

# UNAFEI NEWSLETTER

UNITED NATIONS ASIA AND FAR EAST  
INSTITUTE FOR THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS

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## LETTER FROM THE DIRECTOR

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It is my privilege to inform readers of the successful completion of the 137th International Training Course on "Corporate Crime and the Criminal Liability of Corporate Entities", which took place from 5 September to 11 October 2007.

In this Course, we welcomed six Japanese and twelve overseas participants, and one overseas observer: six from Asia, four from Africa and three from Latin America. They included public prosecutors, police officers, judges and other high-ranking public officials.

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

With globalization, corporations are becoming larger and more powerful, and expanding into new territories. Recent high profile scandals involving corporate crime, such as the Enron, Barings and Livedoor cases, have highlighted the enormous harm that companies can inflict when they break the law.

Countries are more aware of the destabilizing effect corporate crime can have on them and are taking measures to combat economic crime. In response, they are holding corporations liable for criminal wrongdoing. In addition, the complexity of such crime has necessitated the implementation of appropriate measures such as the retrieval of electronic data, whistleblower protection, etc. States are also becoming party to international agreements to make it more difficult for criminals to evade justice by exploiting legal asymmetries.

The sophistication and growing international nature of corporate crime requires a concerted effort by the international community. UNAFEI therefore decided to hold this Course to enable the participants from the respective countries to share their knowledge and experience, and come up with effective countermeasures.

During the Course the participants diligently and comprehensively examined the current situation of corporate crime and the criminal liability of corporate entities, primarily through a comparative analysis. 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.

I would like to express my great appreciation to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Course. At the same time, a warm tribute must be paid to the Asia Crime Prevention Foundation (ACPF) and its branch organizations

for their substantial contributions to our activities. 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 nations' criminal justice systems, and the benefit of international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 137th 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 2007

相澤 恵一

*Mr. Keiichi Aizawa*  
Director, UNAFEI

## THE 137TH INTERNATIONAL TRAINING COURSE

### "CORPORATE CRIME AND THE CRIMINAL LIABILITY OF CORPORATE ENTITIES"

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#### Course Rationale

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#### 1. Increasing Threat of Corporate Crime

Economic crime by a corporate entity, or its representatives acting on its behalf, is a critical issue for the international community. Large corporations wield tremendous power and influence due to their enormous resources, and thus have the ability to do considerable harm. Especially in recent years, improvements in communications and technology have shrunk distances between states, made state frontiers porous and opened up previously unimaginable opportunities for commercial, political and social interaction, and consequently have dramatically expanded international commercial transactions. We now live in a world of increasing economic interdependence where global markets provide attractive opportunities for firms to do business all over the world, 24 hours a day. This process of globalization has led not only to unprecedented opportunities for corporate activity, but also to an increase in the potential risk of economic crime or abuse committed by corporations in the course of their business.

This Course will deal with the most common types of crime as they relate to corporate entities such as fraud, embezzlement, breach of trust, tax evasion, submission of securities reports containing false information, insider trading, private monopolization, bid rigging, foreign bribery, bankruptcy fraud, money-laundering, etc. The Course will examine crimes involving corporations not only as criminals but as victims, such as when an employee abuses his/her position. However, we will not deal with corporate crimes which have no direct relation to economic crime, such as environmental crime and minor regulatory violations, etc.

#### 2. Response to the Increasing Threat of Corporate Crime

It is common knowledge that many large-scale corporate scandals have occurred recently, for example, Enron and WorldCom in the United States, Barings in Singapore and others such as Livedoor in Japan, which were committed in the course of doing business. In developing countries, economic crime has also become a critical issue and it is likely that corporate crime will become more prevalent as these countries develop.

Following the increased threat of illegal economic activities in the course of business, the international community has begun to recognize that such activities are a grave threat to the political, economic, and social fabric of their respective countries, and this has led many states to criminalize economic abuse.

Among the various types of economic abuse that have been criminalized, money laundering and concealment are two of the most damaging. Shell companies, which have no active business and usually exist only in name as a vehicle for another company's business operations, are often used to launder and conceal the proceeds of crime from illicit corporate activities. Complex corporate structures can effectively hide the true ownership of the proceeds or particular transactions related to serious crime. In addition, criminals take advantage of easier capital movement, advances in technology and increases in the mobility of people and commodities, as well the diversity of legal provisions in different countries. Exploiting legal asymmetries, criminals transfer illegal assets instantly from place to place through both formal and informal channels, and they may appear

finally as legitimate assets available in any part of the world.

In recognition of the fact that serious and sophisticated crimes are frequently committed, through or under the cover of legal entities such as corporations, international agreements have been made in which each state adopts such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in corporate crime.

The principle that corporations cannot commit crime (*societas delinquere non potest*) used to be widely accepted, although, the debate on whether legal entities can bear criminal responsibility has shifted to the question of how to define and regulate such responsibility.

Each country has its own legal framework defining criminal liability of legal persons. For example, in Japan this kind of penal provision is called "Double Punishment". In order to apply this Double Punishment provision to a corporate entity, investigative authorities have to first determine the identity of the natural person(s) who, acting on behalf of the corporate entity, committed the crime. When such person(s) have been proven to have committed the crime then the criminal liability of the legal person is presumed. In addition, in recent years in Japan, amendments have been made to the legislation to increase the penalties on legal persons for economic crime.

In addition, in order to properly investigate corporate crime, the authorities have to conduct investigations with the help of mutual legal assistance and other measures in cooperation with other agencies.

In this Course, we will focus on the current situation of corporate crime and the response to the increasing threat in the respective countries.

### 3. Practical Issues in Investigation, Prosecution and Adjudication

An economic crime involving corporate activities is often complicated and sophisticated so that investigators need sufficient knowledge and experience of accounting, finance and taxation, etc. The Government needs to train investigators and organize special task forces or units to handle corporate crime.

There remain many difficult issues in regard to substantive and/or procedural laws concerning corporate crime which have not been agreed upon by judicial precedents. Investigators and prosecutors have to examine the interpretation closely prior to indictment in some cases.

It is sometimes essential that the investigative authorities conduct the investigation of a large scale corporate crime in cooperation with other authorities; therefore, a close relationship with such authorities, founded on mutual trust, is indispensable to accomplish the task.

Corporate crime is usually committed secretly so that it is difficult for the investigative authorities to fully grasp the situation. It is true that there are some cases in which an investigative authority can obtain information from a secret informant inside the corporation, but most people are afraid to come forward because of reprisals from the corporation, which is very often their employer.

In order to secure a conviction, in a case involving a corporate crime, it is often necessary to obtain material and electronic evidence (financial statements, e-mail correspondence, etc.). Therefore, it is necessary for investigative authorities to seize and analyse, in an effective and thorough manner, the vast quantity of such evidence.

In addition, it is also critical for investigative authorities to take statements from witnesses and suspects in the investigation of corporate crime. In this regard, some countries' judicial systems allow for the possibility of mitigating the punishment of an accused person and/or the possibility of granting immunity from prosecution to a person who provides substantial cooperation with the investigation or prosecution.

Especially in regard to the finding of facts in the trial of corporate crime, there is an enormous amount of evidence and disputes on legal and/or factual matters so that a vast amount of time and effort is required by judges, prosecutors, defendants and defence attorneys.

As globalization and the development of information technology make corporate activities more transnational, the geographical range of investigation has been widened to include foreign

jurisdictions; international cooperation is therefore essential to properly execute the investigation.

We will focus on these practical issues of corporate crime in this Training Course.

### Objectives

This Training Course aims at examining and analysing the current situation, problems and challenges in the investigation, prosecution and trial of corporate crime. The objectives and their subtopics are as follows:

- (1) Liability of legal persons and criminalization in relation to corporate crime
  - (a) Liability of legal persons: (i) current situation of criminal liability of corporate entities in respective countries, (ii) legal framework of criminal, civil and administrative sanctions, (iii) various kinds of criminal liability, (iv) others
  - (b) Criminalization in relation to corporate crime

(NB: Participants are requested to refer to the current situation and legal framework of the criminal liability of corporate entities in their respective countries).

- (2) Current situation and issues concerning corporate crime listed below in the respective countries:
  - Economic crime committed by a corporate entity or representatives acting on its behalf
  - Fraud, embezzlement, breach of trust, etc.
  - Tax evasion
  - Submission of securities reports containing false information, spreading rumours, market manipulation, insider trading, etc.
  - Private monopolization, unreasonable restraint of trade, illegal acts of trade associations, bid rigging, price fixing, etc.
  - Foreign bribery
  - Bankruptcy fraud
  - Money laundering
  - Others

(NB: Participants are requested to focus on any one or more of these offences for the purpose of preparing their individual presentation papers. Please note that domestic corruption in the public sector is excluded from the scope of this Training Course, since it has little direct relation with corporate crime.)

- (3) Issues concerning the investigation
  - (a) Specialized investigative authorities and training methods for investigators
  - (b) Cooperation between investigative authorities concerned at the state level
  - (c) Acquisition of information on corporate crime: (i) complaint, (ii) mass media, (iii) confidential informants, (iv) whistleblower protection, (v) others
  - (d) Material and electronic evidence: (i) identify, obtain and preserve, (ii) obtain relevant computer data and recovery of deleted data, (iii) forensic analysis, (iv) others
  - (e) Measures to obtain statement evidence: (i) techniques of interrogation, (ii) plea bargaining, (iii) immunity
  - (f) Special investigative techniques: (i) electronic and other forms of surveillance, (ii) undercover operations, (iii) other special investigative techniques, (iv) use of special investigative techniques at the international level
- (4) Issues concerning the prosecution
  - (a) Mitigating punishment of an accused person who provides substantial cooperation in

- the investigation and/or prosecution
  - (b) Granting immunity from prosecution to a person who provides substantial cooperation in the investigation and/or prosecution
  - (c) Considerations in the prosecution of a corporate entity
- (5) Issues in the trial and adjudication
- (a) Disclosure of evidence before the trial
  - (b) Clarification of disputes before the trial
  - (c) Effective methods of fact finding: (i) witness protection, (ii) expert witnesses, (iii) others
  - (d) Sentencing process
- (6) International cooperation
- (a) Current situation of, and problems and challenges in, the investigation, prosecution and trial of the above-mentioned offences, in relation to international cooperation
  - (b) Problems and challenges in obtaining and providing mutual legal assistance
  - (c) Problems and challenges in the use of other types of international cooperation: i) joint investigations, ii) law enforcement cooperation (e.g. exchange of information).

(NB: Extradition issues are excluded from the main scope of this Course, which focuses on practical issues pertaining to the investigation, prosecution and trial of corporate crime).

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## Course Summary

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### Lectures

In total, six lectures were presented by visiting experts, three by ad hoc lecturers and six by the faculty of UNAFEI. Three 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, 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 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 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 meeting 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.

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## Lecture Topics

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### *Visiting Experts' Lectures*

- 1) Mr. Paul Pelletier
  - Prosecuting Corporate Crime: The US Perspective
  - U.S. Corporate Fraud Prosecutions: Case Studies
- 2) Mr. Johan Vlogaert
  - Fighting Fraud and Corruption: How the European Union Protects its Public Funds: Part I
  - Fighting Fraud and Corruption: How the European Union Protects its Public Funds: Part II
- 3) Mr. Lawrence Ang
  - Effective Measures Against Corporate Crime and Corporate Liability in Singapore
  - Effective Measures Against Corporate Crime and Corporate Liability in Singapore: Case Studies

### *UNAFEI Professors' Lectures*

- 1) Ms. Kayo Ishihara, *Professor*, UNAFEI
  - Prosecution in Japan
- 2) Mr. Jun Oshino, *Professor*, UNAFEI
  - The Criminal Justice System in Japan: The Courts
- 3) Mr. Ryuji Tatsuya, *Professor*, UNAFEI
  - Institutional Corrections in Japan
- 4) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
  - Challenges of the Koban (Police Box) System in the 21<sup>st</sup> Century
- 5) Ms. Tae Sugiyama, *Professor*, UNAFEI
  - Community-Based Treatment of Offenders in Japan
- 6) Mr. Takeshi Seto, *Deputy Director*, UNAFEI
  - Money Laundering and International Cooperation

### *Ad Hoc Lectures*

- 1) Mr. Hiroyuki Yagi  
*Director, Tokyo District Public Prosecutors Office, Special Investigation Department*
  - Investigation and Prosecution by the Special Investigation Department-Focusing on Corporate Crime
- 2) Mr. Yoshifumi Asayama  
*Judge, Tokyo District Court, Criminal Affairs Department, 8<sup>th</sup> Division*
  - Various Problems Regarding the Prosecution of Economic Crimes - Centering on Tax Cases

3) Mr. Kiyotaka Sasaki

*Director for Strategy and Policy Coordination, Securities and Exchange Surveillance Commission, Coordination Division*

- Market Misconduct and the Direction of the SESC

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**Individual Presentation Topics**

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***Overseas Participants***

- 1) Mr. Tsaone Chris Mokone (Botswana)
  - Country Report
- 2) Ms. Mabel Alves de Faria Correa (Brazil)
  - Country Report
- 3) Mr. Trimulyono Hendradi (Indonesia)
  - Money Laundering in Indonesia: Present and Future
- 4) Mr. Agung Purnomo Soenarto (Indonesia)
  - Country Report
- 5) Mr. McSyd Hubert Chalunda (Malawi)
  - Country Report
- 6) Mr. Francisco Montes de Oca Penaloza (Mexico)
  - Organized Crime and Corporate Crime
- 7) Mr. Mohamed Ahmed Abani (Niger)
  - Country Report
- 8) Mr. Maximo Armando Navarro (Panama)
  - Criminal Liability in Relation to Corporate Crimes and Issues Concerning the Investigation of Money Laundering in Panama
- 9) Mr. Alex Manolito Canedo Labador (Philippines)
  - Country Report
- 10) Ms. Sadhana Singh (South Africa)
  - Country Report
- 11) Mr. Jayantha Chandrasiri Jayasuriya (Sri Lanka)
  - Legislative Provisions Relating to Corporate Crime: The Sri Lankan Experience
- 12) Ms. Bhornthip Sudti-autasilp (Thailand)
  - Country Report
- 13) Ms. Sitang Tangsiri (Thailand)
  - Investigation and Prosecution of Corporate Crime in Thailand

*Japanese Participants*

- 14) Mr. Takeshi Hashimoto
  - Corporate Sanctions against Legal Persons in Japan
- 15) Mr. Hiromitsu Iizuka
  - The Role of the Japan Fair Trade Commission in Measures Against Corporate Crime
- 16) Mr. Mikio Matsuoka
  - Country Report
- 17) Mr. Hideaki Nakamoto
  - The Relationship Between Criminal Procedures and Administrative Procedures in Economic Crime
- 18) Mr. Noboru Shimizu
  - The Law Concerning Money Laundering in Japan, Including Case Studies
- 19) Mr. Yukitoshi Yokoyama
  - Measures for Obtaining Evidence of Economic Crimes in Japan

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**Group Workshop Sessions**

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**Group 1**

**ISSUES CONCERNING THE LEGAL FRAMEWORK ON CORPORATE  
CRIME, CORPORATE LIABILITY AND MISUSE OF CORPORATE  
VEHICLES**

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<b>Chairperson</b>	Mr. Mikio Matsuoka	(Japan)
<b>Co-chairperson</b>	Mr. Alex Manolito Canedo Labador	(Philippines)
<b>Rapporteur</b>	Mr. Tsaone Chris Mokone	(Botswana)
<b>Co-Rapporteur</b>	Ms. Bhorntip Sudti-autasilp	(Thailand)
<b>Members</b>	Mr. Agung Purnomo Soenarto	(Indonesia)
	Mr. Hideaki Nakamoto	(Japan)
<b>Advisers</b>	Prof. Kayo Ishihara	(UNAFEI)
	Prof. Koji Yamada	(UNAFEI)
	Prof. Tetsuya Sugano	(UNAFEI)

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*Report Summary*

Group One agreed to conduct its discussion on the above topic according to the following agenda: i) current situation of corporate crime in participating countries; ii) nature and causes of corporate crime; iii) liability of legal persons under international agreements/documents; iv) legal framework of corporate criminal liability in participating countries; v) other types of liability legal persons are subject to in regard to corporate crime; vi) individual liability of natural persons; and vii) misuse of corporate vehicles.

After lengthy discussions, the group concluded that the increasing transnational nature of corporate activities sometimes has a negative impact on society, allowing corporations to commit economic crimes with highly sophisticated and complicated modus operandi. Faced with this challenge, each segment of the criminal justice system must come up with effective solutions to address the problem. Furthermore, the international community has to work hand in hand to curb corporate crime. Although the legal systems of the participant countries regarding liability of legal persons vary, the group concluded that it is important to punish legal persons effectively and appropriately. The Group made the following recommendations.

1. It is necessary to raise awareness among the public and law enforcement authorities in regard to the liability of legal persons for criminal wrongdoing.
2. A variety of sanctions should be available against legal persons.
3. To prevent, deter, and combat corporate crime, legal sanctions should be imposed on legal persons.
4. Legal persons and offenders should be deprived of the proceeds of corporate crime and laws on confiscation/forfeiture should be strengthened.
5. International cooperation, in terms of international agreements, and coordination through formal and informal channels should be improved.
6. Sharing of technical investigative expertise should be enhanced among the international community.
7. Legal measures that may contribute to the prevention and detection of misuse of corporate vehicles and corporate crime, such as a registration system for companies and obligations on financial institutions, should be strengthened.

**Group 2****ISSUES CONCERNING THE INVESTIGATION AND PROSECUTION OF CORPORATE CRIME**


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<b>Chairperson</b>	Mr. Jayantha Chandrasiri Jayasuriya	(Sri Lanka)
<b>Co-Chairperson</b>	Mr. Yukitoshi Yokoyama	(Japan)
<b>Rapporteur</b>	Ms. Mabel Alves de Faria Correa	(Brazil)
<b>Co-Rapporteur</b>	Ms. Sadhana Singh	(South Africa)
<b>Members</b>	Mr. Francisco Montes de Oca Penaloza	(Mexico)
	Mr. Hiromitsu Iizuka	(Japan)
	Mr. Maximo Armando Navarro	(Panama)
<b>Advisers</b>	Prof. Shintaro Naito	(UNAFEI)
	Prof. Tae Sugiyama	(UNAFEI)
	Prof. Ikuo Kamano	(UNAFEI)

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*Report Summary*

Group Two agreed to conduct its discussion in accordance with the following agenda: i) characteristics of investigations into corporate crime: the current situation in each country; ii) effective measures against corporate crime; iii) cooperation between investigative authorities at the state level; and iv) cooperation between foreign investigative authorities.

After discussing the above issues the Group made the following recommendations.

1. A basic guideline document should be developed for the investigation of financial/commercial/economic crimes involving corporate entities that have a serious impact on a country's economic and social stability.
2. Effective interviewing techniques for victims, witnesses and suspects should be developed.
3. Cooperation between prosecutors or police officers and the administrative investigative authorities at the state level that have power to conduct administrative investigations into corporate crime should be established or strengthened.
4. Coordination between the police and the prosecution from the beginning of the investigation should be improved.
5. Cooperation with foreign countries to develop joint investigations between law enforcement agencies of different countries (to ensure a close working relationship to fight corporate crime) and the enforcement of mutual legal assistance (to share information and collect evidence), etc. should be established or strengthened.
6. The expertise of administrative investigative authorities, police officers and prosecutors involved in the investigation of corporate crime should be enhanced.

In addition to the above recommendations, it was noted that the majority of countries do not have special investigative techniques to investigate corporate crime and such mechanisms, and any changes to the existing systems, would require extensive discussion and agreement between various state agencies in accordance with the domestic laws in respective countries. Therefore, the Group suggested the following two measures: a) an investigation to assess whether special investigative techniques, in accordance with the domestic law, could be applicable in the field of corporate crimes; and b) a comparative study should be undertaken into the legal framework of various countries to determine the most appropriate legal tools to support the investigation of corporate crime.

**Group 3****ISSUES CONCERNING THE TRIAL AND SENTENCING IN CORPORATE  
CRIME CASES**


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<b>Chairperson</b>	Mr. Mohamed Ahmed Abani	(Niger)
<b>Co-Chairperson</b>	Mr. Takeshi Hashimoto	(Japan)
<b>Rapporteur</b>	Mr. McSyd Hubert Chalunda	(Malawi)
<b>Co-Rapporteur</b>	Mr. Trimulyono Hendradi	(Indonesia)
<b>Members</b>	Mr. Noboru Shimizu	(Japan)
	Ms. Sitang Tangsiri	(Thailand)
<b>Advisers</b>	Prof. Jun Oshino	(UNAFEI)
	Prof. Ryuji Tatsuya	(UNAFEI)

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*Report Summary*

Group Three agreed to conduct its discussion according to the following agenda: i) the current situation of corporate trials in the respective countries; ii) the rules of evidence in the different jurisdictions, including the hearsay rule, documentary evidence and electronic evidence; iii) fair and speedy trials, including disclosure of evidence, clarification of disputes and utilization of forensic analysis or expert witnesses for fact finding; iv) sentencing procedures in participating countries; and iv) effective sanctions against corporate crime.

After lengthy discussions, the Group made the following recommendations. 1. There is no need to establish or create special courts in respective countries to deal with corporate crime cases. However, it is useful to establish specialized departments to deal with such cases, such as tax evasion, in order to ensure speedy and fair trials. 2. Every country should have legislation to provide for the use of electronic evidence to avoid the evidence being challenged in court. 3. As far as possible, original documents should be used as evidence in courts. Copies of documents should be used only under strict conditions to avoid the use of tampered evidence. 4. Preparation proceedings before the actual trial, for the clarification of disputes and disclosure of evidence, are vital in order to reduce unnecessary objections and ensure a speedy trial. 5. The court should maintain a list of qualified forensic analysts and experts that can be called to give testimony, rather than the parties calling their own analysts and experts; this would avoid possible conflicts of interest between opposing experts. The list would be prepared by the court in consultation with relevant bodies. However, the parties should not be bound to use the analysts and experts on the list. 6. Countries should have qualified and competent jurists and legal personnel to handle corporate crime cases in order to ensure a fair and speedy trial. Countries should strive to have a continuous trial process, without adjournments, to enable a speedy trial process. 7. The judgment and sentencing should be pronounced within a reasonable time after the trial. Preferably, the judgment and sentence should be delivered together at the end of the trial. 8. In order to avoid disparities in sentences and speed up the trial, it is useful to establish sentencing guidelines. However, judges should not be bound by the guidelines. 9. In deciding whether to punish individuals and/or corporate entities who commit corporate crime, and which sanctions (including criminal, civil, and administrative) should be imposed, all the circumstances of the case should be taken into account.

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**Observation Visits**

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<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Sept. 25	The Supreme Court	• Mr. Yuki Furuta (Supreme Court Justice)
	Tokyo District Court	• Mr. Yuichi Okada (Deputy Chief Judge)
Sept. 26	Tokyo District Public Prosecutors Office	• Mr. Tetsuo Ito (Chief Prosecutor)
	Courtesy visit to the Prosecutor General	• Mr. Keiichi Tadaki (Prosecutor General)

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**Group Study Tour**

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<u>Date</u>	<u>Location</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
Sept. 20	Kyoto	<ul style="list-style-type: none"> <li>• Kyoto Prefectural Police Headquarters</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>
Sept. 21-22	Hiroshima	<ul style="list-style-type: none"> <li>• Hiroshima Prison</li> <li>• Hiroshima District Public Prosecutors Office</li> <li>• Courtesy visit to Chief Prosecutor</li> <li>• Hiroshima High Public Prosecutors Office</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Hiroyuki Yoshida</li> <li>• Mr. Naoki Hosaka (Director-General)</li> <li>• Mr. Morihiro Honda (Chief Prosecutor)</li> <li>• Mr. Yoshio Suzuki (Superintending Prosecutor)</li> </ul>

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## Special Events

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September 5 *Welcome Party*

September 7 and 10 *Japanese Conversation Classes*

The overseas participants attended two Japanese conversation classes and learned practical Japanese expressions. The sensei (teacher) was Ms. Mieko Terao of JICE.

September 13 *TICP Party*

A friendship party was held for the participants by the Training Institute for Correctional Personnel (TICP). TICP trainees introduced the participants to traditional Japanese games and put on a display of Japanese martial arts.

September 14 *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, a social was held at UNAFEI.

September 18 *ACPF Fuchu Party*

The ACPF Fuchu branch hosted a tour of Okunitama Shrine and a reception for the participants.

September 25 *ACPF Minoru-Kai Party*

The ACPF Minoru-Kai hosted an enjoyable party at Meiji Kinenkan in central Tokyo where the participants were entertained by traditional Japanese dancers.

September 27 *Social with Volunteer Probation Officers (VPOs)*

The participants had an opportunity to exchange views with Japanese VPOs at a social at UNAFEI.

September 29 and 30 *Home Visits*

ACPF Fuchu Branch kindly organized dinners for the participants in the homes of their members. The hosts were Mr. Shigeyuki Ogawa, Ms. Hiroko Maekawa, Mr. Tomohide Namiki, Mr. Rinshi Sekiguchi and Ms. Chitose Sashida.

October 3

*ACPF Silver Jubilee*

The participants attended the ACPF's 25<sup>th</sup> Anniversary Commemorative Symposium and Panel Discussion on "Home Without Crime". After the Symposium the participants attended a reception hosted by the ACPF.

October 5-6

*ACPF Branches Study Tour*

The participants were invited on local trips by six branch organizations of the ACPF, namely: Sapporo, Aomori, Iwate, Nagano, Nagoya and Osaka. They visited local criminal justice facilities and had an opportunity to do some sightseeing. In addition, each branch held a reception in honour of the participants visiting their region.

October 7

*Visit to Tokyo Horse Race Course*

The participants were invited to attend Fuchu Horse Race Course as guests of ACPF Fuchu branch and Fuchu PFS (Peace, Fellowship and Service, a Non-Profit Organization).

October 10

*Visit to Fuchu-Daikyu Elementary School*

The participants visited Fuchu-Daikyu Elementary School where they had the opportunity to observe a Japanese school, talk to the students and teachers and take part in traditional Japanese games.

October 11

*Farewell Party*

A party was held to bid farewell to all the participants.

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**Reference Materials**

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**A. UN**

1. A/RES/51/191: United Nations Declaration against Corruption and Bribery in International Commercial Transactions.
2. A/RES/55/25: United Nations Convention against Transnational Organized Crime.
3. A/RES/55/61: An Effective International Legal Instrument against Corruption.
4. A/RES/56/260: Terms of Reference for the Negotiation of an International Legal Instrument against Corruption.
5. A/RES/57/169: High-Level Political Conference for the Purpose of Signing the United Nations Convention against Corruption.
6. A/RES/58/4: United Nations Convention against Corruption.
7. Bangkok Declaration.

**B. G8**

G8 Recommendations on Transnational Crime.

**C. FATF**

1. FATF Documents on the Forty Recommendations.
2. FATF Nine Special Recommendations on Terrorist Financing.
3. The Misuse of Corporate Vehicles, Including Trust and Company Service Providers.

**D. OECD**

OECD DAFFE/IME/BR(97)20: Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

**E. Council of Europe**

1. European Treaty Series No. 173: Criminal Law Convention on Corruption.
2. European Treaty Series No. 185: Convention Cybercrime.
3. European Treaty Series No. 191: Additional Protocol to the Criminal Law Convention on Corruption.

**F. OLAF**

1. Official Journal of the European Communities L136/1-7.  
Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF).
2. OLAF Manual 25 February 2005.
3. Report of the European Anti-Fraud Office (OLAF) 2006.

**G. U.S. Department of Justice**

1. Memorandum from the Deputy Attorney General to All Component Heads and United States Attorneys: "Bringing Criminal Charges against Corporations".
2. Memorandum from the Deputy Attorney General (Mr. Larry D. Thompson) to Heads of Department Components and United States Attorneys: "Principles of Federal Prosecution of Business Organizations" (2003).
3. U.S. Department of Justice, Criminal Division, Fraud Section: Activities Report Fiscal Year 2006.
4. Memorandum from the Deputy Attorney General (Mr. Paul J. McNulty) to Heads of

Department Components and United States Attorneys: "Principles of Federal Prosecution of Business Organizations" (2006).

5. Remarks at the 22nd Annual Corporate Counsel Institute, Georgia State Bar, by Christopher A. Wray, Assistant Attorney General, Criminal Division.
6. Remarks of James K. Robinson, Assistant Attorney General, Criminal Division to the Sponsoring Partner Forum, Ethics Officer Association.
7. Fact Sheet: President's Corporate Fraud Task Force Marks Five Years of Ensuring Corporate Integrity.

#### **H. Attorney-General's Chambers Singapore**

Attorney General's Chambers Singapore, Annual Report 2005/2006.

#### **I. Japan**

1. Law for Prevention of Transfer of Criminal Proceeds.
2. Outline of Law for Prevention of Transfer of Criminal Proceeds.
3. White Paper on Crime 2000 "Economic Offenses: Current Situation and Countermeasures (Part VI)".
4. Securities and Exchange Surveillance Commission, Annual Report 2005/2006.
5. Annual Report on Competition Policy in Japan (January-December 2005).
6. National Tax Agency Report 2006.
7. Report of the Research Council on Corporate Crime - Research Regarding the Sanctions Regime under the Anti-Monopoly Law.

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**Experts and Participants List**

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**Visiting Experts**

Mr. Paul Pelletier	Principal Deputy Chief for Litigation Fraud Section, Criminal Division, US Department of Justice, USA
Mr. Johan Vlogear	Head of Unit Investigations and Operations I, External Aid, Investigations and Operations, European Anti-Fraud Office (OLAF), European Commission, Belgium
Mr. Lawrence Ang	Principal Senior State Counsel (PSSC) Criminal Justice Division, Attorney General's Chambers, Singapore

**Overseas Participants**

Mr. Tsaone Chris Mokone	Head of Crime Intelligence Bureau Criminal Investigation Department Headquarters, Botswana Police Service, Botswana
Ms. Mabel Alves de Faria Correa	Police Chief/Department of Internal Affairs Adviser Civil Police of the Federal District, Brazil
Mr. Trimulyono Hendradi	Public Prosecutor Public Prosecution Office of Tangerang, Indonesia
Mr. Agung Purnomo Soenarto	Head of Sub Division for Evaluation and Monitoring Attorney General's Office, Indonesia
Mr. McSyd Hubert Chalunda	Senior Investigations Officer Anti-Corruption Bureau, Malawi

Mr. Francisco Montes de Oca Penaloza	General Coordinator Special Investigation Unit for Trespassers, Trafficking of Minorities and Organs, Organized Delinquency Investigation Unit, Mexico
Mr. Mohamed Ahmed Abani	Acting Deputy Prosecutor Special High Instance Court of Niamey, Ministry of Justice, Niger
Mr. Maximo Armando Navarro	Senior Detective Judicial Technical Police, Criminal Investigation Department, Panama
Mr. Alex Manolito Canedo Labrador	Chief Law Enforcement Division, Directorate for Operations, Philippine National Police, Philippines
Ms. Sadhana Singh	Senior Superintendent Partnership Policing, South African Police Service, South Africa
Mr. Jayantha Chandrasiri Jayasuriya	Deputy Solicitor General Attorney General's Department, Sri Lanka
Ms. Bhornthip Sudti-autasilp	Judge The Civil Court, Office of the Judiciary, Thailand
Ms. Sitang Tangsiri	Provincial Public Prosecutor Assistant Secretary to the Inspector General, Department of Inspector General, Office of the Attorney General, Thailand
<b>Japanese Participants</b>	
Mr. Takeshi Hashimoto	Assistant Judge Osaka District Court

Mr. Hiromitsu Iizuka	Chief Examination Expert Examination Department, First Examination Section, Fair Trade Commission
Mr. Mikio Matsuoka	Judge Nagoya High Court
Mr. Hideaki Nakamoto	Public Prosecutor Tokyo District Public Prosecutors Office
Mr. Noboru Shimizu	Public Prosecutor Tokyo District Public Prosecutors Office, Hachioji Branch
Mr. Yukitoshi Yokoyama	Public Prosecutor Saitama District Public Prosecutors Office

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## INFORMATION ABOUT FORTHCOMING PROGRAMMES

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### 1. **The 8<sup>th</sup> Training Course on the Juvenile Delinquent Treatment System for Kenyan Criminal Justice Officials**

The 8<sup>th</sup> Training Course on the Juvenile Delinquent Treatment System for Kenyan Criminal Justice Officials will be held from 15 October to 9 November 2007.

Eleven participants, comprising two judges, eight government officials and one children's volunteer officer will attend.

### 2. **The 10<sup>th</sup> Training Course on Corruption Control in Criminal Justice**

The 10<sup>th</sup> Training Course on Corruption Control in Criminal Justice will be held from 24 October to 21 November 2007. Approximately 18 government officials in charge of corruption control, mainly from the Asia-Pacific region, and visiting experts, will attend.

### 3. **Regional Seminar on Good Governance for Southeast Asian Countries**

The Regional Seminar on Good Governance for Southeast Asian Countries will be held from 17 to 21 December 2007. The main theme is corruption control in the judiciary and prosecutorial authorities. The Seminar is co-hosted by UNAFEI, the Office of the Attorney General of Thailand and the United Nations Office on Drugs and Crime Regional Centre for East Asia and the Pacific and JICA. Approximately 30 participants from eight countries, comprising judges, prosecutors and other law enforcement officials will attend.

### 4. **The 138<sup>th</sup> International Senior Seminar**

Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response.

#### Rationale

#### 1. **Prevalence of Corruption and Countermeasures Taken by the International Community, in Particular, the United Nations**

Undoubtedly, corruption poses a serious threat to the stability and security of societies. The threat is even greater when corrupt practices prevail in the public sphere. Illegal diversion of scarce resources through corrupt transactions adversely affects the quality and quantity of basic services provided to citizens, and jeopardizes a State's sustainable economic, social and political development. The prevalence of corruption both in the public and private spheres discourages economic investment, as it interferes with legitimate economic competition and obstructs the establishment of a level playing field. It breeds feelings of distrust and unfairness towards the public authorities and amongst private businesses. Corruption undermines the values of democracy, justice and the rule of law, and may ultimately disrupt the foundation of a State.

In many countries, corrupt transactions take place at various levels within public authorities. In developing countries, in particular, the situation remains serious. Bribes, often of a substantial amount, are paid to high ranking officials and politicians for public contracts, and at a lower level, citizens are forced to pay "surcharges" just for the provision of the most basic services, such as the issuing of official documents. This phenomenon is rooted deeply in the society, and various surveys show that corruption is perceived as prevalent in those countries. Moreover, globalization in the commercial sphere has brought about the internationalization of corruption, thus making the problem even more complex. Due to expanded legitimate international commercial transactions, corruption is no longer a domestic issue. Foreign investors have become one of the major players in corrupt transactions, and corrupt officials often transfer illegally diverted public funds to financial institutions abroad. Further, transnational criminal organizations take advantage of corrupt

governments to obtain and retain illegal benefits.

Bearing in mind the enormous negative impact of corruption and its increasing transnational aspects, the international community recognizes the importance of tackling this phenomenon collectively at an international level. Since the mid-1990s, several multilateral instruments against corruption have been adopted, among them, the Inter-American Convention against Corruption (adopted by the Organization of American States in 1996), the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union (adopted by the Council of the European Union in 1997), and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (adopted by the Organization for Economic Cooperation and Development in 1997). Subsequently, other regional and international instruments were developed, and various anti-corruption initiatives involving governmental and non-governmental bodies have been established.

Most importantly, on 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption (hereinafter referred to as "UNCAC" or the "Convention") whereby setting a new benchmark for this global issue. Many states moved swiftly towards its ratification and consequently, the UNCAC entered into force on 14 December 2005. As of May 2007, nearly 100 states have become parties to the Convention and many others are going through the ratification process. In addition, being mindful of the links between transnational organized groups and corruption, corruption provisions were stipulated in the United Nations Convention against Transnational Organized Crime adopted in November 2000.

Following the entry into force of the UNCAC, pursuant to Article 63 therein, the Conference of the Parties was established to improve the capacity of and cooperation between States Parties to achieve the objectives set forth in the Convention and to promote and review its implementation. Its first session was held in December 2006, whereby three Working Groups on a review of implementation, asset recovery and technical assistance were established. Subsequent sessions, as well as the meetings of these Working Groups, will be held in order to review the implementation of the Convention.

In addition, various bodies of the United Nations have deemed the fight against corruption a high priority issue. In particular, the United Nations Office on Drugs and Crime (UNODC) has undertaken a series of activities to promote the ratification and implementation of the UNCAC and to provide technical assistance to States as its top priority. Furthermore, the Global Programme against Corruption (GPAC), which was established in 1999 in order to assist States in their efforts to curb corruption, functions as a catalyst and a resource to help countries effectively implement the provisions of the UNCAC.

## 2. Challenges Encountered by Criminal Justice Authorities in the Fight Against Corruption and the UNCAC's Countermeasures, in Particular, Measures and Mechanisms Related to Criminal Justice Authorities

Needless to say, the role of the criminal justice system is crucial in the fight against corruption. Successful detection, investigation, prosecution, adjudication and punishment of corrupt offenders contributes greatly to the prevention and eradication of corruption. Also, suppression from the financial point of view, through depriving the offenders completely of crime proceeds by means of confiscation, is necessary and quite effective as a deterrent. If the criminal justice system fails to perform these tasks properly, not only will it allow the corrupt offenders to enjoy impunity and retain improper financial advantages, but it may also lead to preventive measures and laws against corruption losing their deterrent effect. Further, where corrupt officials plunder public funds, especially in developing countries, in addition to punishing the offenders and depriving them of their illegal benefits, it is also important that the stolen assets are returned to the states from where they were illegally obtained. The criminal justice system should play a central role in this duty as well.

However, these are not easy tasks to accomplish. First, corruption is normally committed

in a secretive manner between a very limited number of parties. Therefore, it is very difficult for the criminal justice authorities to obtain information on corruption allegations and to investigate them. Second, since those involved in corruption are often powerful, for example, high-ranking officials, politicians or rich businesspersons, they frequently try to jeopardize the criminal proceedings by using their influence to tamper with witnesses and evidence, or bribe, or put pressure on, criminal justice personnel. Third, as corruption and subsequent laundering of proceeds frequently involve sophisticated methods to disguise illegal transactions, it is necessary to have highly skilled investigators to identify, trace, freeze and confiscate the crime proceeds. Fourth, increased transnational elements in corrupt practices and subsequent laundering of crime proceeds have made these tasks more complex and difficult, due to national laws not being updated, jurisdictional problems and the differences in the criminal justice systems and legislation. In order for the criminal justice authorities to successfully overcome these challenges, they need to use innovative legal means, both domestically and internationally. In addition, it is of the utmost importance to ensure and maintain the integrity and necessary independence of criminal justice personnel, as a prerequisite to fulfilling their great responsibilities.

In this regard, the UNCAC introduces a comprehensive set of standards, measures and rules that States Parties can apply to strengthen the legal and regulatory regimes to fight corruption. It takes a multifaceted approach to address the problem covering preventive measures, criminalization of prevalent forms of corruption and related acts, investigative and prosecutorial measures, and international cooperation. Furthermore, it makes a major breakthrough by requiring States Parties to return assets obtained through corruption to the country from which they were stolen.

Once the measures stipulated in the Convention are fully implemented, criminal justice authorities will be empowered with useful legal weapons to detect, investigate, prosecute, adjudicate and punish corrupt offenders and to confiscate illegal benefits and return them to their legitimate owners. In addition, where there is an international element, international cooperation between States Parties will be enhanced. This should make it much more difficult for offenders to take advantage of the difficulties inherent in the investigation, prosecution, etc. of cases involving several jurisdictions.

A large number of United Nations Member States have become parties to the UNCAC and it has now entered into force. However, without its effective implementation both in terms of legal framework and practice, the fight against corruption will continue to be a losing battle. Therefore, UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, decided to hold this Seminar in order to review each country's criminal justice system, and explore how it could be strengthened, with special attention to the UNCAC.

### 3. The Provisions of the UNCAC Relevant to the Main Theme of this Seminar

The UNCAC applies to a wide range of acts of corruption, which are:

- (i) Bribery of national public officials (Article 15);
- (ii) Bribery of foreign public officials and officials of public international organizations (Article 16);
- (iii) Embezzlement, misappropriation or other diversion of property by a public official (Article 17);
- (iv) Trading in influence (Article 18);
- (v) Abuse of functions (Article 19);
- (vi) Illicit enrichment (Article 20);
- (vii) Bribery in the private sector (Article 21); and
- (viii) Embezzlement of property in the private sector (Article 22).

Further, it also applies to acts committed in support of corruption, which are:

- (ix) Laundering of proceeds of crime (Article 23);
- (x) Obstruction of justice (Article 25); and
- (xi) Concealment (Article 24).

The UNCAC provides for a series of measures and mechanisms that may strengthen the ability and capacity of the relevant authorities. Focusing on the measures and mechanisms relevant to criminal justice authorities, among others, first, it provides for criminalization of corruption and related offences as above. As for the offences enumerated in (i), (ii) (active form), (iii), (ix) and (x), states are required to criminalize them, whereas those in (ii) (passive form), (iv) to (viii) and (xi), states are required only to consider their criminalization.

Second, as an institutional mechanism, the UNCAC refers to states having bodies or persons specialized in combating corruption as well as granting their necessary independence (Article 36). Further, as a crucial preventive measure to be taken within the criminal justice sphere, the Convention provides for the strengthening of the integrity of the judiciary and prosecution service (Article 11). These measures could empower the relevant authorities to carry out complex and difficult investigations and prosecutions and make them less vulnerable to undue influence.

Third, the UNCAC sets out various measures to encourage persons and authorities who have any useful information on corruption, etc. to cooperate with investigative and prosecutorial authorities and to facilitate their reporting. They include protection of witnesses, experts and victims (Article 32), protection of a person reporting to the competent authorities facts concerning corruption, etc. from unjustified treatment (Article 33), immunity from prosecution and mitigation of punishment for a person who participates or has participated in a corruption or related offence and provides substantial cooperation in the investigation or prosecution (Article 37), cooperation of public authorities and public officials with investigative and prosecutorial authorities in informing them of their suspicions of corruption, etc. and in providing them with necessary information (Article 38), and cooperation of the private sector and nationals/residents with investigative and prosecutorial authorities to provide information or report suspicions of corruption, etc. (Article 39).

Fourth, the UNCAC provides for special investigative techniques such as controlled delivery, electronic and other forms of surveillance and undercover operations and its use at the international level (Article 50), which may enhance the investigative authorities' abilities to detect and investigate corruption and related offences.

Fifth, the UNCAC stipulates a wide range of measures and mechanisms for international cooperation, as one of the most important elements to tackle this phenomenon involving various transnational aspects. They include, in particular, extensive provisions on extradition (Article 44) and mutual legal assistance (Article 46), and others such as law enforcement cooperation (Article 48) and joint investigations (Article 49).

Finally, the UNCAC established measures and mechanisms to deprive the corrupt offenders of their illegal benefits and furthermore, as its major achievements, measures and mechanisms to return assets obtained through corruption to the country from which they were stolen. They include measures and mechanisms to identify, trace, freeze and confiscate instrumentalities and the proceeds of corruption and related offences (Article 31), as well as those through international cooperation (Articles 54, 55), and further, those for the return and disposal of assets (Article 57).

#### **4. Objectives**

This Seminar aims at exploring ways to improve the criminal justice system to combat corruption in the respective countries, by examining and analysing the current situation, problems and challenges in regard to the following subtopics:

- (1) Current situation in the respective countries of corruption and related acts, in particular, the offences listed below (NB: for the purpose of preparing their individual presentation paper, participants are requested to focus on any one or more of these offences), and their existing

legal regimes and mechanisms to investigate, prosecute and adjudicate them (including confiscation and recovery of assets):

- Bribery of national public officials
  - Bribery of foreign public officials and officials of public international organizations
  - Embezzlement, misappropriation or other diversion of property by a public official
  - Trading in influence
  - Abuse of functions
  - Illicit enrichment
  - Bribery in the private sector
  - Embezzlement of property in the private sector
  - Laundering of proceeds of crime
  - Concealment
  - Obstruction of justice
  - Others (offences which are not referred to in the UNCAC but deeply related to corrupt practices in the respective countries).
- (2) Current situation of, and problems and challenges in, the investigation, prosecution and adjudication (including confiscation and recovery of assets) of the above mentioned offences
- (i) Current situation, problems and challenges, focusing on measures/mechanisms relevant to punishing the offenders effectively:
    - a) criminalization of corruption and related acts;
    - b) measures/mechanisms to encourage persons who have useful information on corruption, etc. to supply the information to, and cooperate with, investigative and prosecutorial authorities (e.g. granting immunity from prosecution, witness protection, whistle-blower protection, reporting and cooperation by other public authorities);
    - c) special investigative techniques (e.g. electronic surveillance, undercover operations) and their use at the international level;
    - d) international cooperation (e.g. extradition, mutual legal assistance, law enforcement cooperation); and
    - e) others.
  - (ii) Current situation, problems and challenges, focusing on measures/mechanisms relevant to the effective confiscation of illegal benefits and recovery of assets:
    - a) measures to identify, trace, freeze, and confiscate instrumentalities and proceeds of corruption and related offences;
    - b) international cooperation for the purpose of identifying, tracing, freezing and confiscating instrumentalities and proceeds of corruption and related offences;
    - c) return and disposal of confiscated assets; and
    - d) others.

NB: Participants are also encouraged to include in their presentation examples of success stories on the above issues, which could serve as best practices for other participants.

- (3) Current situation of, and problems and challenges in, strengthening the capacity and ability of criminal justice authorities and their personnel
- (i) Integrity and independence of the criminal justice authorities and their personnel
  - (ii) Specialization of criminal justice authorities
  - (iii) Others.

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**ADMINISTRATIVE NEWS**

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**Faculty Changes**

Mr. Masato Uchida, formerly Professor of UNAFEI, was transferred and appointed Principal Programme Supervisor, Classification Division, Chiba Prison on 1 April 2007.

Mr. Haruhiko Higuchi, Professor of UNAFEI, was promoted to chief of a department at the National Police Academy and left UNAFEI on 14 September 2007.

Mr. Ikuo Kamano, a Professor at the National Police Academy joined UNAFEI as a Professor on 14 September 2007.

**Overseas Trips by Staff**

Ms. Kayo Ishihara (Professor) and Mr. Jun Oshino (Professor) visited Argentina and Costa Rica from 8 to 27 July 2007. In Argentina they held a follow-up Seminar, focusing on the specific situation in Argentina. In Costa Rica, they jointly hosted with ILANUD the international training course on Criminal Justice System Reforms in Latin America in which ten countries were represented.

Deputy Director Takeshi Seto visited China from 22 to 26 July 2007 to meet with personnel from various criminal justice organizations and to prepare for the 2008 Special Seminar for Senior Criminal Justice Officials of the People's Republic of China.

Mr. Tetuya Sugano (Professor) and Ms. Tae Sugiyama (Professor) visited the Republic of Kenya from 28 July to 25 August 2007 and 4 August to 1 September 2007 respectively. The purpose of the trip was to observe children's institutions, observe the conditions of the treatment of children and the activities of volunteers, exchange ideas and provide advice to the staff of the Department of Children's Service. The Professors also gave lectures at training seminars.

Deputy Director Takeshi Seto visited Vietnam from 27 August to 1 September 2007 to present lectures on the Japanese criminal justice system at the Vietnamese Supreme People's Procuracy.

Deputy Director Takeshi Seto visited Hong Kong from 16 to 21 September 2007 to attend and serve as a panellist at the meeting of the International Association of Prosecutors.

Mr. Koji Yamada (Professor) visited Manila and Baguio, the Philippines from 22 September to 2 October 2007 to attend the In-country Training Programme for the Revitalization of the Volunteer Probation Aid System for the Philippines. Mr. Yamada gave lectures on the Japanese criminal justice system focusing on the role of Volunteer Probation Officers, and attended group workshop sessions.

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**FACULTY AND STAFF OF UNAFEI**

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**Faculty:**

Mr. Keiichi Aizawa	Director
Mr. Takeshi Seto	Deputy Director
Mr. Motoo Noguchi	Professor
Mr. Ikuo Kamano	Professor
Ms. Tae Sugiyama	Professor, Chief of Information and Library Science Division
Mr. Ryuji Tatsuya	Professor, 137th Deputy Course Programming Officer
Mr. Koji Yamada	Professor
Mr. Tetsuya Sugano	Professor, Chief of Research Division
Ms. Kayo Ishihara	Professor
Mr. Shintaro Naito	Professor, 137th Course Programming Officer
Mr. Jun Oshino	Professor, Chief of Training Division
Mr. Simon Cornell	Linguistic Adviser

**Secretariat:**

Mr. Sakumi Fujii	Chief of Secretariat
Mr. Kazuyuki Kawabe	Co-Deputy Chief of Secretariat
Mr. Hitoshi Nakasuga	Co-Deputy Chief of Secretariat

**General and Financial Affairs Section:**

Mr. Hideshi Ohashi	Chief
Mr. Fumihiko Nakayasu	
Mr. Ikuo Kousaka	
Ms. Mariko Tsuruoka	

**Training and Hostel Management Affairs Section:**

Mr. Seiji Yamagami	Chief
Mr. Etsuya Iwakami	Senior Officer
Ms. Yoko Hosoe	137th Assistant Course Programming Officer
Mr. Atsushi Takagi	
Mr. Yuichi Shirakawa	
Ms. Eiko Shibuki	

**International Research Affairs Section:**

Mr. Yuichi Kitada	Chief
Ms. Masumi Tomita	Librarian

**Secretarial Staff:**

Ms. Akane Uenishi
Ms. Aiko Ota

**Kitchen:**

Mr. Yuji Matsumoto                      Chef

**JICA Coordinator for the 137<sup>th</sup> International Training Course:**

Ms. Yasuko Ono                              JICA