

# UNAFEI NEWSLETTER

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

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## IN THIS ISSUE

	<i>Page</i>
LETTER FROM THE DIRECTOR .....	1
THE 138TH INTERNATIONAL SENIOR SEMINAR .....	3
EFFECTIVE LEGAL AND PRACTICAL MEASURES FOR COMBATING CORRUPTION: A CRIMINAL JUSTICE RESPONSE	
Seminar Rationale .....	3
Seminar Summary .....	8
Lecture Topics .....	9
Individual Presentation Topics .....	11
Group Workshop Sessions .....	13
Observation Visits .....	16
Group Study Tour .....	17
Special Events .....	18
Reference Materials .....	19
Experts and Participants List .....	21
INFORMATION ABOUT FORTHCOMING PROGRAMMES .....	29
The Fourth Seminar on Criminal Justice for Central Asia .....	29
The 13 <sup>th</sup> Special Seminar for Senior Criminal Justice Officials of the People's Republic of China .....	29
The Third Country Specific Training Course on the Revitalization of the PPA System for the Philippines .....	29
The 139 <sup>th</sup> International Training Course .....	29
ADMINISTRATIVE NEWS .....	32
Faculty Changes .....	32
Overseas Trips by Staff .....	32
FACULTY & STAFF OF UNAFEI .....	33

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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 138<sup>th</sup> International Senior Seminar on "Effective Measures for Combating Corruption: A Criminal Justice Response", which took place from 17 January to 15 February 2008.

In this Seminar, we welcomed six Japanese and fifteen overseas participants: eight from Asia, three from Latin America, two from Africa and two from Europe. They included public prosecutors, police officers, judges and other high-ranking public officials.

As this newsletter demonstrates, the Seminar 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.

In many countries, corrupt transactions take place at various levels within public authorities. In developing countries, in particular, the situation remains serious. 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. 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. On 31 October 2003, the General Assembly adopted the United Nations Convention against Corruption (UNCAC) whereby setting a new benchmark for this global issue.

Successful detection, investigation, prosecution, adjudication and punishment of corrupt offenders contribute 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. However, these are not easy tasks to accomplish. The secretive manner in which corruption is planned and executed, often between very powerful and influential parties, and the sophisticated methods and transnational elements so often present have made these tasks more complex and difficult.

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. 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 co-operation 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.

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.

During the Seminar the participants diligently and comprehensively examined the current situation of corruption in the participating countries and existing countermeasures, 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 Seminar, 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 Seminar's success. Furthermore, I appreciate the indispensable assistance and co-operation 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 Seminar. 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 Seminar.

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 international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 138<sup>th</sup> International Senior Seminar. I hope that the experience they gained during the Seminar 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.

February 2008

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*Keiichi Aizawa*

Director, UNAFEI

## THE 138TH INTERNATIONAL SENIOR SEMINAR

### "Effective Measures for Combating Corruption: A Criminal Justice Response"

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#### Seminar Rationale

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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 co-operation 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 contribute 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 businessmen, 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 co-operation. 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 co-operation 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

- (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 for 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 co-operate 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 co-operation in the investigation or prosecution (Article 37), co-operation 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 co-operation 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' ability to detect and investigate corruption and related offences.

Fifth, the UNCAC stipulates a wide range of measures and mechanisms for international co-operation, 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 co-operation (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 co-operation (Articles 54, 55), and further, those for the return and disposal of assets (Article 57).

#### 4. Objectives

This Seminar aimed 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. (In preparing their individual presentation papers, the participants were requested to focus on any one or more of these offences.) Also encompassed in this objective is an examination of the legal regimes and mechanisms to investigate, prosecute and adjudicate (including confiscation and recovery of assets), the problems listed below, within the legal systems of the respective countries:

- 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 entertainment
  - 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 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 co-operate with, investigative and prosecutorial authorities;
  - c) Special investigative techniques (e.g. electronic surveillance, undercover operations) and their use at international level;
  - d) International co-operation (e.g. extradition, mutual legal assistance, law enforcement co-operation; 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 co-operation 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.
- Participants were also encouraged to include in their presentations examples of success stories regarding 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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## **Seminar Summary**

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### **Lectures**

In total, six lectures were presented by visiting experts, five by ad hoc lecturers and six by the faculty of UNAFEI. Four 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 Seminar 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 9 and 10.

### **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 11 and 12.

### **Group Workshop Sessions**

Group Workshop sessions further examined the subtopics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as group members for the sub-topics, based on their response to a questionnaire previously distributed. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the group workshop sessions. The participants and UNAFEI faculty 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 Seminar. Brief summaries of the group workshop reports are provided on pages 13 to 15.

### **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 Seminar'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 16 to 18.

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## Lecture Topics

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### *Visiting Experts' Lectures*

- 1) Mr. Jeremy Lo Kwok-chung
  - Combating Corruption in Hong Kong
  - Fight Against Transnational Corruption and International Co-operation
- 2) Mr. Pascal Gossin
  - International Mutual Assistance in Criminal Matters in Switzerland
- 3) Dr. Thomas Cassuto
  - Effective Legal and Practical Measures for Combating Corruption: The French System
- 4) Ms. Brigitte Strobel-Shaw
  - United Nations Convention against Corruption
  - Conference of the States Parties to the United Nations Convention against Corruption

### *UNAFEI Professors' Lectures*

- 1) Mr. Shintaro Naito, *Professor*, UNAFEI
  - The Criminal Justice System in Japan: Investigation, Prosecution and Trial
- 2) Mr. Ryuji Tatsuya, *Professor*, UNAFEI
  - Institutional Corrections in Japan
- 3) Ms. Tae Sugiyama, *Professor*, UNAFEI
  - Community Based Treatment of Offenders in Japan
- 4) Mr. Takeshi Seto, *Deputy Director*, UNAFEI
  - Corruption and International Co-operation
- 5) Ms. Kayo Ishihara, *Professor*, UNAFEI
  - Reporting Obligations and Mechanisms for Encouraging Reporting of Corruption Offences
- 6) Mr. Jun Oshino, *Professor*, UNAFEI
  - Corruption Control in the Judiciary of Japan

### *Ad Hoc Lectures*

- 1) Mr. Yoshiyuki Yamada  
*Deputy Director of the Second Investigation Division, Criminal Affairs Bureau, National Police Agency Office, Special Investigation Department*
  - Police Investigative Methods in Bribery Cases
- 2) Mr. Tomoyuki Noge  
*Senior Attorney, Japan Fair Trade Commission*
  - How to Prevent and Suppress Collusion and Corruption?
- 3) Mr. Kentaro Sadahiro  
*Japan Financial Intelligence Center, National Police Agency*
  - Fight Against Money Laundering in Japan - The Role of JAFIC

- 4) Mr. Yuichiro Tachi  
*Director of Research Department, Research and Training Institute of the Ministry of Justice*
  - Investigation and Prosecution of Corruption in Japan from the Viewpoint of Public Prosecutors
  
- 5) Mr. Kiyotaka Sasaki  
*Director of Co-ordination Division, Executive Bureau, Securities and Exchange Surveillance Commission, Financial Services Agency*
  - Financial Crime and the Role of the SESC

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**Individual Presentation Topics**

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***Overseas Participants***

- 1) Mr. Younsi Noureddine (Algeria)
  - Algeria Against Corruption: Effective Legal and Practical Measures
- 2) Ms. Clelia Fabiana Akizawa (Argentina)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response
- 3) Ms. Anna Mphetlhe (Botswana)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response
- 4) Mr. Marco César dos Santos Sousa (Brazil)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response
- 5) Ms. Claudia Alejandra Forner Ortega (Chile)
  - Fight Against Corruption in Chile
- 6) Mr. Vladimir Georgiev (Former Yugoslav Republic of Macedonia)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response
- 7) Mr. Giorgi Phiphia (Georgia)
  - Bribery of National Public Officials
- 8) Mr. Dharam Chand Jain (India)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response - An Indian Perspective
- 9) Mr. Mardite Harlan (Indonesia)
  - Efforts to Eliminate Corruption in Governmental Procurement of Logistics and Services Systems
- 10) Mr. Hassan Ghasemi (Iran)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response - A Glance at Bribery in the Islamic Penal Code
- 11) Mr. Madhav Prasad Ojha (Nepal)
  - Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response
- 12) Mr. Antonio Pinto Mendoza (Philippines)
  - Combating Corruption in the Philippines
- 13) Mr. Joselito Delos Reyes Obejas (Philippines)

- Wiping Away the Footprints of Corruption in the Philippines

14) Mr. Alharbi Ali Khalaf S. (Saudi Arabia)

- An Overview of the Saudi Arabian Criminal Justice Procedures Against Corruption in the Public Sector

*Japanese Participants*

15) Ms. Mihoko Aso

- An Examination of a Corruption Case from the Viewpoint of the Rehabilitation Agencies

16) Mr. Hiroshi Fukushima

- A Bribery Case Involving the Head of Sunagawa Branch Office, Tachikawa City Government

17) Mr. Yasunobu Hishita

- The Independence and Integrity of Judges in Japan

18) Mr. Shinji Iwayama

- Investigation into Corruption in Japan

19) Ms. Satsuki Miyaji

- Legal Measures for Preventing and Combating Corruption in Japan

20) Ms. Midori Shoji

- Bribery Incidents of National Public Officials in Japan

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**Group Workshop Sessions**


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**Group 1**


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**IDENTIFYING AND PUNISHING CORRUPT OFFENDERS**


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<b>Chairperson</b>	Ms. Claudia Alejandra Forner Ortega	(Chile)
<b>Co-chairperson</b>	Mr. Shinji Iwayama	(Japan)
<b>Rapporteur</b>	Mr. Marco César dos Santos Sousa	(Brazil)
<b>Co-Rapporteur</b>	Ms. Midori Shoji	(Japan)
<b>Members</b>	Mr. Giorgi Phiphia	(Georgia)
	Mr. Madhav Prasad Ojha	(Nepal)
	Mr. Alharbi Ali Khalaf S.	(Saudi Arabia)
<b>Visiting Expert</b>	Mr. Jeremy Lo Kwok-chung	(Hong Kong)
<b>Advisers</b>	Deputy Director Seto	(UNAFEI)
	Prof. Tae Sugiyama	(UNAFEI)
	Prof. Shintaro Naito	(UNAFEI)
	Prof. Haruhiko Higuchi	(UNAFEI)

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*Report*

Group One agreed to conduct its discussion according to the following agenda: i) measures to encourage persons or bodies having useful information on corruption to supply the information to and co-operate with investigative and prosecutorial authorities; ii) proactive measures to collect information on corruption and/or evidence; and iii) international co-operation.

The group concluded that witness and whistleblower protection, the role of the media in informing and shaping public opinion, enhancing traditional investigative techniques while adopting special measures, and ensuring transparency, were important steps. The importance of international co-operation was a common point of agreement for all participants. The Group made the following recommendations.

1. The States Parties to the UNCAC should express their will to prevent corruption by investing in educational programmes and publicity campaigns to illustrate the damaging effects of corruption.
2. States should encourage the reporting of offences through various measures such as witness protection, where financially viable; whistle-blower protection; dedicated hotlines; plea bargaining or immunity in certain cases; and obliging public servants to report any knowledge of corrupt acts of which they become aware in the course of their duties.
3. Traditional investigative techniques such as obtaining information from media, other cases and informants; search and seizure; clearing bank secrecy and surveillance and expert reporting should be enhanced.
4. Special techniques such as undercover agents, wire tapping and electronic surveillance should be adopted.
5. Transparency should be strengthened by the appointment of an Ombudsman; the participation of civil society; obliging all public servants to declare their assets and income; and further obliging public servants to provide requested information in investigations.
6. All countries should ratify the UNCAC and adopt the necessary legal instruments to provide international co-operation.
7. The value of informal, direct contact between criminal justice professionals cannot be overstated and should be strengthened and continually encouraged.

**Group 2****CONFISCATION OF ILLEGAL BENEFITS AND ASSET RECOVERY**


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<b>Chairperson</b>	Mr. Dharam Chand Jain	(India)
<b>Co-Chairperson</b>	Mr. Younsi Noureddine	(Algeria)
<b>Co-Chairperson</b>	Ms. Anna Mphetle	(Botswana)
<b>Rapporteur</b>	Mr. Antonio Pinto Mendoza, Jr.	(Philippines)
<b>Co-Rapporteur</b>	Mr. Muhammad Hashim Tareen	(Pakistan)
<b>Co-Rapporteur</b>	Mr. Hiroshi Fukushima	(Japan)
<b>Member</b>	Ms. Satsuki Miyaji	(Japan)
<b>Advisers</b>	Prof. Kayo Ishihara	(UNAFEI)
	Prof. Ryuji Tatsuya	(UNAFEI)

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*Report Summary*

Group Two agreed to conduct its discussion in accordance with the following agenda: i) identifying and tracing crime proceeds (e.g. access to bank, government, financial, business and corporate records, co-operation with the FIU); ii) seizure, freezing and confiscation; iii) international co-operation in identifying, tracing, seizing, freezing and confiscating proceeds of corruption; iv) asset recovery; and v) other related matters such as money laundering. After discussing the above issues the Group made the following recommendations.

1. The Group underlined the need for adequate legal and practical measures to gather evidence in corruption cases.
2. Investigators must foster credibility to earn the co-operation of banks and other agencies.
3. Expert help should be requested in deciphering complex transactions.
4. Countries may consider using NGOs to help and assist law enforcement agencies for the above purpose.
5. Whistleblowers should be adequately protected.
6. Without compromising human rights, countries should implement legal measures for search, seizure, freezing and confiscation of assets.
7. Investigators should receive continuous training in collecting evidence linking the proceeds of crime.
8. Confiscating assets of an equivalent value should be considered where it is not feasible to do so with the crime proceeds. Similarly, countries may also consider civil proceedings in addition to criminal proceedings.
9. Ratification of the UNCAC should be encouraged as it provides for international co-operation on identification, tracing, seizing, freezing and confiscation of proceeds of corruption.
10. MLA should be maximized in order to enhance bilateral international co-operation.
11. MLATs and legislation shall provide for the repatriation of proceeds of crime to the requesting state and the requested state may deduct expenses incurred in recovery of same.
12. MLAT procedures for bilateral co-operation should be simplified, allowing direct contact between central authorities of the respective countries.
13. The Group emphasized the need for informal contact between law enforcement agencies in international co-operation. For effective assistance, countries may allow teams of prosecutors or investigators to travel to requesting countries.
14. Impediments to asset recovery are identified as *inter alia*, absences of appropriate legal frameworks, disparity of systems internationally, lack of technical expertise and insufficient financial resources. Proper legal frameworks are a necessary first step to addressing these problems. By implementing the measures envisaged in the UNCAC and maximizing MLA supplemented by informal contacts countries can enhance the level of international co-operation which they can provide.

**Group 3****STRENGTHENING THE CAPACITY AND ABILITY OF  
CRIMINAL JUSTICE AUTHORITIES AND THEIR PERSONNEL**


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<b>Chairperson</b>	Mr. Yasunobu Hishita	(Japan)
<b>Co-Chairperson</b>	Mr. Hassan Ghasemi	(Iran)
<b>Rapporteur</b>	Mr. Joselito D.R. Obejas	(Philippines)
<b>Co-Rapporteur</b>	Mr. Vladimir Georgiev	(FYR Macedonia)
<b>Members</b>	Ms. Clelia Fabiana Akizawa	(Argentina)
	Ms. Mihoko Aso	(Japan)
	Mr. Mardite Harlan	(Indonesia)
<b>Advisers</b>	Prof. Tetsuya Sugano	(UNAFEI)
	Prof. Jun Oshino	(UNAFEI)
	Prof. Koji Yamada	(UNAFEI)

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*Report Summary*

Group Three agreed to conduct its discussion according to the following agenda: i) ensuring the necessary independence of the criminal justice authorities; ii) the integrity of criminal justice personnel; iii) transparency and accountability in the relevant decisions of criminal proceedings; and iv) specialization of the criminal justice authorities.

The Group noted that while the Japanese participants expressed confidence in the integrity of criminal justice personnel in Japan, in other countries independence of criminal justice personnel is undermined by the necessity for political patronage and the Group suggests that such countries should endeavour to pass, adopt and enforce relevant legislation clearly defining the functional divisions of the three branches of government and stringently enforce same. The Group further noted that the criminal justice budget must always be assured. Regarding judicial integrity, the Group made the following recommendations. 1. Increasing remuneration of criminal justice personnel in line with private sector salaries. 2. Measures to underscore and strengthen conduct and ethical standards in public service. 3. The creation by law of a permanent and independent multi-sectoral body that will regularly evaluate and audit performances of public servants, without prejudice to the independence of criminal justice authorities. 4. Ratification of, and full compliance with, the UNCAC by all countries concerned, it containing measures guaranteeing the integrity of the judiciary and the prosecution service. 5. Countries should adopt and observe pertinent UN guidelines and resolutions, particularly the Guidelines on the Role of Prosecutors and the Bangalore Principles of Judicial Conduct.

The Group further noted that, regarding the accountability of law enforcement officials and prosecutors in their decision making, an internal audit system, like the one presently employed by the ICAC of Hong Kong, must be considered. The Group agreed by consensus that it is preferable for a country to have specialized criminal justice authorities, and to that end, it is suggested that the creation of special anti-graft bodies be considered. The ratification of, and full compliance with, the UNCAC is desirable in this regard as it contains provisions on specialized authorities.

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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>
Jan. 23	Tokyo Public Prosecutors Office	• Mr. Tetsuo Ito (Chief Prosecutor)
	Ministry of Justice	• Mr. Hiroshi Ozu (Vice-Minister of Justice)
Jan. 31	Tokyo District Court	• Mr. Osamu Ikeda (Chief Judge)
	The Supreme Court	• Mr. Tatsuo Kainaka (Justice)

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**Group Study Tour**

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<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
February 7	Hiroshima	Hiroshima Prison	Mr. Atsushi Nakayama (Warden)
February 7	Nara	Public Prosecutors Office	Mr. Kunihiko Sakai (Chief Prosecutor)
February 8	Kyoto	Kyoto Prefectural Police Headquarters	

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## Special Events

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January 17 *Welcome Party*

January 22, 24, 28 *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The sensei (teacher) was Ms. Rieko Shimoyama from JICE.

January 23 *Courtesy Call to the Ministry of Justice and Reception  
by the Vice-Minister of Justice*

After visiting the Ministry of Justice a reception was held for the participants by the Vice-Minister of Justice, Mr. Hiroshi Ozu, at the Lawyer's Club.

January 30 *ACPF Nangoku-Kai Party*

The ACPF Nangoku Branch hosted a party for the participants where they were entertained by Black Shimada, a Japanese magician.

February 1 *Public Lecture and UNAFEI Alumni Reception*

The Public Lecture Programme is conducted annually to increase social awareness of criminal justice issues through comparative international study. The Programme, sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI, was held in the Grand Hall of the Ministry of Justice and was attended by distinguished guests, UNAFEI alumni and the participants of the 138<sup>th</sup> International Senior Seminar.

This year, Mr. Pascal Gossin, from the Swiss Federal Office of Justice, and Dr. Thomas Cassuto, from the Tribunal de Grande Instance de Nanterre, France, were invited as speakers. They presented papers on "International Mutual Assistance in Criminal Matters in Switzerland" and "Effective Legal and Practical Measures for Combating Corruption: The French System" respectively.

Afterwards the UNAFEI Alumni Association hosted an enjoyable reception for the participants at the Lawyers' Club.

February 14 *Farewell Party*

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## Reference Materials

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### A. United Nations Convention against Corruption and Related Documents

1. United Nations Convention against Corruption (UNCAC)  
[http://www.unodc.org/pdf/crime/convention\\_corruption/signing/Convention-e.pdf](http://www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf)
2. Interpretive notes for the official records (travaux préparatoires) of the negotiation of the United Nations Convention against Corruption (Addendum)  
[http://www.unodc.org/pdf/crime/convention\\_corruption/session\\_7/422add1.pdf](http://www.unodc.org/pdf/crime/convention_corruption/session_7/422add1.pdf)
3. Legislative Guide for the Implementation of the United Nations Convention against Corruption (November 2006)  
[http://www.unodc.org/pdf/corruption/CoC\\_LegislativeGuide.pdf](http://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf)

### B. Conference of the States Parties to the UNCAC and its Working Groups

1. CAC/COSP/2006/12 (Report of the Conference of the States Parties to the UNCAC on its first session, held in Amman from 10 to 14 December 2006)  
[http://www.unodc.org/pdf/crime/convention\\_corruption/cosp/session1/V0659563e.pdf](http://www.unodc.org/pdf/crime/convention_corruption/cosp/session1/V0659563e.pdf)
2. CAC/COSP/2008/3 (Report on the meeting of the United Nations Convention against Corruption held in Vienna from 29 to 31 August 2007)  
[http://css.unodc.org/pdf/crime/convention\\_corruption/cosp/session2/V0786745e.pdf](http://css.unodc.org/pdf/crime/convention_corruption/cosp/session2/V0786745e.pdf)
3. CAC/COSP/2008/4 (Report of the meeting of the Open-ended Intergovernmental Working Group on Asset Recovery held in Vienna on 27 and 28 August 2007)  
[http://www.unodc.org/pdf/crime/convention\\_corruption/cosp/session2/V0786457e.pdf](http://www.unodc.org/pdf/crime/convention_corruption/cosp/session2/V0786457e.pdf)
4. CAC/COSP/2008/5 (Report on the meeting of the Open-ended Intergovernmental Working Group on Technical Assistance held in Vienna on 1 and 2 October 2007)  
[http://www.unodc.org/pdf/crime/convention\\_corruption/cosp/session2/V0787389e.pdf](http://www.unodc.org/pdf/crime/convention_corruption/cosp/session2/V0787389e.pdf)

### C. UN Related Works for the Implementation of the UNCAC

1. United Nations Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators  
<http://www.unodc.org/pdf/crime/corruption/Handbook.pdf>
2. The Global Programmes against Corruption: UN Anti-Corruption Toolkit 3<sup>rd</sup> Edition, September 2004)  
[http://unodc.org/pdf/corruption/publications\\_toolkit\\_sep04.pdf](http://unodc.org/pdf/corruption/publications_toolkit_sep04.pdf)
3. Bangalore Principles  
[http://www.unodc.org/pdf/corruption/bangalore\\_e.pdf](http://www.unodc.org/pdf/corruption/bangalore_e.pdf)
4. Commentary on the Bangalore Principles  
<http://www.coe.int/t/dg1/legalcooperation/judicialprofessions/ccje/textes/BangalorePrinciplesComment.pdf>

### D. International Standards for Combating Corruption, etc

1. Compendium of international legal instruments on corruption; Summary of international legal instruments (2<sup>nd</sup> Edition), 2005  
[http://www.unodc.org/pdf/corruption/publications\\_compendium\\_e.pdf](http://www.unodc.org/pdf/corruption/publications_compendium_e.pdf)
2. FATF Documents on the Forty Recommendations  
[http://www.fatf-gafi.org/document/28/0,3343,en\\_32250379\\_32236930\\_33658140\\_1\\_1\\_1\\_1,00.html#40recs](http://www.fatf-gafi.org/document/28/0,3343,en_32250379_32236930_33658140_1_1_1_1,00.html#40recs)
3. FATF Standards: Nine Special Recommendations on Terrorist Financing  
[http://www.fatf-gafi.org/document/9/0,3343,en\\_32250379\\_32236920\\_34032073\\_1\\_1\\_1\\_1,00.html](http://www.fatf-gafi.org/document/9/0,3343,en_32250379_32236920_34032073_1_1_1_1,00.html)

4. Bangkok Declaration  
<http://www.unodc.org/pdf/crime/congress11/BangkokDeclaration.pdf>

**E. Other Related Materials**

1. Interpol Group of Experts on Corruption: Global Standards to Combat Corruption in Police Forces/Services  
<http://www.interpol.int/Public/Corruption/Standard/Default.asp>
2. OECD Bribery Awareness Handbook for Tax Examiners  
<http://www.oecd.org/dataoecd/20/20/37131825.pdf>
3. Transparency International: Corruption Perception Index 2007  
[http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2007](http://www.transparency.org/policy_research/surveys_indices/cpi/2007)
4. United Nations Office on Drugs and Crime, The World Bank: Stolen Asset Recovery (StAR) Initiative: Challenges, Opportunities and Action Plan  
<http://siteresources.worldbank.org/NEWS/Resources/Star-rep-full.pdf>
5. The World Bank East Asia and Pacific Region: The Anti-Corruption Handbook  
[http://wbln0018.worldbank.org/crn/ope/ethics.nsf//6755b5fbf8b2655985256792006ea915/8ab2b6513004c37b852569e7006b2b3d/\\$FILE/anti-corruption.pdf](http://wbln0018.worldbank.org/crn/ope/ethics.nsf//6755b5fbf8b2655985256792006ea915/8ab2b6513004c37b852569e7006b2b3d/$FILE/anti-corruption.pdf)

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## Experts and Participants List

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### Visiting Experts

Mr. Jeremy Lo Kwok-chung	Assistant Director of Operations Department Independent Commission Against Corruption (ICAC), Hong Kong Special Administrative Region, Hong Kong, China
Mr. Pascal Gossin	Head International Legal Assistance Section, Federal Office of Justice, Swiss Confederation
Dr. Thomas Cassuto	Vice Président chargé de l'instruction Section économique et financière, Tribunal de Grande Instance de Nanterre, Paris, France
Ms. Brigitte Strobel-Straw	Crime Prevention and Criminal Justice Officer Crime Conventions Section, Treaty and Legal Affairs Branch, Division for Treaty Affairs, United Nations Office on Drugs and Crime

### Ad hoc Lecturers

Mr. Yoshiyuki Yamada	Deputy Director of the Second Investigation Division, Criminal Affairs Bureau, National Police Agency
Mr. Tomoyuki Noge	Senior Attorney Japan Fair Trade Commission
Mr. Kentaro Sadahiro	Japan Financial Intelligence Center, National Police Agency
Mr. Yuichiro Tachi	Director of the Research Department, Research and Training Institute of the Ministry of Justice
Mr. Kiyotaki Sasaki	Director of Co-ordination Division Executive Bureau, Securities and Exchange Surveillance Commission

## Financial Services Agency

**Overseas Participants**

Mr. Younsi Noureddine	Inspector Ministry of Justice, Algeria
Ms. Clelia Fabiana Akizawa	Attorney Ministry of Economy and Production, Argentina
Ms. Anna Mphetlhe	Assistant Director Directorate on Corruption and Economic Crime, Botswana
Mr. Marco César dos Santos Sousa	Police Chief Civil Police of the Federal District, Brasilia, Brazil
Ms. Claudia Alejandra Forner Ortega	Legal Anti-Corruption Adviser Anti-Corruption Specialized Unit, Public Prosecutor's Office, Chile
Mr. Vladimir Georgiev	Head of Department State Commission for Prevention of Corruption Secretariat, Former Yugoslav Republic of Macedonia
Mr. Giorgi Phiphia	Head of the Section of the Constitutional Security Department, In the Ministry of Internal Affairs, Georgia
Mr. Dharam Chand Jain	Deputy Inspector General of Police Central Bureau of Investigation, New Delhi, India
Mr. Harlan Mardite	Section Head of Program Setting Office of the Attorney General, Republic of Indonesia
Mr. Hassan Ghasemi	Judge and Head of Justice Department Qazvin Province, Iran
Mr. Madhav Prasad Ojha	Joint Secretary

	Ministry of Home Affairs, Nepal
Mr. Muhammad Hashim Tareen	Additional Secretary Health Department, Government of the Punjab, Pakistan
Mr. Antonio Pinto Mendoza, Jr.	Chief Senior Officers Placement and Promotion Board Secretariat, Directorate for Personnel and Records Management, Police Superintendent, Philippine National Police, Philippines
Mr. Joselito Delos Reyes Obejas	Second Assistant City Prosecutor, Office of the City Prosecutor of Manila, Department of Justice, Philippines
Mr. Alharbi Ali Khalaf S.	Military Affaire Madinah Branch, Ministry of Interior, Saudi Arabia
<b>Japanese Participants</b>	
Ms. Mihoko Aso	Director General Affairs Division, Kyushu Regional Parole Board
Mr. Hiroshi Fukushima	Public Prosecutor Tokyo Public Prosecutors Office, Hachioji Branch
Mr. Yasunobu Hishita	Judge Tokyo District Court
Mr. Shinji Iwayama	Public Prosecutor Tokyo District Public Prosecutors Office
Ms. Satsuki Miyaji	Professor Research and Training Institute of the Ministry of Justice
Ms. Midori Shoji	Deputy Director Katano Juvenile Training School for Girls, Osaka

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**THE EIGHTH COUNTRY FOCUSED TRAINING  
COURSE ON THE JUVENILE DELINQUENT  
TREATMENT SYSTEM FOR KENYA**

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The Eighth Country Focused Training Course on the Juvenile Delinquent Treatment System for Kenya was held from 15 October to 9 November 2007 at UNAFEI. Eleven participants attended.

Ms. Margaret Wangui Basigwa	Deputy Director Department of Children's Services, Ministry of Home Affairs
Ms. Grace Wanjiru Mburu	Volunteer Children's Officer
Mr. Stephen Musomba Kivuva	Chief Probation Officer Probation Training Institute
Mr. Danstan Omari Mogaka	District Children's Officer (Chief Children's Officer)
Ms. Esther Wanjiru Solomon	Superintendent-in-Charge Shimo La Tewa Borstal Institution
Mr. Paul Kipchumba Leting	Senior Superintendent Diplomatic Police Unit, Police Department, Office of the President
Mr. Davelyne Nkonge Mundi	Manager (Senior Children's Officer) Wamumu Rehabilitation School
Mr. Bakala Wambani	Provincial Children's Officer (Assistant Director, Department of Children's Services)
Ms. Salome Ndunge Muthama	District Children's Officer (Chief Children's Officer)
Mr. Githinji Stephen Murugu	Principal Magistrate Narok Law Courts
Ms. Wilbrodah Awino Juma	Chief Magistrate Kitale Law Courts

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**THE TENTH INTERNATIONAL TRAINING  
COURSE ON CORRUPTION CONTROL  
IN CRIMINAL JUSTICE**

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The Tenth International Training Course on Corruption Control in Criminal Justice was held from 24 October to 22 November 2007 at UNAFEL. Thirteen participants from overseas countries and five Japanese participants attended.

Ms. Mary Ndayikunda	Public Prosecutor Anti-Corruption Court, Burundi
Ms. Fon Achu neé Fang Helen Ike	Deputy Attorney General Attorney General's Office of the Court of Appeal, Judge, Military Tribunal, Cameroon
Mr. Dado Achmad Ekroni	Public Prosecutor Legal Bureau of Attorney General, Indonesia
Ms. Ivy Kamanga	Judge High Court of Malawi, Malawi
Mr. Mwangupiri Samuel Ngosi	Team Leader Anti-Corruption Bureau, Malawi
Mr. Amadou Bocar Touré	Magistrate Court of the First Instance of Commune Three of Bamako, Ministry of Justice, Mali
Ms. Oxana Bologan	Superior Inspector Center for Combating Economic Crimes and Corruption, Republic of Moldova
Mr. Sharada Bhakta Ranjit	Deputy Inspector General of Police Office of Inspector General's Secretariat, Nepal Police Headquarters, Nepal
Mr. Froilan Legaspi Cabarios	Public Attorney Public Attorney's Office,

## Philippines

Mr. Dejan Milenković

Investigator (Inspector)  
Ministry of Internal Affairs,  
Sector of the Internal Control of the Police,  
Serbia

Mr. Supakit Yampracha

Judge  
Nakhon Panom Provincial Court,  
Thailand

Ms. Santanee Ditsayabut

Public Prosecutor  
International Affairs Department,  
Office of the Attorney General,  
Thailand

Mr. Marito Magno

Director of Good Governance  
The Ombudsman for Human Rights and Justice,  
Timor-Leste

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**FIRST REGIONAL SEMINAR ON GOOD  
GOVERNANCE FOR SOUTHEAST ASIAN  
COUNTRIES**

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The First Regional Seminar on Good Governance for Southeast Asian Countries with the theme of "Corruption Control in the Judiciary and Prosecutorial Authorities" was held in Bangkok, Thailand from 17 to 21 December 2007. UNAFEI, the Office of the Attorney General of Thailand and the UNODC Regional Centre for East Asia and the Pacific organized the Seminar, under the financial auspices of JICA.

The Seminar was attended by representatives of the Office of the Attorney General of Thailand, international Visiting Experts and ad hoc Lecturers and criminal justice officials of the following countries: Cambodia, Indonesia, Malaysia, Myanmar, the Philippines and Vietnam. UNAFEI was represented by the Director, Deputy Director and two professors. The Seminar consisted of five sessions subdivided into presentations and panel discussions. The presentation topics are listed below.

First Session

- "*Corruption Control and Judicial Integrity: An International Perspective with Illustrations in South-East Asia*" by Mr. Michel Bonnieu, UNODC RC, Bangkok
- Country Report, Thailand OAG
- Country Report, Cambodia
- Country Report, Indonesia
- Country Report, Malaysia

Second Session

- Country Report, Myanmar
- Country Report, Philippines
- Country Report, Vietnam
- Country Report, Thailand ONCCC

Followed by Discussion Sessions I and II

Third Session

- "*Corruption Control in the Prosecutorial Authorities in Japan*" by Mr. Takeshi Seto, Deputy Director, UNAFEI
- "*Corruption Control in the Judiciary of Japan*" by Mr. Jun Oshino, Professor, UNAFEI
- "*Strengthening Judicial Integrity and Capacity: Successes and Lessons Learned*" by Mr. Oliver Stolpe, Drug Control and Crime Prevention Officer, UNODC, Vienna

Followed by Discussion Sessions III and IV

Fourth Session

- "*Deontology and Disciplinary Law of Magistrates in France*" by Mr. Patrice Davost, Court of Appeal, Toulouse, France
- "*Investigation and Prosecution of Judicial Corruption in the USA*" by Mr. Peter Ainsworth, Justice Department, USA

Followed by Discussion Sessions V and VI

Fifth Session

Discussion and Adoption of the Recommendations

The Seminar concluded with the adoption of an eighteen point list of recommendations on corruption control in the judicial and prosecutorial authorities.

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## INFORMATION ABOUT FORTHCOMING PROGRAMMES

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### 1. The Fourth Seminar on Criminal Justice for Central Asia

The Fourth Seminar on Criminal Justice for Central Asia will be held from 25 February to 14 March 2008. The Seminar is entitled "Countermeasures for Drug Offences and Related Crimes and Treatment for Drug Abusers in the Criminal Justice Process".

### 2. The 13<sup>th</sup> Special Seminar for Senior Criminal Justice Officials of the People's Republic of China

The 13<sup>th</sup> Special Seminar for Senior Criminal Justice Officials of the People's Republic of China will be held from 3 to 19 March 2008. Nine participants and two course counsellors will attend. The theme of the Seminar is "Reform of the Criminal Justice System: Introducing the Views of Crime Victims and Improving Offender Treatment, Taking into Account the Risks and Needs of Offenders".

### 3. The Third Country Specific Training Course on the Revitalization of the PPA Volunteer Probation Aid System for the Philippines

The Third Country Specific Training Course on the Revitalization of the PPA Volunteer Probation Aid System for the Philippines will take place from 15 to 25 April 2008. The tentative number of participants is twelve.

### 4. The 139<sup>th</sup> International Training Course

Profiles and Effective Treatments of Serious and Violent Juvenile Offenders

#### Rationale

1. The participants of the 139<sup>th</sup> UNFEI International Training Course will discuss and learn the models of juvenile justice systems and methods of assessment and treatment. Juvenile justice systems vary from country to country, like the Child Welfare Model, which makes much of juveniles' education; the Justice Model, which emphasizes the due process of the law in juvenile cases; the Restorative Justice Model, which takes account of the victims' viewpoints; or the Crime Control Model, which makes much of social protection.<sup>1</sup> However, it is common for most countries to apply a system different from that for adults. Although each country adopts its own justice system specifically designed for the sound development of juveniles, in instances where juveniles commit very serious and violent offences, many of them need to apply the same justice process as that applied to adult penal trials. They do this because they need to take into consideration the needs of juvenile offenders as well as the protection of victims, the protection of society, and punitive viewpoints.

Even in serious cases, we cannot lose sight of the fundamental philosophy of juvenile justice: the rehabilitation of juvenile offenders. The problem areas relevant to those serious crimes have to be clarified in order to create proper justice systems and treatment programmes. The problems of juvenile offenders are seriously complicated, and are deeply rooted into their mental, psy-

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<sup>1</sup> Corrado, R. R., & Turnbull, S. D. (1992). A comparative examination of the Modified Justice Model in the United Kingdom and the United States. In R. R. Corrado, N. Bala, R. Linden, & M. Le Blanc (Eds.), *Juvenile justice in Canada: A theoretical and analytical assessment* (pp. 75-136). Toronto, ON: Butterworth.

chological, family, school and social situations. It is our obligation to continue our efforts to discover the causes of these problems and methods to solve them.

The United Nations has tried to establish rules and regulations for the purpose of proper juvenile justice administration and treatment. "The United Nations Standard Minimum Rules for the Administration of Juvenile Justice" (The Beijing Rules) outlines the basic philosophies such as respecting human rights, pursuing the best interest of juveniles and exploiting social resources, and especially, promoting diversion systems.<sup>2</sup> This rule, together with "The United Nations Convention on the Rights of the Child"<sup>3</sup> and "The United Nations Guidelines for the Prevention of Juvenile Delinquency" (The Riyadh Guidelines)<sup>4</sup> provides that treatment programs in the community must be prioritized as the first choice because of their protective and rehabilitative virtue and that treatment in institutions must be the last resort. Even though we understand that institutional treatment limits the liberty of juveniles, we need to utilize it because of deteriorated criminal tendencies and other problems of the juveniles. "The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty"<sup>5</sup> was enacted to prevent inappropriate treatments and the infringement of the human rights of juveniles. More than that, the United Nations recognizes the importance of the development of effective treatment programmes for those accommodated in institutions. Paragraph 9 of the resolution 45/113 (1990) of the UN General Assembly which adopted the rule describes that it is indispensable for member states to consider treatment methods for serious and persistent young offenders and requests the UN Secretary-General to report the results of considerations at the Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders. That is to say, the UN asserts that member states need to recognize the importance of considering how to utilize institutional treatments effectively when they must accommodate serious and persistent juveniles in institutions.

At the Ninth Congress, member states discussed the treatment of serious and persistent juvenile offenders at workshop sessions and tried to analyse background factors and practical methods. According to the background paper of the workshop,<sup>6</sup> it is highly possible for those who have had traumatic experiences like physical or mental abuse, neglect, or inconsistent discipline to commit very atrocious and violent crimes during puberty or early adulthood. As for social factors, the background paper pointed out that a flood of harmful and violent visual programmes would be the cause of arbitrary rationalization by juveniles that violent behaviour is a useful solution to problems. Also, globalization inflicts rapid industrialization and urbanization, by which traditional community ties, morals and cultures have seriously deteriorated. As for problems implicit in the mental and inner world, the report pointed out the risks from those suffering from personality dis-

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<sup>2</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (1985)

<http://www.un.org/documents/ga/res/40/a40r033.htm> (accessed February 5, 2008).

<sup>3</sup> United Nations Convention on the Rights of the Child (1989),

<http://www.un.org/documents/ga/res/44/a44r025.htm> (accessed February 5, 2008).

<sup>4</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) (1990)

<http://www.un.org/documents/ga/res/45/a45r112.htm> (accessed February 5, 2008).

<sup>5</sup> United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990)

<http://www.un.org/documents/ga/res/45/a45r113.htm> (accessed February 5, 2008).

<sup>6</sup> Crime Prevention Strategies in Particular as Related to Crimes in Urban Areas and Juvenile and Violent Criminality, Including the Question of Victims: Assessment and New Perspectives. (Background Paper for the workshop on urban policy and crime prevention of Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders)(A/CONF. 169/10)

[http://www.asc41.com/9th UN Congress on the Prevention of Crime/9th\\_congress.htm](http://www.asc41.com/9th%20UN%20Congress%20on%20the%20Prevention%20of%20Crime/9th_congress.htm) (accessed February 5, 2008).

orders or developmental disorders. Behaviour and attitude patterns in particular, like antisocial behaviour, cognitive as well as behavioural impulsivities and cognitive perversion, are highly related to violent crimes and so it is indispensable to analyse these characteristics for the development of effective treatment programmes.

The UN member states have tried to solve these problems; however, there remain many violent cases perpetrated by juveniles, like terrorism, child abuse, domestic violence, massacre by guns, gang conflicts, and so on. There is an urgent need for us to establish proper justice systems and to implement effective assessment and treatment methods for these serious and critical cases. In this UNAFEI training course, we are going to examine the following topics for the development of effective measures.

- (1) Justice Models and Procedures
- (2) Assessment Methods
- (3) Treatment Methods
- (4) Prevention Methods

UNAFEI, as a regional training institute of United Nations, would like to provide the participants of the 139th International Training Course with opportunities to be exposed to the issues mentioned above for the purpose of clarifying problematic areas and discovering solutions for serious and violent juvenile offenders in their own countries. The following are concrete discussion topics.

1. Issues and methods of criminal investigation and prosecution in the case of serious and violent juvenile offenders:
  - (a) Investigation and prosecution systems with consideration for the protection of juvenile offenders;
  - (b) Judicial systems with consideration for the protection of juvenile offenders:
    - (i) Characteristics of juvenile justice systems for serious and violent cases;
    - (ii) Pre-trial criminal investigations systems, social inquiry systems, psychological assessment systems;
    - (iii) Adjudication and treatment appropriate for serious and violent juvenile offenders.
2. Effective institutional treatment programmes for serious and violent juvenile offenders:
  - (a) Problems and challenges of assessment techniques, psychological testing, risk-need assessment, interview techniques;
  - (b) Effective treatment programmes for serious and violent juvenile offenders;
  - (c) Treatment programmes taking into consideration the victim's viewpoints;
  - (d) Problems and challenges of through-care programmes.
3. Effective community treatment programmes for serious and violent juvenile offenders:
  - (a) Problems and challenges of continuum treatment programmes from institutional care:
    - (i) Problems and challenges of development of treatment programmes in accordance with assessment results;
    - (ii) Treatment programmes based on the achievement levels of institutional programmes.
  - (b) Effective community treatment programmes for serious and violent juvenile offenders;
  - (c) Relationships with other organizations for effective community treatment;
  - (d) Crime prevention programmes in the community.
    - (i) Screening risk factors in early childhood;
    - (ii) Effective treatment programmes for high risk boys and girls.

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**ADMINISTRATIVE NEWS**

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**Faculty Changes**

Mr. Ikuo Kamano, a Professor of UNAFEI, left UNAFEI on 11 January 2008.

Mr. Haruhiko Higuchi, a Professor of the National Police Academy, joined UNAFEI as a Professor on 11 January 2008.

**Overseas Trips by Staff**

Mr. Ryuji Tatsuya (Professor) visited Bangkok, Thailand from 20 to 27 October 2007 to attend the Annual General Meeting of the International Corrections and Prisons Association.

Director Keiichi Aizawa visited Saudi Arabia from 9 to 14 November 2007 to attend and contribute to the discussion of the PNI Co-ordination Meeting.

Deputy Director Takeshi Seto, Mr. Koji Yamada (Professor) and Mr. Ikuo Kosaka (Staff) visited Uzbekistan, Kyrgyzstan and Tajikistan from 13 to 28 November 2007 to conduct research on the criminal justice systems of Central Asia.

Mr. Tetsuya Sugano (Professor) and Mr. Atsushi Takagi (Staff) visited Hanoi, Vietnam from 25 November to 2 December 2007 to attend the Asian Pacific Conference of Correctional Administrators.

Director Keiichi Aizawa, Deputy Director Takeshi Seto, Mr. Shintaro Naito (Professor), Mr. Jun Oshino (Professor), Ms. Yoko Hosoe (Staff) and Mr. Etsuya Iwagami (Staff) visited Bangkok from 11 to 23 December 2007 to attend the First Regional Seminar on Good Governance for Southeast Asian Countries, which UNAFEI co-hosted with the Office of the Attorney General of Thailand and the UNODC Regional Centre, Bangkok.

Mr. Koji Yamada (Professor) and Ms. Akane Uenishi (Staff) visited the Republic of the Philippines from 15 to 24 January 2008 to attend the In-Country Training Programme for the PPA Volunteer Probation Aid System.

Mr. Shintaro Naito (Professor) and Mr. Ikuo Kosaka (Staff) visited Bali, Indonesia from 27 January to 6 February to observe the Second Conference of the States Parties to the United Nations Convention against Corruption. They also visited Bangkok, Thailand to make preparations for the Second Regional Seminar on Good Governance for Southeast Asian Countries, which UNAFEI will co-host with the Office of the Attorney General of Thailand and UNODC Regional Centre, Bangkok.

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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. Haruhiko Higuchi	Professor
Ms. Tae Sugiyama	Professor, Chief of Information and Library Service Division
Mr. Ryuji Tatsuya	Professor
Mr. Koji Yamada	Professor
Mr. Tetsuya Sugano	Professor, Chief of Research Division, 138 <sup>th</sup> Deputy Course Programming Officer
Ms. Kayo Ishihara	Professor, 138 <sup>th</sup> Course Programming Officer
Mr. Shintaro Naito	Professor
Mr. Jun Oshino	Professor, Chief of Training Division
Ms. Grace Lord	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

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Mr. Fumihiko Nakayasu	
Mr. Ikuo Kosaka	
Ms. Mariko Tsuruoka	

**Training and Hostel Management Affairs Section:**

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Mr. Etsuya Iwakami	Senior Officer
Ms. Yoko Hosoe	
Mr. Atsushi Takagi	138 <sup>th</sup> Assistant Course Programming Officer
Mr. Yuichi Shirakawa	
Ms. Eiko Shibuki	

**International Research Affairs Section:**

Mr. Yuichi Kitada	Chief
Ms. Masumi Tomita	Librarian

**Secretarial Staff:**

Ms. Akane Uenishi	
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Ms. Aiko Ota

**Kitchen:**

Mr. Yuji Matsumoto      Chef

**JICA Co-ordinator for the 138<sup>th</sup> Senior Seminar:**

Mr. Takao Mori      JICA