

UNAFEI NEWSLETTER

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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 143rd International Training Course on "Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials", which took place from 28 September to 5 November 2009.

In this Course, we welcomed five Japanese and 10 overseas participants: nine from Asia and one from Africa. They included judges, public prosecutors, police officers 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.

One of the most important duties of a criminal justice system is to detect corruption and impose appropriate punishment on corrupt politicians and public officials. However, if the criminal justice system itself is corrupt, there is a grave danger to democracy. In particular, corruption in the judiciary, prosecutorial authorities and law enforcement authorities deteriorates the morale of the people and their trust in the justice system. Although many forms of corruption are difficult to detect and prosecute, judicial corruption is especially so. Taking into account all these matters, as regards corruption control of the judiciary and prosecutorial authorities, priority should be placed on prevention. In this context, appropriate guidelines for judges and prosecutors, e.g. codes of conduct, are useful. It is also necessary for judges and prosecutors to be selected from individuals of integrity and ability, with appropriate training and qualifications in law. Considering the fact that law enforcement authorities are also a critical component of the criminal justice system and that they often have large labour forces, the above-mentioned measures to maintain integrity, such as codes of conduct and internal training, are of great importance for law enforcement officials as well.

The United Nations and other international organizations have for a long time made efforts to promote judicial integrity, and have adopted several relevant documents. The United Nations Convention against Corruption is fundamental amongst them. In addition to the Convention, there are other essential standards and norms such as the "Basic Principles on the Independence of the Judiciary", "Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary", and the "Bangalore Principles of Judicial Conduct", etc. As for prosecutorial authorities, whose duties are closely related to the activities of the judiciary, the "Guidelines on the Role of Prosecutors" is a useful reference, and the "Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors" should be taken into consideration. With regard to law enforcement officials, there is, for example, the "Code of Conduct for Law Enforcement Officials" and the "Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials". These international standards and norms provide an effective framework for controlling corruption in the judiciary, prosecutorial authorities and law enforcement authorities.

In view of the ongoing need to ensure integrity of the judiciaries, prosecution services and law enforcement agencies of the Member states, and the importance of such efforts as stressed by the various UN instruments, UNAFEI, as a regional institute of the UN Crime Prevention and

Criminal Justice Network, decided to hold this Course.

During the Course, the participants diligently and comprehensively examined the current situation of ethical standards of judicial, prosecutorial and law enforcement officials in their respective countries, 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.

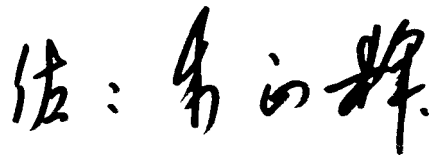
I would like to offer my sincere congratulations to all the participants upon their successful completion of the Course, made possible by their strenuous efforts. My heartfelt gratitude goes to the visiting experts and ad hoc lecturers who contributed a great deal to the Course's success. Furthermore, I appreciate the indispensable assistance and 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 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 to the benefit of the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 143rd 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.

November 2009



Masaki Sasaki

Director, UNAFEI

THE 143RD INTERNATIONAL TRAINING COURSE

"ETHICS AND CODES OF CONDUCT FOR JUDGES, PROSECUTORS AND LAW ENFORCEMENT OFFICIALS"

Course Rationale

If the politicians and public officials who bear the responsibility of sustaining the foundation of their country lack integrity, and bribery is pervasive, the basis of democracy will be endangered. History has already proven that a society based on corrupt economic, political and social systems will inevitably perish. One of the most important duties of a criminal justice system is to detect corruption and impose appropriate punishment on corrupt politicians and public officials.

However, if the criminal justice system itself is corrupt, there is a grave danger to democracy. In particular, corruption in the judiciary, prosecutorial authorities and law enforcement authorities, which have the important role of maintaining the rule of law, not only decreases the capacity of a country to curb corruption, but also deteriorates the morale of the people and their trust in the justice system. Although many forms of corruption are difficult to detect and prosecute, judicial corruption is especially so. Thus, investigations into allegations of criminal wrongdoing by judges are often only conducted when the corruption is blatant, and therefore many cases may go undetected. In addition, when a corrupt judge is investigated by a law enforcement agency over which the judge has jurisdiction, there is a possibility that he or she may be privy to information regarding their own wrongdoing and thus the investigation may be hindered.

Taking into account all these matters, as regards corruption control of the judiciary and prosecutorial authorities, priority should be placed on prevention. In this context, appropriate guidelines for judges and prosecutors, e.g. codes of conduct, are useful. It is also necessary for judges and prosecutors to be selected from individuals of integrity and ability, with appropriate training and qualifications in law. In this respect, an educational framework for maintaining the integrity of the judiciary and prosecutorial authorities, such as education and training, etc., is indispensable. At the same time, in order to balance independence and integrity, appropriate procedural regulations, such as disqualification, recusal and impeachment systems, should be established. In so doing, public confidence in the integrity and impartiality of the judiciary and prosecutorial authorities is preserved, and judges and prosecutors are regulated independent of political influence.

As for law enforcement authorities, it should be noted that, in most countries, they have the primary responsibility for the investigation of crime. Moreover, they have more human resources than the judiciary and prosecutorial authorities. Considering the fact that law enforcement authorities are also a critical component of the criminal justice system and that they often have large labour forces, the above-mentioned measures to maintain integrity, such as codes of conduct and internal training, are of great importance for law enforcement officials as well.

The United Nations and other international organizations have for a long time made efforts to promote judicial integrity, and have adopted several relevant documents. The United Nations Convention against Corruption¹ is fundamental amongst them. Article 11, paragraph 1 of the

Convention states that "[b]earing in mind the independence of the judiciary, and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary." Paragraph 2 states that "[m]easures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service." Article 11 is based on the universal recognition that the judiciary and prosecutorial authorities should have a crucial role in preventing corruption and their independence and integrity should be secured in order to prevent corruption.

In addition to the Convention, there are other essential standards and norms in regard to judicial integrity. There are, for example, the "Basic Principles on the Independence of the Judiciary"², "Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary"³, and the "Bangalore Principles of Judicial Conduct"⁴, etc. As for prosecutorial authorities, whose duties are closely related to the activities of the judiciary, the "Guidelines on the Role of Prosecutors"⁵ is a useful reference, and the "Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors"⁶ should be taken into consideration. With regard to law enforcement officials, there is, for example, the "Code of Conduct for Law Enforcement Officials"⁷ and the "Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials"⁸. These international standards and norms provide an effective framework for controlling corruption in the judiciary, prosecutorial authorities and law enforcement authorities.

Objectives of the Programme

This training programme was not only to develop human resources but also to deepen the mutual understanding of the situation which the respective countries face in regard to ethics problems in the judiciary, prosecutorial authorities and law enforcement authorities, and through discussion of the issues raised by each participant, to search for best practices in order to improve the situation.

Among the major topics included were the following:

1. Codes of conduct and other measures for corruption control:
 - (a) Codes of conduct for judges and prosecutors;
 - (b) Codes of conduct for law enforcement officials;
 - (c) Monitoring of implementation;
 - (d) Effective measures against corruption in the judiciary, prosecutorial authorities and law en-

¹ General Assembly resolution 58/4 of 31 October 2003, annex.

² Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August – 6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chapter 1, section D.2, annex, and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

³ Economic and Social Council resolution 1989/60 of 24 May 1989, annex.

⁴ Economic and Social Council resolution 2006/23 of 27 July 2006, annex.

⁵ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August – 7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No.E.91.IV.2), chapter 1, section C.26, annex.

⁶ Commission on Crime Prevention and Criminal Justice Resolution 17/2 of 18 April 2008, annex.

⁷ General Assembly Resolution 34/169 of 17 December 1979, annex.

⁸ Economic and Social Council resolution 1989/61 of 24 May 1989, annex.

forcement authorities.

2. Education and training:

- (a) Legal education for judges and prosecutors regarding legal ethics;
- (b) Education and training for law enforcement officials regarding professional responsibility.

3. Procedural regulations:

- (a) Requirement and procedure for disqualification and recusal of judges and prosecutors in criminal cases;
- (b) Impeachment and disciplinary procedures for judges and prosecutors;
- (c) Internal regulation for law enforcement officials to avoid a bias or conflict of interest.

Course Summary

Lectures

In total, six lectures were presented by visiting experts, four by ad hoc lecturers and six by the professors of UNAFEI. Three distinguished criminal justice practitioners and scholars 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, and university professors, delivered ad hoc lectures. The lecturers and lecture topics are listed on pages 7 and 8.

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 9 and 10.

Group Workshop Sessions

Group Workshop sessions further examined the subtopics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as group members for the sub-topics, based on their response to a questionnaire previously distributed. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs, and visiting experts and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the group workshop sessions. The participants, experts and UNAFEI faculty studied the topics and exchanged their views based on information obtained through personal experience, the individual presentations, lectures and so forth. After the group workshop sessions, reports were drafted based on the discussions in their groups. These reports were subsequently presented in the plenary meetings and report-back session, where they were endorsed as the reports of the Course. Brief summaries of the group workshop reports are provided on pages 11 and 12.

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 13 to 16.

Lecture Topics

Visiting Experts' Lectures

- 1) Mr. Sung-hoon Park
 - United Nations Activities against Corruption in the Judiciary, Prosecution and Law Enforcement Authorities
- 2) Monsieur Eric Maitrepierre
 - Ethics, Deontology, Discipline of Judges and Prosecutors in France
- 3) Ms. Judith Wish
 - The United States Department of Justice's Office of Professional Responsibility: Its Origin and Role in Ethics Enforcement

UNAFEI Professors' Lectures

- 1) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
 - Challenges of the Koban (Police Box) System in the 21st Century
- 2) Ms. Fumiko Akahane, *Professor*, UNAFEI
 - Prosecution in Japan
- 3) Mr. Jun Oshino, *Professor*, UNAFEI
 - The Courts
- 4) Mr. Tetsuya Sugano, *Professor*, UNAFEI
 - Institutional Corrections in Japan
- 5) Mr. Toru Kawaharada, *Professor*, UNAFEI
 - The Community-Based Treatment of Offenders System in Japan
- 6) Mr. Haruhiko Ukawa, *Deputy Director*, UNAFEI
 - International Co-operation in Criminal Justice

Ad Hoc Lectures

- 1) Mr. Hironobu Kohama
Judge, Tokyo District Court, Japan
 - The Legal Training System and Judges' Ethics in Japan from the Viewpoint of Legal Ethics
- 2) Ms. Noriko Shibata
Public Prosecutor, Tokyo District Public Prosecutors Office, Japan
 - Judges and Prosecutors in the Kingdom of Cambodia
 - Cambodian Royal School for Judges and Prosecutors
- 3) Mr. Taro Morinaga
International Co-operation Department, Ministry of Justice, Japan
 - Japan's Legal Co-operation with Indochina – Legal Co-operation Projects and the Issue of Ethics/Morals and Anti-Corruption
- 4) Mr. Koji Yamamoto
National Police Academy, Japan
 - Code of Ethics and Conduct for Japanese Police Officers

Individual Presentation Topics

Overseas Participants

- 1) Mr. Md. Shah Abid Hossain (Bangladesh)
 - Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials: Bangladesh Perspective
- 2) Mr. Kankolongo Sylvain Muamba (Democratic Republic of the Congo)
 - Ethics and Conduct Guide for Judges, Prosecutors and Law Enforcement Officials
- 3) Mr. Shameem Hussain (Maldives)
 - Maldivian Legal System – Corruption Control Mechanisms and Codes of Conduct for Law Enforcement Officials
- 4) Ms. Gereltuya Gombojav (Mongolia)
 - Ethics of Judges and Prosecutors in Mongolia – Adjudication of Ethics Infringement
- 5) Mr. Thok Prasad Shiwakoti (Nepal)
 - Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials in Nepal
- 6) Mr. Bishnu Prasad Upadhyaya (Nepal)
 - Current Situation and Issues Relating to Ethics and Codes of Conduct for Judges with Special Reference to the Criminal Justice System of Nepal
- 7) Mr. Khalid Salim Fadhil (Oman)
 - Judiciary System: Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials
- 8) Mr. Maher Tahseen Abederaoof Faris (Palestine)
 - Codes of Conduct for Judges and Prosecutors
- 9) Mr. Long Ta Cuu Doan (Vietnam)
 - General Issues of the Prosecution of Corruption According to Vietnam's Law
- 10) Mr. Minh Van Le (Vietnam)
 - Ethics and Codes of Conduct for Judges and Anti-Corruption in the Judiciary in Vietnam

Japanese Participants

- 11) Mr. Kazuhiro Hosoya
 - Procedural Norms for Public Prosecutors
- 12) Mr. Manabu Imai
 - Monitoring Judicial Ethics
- 13) Mr. Yuki Mori
 - Criminal Sanctions against Corruption of Prosecutorial Authorities
- 14) Ms. Miho Otake
 - Measures to Prevent Breach of Public Prosecutors Code of Conduct
- 15) Mr. Masayuki Takahashi
 - Measures for Corruption Control in the Japanese Judiciary

Group Workshop Sessions

Group 1

ETHICS AND CODES OF CONDUCT FOR JUDGES, PROSECUTORS AND LAW ENFORCEMENT OFFICIALS

Chairperson	Mr. Thok Prasad Shiwakoti	(Nepal)
Co-Chairpersons	Mr. Kankolongo Sylvain Muamba	(DR Congo)
	Mr. Masayuki Takahashi	(Japan)
Rapporteur	Mr. Md. Shah Abid Hossain	(Bangladesh)
Co-Rapporteurs	Ms. Miho Otake	(Japan)
	Mr. Minh Van Le	(Vietnam)
Members	Mr. Maher Tahseen Abederaoof Faris	(Palestine)
	Mr. Kazuhiro Hosoya	(Japan)
Visiting Experts	Mr. Sung-hoon Park	(UNODC)
	Mr. Eric Maitrepierre	(France)
	Ms. Judith B. Wish	(USA)
Advisers	Prof. Haruhiko Higuchi	(UNAFEI)
	Prof. Naoyuki Harada	(UNAFEI)
	Prof. Jun Oshino	(UNAFEI)
	Prof. Toru Kawaharada	(UNAFEI)

Report Summary

1. The appropriate authorities should adopt codes of conduct and codify other relevant matters. 2. The codes should accommodate core values like independence, impartiality, integrity, propriety, equality, competence and diligence. 3. Judges, prosecutors and law enforcement officials should have their own specific codes depending on the legal system and job concerned. 4. Discretionary power should be exercised with reference to transparent guidelines. Those who exercise such power should be held accountable to a proper authority. Judges and prosecutors should make clear the reasons for their final dispositions. 5. An internal independent oversight committee should monitor adherence to the codes of conduct. This body may include members from outside the jurisdiction, and its membership should not change frequently. An outside oversight body, like the Inspector General's Office in the USA, may look after serious violations. 6. Review of performance evaluation systems is required, and job rotation and asset declarations should be considered. 7. Effective complaint reporting systems should be developed and public officers who discover misconduct should be obliged to report it. 8. Codes of conduct should be disseminated inside and outside the relevant professional organizations. 9. Selection/recruitment should be transparent, effective and merit-based, and should apply equally to all. A basic legal training system, such as Japan's, may be adopted. 10. The career and professional and personal moral and ethical behaviour of candidates for judicial appointment may be examined. 11. Periodical on-the-job training should supplement initial training. 12. Moral and ethical education should be incorporated into the education system from elementary level. 13. Disciplinary procedures should be clearly delineated and violations should be dealt with severely. 14. Proceedings, violations and disciplinary measures should be transparent. 15. Judicial independence, job security and adequate remuneration should be assured. 16. Strong political will is required to curb corruption, as are co-operation from NGOs and the media.

Group 2**CODES OF CONDUCT FOR JUDGES, PROSECUTORS AND LAW ENFORCEMENT OFFICIALS**

Chairperson	Mr. Shameem Hussain	(Maldives)
Co-Chairperson	Mr. Manabu Imai	(Japan)
Rapporteur	Mr. Bishnu Prasad Upadhyaya	(Nepal)
Co-Rapporteur	Mr. Yuki Mori	(Japan)
Members	Mr. Khalid Salim Fadhil	(Oman)
	Mr. Long Ta Cuu Doan	(Vietnam)
	Ms. Gereltuya Gombojav	(Mongolia)
Visiting Experts	Mr. Sung-hoon Park	(UNODC)
	Ms. Judith B. Wish	(USA)
Advisers	Deputy Director Haruhiko Ukawa	(UNAFEI)
	Prof. Fumiko Akahane	(UNAFEI)
	Prof. Junichi Watanabe	(UNAFEI)
	Prof. Ayako Sakonji	(UNAFEI)

Report Summary

Group Two discussed the above topic according to the following agenda. 1. Current situation and issues concerning corruption or misconduct; 2. Legal ethics, professional responsibilities and codes of conduct in the judiciary and prosecutorial/law enforcement authorities; 3. Other measures to prevent corruption and misconduct in the judiciary and prosecutorial/law enforcement authorities; 4. Appointment, education and training; and 5. Procedural regulations.

As a basis for its discussions the group assumed that it had the duty to design a code of conduct for criminal justice officials of a newly established country. While such a code should incorporate the Bangalore Principles, the group agreed that the code should also be "localized". The group agreed that implementation of any code is vital and that an independent authority should be established to monitor compliance.

Following its discussions, the group observed that international covenants and instruments that relate to codes of conduct and ethical behaviour of judges, prosecutors and law enforcement officials are minimum standards only. The group further observed that there are certain values common to all criminal justice officials but that the aspects and missions of the organizations vary and will therefore have different impacts.

The group agreed that a written code of conduct for judges, prosecutors and law enforcement officials was indeed important to fight corruption and unethical conduct. Such a code should reflect the citizens' aspirations for their justice system and should incorporate the traditional and social and cultural values of the people. It should also address historical events that might have led to the establishment of the code. The code of conduct must be coupled with efforts to train officials on a continuous basis on the required behaviour and ethics. Constant advisory support should be provided and harsh punishment should be implemented in the event of violations.

The work of judges, prosecutors and law enforcement officials and the decisions made by them affect the daily life of the citizenry. A high level of ethical behaviour and equality and fairness in the performance of the duties of judges, prosecutors and law enforcement officials are not only favourable, but can be considered a right of all citizens.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
7 Oct.	Tokyo District Public Prosecutors Office	• Mr. Shuji Iwamura (Chief Prosecutor)
	Ministry of Justice	• Mr. Kotaro Ono (Vice-Minister of Justice)
15 Oct.	The Legal Research and Training Institute	• Mr. Ichitaro Ono (President)
26 Oct.	Judge Indictment Committee	• Shinji Mukoono (Director General)
	Judge Impeachment Court	• Takaaki Ishikawa (Director General)
27 Oct.	Tokyo District Court	• Mr. Etsuzo Goda (Presiding Judge)
	The Supreme Court	• Mr. Yuki Furuta (Justice)

Group Study Tour

<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
21 Oct.	Hiroshima	• Hiroshima Prison	• Mr. Toshinobu Fukuoka (Warden)
22 Oct.	Kobe	• Kobe Customs Headquarters	• Mr. Masahiro Tabara (Chief of Public Relations Section)
23 Oct.	Kyoto	• Kyoto Prefectural Police	

Special Events

28 Sept. *Welcome Party*

30 Sept., 1 Oct, 5 Oct. *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teacher) was Ms. Tomoko Toriya of JICE.

2 Oct. *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, the participants enjoyed a social with UNAFEI staff and faculty.

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

After visiting the Ministry of Justice, a reception was held by the Vice-Minister of Justice, Mr. Kotaro Ono, at the Ministry of Justice, Tokyo.

10 Oct. *Visit to Tokyo Horse Race Course*

The ACPF Fuchu Branch kindly hosted the participants at a lunch reception at Tokyo Horse Race Course in Fuchu. The participants had a chance to place bets on the horse races and to enjoy the views of the race course from the ACPF hospitality box.

14 Oct. *TICP Friendship Party*

The participants were guests of honour at a friendship party hosted by the Training Institute for Correctional Personnel, in Fuchu. The participants enjoyed demonstrations of Japanese sports such as *aikido*, *karate* and *kendo*.

17 Oct. *Home Visits*

ACPF Fuchu Branch kindly organized dinners for the participants in the homes of their members. The hosts were Ms. Chitose Sashida, Ms. Hisako Morita, Ms. Fujiko Kato, Mr. Yoshiyuki Sakano, and Ms. Reiko Morioka.

28 Oct. *ACPF Fuchu Branch Party*

The participants enjoyed a party held at Okunitamajinja, hosted by the ACPF Fuchu Branch. The party was attended by ACPF Fuchu Branch members and the hosts of the Home Visit programme.

30, 31 Oct.

ACPF Branches Study Tour

The participants were invited to visit branches of the ACPF in six locations around Japan. The participants split into groups and visited Aomori, Iwate, Nagano, Nagoya, Osaka and Fukuoka. 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.

5 Nov.

Farewell Party

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

Reference Materials

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
2. Legislative Guide for the Implementation of the United Nations Convention against Corruption (November 2006) (cover1, I, xi – xii, 34-36)
http://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf

B. Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice

1. Cover: http://www.unodc.org/pdf/compendium/compendium_2006_cover.pdf
(Not printed)
2. Contents: http://www.unodc.org/pdf/compendium/compendium_2006_contents.pdf
(Not printed)
3. Part four: Good governance, the independence of the judiciary and the integrity of criminal justice personnel:
http://www.unodc.org/pdf/compendium/compendium_2006_part_04_01.pdf
 - (i) Code of Conduct for Law Enforcement Officials
 - (ii) Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials
 - (iii) Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
 - (iv) Basic Principles on the Independence of the Judiciary
 - (v) Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary
 - (vi) Basic Principles on the Role of Lawyers
 - (vii) Guidelines on the Role of Prosecutors
 - (viii) International Code of Conduct for Public Officials
 - (ix) United Nations Declaration against Corruption and Bribery in International Commercial Transactions

C. Other Related Materials

1. The Global Programmes against Corruption: UN Anti-Corruption Tool Kit (3rd Edition, September 2004) (page 110-119, 201-207, 219-228, 345-365)
2. Bangalore Principles
http://www.unodc.org/pdf/corruption/bangalore_e.pdf
3. Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors
http://www.iap-association.org/resources/Standards_English.pdf
4. INTERPOL Code of Conduct for law enforcement officers and INTERPOL Code of Ethics for law enforcement officers
<http://www.interpol.int/Public/Corruption/IGEC/Codes/Default.asp>
Global standards to combat corruption in police forces/services
<http://www.interpol.int/Public/Corruption/Standard/Default.asp>
5. Global Corruption Report 2007 of Transparency International (Not Printed)
http://www.transparency.org/publications/gcr/gcr_2007

Experts and Participants List

Visiting Experts

Mr. Sung-hoon Park	Associate Expert UNODC Vienna
Monsieur Eric Maitrepierre	Director of the International and European Department, Ministry of Justice Paris France
Ms. Judith B. Wish	Deputy Counsel Office of Professional Responsibility Department of Justice USA

Overseas Participants

Mr. Md. Shah Abid Hossain	Additional Superintendent of Police Police Headquarters Bangladesh Police Bangladesh
Mr. Kangkolongo Sylvain Muamba	President Appeal Court Democratic Republic of the Congo
Mr. Shameem Hussain	Deputy Prosecutor General Prosecutor General's Office Maldives
Ms. Gereltuya Gombojav	Senior Inspection Prosecutor Inspection Department for Special Crimes Capital Prosecutor Office Mongolia
Mr. Thok Prasad Shiwakoti	Joint Attorney Administration & Criminal and Land Related Cases Division, Office of the Attorney General of Nepal Nepal
Mr. Bishnu Prasad Upadhyaya	Under Secretary Legal and Judicial Reform Program Supreme Court of Nepal Nepal

Mr. Khalid Salim Fadhil	Officer Investigation Royal Oman Police Oman
Mr. Maher Tahseen Abederaoof Faris	Chief Prosecutor International Crime, Anti-Corruption Tubas City Public Prosecution Office Palestinian National Authority
Mr. Long Ta Cuu Doan	Leader Prosecution Office of District 4 Ho Chi Min City Procuracy Vietnam
Mr. Minh Van Le	Legal Expert Department for Criminal and Administrative Legislation, Ministry of Justice Vietnam
Japanese Participants	
Mr. Kazuhiro Hosoya	Public Prosecutor Tokyo District Public Prosecutors Office
Mr. Manabu Imai	Senior Assistant Judge Sapporo District Court
Mr. Yuki Mori	Public Prosecutor Morioka District Public Prosecutors Office
Ms. Miho Otake	Public Prosecutor Sendai District Public Prosecutors Office
Mr. Masayuki Takahashi	Senior Assistant Judge Tokyo District Court

**THE FOURTH COUNTRY SPECIFIC TRAINING COURSE ON THE
COMMUNITY BASED TREATMENT OF OFFENDERS THROUGH THE
HOLISTIC APPROACH TO VOLUNTEER RESOURCE DEVELOPMENT
FOR THE PHILIPPINES**

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**TWELFTH INTERNATIONAL TRAINING COURSE ON
THE CRIMINAL JUSTICE RESPONSE TO CORRUPTION**

Visiting Expert

Mr. Soh Kee-hean
Director
Corrupt Practices Investigation Bureau
Singapore

Overseas Participants

Mr. Mohammed Sharif Rahpo
Supervisor
Directorate of Oversight
High Office of Oversight and Anti-Corruption
Afghanistan

Ms. Denada Kociaj
Specialist, Lawyer
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Ministry of Justice
Albania

Mr. Ruffin Ikie-Iyuya
Adviser
Ministry of Justice
Democratic Republic of the Congo

Mr. Haider Akram Abdulmohsir Al-Zaidi
Legal Assistant
Commission of Integrity
Iraq

Ms. Chemen Saeed Kafa Bajalan
Public Prosecutor
Public Prosecution Directorate
Ministry of Justice
Iraq

Mr. Tsend-Ayush Dorjgotov
Officer
Prevention and Public Awareness Department
Independent Authority against Corruption
of Mongolia,
Mongolia

Ms. Marija Novkovic
Head
Department for Promotional and
Preventive Activities
Directorate for Anti-Corruption Initiative
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Mr. Man Bahadur Aryal	Under Secretary Judicial Administration Division Ministry of Law, Justice and Constituent Assembly Affairs, Nepal
Mr. Surya Prasad Parajuli	Under Secretary Secretary to the Chief Justice Supreme Court of Nepal Nepal
Mr. Wa'el Mahmoud Mohammed Lafee	Chief Prosecutor General Prosecution Ramallah General Prosecution Palestinian National Authority
Mr. Joel Noble Done	State Prosecutor Office of the Public Prosecutor Department of Justice and Attorney General Papua New Guinea
Mr. Camillo Afele	Deputy Controller and Chief Auditor Management Division Samoa Audit Office Samoa
Ms. KH. Iresha Subashini Siriwardena	Assistant Director-Legal Legal Division Commission to Investigate Allegations of Bribery or Corruption, Sri Lanka
Ms. Vorayanee Vudthithornnatirak	Divisional Public Prosecutor International Affairs Department Office of the Attorney General Thailand
Mr. Thanh Tien Le	Officer Administrative Department Supreme People's Prosecution Department Vietnam
Ms. Tai Thi Ta	Inspector Inspection Department Ministry of Justice Vietnam
Mr. Tareq Ahmed Abdo Al Gumaiei	Director of Budgets Administrative Units sector of the State Supreme National Authority for Combating Corruption, Yemen

Japanese Participants

Mr. Hiroki Ito

Judge
Osaka District Court

Mr. Yukio Matsui

Superintendent
Drug and National Firearms Control Division,
National Police Agency

Mr. Masayuki Miyazaki

Public Prosecutor
Saga District Public Prosecutors Office

Mr. Shintaro Uchida

Public Prosecutor
Gifu District Public Prosecutors Office

Mr. Makoto Wada

Inspector for Market Surveillance
Market Surveillance Division, Executive Bureau,
Securities and Exchange Surveillance
Commission

Ms. Yoko Watanabe

Professor
International Co-operation Department
Research and Training Institute of the
Ministry of Justice

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The 15th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China

The 15th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China will be held from 16 November to 3 December 2009. Twelve participants and three course counsellors will attend.

2. The Third Regional Seminar on Good Governance for Southeast Asian Countries

The Third Regional Seminar on Good Governance for Southeast Asian Countries will be held in Manila, the Philippines, from 9 to 11 December 2009 and will focus on "Measures to Freeze, Confiscate and Recover Proceeds of Corruption, including the Prevention of Money Laundering". Senior criminal justice officials from seven Southeast Asian countries and two visiting experts will attend.

3. The 144th International Senior Seminar

The 144th International Senior Seminar will be held from 12 January to 10 February 2010. The theme of the Seminar will be "The Enhancement of Appropriate Measures for Victims of Crime at Each Stage of the Criminal Justice Process". Approximately 20 government officials from Japan and overseas will attend, as well as visiting experts from Asian and Western countries.

Rationale

Considerable attention has deservedly been paid to ensuring due process and establishing fundamental rights for suspects and defendants. In contrast, under modern criminal justice systems, victims of crime were "forgotten persons" until the middle of the twentieth century. Despite the fact that they were the most adversely affected by crime, little attention was paid to their protection, support, rights, interests and legal status in the criminal justice system. However, a common understanding regarding the necessity of promoting the protection and the support of victims of crime has developed.

This development, which mainly took place in Western countries after the 1960s, can be divided into three stages. The first stage was the establishment of a system of monetary support for the victim (1960s). The second stage was the strengthening of immediate and direct support for the victim (1970s). After the second stage there was a realization that the victim in the criminal justice process had very few rights and the actual process sometimes victimized them a second time and this led to the third stage. The third stage has brought about the enactment of statutes for the improvement of the legal status of the victim and the establishment of the rights of the victim (from the 1980s).

It was not until the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (hereinafter referred to as "the Congress") in 1980 that the United Nations really focused on the issue of the protection of victims, when the Congress discussed this issue under the agenda item "Crime and the abuse of power: offences and offenders beyond the reach of law". Five years later, "The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" was adopted at the Seventh Congress held in Milan, Italy in September 1985, and subsequently by the United Nations General Assembly on 29 November 1985 (Assembly Resolution 40/34 annex). The Declaration is the most fundamental instrument adopted by the United Nations in relation to the improvement of the treatment of victims in the crime prevention and criminal justice field. The Declaration is divided into two parts, namely Part A: Victims of Crime and Part B: Victims of Abuse of Power. In summary, based on the philosophy that victims

of crime should be treated with compassion and respect for their dignity, Part A recommends the following measures to be taken on behalf of victims of crime at the international, regional and national levels:

- that victims of crime are entitled to access to the mechanism of justice and fair treatment (Declaration 4-7);
- that fair restitution to victims by offenders responsible for their behaviour should be realized (Declaration 8-11);
- that States should endeavour to provide financial compensation to victims, when compensation is not fully available from offenders (Declaration 12, 13);
- and that victims should receive necessary material, psychological and social assistance. (Declaration 14-17).

Part B proposes that states should consider incorporating into their national law norms proscribing abuses of power and providing remedies to victims of such abuses. However, despite the adoption of the Declaration there was little evidence that Member States took adequate measures for the improvement of the treatment of victims, including changes to their legal systems. In consideration of the above, the United Nations Economic and Social Council recommended that Member States take the necessary steps to give effect to the provisions contained in the Declaration in its resolution 1989/57, and recognized the need for continuous efforts to do so and to adapt the Declaration to meet the full range of needs and the circumstances of different countries in the preamble of its resolution 1990/22. Moreover, the United Nations Commission on Crime Prevention and Criminal Justice (hereinafter referred to as "the Commission"), at its fifth session, adopted a resolution to develop a manual or manuals on the use and application of the Declaration, which was subsequently adopted as ECOSOC resolution 1996/14. In response to that resolution, the Expert Group Meeting on Victims of Crime and Abuse of Power was established, and it developed "The Handbook on Justice for Victims on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power"⁹ (hereinafter referred to as "the Handbook") and "The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power"¹⁰ (hereinafter referred to as "the Guide"). The Guide points out a major discrepancy between the implementation and the philosophy of the Declaration by stating in its introduction "There is probably no jurisdiction where the treatment of victims of crime and abuse of power is fully in accordance with the Declaration". In 2005, the Bangkok Declaration on Synergies and Responses adopted at the Eleventh Congress declared that "we recognize the importance of giving special attention to the need to protect witnesses and victims of crime and terrorism, and we commit ourselves to strengthening, where needed, the legal and financial framework for providing support to such victims, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power".

From the other perspective, the United Nations Convention on Transnational Organized Crime (hereinafter referred to as "UNTOC") and the United Nations Convention against Corruption (hereinafter referred to as "UNCAC") require States Parties to take measures to assist or protect victims (UNTOC Art 25, UNCAC Art 32, 36).

Thus, twenty-five years since the adoption of the Declaration, it is worthwhile for criminal justice practitioners of Member States to review their criminal justice systems in accordance with it.

⁹ "The Handbook on Justice for Victims on the Use and Application of Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the following web site. <http://www.uncjin.org/Standards/standards.html>

¹⁰ "The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power." United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the above web site.

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

In regard to victims of crime, the restorative justice approach has been frequently discussed in recent years. "Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters"¹¹, which is also a United Nations instrument, should be referred to when the restorative justice approach is discussed as a related issue to victims of crime in this Seminar, although the restorative justice approach is not the focal point of this Seminar.

Regarding the matter of victims of abuse of power, although it is a topic of grave concern, it is too broad an issue to include as a theme of this Seminar. Therefore, in this Seminar, we will not address the issue of victims of abuse of power unless it is necessary to discuss the issue of victims of crime.

Objectives

The purpose of this Seminar is to offer participants an opportunity to share experiences and knowledge regarding measures for victims of crime. In order to achieve this purpose, the Seminar programme will provide an opportunity to clarify the current situations and problems existing in the respective countries in the field of measures for victims of crime. There will also be opportunity to build participants' knowledge of possible ways to enhance measures for victims of crime at all stages of the criminal justice process. In doing so, the participants are expected to use the Declaration as a yardstick and the Handbook and the Guide, mentioned above, as their main reference materials. Among the major topics to be studied are the following:

- (1) Current situation and problems of measures for victims of crime at the investigation stage (Declaration Art 6 (a), (b), (d), Handbook Chap. III A):
 - a. Consideration of the views and concerns of victims of crime in investigation (e.g. making of a complaint);
 - b. Ensuring victims' safety and privacy (e.g., prohibition of access by the offender to the victim, separate waiting rooms);
 - c. Providing information for victims of crime (e.g. progress of investigation, available measures for assistance).
- (2) Current situation and problems of measures for victims of crime at the prosecution stage (Declaration Art.6 (a), (b), 7, Handbook Chap. II E, III B)
 - a. Consideration of the views and concerns of victims in prosecution (e.g. Private prosecution, measures of objection to non-prosecution and dismissal of the case);
 - b. Mechanisms for the resolution of disputes other than by formal prosecution (e.g. mediation, reconciliation and arbitration, including the restorative justice approach);
 - c. Providing information for victims of crime (e.g. the prosecutor's disposition and reason for the disposition);
- (3) Current situation and problems of measures for victims at the trial/sentencing stage (Declaration Art 6(a), (b), (d), 8-11, Handbook Chap. II D, F, III C):
 - a. Consideration of the views and concerns of victims regarding the criminal trial (e.g. victim participation in criminal trials, questioning of witnesses/defendant by the victim, victim impact statement);
 - b. Restitution from offender through the criminal trial or attached process (e.g. compensation order, reparation order, reconciliation in the criminal process, constitution de partie civile);

¹¹ Economic and Social Council Resolution 2000/14 U.N. Doc, E/2000/INF/2/Add.2

- c. Ensuring the victim's safety and privacy (e.g. confidentiality of victim's identifying information, witness protection programmes);
- d. Minimizing the burden on victims in testifying as a witness (e.g. video link, testimony using videotape, victims' attendants);
- e. Providing information for victims of crime (e.g. the schedule of the trial, inspecting or making copy of the trial record).

(4) Current situation and problems of measures for victims of crime at the execution of sentence stage (Declaration Art 6(a),(b) , Handbook Chap. III D):

- a. Consideration of the views and concerns of victims regarding the treatment of offenders at the post-sentencing stage (e.g. opinion hearing on parole or release, involvement in sessions for the education of offenders on the impact of crime on victims);
- b. Providing the victim and the community with information concerning the treatment of offenders (e.g. date of release, legal grounds for release and location of sex offenders).

(5) Current situation and problems of measures for victims of crime at all stages of the criminal justice process (Declaration Art 6 (c), 12, 14-16, Handbook Chap. II.F.):

- a. Necessary material, medical, psychological and social assistance (e.g. shelter, counselling, legal assistance);
- b. State compensation system for victims of crime;
- c. Strengthening co-operation with other criminal authorities or organizations, experts or community outside of the criminal justice system;
- d. Training on victim matters for criminal justice practitioners;
- e. Other effective measures for victims of crime (e.g. raising public awareness).

ADMINISTRATIVE NEWS

Faculty Changes

Director Keiichi Aizawa was transferred to the Supreme Public Prosecutors Office on 17 July 2009.

Mr. Masaki Sasaki, formerly Chief of Naha District Public Prosecutors Office, was appointed Director of UNAFEI on 21 July 2009.

Deputy Director Takeshi Seto was transferred to Tokyo High Public Prosecutors Office on 24 September 2009.

Mr. Haruhiko Ukawa, from Tokyo High Public Prosecutors Office, was appointed Deputy Director of UNAFEI on 24 September 2009.

Overseas Trips by Staff

Former Director Keiichi Aizawa, Professor Junichi Watanabe and Mr. Hideo Takahashi (Staff) visited Bangkok, Thailand from 30 June to 5 July 2009 to attend the Regional Preparatory Meeting for the Twelfth Congress on Crime Prevention and Criminal Justice, to be held in Brazil in April 2010.

Former Deputy Director Takeshi Seto and Professor Jun Oshino visited Costa Rica and Nicaragua from 10 to 24 August 2009. In Costa Rica, they jointly hosted, with ILANUD, a course on Criminal Justice Reform in Latin America in which seven countries were represented. In Nicaragua, they held a follow-up seminar on the specific situation in that country.

Director Masaki Sasaki, Professor Ayako Sakonji and Mr. Masato Fujiwara (Co-Deputy Chief of the Secretariat) visited China from 10 to 19 August 2009 to meet Chinese criminal justice officials in preparation for the 15th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China, to be held at UNAFEI in November 2009.

Professor Tetsuya Sugano and Professor Toru Kawaharada were dispatched to Nairobi, Kenya from 25 July to 8 August 2009 to carry out research for the next phase of the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Director Masaki Sasaki visited Cambridge, England from 29 to 31 August 2009 to attend the 27th International Symposium on Economic Crime. Director Sasaki made a keynote address at the Symposium. The Director also visited Stockholm, Sweden, from 1 to 3 September 2009, to attend a meeting at the Ministry of Justice.

Professor Ayako Sakonji was dispatched to the Philippines from 31 August to 7 September 2009 as a Short-Term Expert to participate in the Training Course for Professional Probation Officers.

Professor Naoyuki Harada and Mr. Ikuo Kosaka (Staff) visited Manila, the Philippines from 7 to 11 September 2009 to make preparations for the Third Regional Seminar on Good Governance for Southeast Asian Countries, to be held in Manila from 9 to 11 December 2009.

Professor Ayako Sakonji returned to the Philippines from 27 September to 10 October 2009 to participate in the Monitoring and Evaluation Programme for Volunteer Probation Aide Activity.

Professor Tetsuya Sugano returned to Kenya on 5 October and will stay until 12 December 2009 to assist in the next phase of the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Professor Junichi Watanabe went to Barbados from 24 October to 2 November 2009 to attend the 11th Annual General Meeting and Conference of the International Corrections and Prisons Association.

Professor Junichi Watanabe and Mr. Kazuyuki Nagata (Staff) visited Perth, Australia from 14 to 21 November 2009 to attend the 29th Asian and Pacific Conference of Correctional Administrators.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. Masaki Sasaki	Director
Mr. Haruhiko Ukawa	Deputy Director
Mr. Motoo Noguchi	Professor
Mr. Naoyuki Harada	Professor
Ms. Fumiko Akahane	Professor 143 rd Course Programming Officer
Mr. Jun Oshino	Professor, Chief of Training Division
Mr. Haruhiko Higuchi	Professor
Mr. Toru Kawaharada	Professor, Chief of Information and Library Service Division
Mr. Tetsuya Sugano	Professor, Chief of Research Division
Ms. Ayako Sakonji	Professor
Mr. Junichi Watanabe	Professor
Ms. Grace Lord	Linguistic Adviser

Secretariat:

Mr. Masahiro Iida	Chief of Secretariat
Mr. Masato Fujiwara	Co-Deputy Chief of Secretariat
Mr. Koji Kobayashi	Co-Deputy Chief of Secretariat

General and Financial Affairs Section:

Mr. Masaaki Kojitani	Chief
Mr. Kei Saito	
Mr. Yuichi Shirakawa	
Ms. Kayoko Ono	

Training and Hostel Management Affairs Section:

Mr. Kenichiro Koiwa	Co-Chief
Ms. Yoshiko Kawashima	Co-Chief 143 rd Assistant Programming Officer
Mr. Ikuo Kosaka	
Ms. Miki Usuki	
Mr. Ryuichi Nishitani	

International Research Affairs Section:

Mr. Hideo Takahashi	Chief
Ms. Naoko Iwakata	Librarian

Secretarial Staff:

Mr. Kazuyuki Nagata
Ms. Aiko Ota

Kitchen:

Ms. Sae Sakai

Chef

JICA Co-ordinator for the 143rd Course:

Ms. Keiko Hisa