respect for their dignity, Part A recommends the following measures to be taken on behalf of victims of crime at the international, regional and national levels: that victims of crime are entitled to access to the mechanism of justice and fair treatment; that fair restitution to victims by offenders responsible for their behaviour should be realized, where appropriate; that States should endeavour to provide financial compensation to victims, when compensation is not fully available from offenders; and that victims should receive the necessary material and psychological and social assistance. Part B proposes that states should consider incorporating into their national law norms prescribing abuses of power and providing remedies to victims of such abuses.

¹ General Assembly Resolution 40/34, 29 November 1985.

However, despite the adoption of the Declaration there was little evidence that adequate measures for the improvement of the treatment of victims, including changes to their legal systems, were taken by Member States. In consideration of the above, the United Nations Economic and Social Council recommended that Member States take the necessary steps to give effect to the provisions contained in the Declaration in its resolution 1989/57 of 24 May 1989, and recognized the need for continuous efforts to do so and to adapt the Declaration to meet the full range of needs and the circumstances of different countries in the preamble of its resolution 1990/22 of 24 May 1990. Moreover, the United Nations Commission on Crime Prevention and Criminal Justice, at its fifth session, adopted a resolution to develop a manual or manuals on the use and application of the Declaration, which was subsequently adopted as ECOSOC resolution 1996/14 of 23 July 1996. In response to that resolution, the Expert Group Meeting on Victims of Crime and Abuse of Power was established, and it developed "The Handbook on Justice for Victims on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power"² (hereinafter referred to as "the Handbook") and "The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power"³ (hereinafter referred to as "the Guide"). The Guide points out a big discrepancy between the implementation and the philosophy of the Declaration by stating in its introduction "There is probably no jurisdiction where the treatment of victims of crime and abuse of power is fully in accordance with the Declaration". In addition, the Vienna Declaration on Crime and Justice in 2000 also declared that "... we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies."⁴ Thus, twenty years since its adoption, its time for Member States to take necessary measures in accordance with the Declaration.

Giving due consideration to the above mentioned rationale, UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, will explore in this Course various issues that relate to victims of crime and abuse of power, mainly in accordance with the Declaration.

In regard to victims of crime, the restorative justice approach has been frequently discussed in recent years. "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters",⁵ which is also a United Nations instrument, should be referred to, when the restorative justice approach is discussed as a related issue to victims of crime in this Course, although the restorative justice approach is not the focal point of this Course.

In regard to victims of abuse of power the Declaration states "'Victims' (of abuse of power) means persons, who have suffered ...substantial impairment ..., through acts or omissions that do

² "The Handbook on Justice for Victims on the Use and Application of Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the following web site: <http://www.uncjin.org/Standards/standards.html>.

³ "The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power." United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the above web site.

⁴ "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century." General Assembly Resolution A/55/593. 17 January 2001: Para 27.

⁵ Economic and Social Council Resolution 2000/14 U.N. Doc, E/2000/INF/2/Add. 2.

not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights". However, the term victims of abuse of power, is such a broad and ambiguous concept that sometimes it is argued that this concept includes, for example, abuse of power between states or between races, and even economic exploitation of employees and consumers by large enterprises. However, in this Course, we will concentrate on abuse of power in the criminal justice process, including even when such abuse constitutes a violation of national criminal laws. For example, we will deal with issues related to acts or omissions, including torture or inhumane treatment, by officials of criminal justice agencies, such as the police, prosecutors, judges, and correctional officers, which violate the fundamental human rights of suspects, defendants, offenders, etc.

3. Objectives

The focus of discussion in this Course will be as follows.

Participants are expected to study and analyse the current situation, problems and effective countermeasures concerning victims of crime and abuse of power. In doing so, the participants are expected to use the Declaration as a yardstick and the Handbook and the Guide, mentioned above, as their main reference materials.

1. Current situation, problems and effective countermeasures in relation to the protection of victims of crime and the active participation of victims in the criminal justice process in the respective countries

(a) Measures to protect victims of crime

(1) A swift victim restoration system, without recourse to civil litigation against the offender, such as mediation, reconciliation and arbitration (including the restorative justice approach). (2) A compensation system for victims of crime. (3) Protection of victims and witnesses from offenders (tougher bail conditions, separation of waiting rooms between victims, witnesses and offenders, witness protection programmes, prohibition of access by the offender to the victim). (4) Methods of testimony in order to protect victims and witnesses (confidentiality of information about victims and witnesses, video link, testimony using video tape, provision of victims' attendants and procurators). (5) Various kinds of support for victims, including immediate and direct support, for example, shelter, counselling, assistance in completing victim compensation claims, etc.

(b) The active participation of victims in the criminal justice process

(1) The right of complaint for the victim. (2) Private prosecution (3) System/measures of objection to non-prosecution and dismissal of the case (4) The hearing of victim statements relevant to the release of offenders (release on bail, home leave, furlough, parole, release on expiration of term of sentence) (5) Victim impact statements and victim impact evidence (6) Recovery of loss/damage through the criminal justice process (compensation order, reparation order, reconciliation in the criminal process, *constitution de partie civile*, etc.).

(c) Providing information for victims of crime

(1) An information providing system for the victim at each stage of the criminal justice system (for example progress of investigation, arrest, prosecution/indictment, schedule of trial, location of offender, result of fact finding, sentence, escape, release on bail, home leave, furlough, parole, release on expiration of term of sentence and death of offender). (2) Providing an opportunity to attend the trial. (3) Providing the community with information concerning the release of an offender.

2. Current situation, problems and effective countermeasures in relation to the protection of victims of abuse of power in the respective countries (especially victims of abuse of power in the criminal justice process)

(a) Measures to protect victims of abuse of power in the criminal justice process

(1) Restitution. (2) Compensation. (3) Material, medical, psychological and social assistance and support.

(b) Effective preventive measures against abuse of power in the criminal justice process

(1) Signature, ratification and accession of related international legal instruments (International Covenant on Civil and Political Rights,⁶ Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment,⁷ etc.) and use and application of United Nations standards and norms in crime prevention and criminal justice⁸ in domestic laws and regulations. (2) Effective measures for the establishment of transparency and accountability of criminal justice agencies. (3) Various measures and systems for guaranteeing fundamental human rights of suspects, defendants and offenders (including grievance mechanisms).

⁶ General Assembly Resolution 2200A (XXI), 16 December 1966.

⁷ General Assembly Resolution 39/46, 10 December 1984.

⁸ United Nations standards and norms in crime prevention and criminal justice is a generic term for more than fifty resolutions, declarations, guidelines and codes of conduct concerning crime prevention and criminal justice, which has been adopted by the United Nations. Most of these resolutions, declarations and so on are included in the "Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice". United Nations, N.Y. 1992. It can be obtained at the same website as above (see footnote 2).

Course Summary

Lectures

In total, nine lectures were presented by visiting experts, five by ad hoc lecturers and six by the professors of UNAFEI. Six distinguished criminal justice practitioners and scholars from abroad served as 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, distinguished senior officials of the Government of Japan delivered ad hoc lectures. The lecturers and lecture topics are listed on pages 8 and 9.

Individual Presentations

During the first two weeks, each Japanese and overseas participant delivered an individual presentation, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled onto a Compact Disc and distributed to all the participants. The titles of these individual presentation papers are listed on pages 10 and 11.

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 visiting experts 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, experts and UNAFEI faculty 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 their groups. These reports were subsequently presented in the plenary meetings and report-back session, where they were endorsed as the reports of the Course. Brief summaries of the group workshop reports are provided on pages 12 to 14.

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 15 to 18.

Lecture Topics

Visiting Experts' Lectures

- 1) Prof. Prathan Watanavanich (Thailand)
 - The Emergence of Victim's Rights in Thailand: After 20 Years of U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- 2) Dr. Markus Loffelmann (Germany)
 - The Victim in Criminal Proceedings ~ A Systematic Portrayal of Victim Protection under German Criminal Procedural Law
- 3) Dr. Marlene A. Young (USA)
 - A History of the Victims Movement in the United States
- 4) Dr. Pedro R. David (Argentina)
 - Measures to Protect Victims of Crime and the Abuse of Power in the Criminal Justice Process
- 5) Mr. Eduardo Vetere (UNODC)
 - The Significance of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- 6) Dr. John P. J. Dussich (USA)
 - Victimology ~ Past, Present and Future

UNAFEI Professors Lectures

- 1) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
 - Police of Japan
- 2) Ms. Megumi Uryu, *Professor*, UNAFEI
 - Investigation and Prosecution - Criminal Justice System in Japan
- 3) Mr. Iichiro Sakata, *Professor*, UNAFEI
 - The Criminal Justice System in Japan: The Courts
- 4) Mr. Hiroyuki Shinkai, *Professor*, UNAFEI
 - Institutional Corrections in Japan
- 5) Ms. Tamaki Yokochi, *Professor*, UNAFEI
 - Community-Based Treatment of Offenders in Japan
- 6) Mr. Keisuke Senta, *Deputy Director*, UNAFEI
 - United Nations Standards and Norms in Crime Prevention and Criminal Justice

Ad Hoc Lectures

- 1) Mr. Ryotaro Oba
Counsellor of Minister's Secretariat, Ministry of Justice
 - Legislation and its Current Movement Concerning Protection of Crime Victims in Japan
- 2) Mr. Koichi Hirota
Director of the Office for Victims of Crime, National Police Agency
 - Police Support for Crime Victims
- 3) Professor Akira Yamagami, M.D.
Professor of the Department of Criminal Psychiatry Division of Social Medicine, Tokyo Medical and Dental University
 - Victim Support in Japan: History, Current Situation and Future Tasks
- 4) Ms. Emiko Okubo
Director of the Victim Support Centre of Tokyo; Member of the Committee on the Elaboration of the Measures on Crime Victims
 - Protection and Support for Victims ~ From the Victim's Viewpoint
- 5) Professor Tatsuya Ota
Professor of the Faculty of Law, Keio University
 - International Development of Victimology

Individual Presentation Topics

Overseas Participants

- 1) Mr. Mohammad Ashraf (Afghanistan)
 - Crime Factors and Procedures for their Prevention in Afghanistan
- 2) Mr. Skerdilajd Bushi (Albania)
 - Country Report
- 3) Mr. Sujayet Ullah (Bangladesh)
 - Country Report
- 4) Ms. Dimpho Margaret Mathumo (Botswana)
 - Country Report
- 5) Mr. Sothy Veng (Cambodia)
 - Country Report
- 6) Mr. Jin Gao-Feng (China)
 - The Protection and Remedy of Victims of Crime and Abuse of Power In China
- 7) Mr. Errol Selwin Watts (Guyana)
 - Current Situation, Problems and Effective Countermeasures in Relation to the Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process in Guyana
- 8) Mr. Jose Miguel Martinez Madrid (Honduras)
 - The Current Honduran Situation Concerning Victims of Crime and Abuse of Power
- 9) Mr. Yudi Kristiana (Indonesia)
 - Protection for Victims of Crime and Abuse of Power: A Critical Study on the Criminal Justice System in Indonesia
- 10) Mr. Abdulla Mohamed Mahmood (Maldives)
 - Country Report
- 11) Mr. Edsel Ioanis Elias (Micronesia)
 - The Criminal Justice System of Pohnpei, Fsm
- 12) Ms Nant Aye Aye Kyi (Myanmar)
 - Country Report
- 13) Mr. Azhar Rashid Khan (Pakistan)
 - Country Report
- 14) Mr. Jovian Serui Adelbai (Palau)
 - Country Report

- 15) Mr. Alexis Nobuo Takahashi Cabrera (Paraguay)
 - Current Situation in Paraguay, Assistance to the Victims of Crime in the Penal Procedural Code
- 16) Mr. Davide Jusa (Zimbabwe)
 - Country Report

Japanese Participants

- 17) Mr. Junichi Ibuki
 - The Work of the Treatment Unit in Fuchu Prison
- 18) Mr. Toru Maruyama
 - The Active Participation of Victims in the Criminal Justice Process and the Current Situation in Relation to the Protection of Victims of Abuse of Power in Japan (Grievance Mechanisms)
- 19) Mr. Hideki Murota
 - Measures To Protect and Support Victims of Crime by the Japan Coast Guard
- 20) Mr. Atsushi Nishikawa
 - Measures to Protect Victims of Crime in Japanese Criminal Trials
- 21) Mr. Katsuhiko Okumura
 - Protection of Victims in Sex Crime Investigations and Future Subjects
- 22) Ms. Yuka Nakagawa
 - Protection of Victims in Japan
- 23) Mr. Norikazu Ozeki
 - Measures Taken by a Public Prosecutor in Japan to Protect and Assist Victims of Crime
- 24) Mr. Genyu Takeda
 - The Present Situation and Challenges of Victim Protection under the New Measures in Japan

Group Workshop Sessions

Group 1

Protection of Victims of Crime in the Criminal Justice System

<i>Chairperson</i>	Ms. Nant Aye Aye Kyi	(Myanmar)
<i>Co-Chairperson</i>	Mr. Jose Miguel Martinez Madrid	(Honduras)
<i>Rapporteur</i>	Mr. Davide Jusa	(Zimbabwe)
<i>Co-Rapporteur</i>	Mr. Hideki Murota	(Japan)
<i>Members</i>	Mr. Jin Gao-Feng	(China)
	Mr. Alexis Nobuo Takahashi Cabrera	(Paraguay)
	Ms. Yuka Nakagawa	(Japan)
	Mr. Atsushi Nishikawa	(Japan)
<i>Visiting Expert</i>	Prof. Prathan Watanavanich	(Thailand)
<i>Advisers</i>	Prof. Kayo Ishihara	(UNAFEI)
	Deputy Director Keisuke Senta	(UNAFEI)
	Prof. Haruhiko Higuchi	(UNAFEI)
	Prof. Tomoyuki Noge	(UNAFEI)

Report Summary

Group 1 discussed the topic of the Protection of Victims of Crime in the Criminal Justice System under three sub-headings. a) First response to victims of crime, paying special attention to the vulnerable. b) The protection of victims of crime and witnesses from offenders. c) How to minimize secondary victimisation, especially in the investigation stage.

Under heading a) the participants examined the response to victims of crime; the institutional framework; the treatment of victims; services provided to victims and training of police officers. Under heading b) they discussed tougher bail conditions; separation of waiting rooms between victims and offenders; witness protection programmes; prohibition of access by the offender to the victim; and the provision of information on the offender to the victim. Under heading c) they examined the attitude and tips of criminal justice practitioners during the interview with victims; confidentiality of victim and offender information; testimony via closed circuit television; court escorts and attendants; and interdisciplinary coordination among criminal justice agencies.

After examining all the relevant issues and discussing the various methods used in the participants' countries, the Group made the following recommendations. 1) Police investigators, prosecutors and judges should be given adequate training to change their attitudes and improve their skills in regard to protecting victims. 2) Improve the public affairs office responsible for information dissemination with a view to raising awareness levels on the problems and needs of victims. 3) A substantive and easily accessible victim contact office should be established. 4) Improve investigators' attitudes, questioning skills, etc. so that a victim will not suffer from secondary victimization. And Ensure victim are interviewed in a separate office and/or time from suspects.

Group 2**Response to Needs of Victims of Crime**

<i>Chairperson</i>	Mr. Azhar Rashid Khan	(Pakistan)
<i>Co-Chairperson</i>	Mr. Katsuhiko Okumura	(Japan)
<i>Rapporteur</i>	Mr. Sujayet Ullah	(Bangladesh)
<i>Co-Rapporteurs</i>	Mr. Jovian Serui Adelbai	(Palau)
	Mr. Junichi Ibuki	(Japan)
<i>Members</i>	Mr. Mohammad Ashraf	(Afghanistan)
	Mr. Edsel Ioanis Elias	(Micronesia)
	Mr. Genyu Takeda	(Japan)
<i>Visiting Expert</i>	Dr. Markus Loffelmann	(Germany)
<i>Advisers</i>	Prof. Megumi Uryu	(UNAFEI)
	Prof. Tae Sugiyama	(UNAFEI)
	Prof. Hiroyuki Shinkai	(UNAFEI)
	Prof. Tamaki Yokochi	(UNAFEI)

Report Summary

Group 2 initiated their discussions examining the impact of victimisation, including its physical, psychological and financial implications and secondary victimization. Using the UN Declaration as a guide, they then discussed the types of support that could be provided to victims of crime, including immediate and direct support, examining the support available in the participants' countries. They particularly focused on physical, financial and psychological assistance; minimizing secondary victimization; interdisciplinary coordination between victim support organizations and government organizations (especially criminal justice agencies); access to justice, (e.g. right to counsel, etc.); and easy access to victim support. Next, they looked at the provision of information to victims of crime. Finally, the Group considered a compensation and restitution scheme for victims.

After a comprehensive examination of the issues, Group 2 made the following recommendations. 1) States should conduct a survey on the physical and psychological injury, financial damage, and secondary victimization of crime victims. 2) Criminal justice personnel should be given training on the impact of secondary victimisation. 3) States should make various forms of victim support available at one location. 4) States should promulgate a code of conduct for criminal Justice personnel to deal with victims of crime and victims of abuse of power. 5) Private organisations and criminal justice agencies should act in concert and a coordinating body established. 6) A charter of rights of victims should be adopted by states. 7) Victims should be given all information about the case insofar as it does not jeopardize the investigation and trial. 8) States should create a compensation fund for victims of crime. The Group then suggested nine different sources from which these funds could be provided, including: the money realized from pecuniary penalties imposed on offenders; the sale proceeds of property of offenders confiscated by the courts; money realized from the forfeiture of bail bonds; the proceeds of crime or property subject to asset sharing; and the sale proceeds of prison products.

Group 3**Active Participation of Victims of Crime in the Criminal Justice Process**

<i>Chairperson</i>	Mr. Errol Selwin Watts	(Guyana)
<i>Co-Chairperson</i>	Mr. Norikazu Ozeki	(Japan)
<i>Rapporteur</i>	Ms. Dimpho Margaret Mathumo	(Botswana)
<i>Co-Rapporteurs</i>	Mr. Yudi Kristiana	(Indonesia)
	Mr. Toru Maruyama	(Japan)
<i>Members</i>	Mr. Skerdilajd Bushi	(Albania)
	Mr. Sothy Veng	(Cambodia)
	Mr. Mohamed Abdulla Mahmood	(Maldives)
<i>Visiting Experts</i>	Dr. Markus Loffelmann	(Germany)
	Dr. Pedro R. David	(Argentina)
<i>Advisers</i>	Prof. Ichiro Sakata	(UNAFEI)
	Prof. Motoo Noguchi	(UNAFEI)
	Prof. Masato Uchida	(UNAFEI)
	Prof. Satoko Ikeda	(UNAFEI)

Report Summary

In discussing the above topic, Group 3 divided their discussion into three parts, namely, the participation of victims of crime at the a) investigation stage, b) prosecution stage and c) trial stage. In discussing these stages, the Group focused on specific important issues, examining the current practice in each of the participant's countries.

After an exchange of views between the participants and input from the visiting experts and advisers, the Group concluded that Member states should endeavour to implement the Declaration having regard to each country's situation, culture and justice system. They then made the following recommendations. 1) Victims should be given the opportunity to express their views and concerns, including their desire to press charges, which should be considered carefully by the relevant criminal justice agencies. 2) Victims should be entitled to access to basic information on the progress of the case at every stage of the process. 3) Victims should be treated with respect and supported in their efforts to participate in the criminal justice process. 4) Private prosecution might be an option where the state decides not to prosecute; however, there should be measures in place to guard against abuse. 5) There should be an independent and impartial body to review decisions of non-prosecution in order to ensure prosecution decisions are made fairly. 6) It is important that a country have appropriate judicial and administrative mechanisms to facilitate victim participation in court proceedings. 7) Since victims suffer the most from crime, it is important that they have an opportunity to express their pain and feelings in Victim Impact Statements and Victim Impact Evidence. 8) Victims should receive swift restoration for damage inflicted on them by the offender through the criminal justice process. 9) The prosecutor should consider the victim's views in deciding whether to appeal.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Sept 6	Tokyo District Court	• Mr. Toshio Nagai (Deputy Chief Judge)
Sept 7	Tokyo District Public Prosecutors Office	• Mr. Takashi Yamashita (Deputy Director, General Affairs Department)
Sept 22	Yokohama Prison	• Mr. Jin Kobayashi (Director, Yokohama Prison)
Oct 4	Supreme Court	• Mr. Tatsuo Kainaka (Justice)
Oct 5	Fuchu-Daikyu Elementary School	• Mr. Yasunori Kato (Principal)

Group Study Tour

<u><i>Date</i></u>	<u><i>Group</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Sept 15-17	Nagoya and Kyoto	Aichi Prefectural Police Headquarters	• Mr. Satoshi Kiyonaga
		Nagoya Station Police Box	• Mr. Fuzio Miyazaki
		Kyoto Victim Support Centre	• Mr. Minoru Oya

Special Events

August 29 *Welcome Party*

Aug 31, Sept 5, 12 *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The Sensei (teacher) was Ms. Kumiko Yanagisawa.

Sept 2 *Ping-Pong Tournament*

The participants enjoyed a ping-pong tournament at UNAFEI in which the staff and faculty members of UNAFEI also participated. This was followed by a friendship party and prize giving.

Sept 7 *Courtesy Visit to the Ministry of Justice and
Reception by the Vice-Minister of Justice*

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

Sept 9 *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 racket relay, tug of war and the true or false quiz. Afterwards, there was a friendship party at UNAFEI.

Sept 10 *The Way of Tea*

Participants were given an opportunity to enjoy the "Way of Tea" under the guidance of Ms. Soue Kubo, Ura Senke Tea Master.

Sept 10 and 11 *Home Visits*

ACPF Fuchu Branch organized dinners for the participants in the homes of members from the Fuchu International Exchange Salon, etc. The hosts were Mr. Yoshiyuki Sakano, Ms. Chitose Sashida, Mr. Yasuhiro Momota, Mr. Shigeyuki Ogawa and Ms. Reiko Morioka.

Sept 15 *Visit to the World Expo 2005*

The participants spent an enjoyable afternoon visiting the many interesting exhibits of the World Expo in Nagoya.

Sept 15 *ACPF Nagoya Party*

The participants enjoyed a party organized by ACPF Nagoya branch.

Sept 22 *ACPF Yokohama Cruise*

The participants took an evening sightseeing tour around Yokohama Bay on the Marine Rouge. On board they enjoyed a beautiful view of the harbour and a wonderful dinner hosted by Yokohama ACPF.

Sept 23 *UNAFEI Barbecue Party*

The participants and UNAFEI staff enjoyed an afternoon barbecue party on the lawn at UNAFEI.

Sept 26 *Meeting with Volunteer Probation Officers and Friendship Party*

A discussion session was arranged to exchange views between the Volunteer Probation Officers (VPOs) and the participants. It was organized by UNAFEI and the Rehabilitation Bureau of the Ministry of Justice. It was followed by dinner and a friendship party at UNAFEI.

Sept 27 *Bowling Tournament*

The participants enjoyed bowling at the Fuchu bowling centre. Afterwards there was a small friendship party and prize giving held at UNAFEI.

Sept 30 - Oct 1 *ACPF Study Tour*

The overseas participants were invited on local overnight trips by six branch organizations of the ACPF, namely: Aomori, Iwate, Sendai, Fukushima, Tochigi and Osaka. Each branch organization held a reception in honour of the participants visiting their region.

Oct 4 *Friendship Party with the TICP*

The participants enjoyed a friendship party hosted by the TICP. The trainees from the TICP put on an entertaining show consisting of music and martial arts.

Oct 5 *Suntory Brewery Visit*

The participants visited the Suntory brewery where they were given a guided tour. Afterwards the Fuchu Rotary Club hosted a very enjoyable party.

Oct 6 *Farewell Party*

Reference Materials Distributed

A. United Nations, Other International Instruments and Related Materials

1. United Nations and other International Instruments

- (1) UN Declarations of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34).
- (2) Vienna Declaration on Crime and Justice (10th UN Congress, A/CONF.187/4/Rev.3).
- (3) Draft Bangkok Declaration on Crime and Justice (11th UN Congress).
- (4) UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (E/CN.15/2002/L.2/Rev.1).
- (5) UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Annex I, E/CN.15/2005/14/Add.1).
- (6) UN International Covenant on Civil and Political Right (A/RES/2200A XXI).
- (7) UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/RES/39/46).
- (8) UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/RES/57/199).
- (9) Council of Europe, European Convention on the Compensation of Victims of Violent Crimes (24 November 1983).
- (10) Council of Europe, Council Framework Decision on the Standing of Victims in Criminal Proceedings (15 March 2001, 2001/220/JHA).

2. Related Materials

- (1) Handbook on Justice for Victims on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- (2) Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
- (3) The David and Goliath Syndrome: Irene Melup and the United Nations (Eduardo Vetere, Victims of Crime and Abuse of Power Festschrift in honour of Irene Melup, p. 8).
- (4) Bench Marking Legislation on Crime Victims: The UN Victims Declaration of 1985 (Jan J.M. von Dijk, Victims of Crime and Abuse of Power Festschrift in honour of Irene Melup, p. 202).

B. Status of Victims

1. The Victims Charter (Home Office, UK).
2. Michigan State Act 87 of 1985: Crime Victim's rights act (State of Michigan, US).
3. Crime Victims: Doing Justice to Their Support and Protection (HEUNI publication written by Irvin Waller).
4. Implication of the International Crime Victims Survey for Victim Perspective (Jan J.M. von Dijk, Crawford/Goodey (Ed.) "Integrating a Victim Perspective within Criminal Justice" p. 97).
5. Criminal Victimization across the Globe (Ugljesa Zvekic, UNAFEI Resource Material Series No. 56, p.151).
6. New Directions from the Field: Victims' Rights and Services for the 21st Century: Executive Summary (Office of Victims of Crime (OVC), US).

7. New Directions from the Field: Victims' Rights and Services for the 21st Century: Section I New Directions in Victims' Right p. 1-44 (OVC, US).

C. Victimology

1. The Rediscovery of Crime Victims and the Rise of Victimology (Andrew Karmen, Crime Victims, 5th Edition, p.1-42).
2. Victimology Today Recent Theoretical and Applied Development (Ezzat. A. Fattah, UNAFEI Resource Material Series No. 56, p. 60).
3. Development of Victimology and Victim Support in Asia (Tatsuya Ota, "Victims and Criminal Justice Asian Perspective" p. 1).

D. Victims within Criminal Justice

1. Protection of Victims of Crime

- (1) First Response to Victims of Crime (OVC, US).
- (2) Victims and Criminal Justice: Creating Responsible Criminal Justice Agencies (Joanna Shapland, Crawford/Goodey (Ed.) "Integrating a Victim Perspective within Criminal Justice" p.147).
- (3) Attorney General Guidelines for Victim and Witness Assistance (OVC, US).
- (4) New Directions from the Field: Victims' Rights and Services for the 21st Century: Section II New Directions for Criminal and Juvenile Justice System Agencies p. 45-146 (OVC, US).

2. Active Participation of Victims of Crime in the Criminal Justice

- (1) Victim's Rights, Defendants' Rights and Criminal Procedure (Andrew Ashworth, Crawford/Goodey (Ed.) "Integrating a Victim Perspective within Criminal Justice" p. 185).
- (2) Victims and the Criminal Justice System: Cooperation and Conflict (Andrew Karmen, Crime Victims 5th Edition, p. 144-192).
- (3) Victim Protection in Criminal Proceedings: The Victim's Right to Information, Participation, and Protection in Criminal Proceedings (Sylvia Frey, UNAFEI Resource Material Series No. 63, p. 57).
- (4) Victim Protection in Criminal Proceedings, Reparation and Damages (Sylvia Frey, UNAFEI Resource Material Series No. 63, p. 68).
- (5) Community and Victim Participation in Criminal Justice Administration: The Thai Perspective (Prathan Watanavanich, "Victims and Criminal Justice Asian Perspective" p. 279).
- (6) The Long-Awaited Enactment of Victims Rights Law in Japan (Minoru Shikita & Hidemichi Morosawa, Victims of Crime and Abuse of Power: Festschrift in honour of Irene Melup, p. 458).
- (7) Integrating a Victim Perspective in Criminal Justice Through Victim Impact Statement (Edna. Eraz, Crawford & Goodey (Ed.) "Integrating a Victim Perspective within Criminal Justice" p. 165).
- (8) The Evolution of the Law of Victims' Rights; Is There a Conflict with Criminal Defendant's Due Process Rights? (Gregory P. Orvis, Shichor, David & Tibbets, Stephen (Ed.) "Victims and Victimization Essential Readings" p. 305-311).
- (9) The Effects of Victim Impact Statements on Sentencing Decisions - A Test in Urban Setting (Robert C. Davis & Barbara E. Smith, Gregory P. Orvis, Shichor, David & Tibbets, Stephen (Ed.) "Victims and Victimization Essential Readings" p. 312-325).
- (10) Victims, Courts and Compensation (R. I. Mawby and S. Walklate "Critical Victimology International Perspectives" p.128-158).

E. Compensation System

1. Repaying Victims (Crime Victims 5th Edition, p. 290-327).
2. New Directions from the Field: Victims' Rights and Services for the 21st Century: Section IV New Directions in Financial Recovery p. 323-380 (OVC, US).

F. Service for Victims

1. Details about Victim Support (Home Office, UK).
2. Resource Guide (OVC, US).
3. Promising Practices in Victim Services in the United States (Marlene A. Young, "How Can Justice for Victims in Japan be Improved?" p. 63).
4. New Trends in Victim Support Scheme in Japan (Tatsuya Ota, "Victims and Criminal Justice Asian Perspective" p. 107).
5. The Aftermath of Victimization II: Victim Services, Courts, and Alternative Justice (Leslie W. Kennedy & Vincent F. Sacco, Crime Victims in Context, p. 181-207).
6. Immediate Help for the Victims of Crime (R. I. Mawby and S. Walklate, Critical Victimology International Perspectives p. 95-127).

G. Restorative Justice

1. The Evolution of Restorative Justice (John Braithwaite, UNAFEI Resource Material Series No. 63, p. 37).
2. Restorative Justice: Theories and Worries (John Braithwaite, UNAFEI Resource Material Series No. 63, p. 47).
3. Restorative Justice: The Thai Experience (Kittipong Kittayarak, UNAFEI Resource Material Series No. 63, p. 78).
4. Victims in the 21st Century: Alternative Directions (Andrew Karmen, Crime Victims 5th Edition, p. 328-367).
5. Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice through Dialogue p. 1-25 (OVC).

H. Victims of Abuse of Power

1. The Protection of Victims under International Humanitarian Law: History and Practice (Purev. Erdenebayar, Victims of Crime and Abuse of Power: Festschrift in honour of Irene Melup, p. 558).
2. Abuse of Power: Issues of Theory and Policy (Paul Friday & Maria de la Luz Lima, Victims of Crime and Abuse of Power: Festschrift in honour of Irene Melup, p. 567).

Experts and Participants List

Visiting Experts

Prof. Prathan Watanavanich	Adjunct Professor of Law Thammasat University, Kingdom of Thailand
Dr. Markus Loffelmann	Division Desk Officer (Public Prosecutor) Federal Ministry of Justice, Germany
Dr. Marlene A. Young	President World Society of Victimology, USA
Dr. Pedro R. David	Judge Argentine Federal Criminal Court of Cassation, Argentina
Mr. Eduardo Vetere	Former Director Division for Treaty Affairs, UNODC
Dr. John P. J. Dussich	Director Tokiwa International Victimology Institute, Tokiwa University, Japan

Overseas Participants

Mr. Mohammad Ashraf	Chief Judge Primary Court, Mohammad Ager Province, Afghanistan
Mr. Skerdilajd Bushi	Officer of Judicial Police Tirana District Prosecution Office, Albania
Ms. Dimpho Margaret Mathumo	Training Commandant Botswana Local Police Service, Botswana

Mr. Sothy Veng	Deputy Director Department of Anti-Human Trafficking and Juvenile Protection, Commissariat General of Cambodian National Police, Ministry of Interior Cambodia
Mr. Gao-Feng Jin	Teacher and Researcher Chinese People's Public Security University, China
Mr. Errol Selwin Watts	Assistant Superintendent of Police Guyana Police Force, Guyana
Mr. Jose Miguel Martinez Madrid	Police Chief of Public Affairs/Operations Secretaria de Segridad, Honduras
Mr. Yudi Kristiana	Head of Sub-District Attorney Pagimana Central Sulawesi, Indonesia
Mr. Abdulla Mohamed Mahmood	Judge Criminal Court, Maldives
Mr. Edsel Ioanis Elias	Police Officer Pohnpei State Department of Public Safety, Micronesia
Ms. Nant Aye Aye Kyi	Deputy Director Supreme Court, Yangon Myanmar
Mr. Azhar Rashid Khan	Assistant Inspector General/Ops CPO Quetta Balochistan, Pakistan
Mr. Jovian Serui Adelbai	Police Officer Division of Criminal Investigation and Drug Enforcement, Palau
Mr. Kathwa Vananka Umpake	Lawyer Public Prosecutors Office, Department of the Attorney General, Papua New Guinea

Mr. Alexis Nobuo Takahashi
Cabrera

Public Prosecutor
Public Ministry,
Paraguay

Mr. Davide Jusa

Superintendent Deputy National
Coordinator
Zimbabwe Republic Police,
Zimbabwe

Japanese Participants

Mr. Junichi Ibuki

Senior Programme Supervisor
Fuchu Prison

Mr. Toru Maruyama

Judge
Osaka District Court

Mr. Hideki Murota

Deputy Chief of Security Division
Guard and Rescue Department,
9th Regional Coast Guard Headquarters,
Japan Coast Guard

Ms. Yuka Nakagawa

Public Prosecutor
Nagoya District Public Prosecutors
Office

Mr. Atsushi Nishikawa

Assistant Judge
Tokyo District Court

Mr. Katsuhiko Okumura

Public Prosecutor
Matsuyama District Public Prosecutors
Office, Uwajima Branch

Mr. Norikazu Ozeki

Public Prosecutor
Osaka District Public Prosecutors Office

Mr. Genyuu Takeda

Probation Officer
Utsunomiya Probation Office

**THE SECOND SPECIAL TRAINING COURSE ON STRENGTHENING
THE ANTI-CORRUPTION CAPACITY IN THAILAND**

The Second Special Training Course on Strengthening the Anti-Corruption Capacity in Thailand was held from 27 June - July 21, 2005. Twenty participants from the office of the National Counter Corruption Commission, Thailand attended.

Mr. Chairat Khanittabutr	Senior Legal Officer Policy and Planning Bureau
Mr. Thammanoon Ruengdit	Senior Legal Officer Policy and Planning Bureau
Ms. Suphawan Pinyotanmakorn	Senior Prevention Officer Policy and Planning Bureau
Ms. Piyanooch Aranyakananda	Junior IT Officer Policy and Planning Bureau
Mr. Chaipat Raungtiravongsa	Senior Legal Officer Corruption Prevention Bureau 1
Mr. Udomsak Dulyapraphan	Senior Legal Officer Corruption Suppression Bureau 1
Mr. Monchai Vasuvat	Senior Legal Officer Corruption Suppression Bureau 1
Mr. Surapong Vichayakitti	Senior Legal Officer Corruption Suppression Bureau 2
Mr. Pee Chatganpi	Senior Legal Officer Corruption Suppression Bureau 2
Ms. Songsiri Dechakaisaya	Senior Legal Officer Legal Affairs Bureau
Mr. Chai Chinnasod	Senior Legal Officer Legal Affairs Bureau
Mr. Wichean Augchapasert	Senior Inspector (Auditor) Assets Inspection Bureau 1
Mr. Pongaek Vijitgool	Senior Inspector (Auditor) Assets Inspection Bureau 2
Ms. Mookda Kuptapakul	Senior Inspector (Auditor) Assets Inspection Bureau 3

Ms. Vallee Tepasit	Senior Inspector (Auditor) Assets Inspection Bureau 5
Ms. Pol. Lt. Col. Wilasinee Treematurakul	Senior Inspector (Auditor) Assets Inspection Bureau 5
Ms. Sirirak Jumnakros Sawangdee	Senior Financial Officer Finance Division
Mr. Jumnian Moolsarn	Junior Personnel Officer Personnel Division
Ms. Chongkonnee Kamonwisatkul	Junior Administrative Officer Administrative Section
Ms. Sirinuch Siristonphan	Junior Inspector (Auditor) Administrative Section

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The 6th Training Course on the Juvenile Delinquent Treatment System for Kenyan Criminal Justice Officials

The 6th Training Course on the Juvenile Delinquent Treatment System for Kenyan Criminal Justice Officials will take place from 17 October - 11 November 2005. Sixteen participants from Kenya, consisting of Children's Officers, magistrates, police officers, probation officers and correctional officers will participate. The participants will review their progress in regard to improving the treatment of juveniles in correctional institutions and the progress they have made in establishing a Volunteer Children's Officers programme.

2. The 8th International Training Course on Corruption Control in Criminal Justice

The Eighth Course on Corruption Control in Criminal Justice will take place from 24 October - 17 November 2005. Fifteen overseas and three Japanese participants will study the current situation of corruption, analyze its causes, and discuss practical solutions. The programme will include, among other things, lectures from the Fair Trade Commission, the National Tax Agency and the Securities Exchange Committee, in addition to criminal justice agencies.

3. The 132nd International Senior Seminar

The 132nd International Senior Seminar entitled "Strengthening the Legal Regime for Combating Terrorism" will be held from 10 January to 9 February 2006.

1. Rationale

(1) Increasing Threat of Terrorism to the International Community

The first five years of the twenty-first century will unfortunately be remembered for the proliferation of horrifying acts of terrorism in many parts of the world. The increasing threat of terrorism to international peace and security, as witnessed in the terrorist attacks in the United States on 11 September 2001, is at present one of the most serious concerns of the international community as a whole. In a society where democracy and human rights are of the utmost value, acts of terrorism as a means to accomplishing political, racial, religious, or any other objectives are not to be tolerated. Acts of terrorism must be strongly denied as open defiance of the rule of law; which forms the basis for citizens of the world to live in peace and happiness.

The international community has been highly responsive to these threats. The United Nations, its Member States, and other international and regional organizations accelerated discussions to tackle the issue of terrorism through a number of high level conferences and meetings with the attendance of heads of states and concerned ministers, as well as relevant experts. In the Asian region, strong political messages were sent out expressing the determination to fight terrorism, including the ASEAN Declaration in November 2001, Bali Ministerial Meeting in February 2004, and Japan-ASEAN Joint Declaration for Cooperation in the Fight against International Terrorism in November 2004. Immense efforts have been made to analyze the latest situation, identify problems, and develop strategies and cooperation mechanisms, thereby making the life of terrorists harder than ever before.

(2) Significance of Strengthening the Legal Regime for Combating Terrorism

A nation needs to be equipped with an effective legal regime for anti-terrorism as an essential tool for combating terrorism. This is especially true as terrorists and their supporters are highly organized, well trained, and well funded in many cases, while normal domestic laws, such as penal codes, cannot necessarily function as an efficient tool to prevent, detect and punish terrorism-related crimes. A sufficient coverage of criminalization, as required in the internationally established standards, is a prerequisite. It is requested that States accede to 12 universal conventions and protocols against terrorism as soon as possible, if they have not already done so. A country also needs to put in place legal instruments to combat transnational organized crimes in view of the highly organized character of most terrorist groups.

It is also important to suppress acts of terrorism from a financial point of view, as terrorists and their supporters need to obtain, maintain, and transfer funds, often using the services of existing financial institutions, in order to realize their objectives. A nation needs to strengthen its financial system so as not to allow financial institutions to be abused and misused by terrorists and their supporters. A robust financial system not only helps concerned authorities detect and prevent acts of terrorism at an early stage, but also obtains necessary financial intelligence that eventually leads to the freezing, confiscation, and forfeiture of terrorist funds and profits from their criminal activities.

In this regard, the fight against terrorism has many things in common with the fight against money laundering. Both terrorists and money launderers seek jurisdictions with more lax laws and regulations as physical bases for their criminal activities. If a country is poorly equipped with legal instruments to combat terrorism, in comparison with its neighbouring countries, it becomes a vulnerable target for terrorism and a safe haven for terrorists from which they are dispatched to all over the world. Measures that have been developed and implemented during several decades in the fight against money laundering are, to a great extent, being utilized to combat the financing of terrorism.

As terrorists are often organized internationally and commit their criminal acts beyond national borders, effective and functioning mechanisms for international cooperation are crucial to expedite investigation, prosecution, and trials. Both formal and informal channels should be utilized to the maximum extent to ensure speedy international cooperation at every stage of the criminal justice operation.

Capacity building of concerned government agencies is always a key to the successful implementation of a legal regime. For this purpose, it is expected that voluntary contributions and appropriate technical assistance be made available to developing countries. It is to be noted that the Government of Japan, having ratified all of the 12 universal conventions and protocols, has continued to provide technical assistance in many areas of anti-terrorism in cooperation with the United Nations, its Member States, and other international and regional organizations.

Finally, States must ensure that any measures taken to combat terrorism are in conformity with the Charter of the United Nations and international law, in particular international human rights, refugee and humanitarian law.

(3) Measures to Combat Terrorism Taken by the United Nations

The United Nations is the primary organ for establishing guiding principles for a nation to strengthen its legal regime for fighting terrorism. At the Eleventh United Nations Congress on

Crime Prevention and Criminal Justice held in Bangkok in April 2005, the issue of terrorism was discussed as one of the main topics, and a workshop was held to upgrade measures to combat it.

The United Nations adopted the following 12 conventions and protocols pertaining to terrorism over a span of 36 years from 1963 to 1999, as important normative foundations in a number of areas. Four of these conventions apply to aviation security, and the others apply to attacks on or kidnapping of internationally protected persons, such as diplomatic agents; attacks upon civilian maritime vessels; attacks on platforms on the high seas; the taking of civilian hostages; explosives and other dangerous devices; the financing of terrorism; and the protection of nuclear material.

- (i) Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention", 1963)
- (ii) Convention for the Suppression of Unlawful Seizure of Aircraft ("Hague Convention", 1970)
- (iii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation ("Montreal Convention", 1971)
- (iv) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons (1973)
- (v) International Convention against the Taking of Hostages ("Hostages Convention", 1979)
- (vi) Convention on the Physical Protection of Nuclear Material ("Nuclear Materials Convention", 1980)
- (vii) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988)
- (viii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988)
- (ix) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988)
- (x) Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)
- (xi) International Convention for the Suppression of Terrorist Bombing (1997)
- (xii) International Convention for the Suppression of the Financing of Terrorism (1999)

Security Council resolution 1373 (2001) issued on 28 September 2001 declared that acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations, and called upon all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism and fully implement them. That resolution was adopted by the Council acting under Chapter VII of the Charter of the United Nations, which makes it binding on all the United Nations Member States.

Security Council resolution 1373 (2001) also led to the creation of the Counter-Terrorism Committee (CTC), which monitors the implementation of the resolution by all States and has been vigorously monitoring the ratification of the 12 international legal instruments. The CTC has since become the United Nations' leading body to promote collective action against international terrorism, and increased the capability of States to fight terrorism, including bringing Member States to an acceptable level of compliance with the terrorism-related conventions and protocols. In restructuring the CTC, the Counter-Terrorism Executive Directorate (CTED) has been established as a special political mission for an initial period ending on 31 December 2007.

Subsequently, Security Council resolution 1566 (2004) condemned, in the strongest terms, all acts of terrorism irrespective of motivation as one of the most serious threats to peace and security, called upon States to cooperate fully in the fight against terrorism and called upon States

to become party, as a matter of urgency, to the relevant international conventions and protocols, whether or not they are a party to regional conventions on the matter.

Recently, the Bangkok Declaration, issued as a result of the Eleventh United Nations Congress, also called upon States, that have not yet done so, to become parties to and implement the universal instruments against terrorism.

In the context of the United Nation's efforts to prevent and combat terrorism, the United Nations Office on Drugs and Crime (UNODC) has an expanded program of work for technical assistance to counter terrorism that is based on mandates recommended by the UN Commission on Crime Prevention and Criminal Justice and approved by the General Assembly. These mandates, carried out by UNODC's Terrorism Prevention Branch (TPB) within the Division for Treaty Affairs (DTA), include the provision of technical assistance and advisory services to countries in their fight against terrorism. As a consequence, UNODC's operational activities focus on strengthening the legal regime against terrorism. This involves providing legislative assistance to countries, which enables them to become parties to, and implement, the universal anti-terrorism conventions and protocols as well as to implement Security Council resolution 1373 (2001).

Against this background, this Seminar intends to assist efforts by Member States in the fight against terrorism, in particular those efforts towards accession to and implementation of the relevant legal instruments, in close cooperation with UNODC.

2. Objectives

The objectives of this Seminar and its subtopics are as follows:

(1) *To examine and analyze the current situation of terrorism and the existing legal regime against it*

Subtopics: Current Situation of:

- (a) Terrorism and related crimes in the participating countries and region;
- (b) The accession by the participating countries to the 12 universal conventions and protocols pertaining to terrorism;
- (c) Existing domestic laws to combat terrorism, especially those related to the criminalization of acts of terrorism, combating terrorist financing, and international cooperation such as extradition and mutual legal assistance.

(2) *To identify and analyze the current problems and challenges*

Subtopics: Problems and Challenges:

- (a) In the accession by the participating countries to the 12 universal conventions and protocols to which the participating countries are not a party, especially in drafting laws to fulfil their obligations;
- (b) In the full implementation of the above instruments to which the participating countries are a party;
- (c) Of a non-legal nature that require special attention in strengthening the legal regime of the participating countries.

(3) *To explore effective strategies and countermeasures in harmony with the efforts being made by the international community*

Subtopics: Measures to:

- (a) Expeditiously accede to the universal instruments;
- (b) Effectively implement the universal instruments - domestic context, especially the criminalization of acts of terrorism and combating the financing of terrorism;
- (c) Effectively implement the universal instruments - international cooperation such as extradition and mutual legal assistance;
Strengthen capacity building of concerned agencies.

ADMINISTRATIVE NEWS

Faculty Changes

Mr. Kunihiko Sakai, formerly Director of UNAFEI, was appointed the Director of the Trial Division of Tokyo High Public Prosecutors Office on 1 July 2005.

Mr. Masahiro Tauchi, formerly Director of the General Affairs Division, Tokyo District Public Prosecutors Office, joined UNAFEI as Director on 1 April 2005.

Mr. Takafumi Sato, formerly Professor and Chief of the Training Division at UNAFEI, was transferred to the Immigration Bureau of the Ministry of Justice.

Ms. Kayo Ishihara, formerly a prosecutor for the Saitama District Public Prosecutors office, joined UNAFEI as a Professor.

Overseas Trips by Staff

Mr. Masahiro Tauchi (Director), Mr. Hiroyuki Shinkai (Professor), Ms. Tamaki Yokochi (Professor), Mr. Junichi Ebara (Chief of Secretariat), and Mr. Masayuki Tanuma (Chief of the International Research Affairs Section, Secretariat) visited China to prepare for the 11th Special Seminar for Senior Criminal Justice Officials of the People's Republic of China from 24 to 31 July 2005.

Mr. Iichiro Sakata (Professor) and Mr. Tomoyuki Noge (Professor) visited Costa Rica and Guatemala from 24 July to 12 August 2005. In Costa Rica they jointly hosted with ILANUD a course on Criminal Justice Reform in Latin America in which 10 countries were represented. On the 9 August, they travelled to Guatemala to hold a follow-up seminar, focusing on the specific situation in Guatemala.

Mr. Masato Uchida, (Professor, Chief of Research Division) visited Kenya to assist them in enhancing the services of the Children's Department of the Ministry of Home Affairs and National heritage from 28 June to 31 August 2005. Mr. Keisuke Senta (Deputy Director) and Ms. Tae Sugiyama (Professor, Chief of Information and Library Science) joined him from 1 August - 21 August 2005.

Mr. Motoo Noguchi (Professor) visited Copenhagen, Denmark to participate and speak at the 10th Conference of the International Association of Prosecutors from 28 August to 1 September 2005.

Mr. Keisuke Senta (Deputy Director) visited the United Arab Emirates from 17 to 21 September 2005. He presented a paper on "Job Allegiance and Professional Ethics Emphasizing Concepts, Codes of Ethics, Means of Enhancing Job Allegiance and Maintaining Professional Ethics (Japanese Police and Criminal Justice Experience)" at a Symposium on Job Allegiance and Professional Ethics at the United Arab Emirates Ministry of Interior Police College.

Ms. Tamaki Yokochi (Professor) visited Balanga City, Bataan Province, and Manila the Philippines from 19 September to 12 October, 2005 to give technical assistance to training courses conducted by the Parole and Probation Administration of the Department of Justice for local

probation officers and volunteer probation aids.

Mr. Masato Uchida (Professor), Mr. Hiroyuki Shinkai (Professor), Ms. Ayako Tanaka (staff) and Mr. Hideyuki Inoue (staff) visited the Republic of Korea to participate in the 25th Asian and Pacific Conference of Correctional Administrators from 25 September. Mr. Uchida addressed the Conference on the activities of UNAFEI and other members participated in various workshops. Mr. Shinkai returned to Japan on 28 September while the other delegates stayed until 1 October.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. Masahiro Tauchi	Director
Mr. Keisuke Senta	Deputy Director
Mr. Motoo Noguchi	Professor
Mr. Haruhiko Higuchi	Professor
Ms. Tae Sugiyama	Professor, Chief of Information and Library Science Division
Mr. Hiroyuki Shinkai	Professor
Ms. Tamaki Yokochi	Professor
Ms. Kayo Ishihara	Professor
Mr. Masato Uchida	Professor, Chief of Research Division
Mr. Tomoyuki Noge	Professor
Ms. Megumi Uryu	Professor, 131st Deputy Course Programming Officer
Mr. Iichiro Sakata	Professor, Chief of Training Division, 131st Course Programming Officer
Ms. Satoko Ikeda	Professor
Mr. Simon Cornell	Linguistic Adviser

Secretariat:

Mr. Junichi Ebara	Chief of Secretariat
Mr. Hitoshi Nishimura	Deputy Chief of Secretariat

General and Financial Affairs Section:

Mr. Kazunari Arakawa	Chief
Mr. Takanobu Sano	
Mr. Takayuki Aizawa	
Mr. Yuki Yoshi Tatsuda	
Mr. Mitsuo Dai	Driver
Ms. Tomoko Inamasu	

Training and Hostel Management Affairs Section:

Mr. Ryousei Tada	Chief
Mr. Seiji Yamagami	131st Assistant Course Programming Officer
Ms. Ayako Tanaka	
Ms. Yukari Ishikawa	
Mr. Hideyuki Inoue	

International Research Affairs Section:

Mr. Masayuki Tanuma	Chief
Ms. Keiko Noda	Librarian

Secretarial Staff:

Ms. Tomomi Matsuoka
Ms. Kumiko Yanagisawa

Kitchen:

Mr. Misao Saito Chef

JICA Coordinator:

Ms. Yasuko Ono

UNAFEI Home Page: <http://www.unafei.or.jp/>

UNAFEI E-mail: unafei@moj.go.jp