

UNAFEI NEWSLETTER

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

No. 136

September 2011

Established

1961

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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 149th International Training Course on “Securing Protection and Cooperation of Witnesses and Whistle-blowers”, which took place from 25 August to 30 September 2011.

In this Course, we welcomed six Japanese and ten overseas participants: four from Asia, four from Latin America and the Caribbean and two from Africa. The participants 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.

Witness statements and testimony are the cornerstones of criminal proceedings. Without them, criminal conduct cannot be successfully investigated or prosecuted. Likewise, whistle-blowing often plays a key role in exposing criminal conduct within various types of groups and organizations.

Securing the cooperation of witnesses and whistle-blowers, however, is not always an easy task. Their fear for their safety, the risk of retaliation, and other disadvantageous treatment often prevent them from coming forward and cooperating fully with the authorities. To remove these obstacles, measures that provide adequate protection are much needed. Further, obstruction of justice, including witness tampering, should be criminalized and properly punished.

In the case of witnesses who are themselves implicated in crime or conspiracy, immunity from prosecution or mitigation of punishment will strongly encourage cooperation. Properly administered, these measures can be an effective tool in the fight against organized crime and corruption.

These considerations are reflected in the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), which require States Parties to provide effective protection for witnesses; criminalize obstruction of justice; consider the options of granting immunity or mitigating punishment for cooperating witnesses; and consider adopting appropriate measures to protect whistle-blowers.

In view of the importance of witnesses and whistle-blowers and the information they provide, UNAFEI, as a regional institute of the UN Crime Prevention and Criminal Justice Programme Network, decided to hold this Course.

During the Course, the participants diligently and comprehensively examined the current situation of protection of witnesses and whistle-blowers 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 149th 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.

September 2011

A handwritten signature in black ink, appearing to read 'T. Sakuma', written in a cursive style.

Tatsuya Sakuma
Director, UNAFEI

THE 149TH INTERNATIONAL TRAINING COURSE

**“SECURING PROTECTION AND COOPERATION OF
WITNESSES AND WHISTLE-BLOWERS”**

Course Rationale

Corruption and organized crime undermine the integrity of legitimate national economies, the security and development of society, the rule of law and fundamental social values. As these offences are often committed using sophisticated techniques that leave little trace or physical evidence of the crime, witnesses and their testimony play a crucial role in securing conviction. However, out of fear for their safety, witnesses are often reluctant to come forward and cooperate with criminal justice authorities. In particular, in cases of organized crime or cases of corruption involving influential persons, the personal safety of witnesses, as well as that of their family members, may be jeopardized by ruthless criminal groups who wield widespread and intimidating power.

Consequently, states need to establish effective measures that provide adequate protection to witnesses; such measures are essential to the administration of justice and maintenance of the rule of law.

Witness protection measures can take several forms: first, procedures for the physical protection of witnesses, including relocation and non-disclosure, or limiting the disclosure of information concerning the identity and whereabouts of witnesses; second, evidentiary rules to permit witnesses to testify in a manner that ensures their safety; such as via video link or other adequate means. When the threat is especially high, special protective measures, such as permanent relocation and identity change, may be employed as part of a formal witness protection programme.

Articles 24 and 25 of the United Nations Convention against Transnational Organized Crime (UNTOC) and Article 32 of the United Nations Convention against Corruption (UNCAC) require States Parties to take appropriate measures to provide effective protection for witnesses, which include the two categories of protective measures mentioned above. Over the last twenty years the need for protective measures and the creation of protection programmes for witnesses have become more common globally. Often though, it is pointed out that, even where such measures have been provided for in legislation, implementation remains less than satisfactory and further progress is needed.

Another important aspect of witness protection is to ensure just punishment for offenders and accomplices who use physical force, threats, intimidation, or other means to induce false testimony or to interfere with the giving of testimony. Serious crimes cannot be adequately punished if, as a result of such witness tampering, important testimony and material evidence are prevented from reaching investigators, prosecutors and judges. Thus, Article 23 of the UNTOC and Article 25 of the UNCAC require States Parties to criminalize “obstruction of justice,” which includes the use of force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere with the giving of testimony or production of evidence. Many countries have developed national legislation addressing the offences of the

obstruction of justice, but it has not always been vigorously enforced partly because, in general, proving the offender's "intention" can be a delicate problem.

Prosecution of corruption and organized crime sometimes involves special witnesses who, as a result of their involvement in the offence, may be subject to prosecution themselves. They possess important knowledge about the criminal organization's structure and method of operation, as well as offenders' activities and conspiracies. In order to encourage cooperation of such witnesses and draw on their "accomplice testimony," an increasing number of countries have introduced legislation or policy allowing grants of immunity or leniency in exchange for their cooperation. In this regard, Article 26 of the UNTOC and Article 37 of the UNCAC require States Parties to consider the options of mitigating punishment or granting immunity from prosecution for those who provide substantial cooperation to criminal justice authorities. The experience of certain jurisdictions has highlighted the merits of such provisions in the fight against organized crime and large-scale corruption. Mitigation of punishment or grants of immunity may be provided on their own, or they may be combined with formal witness programmes.

One related, but different, issue is the protection of reporting persons, often referred to as "whistle-blower protection." Whistle-blowers play an important role in bringing to light wrongful acts that would have otherwise remained undetected. However, in doing so, they often take high personal risks such as the possibility of facing retaliation, dismissal, demotion or even physical danger. Article 33 of the UNCAC recognizes the importance of their role and requires States Parties to consider incorporating into their domestic legal systems appropriate measures to protect whistle-blowers from any unjustified treatment. In practice, however, legal protection for whistle-blowers still does not exist or is very limited in many countries. In certain jurisdictions, cultural differences and psychological obstacles render difficult the introduction and utilization of legal frameworks to protect whistle-blowers.

This Programme aimed to deepen mutual understanding of the current legislation, situation and identified problems which the respective countries face in regard to securing protection and cooperation of witnesses and whistle-blowers, which is an issue of vital importance at the national and international levels containing many challenges to be examined and overcome, as mentioned above.

Objectives of the Programme

This Programme offered participants an opportunity to deepen their understanding and share experiences and knowledge on "securing protection and cooperation of witnesses and whistle-blowers." Emphasis was placed on organized crime and corruption, but the scope of the Programme will not be limited to those issues. Another objective of the programme was to establish a global network of counterparts so that exchange of updated information on national practices can be facilitated.

In order to achieve these objectives, the Programme provided an opportunity to identify and examine current situations and challenges existing in participants' countries, and to build participants' knowledge of possible measures to improve existing situations.

These objectives were achieved through lectures and participants' dialogue and discussions.

Specific topics discussed were the following:

1. Effective legislation and measures to protect witnesses:
 - (a) Current situation:

- Current situation of the necessity of witness protection and problems in each country;
- (b) Currently available measures:
Currently available measures and their actual application; problems and challenges experienced, if any;
- (c) Effective legislation and measures:
- Witness assistance and support;
 - Police protection;
 - Criminal procedural protection: testimony to be given through the use of communications technology, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons, etc;
 - Witness protection programmes that provide for relocation and identity changes of witnesses;
- (d) International cooperation.
2. Criminalization and punishment of obstruction of justice:
- (a) Current situation:
Current situation of criminalization of obstruction of justice (as required by UNTOC and UNCAC) and its actual application in each country; problems and challenges experienced, if any;
- (b) Currently available measures and actual practices:
Currently available measures (legislation, guidelines, office policies) and actual practices related to mitigation of punishment and/or immunity grants; examples of successful or unsuccessful investigations and prosecutions; recent problems and challenges experienced in each country;
- (c) Effective legislation and measures.
3. Effective legislation and measures to protect whistle-blowers:
- (a) Current situation:
Current situation of the necessity of whistle-blower protection;
- (b) Currently available protection:
The coverage and scope of protection currently available to whistle-blowers in each country; their sufficiency or shortcomings, if any.
- (c) Effective legislation and measures
4. Instances of successful and unsuccessful implementation of securing the protection and cooperation of witnesses/whistle-blowers.

Course Summary

Lectures

In total, six lectures were presented by visiting experts, four by ad hoc lecturers and seven 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 USB drive 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 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) Ms. Karen Kramer
Senior Expert, Division for Treaty Affairs, UNODC
 - Protection of Witnesses and Whistle-blowers: How to Encourage People to Come Forward to Provide Testimony and Important Information
- 2) Mr. Robert E. Courtney III
Department of Justice Attaché, Embassy of the United States in the Philippines
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers
- 3) Mr. Severino H. Gaña, Jr.
Senior Deputy State Prosecutor, Department of Justice, Republic of the Philippines
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers

UNAFEI Professors' Lectures

- 1) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
 - Police of Japan
- 2) Mr. Fumihiko Yanaka, *Professor*, UNAFEI
 - The Criminal Justice System in Japan: Investigation/Prosecution
- 3) Mr. Yuichi Tada, *Professor*, UNAFEI
 - The Criminal Justice System in Japan: The Courts
- 4) Ms. Mayu Yoshida, *Professor*, UNAFEI
 - Institutional Corrections in Japan: Penal Institutions and Treatment of Inmates
- 5) Ms. Ayako Sakonji, *Professor*, UNAFEI
 - Community-Based Treatment of Offenders System in Japan
- 6) Mr. Haruhiko Ukawa, *Deputy Director*, UNAFEI
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers - Overview
- 7) Mr. Motoo Noguchi, *Professor*, UNAFEI
 - Witness Protection before International Tribunals

Ad Hoc Lectures

- 1) Mr. Takujiro Kono
Senior Officer for Leniency Programme, Investigation Bureau, General Secretariat, Japan Fair Trade Commission
 - Leniency Programme

- 2) Mr. Makoto Okada
Head of Whistle-blower Protection Unit, Legal System Planning Division, Consumer Affairs Agency
 - Whistle-blower Protection System

- 3) Mr. Katsuya Kitaoka
Director of General Affairs Department, Headquarters, Japan Legal Support Center
 - Crime Victims Support by the Japan Legal Support Center (JLSC) -Including the viewpoint of Protection of the victim/witness

- 4) Mr. Keisuke Senta
Professor, University of Tokyo Graduate Schools for Law and Politics
 - Witness Protection in the Investigation and Trials of Terrorist Offences

Individual Presentation Topics

Overseas Participants

- 1) Mr. Roland Cornelius Cobbler (Barbados)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers: A Barbadian Perspective
- 2) Mr. Rafael Armando Ascencio Menjivar (El Salvador)
 - Protection of Victim and Witnesses of El Salvador
- 3) Mr. Amitabh Thakur (India)
 - Effective Legislation and Measures to Protect Witnesses
- 4) Mr. Igusti Ngurah Agung Suandika (Indonesia)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers
- 5) Mr. Krishna Murari Shiwakoti (Nepal)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers
- 6) Mr. Narayan Prasado Panthee (Nepal)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers
- 7) Mr. Azael Samaniego Ivaldy (Panama)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers: Panama
- 8) Mr. Brian Kipling Samuel (St. Lucia)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers in Saint Lucia
- 9) Mr. Barnabus David Mwakalukwa (Tanzania)
 - Securing Protection and Cooperation of Witnesses and Whistle-blowers
- 10) Mr. Ayub Yusuf Mwenda (Tanzania)
 - Witness Protection in Tanzania

Japanese Participants

- 11) Ms. Masako Kariya
 - Victim Witness Protection
- 12) Ms. Shiori Nakagawa
 - Current Drug Situation and Crime Investigation in Japan
- 13) Mr. Tomoyuki Nakahata
 - The Case of Witness Protection
- 14) Mr. Kazuaki Watanabe
 - The Effect of Self-Incrimination or Cooperation with Criminal Justice Authorities on Sentencing in Accomplice Cases
- 15) Mr. Naoyuki Yamada
 - Protective Measures for Witnesses in Japan
- 16) Mr. Kosuke Yokomaku
 - Countermeasures Against Intimidation of Witnesses in Japan

Group Workshop Sessions

Group 1

**EFFECTIVE MEASURES TO SECURE PROTECTION AND COOPERATION OF
WITNESSES AND WHISTLE-BLOWERS WITH SPECIAL ATTENTION TO
ORGANIZED CRIME AND CORRUPTION**

Chairperson	Mr. Brian Kipling Samuel	(Saint Lucia)
Co-Chairperson	Mr. Tomoyuki Nakahata	(Japan)
Rapporteur	Mr. Ayub Yusuf Mwenda	(Tanzania)
Co-Rapporteur	Mr. Kazuaki Watanabe	(Japan)
Members	Mr. Amitabh Thakur	(India)
	Mr. Igusti Ngurah Agung Suandika	(Indonesia)
	Ms. Shiori Nakagawa	(Japan)
	Mr. Krishna Murari Shiwakoti	(Nepal)
Visiting Experts	Mr. Severino H. Gaña, Jr.	(Philippines)
	Mr. Robert E. Courtney	(USA)
Advisers	Prof. Fumihiko Yanaka	(UNAFEI)
	Prof. Naoyuki Harada	(UNAFEI)

Report Summary

Among the countries of Group 1, only El Salvador and Indonesia have legislated for witness protection. Japan has legislated for whistle-blower protection, while other countries have some protection for whistle-blowers in other legislation, apart from Saint Lucia, which has none. Where there is no legislation, there may still be informal measures for witness or whistle-blower protection; where legislation is patchy, it cannot properly address all types of organized crime; and even where legislation is comprehensive, it still may not be effective if faced with challenges such as budget constraints, lack of resources, etc. No participating country reported specific legislation dealing with criminalization of obstruction of justice, but this is dealt with in other legislative acts. Similarly, there is no specific legislation to provide for mitigation of punishment or immunity grants, although India, Indonesia and Nepal do have some legal provisions in this regard under various other kinds of legislation. Following a thorough discussion of countermeasures and best practice, with consideration for the experiences and challenges encountered by practitioners, the Group made the following recommendations.

1. All participating states should legislate for witness and whistle-blower protection, and should seek to ratify the UNTOC and UNCAC.
2. Participating countries should legislate to mitigate punishment, grant immunity, and criminalize and punish obstruction of justice, including obstruction by action, gesture or psychological intimidation of a witness.
3. Countries without specific witness and whistle-blower legislation should formulate policies to guide the implementation of interim countermeasures.
4. Developing nations should focus on procedural witness protection, which is cost-effective and quickly implemented.
5. Bilateral, regional and international cooperation in this area is much-needed, and should be formalized in signed treaties or protocols.
6. All agencies within the criminal justice system should work under the same umbrella to streamline the functioning of protection measures or programmes.
7. Human resource capacity building must be emphasized.
8. Examining the possibility of separate waiting rooms for victims and witnesses at courthouses and prosecutors offices is an inexpensive and effective measure available to all countries.
9. Participating countries should arrange for all serious crimes to be fast-tracked, particularly those involving witnesses needing protection.

Group 2**EFFECTIVE MEASURES TO SECURE PROTECTION AND COOPERATION OF WITNESSES**

Chairperson	Mr. Barnabus Mwakalukwa	(Tanzania)
Co-Chairpersons	Ms. Masako Kariya	(Japan)
	Mr. Narayan Panthee	(Nepal)
Rapporteurs	Mr. Azael Samaniego Ivaldy	(Panama)
	Mr. Roland Cobbler	(Barbados)
Co-Rapporteur	Mr. Kosuke Yokomaku	(Japan)
Members	Mr. Rafael Armando Ascencio	(El Salvador)
	Mr. Naoyuki Yamada	(Japan)
Visiting Experts	Ms. Karen Kramer	(UNODC)
	Mr. Robert E. Courtney	(USA)
Advisers	Prof. Kumiko Izumi	(UNAFEI)
	Prof. Yuichi Tada	(UNAFEI)

Report Summary

Group 2 was assigned to discuss “Effective Measures to Secure Protection and Cooperation of Witnesses”, with particular attention on non-organized crimes such as sex crimes, crimes involving child victims or violent crimes. The discussions were based on the following agenda: 1) Effective legislation and measures to protect witnesses; 2) Criminalization and punishment of obstruction of justice.

The Group verified that the police department of each respective country had responsibility for securing protection and cooperation of witnesses as one of their primary functions. Most represented countries had established procedural measures at the trial stage to limit witnesses’ psychological stress. Only El Salvador has legislated for a standardized witness protection programme.

In the matter of effective legislation and measures to protect witnesses, the Group made the following recommendations.

1. The police should protect witnesses when necessary.
2. It is crucial that countries legislate for and establish the organizational structure of witness protection measures.
3. Witness protection measures are necessary for all countries; those who lack such measures should consider their introduction; those who have such measures should consider their improvement.
4. A comprehensive protection programme is effective in protecting witnesses, but is financially onerous and should be considered as a measure of last resort; if not introduced, other specific measures should be taken to protect witnesses.
5. Protection programmes require a sufficient budget; countries should legislate to allow the proceeds of crime to be utilized to fund witness protection.
6. For victims of sex crime it is important to prevent secondary victimization; for child victims it is important to implement specific measures to allow them to testify as comfortably as possible.

In the matter of criminalization and punishment of obstruction of justice, the Group noted that, with one exception, all participating countries had criminalized this offence on the basis of the provisions of the UNTOC and UNCAC. The Group made the following recommendations.

1. To ensure the co-operation and protection of witnesses, it is necessary to criminalize obstruction of justice; countries with inadequate legislation in this regard must improve.
2. Where legislation is adequate but enforcement is not, enforcement must be improved so that the legislation functions effectively.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
31 Aug.	Tokyo District Public Prosecutors Office	• Mr. Keiichi Watanabe (Chief Prosecutor)
	Ministry of Justice	• Mr. Satsuki Eda (Minister of Justice)
6 Sept.	Tokyo District Court	
	The Supreme Court	• Mr. Yuki Furuta (Justice)
22 Sept.	Fuchu Police Station Okunitama Koban (Police Box)	• Mr. Osamu Yoshimoto (Chief of the Police Station)

Group Study Tour

<u>Date</u>	<u>Location</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
14 Sept.	Hiroshima	• Hiroshima Prefectural Police Headquarters	• Mr. Hideki Niibata (Inspector)
15 Sept.	Nara	• Nara Juvenile Prison	• Mr. Masaki Inahara (Director, General Affairs Department)
16 Sept.	Nara	• Nara District Public Prosecutors Office	• Mr. Noriyoshi Shimokawa (Chief Prosecutor)

Special Events

25 Aug. *Welcome Party*

29, 30 Aug., 1 Sept. *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teachers) were Ms. Mariko Hirano and Ms. Kazuko Shukuya of “Nihongo-no-kai”.

1 Aug. *Courtesy Visit to the Ministry of Justice
and
Reception by the Vice-Minister of Justice*

After a courtesy visit to Mr. Satsuki Eda, Minister of Justice, a reception was held by the Vice-Minister of Justice, Mr. Katsuyuki Nishikawa, at the Ministry of Justice, Tokyo.

2 Sept. *Table Tennis Tournament*

The Tennis Tournament was held in the UNAFEI auditorium, with mixed teams of UNAFEI faculty, staff and participants. For the fifth time, Prof. Tada’s team was victorious. Afterwards, the participants enjoyed a social with UNAFEI staff and faculty.

3, 10 Sept. *Home Visits*

The ACPF Fuchu branch kindly organized dinner for the participants at the homes of their members. The hosts were Mrs. Hisako Morita, Mrs. Chitose Sashida and Mr. Rinshi Sekiguchi.

6 Sept. *Social with Legal Apprentices*

The participants had an opportunity to exchange views and experiences with Legal Apprentices from the Legal Training and Research Institute of Japan during a social evening at UNAFEI.

13 Sept. *ACPF Fuchu Branch Party*

The participants enjoyed a tour of *Okunitamajinja* (Okunitama Shrine) and a party hosted by the ACPF Fuchu Branch. The party was attended by ACPF Fuchu Branch members and UNAFEI faculty and staff.

20 Sept.

TICP Friendship Party

The participants were guests of honour a friendship party hosted by the Training Institute for Correctional Personnel, in Fuchu. The participants enjoyed demonstrations of martial arts, such as *kendo* and *shorinjikenpo*, as well as a demonstration of *tankobushi*, a traditional form of dancing from Kyuushu.

23, 24 Sept.

ACPF Branches Study Tour

The participants were invited to visit branches of the ACPF in five locations around Japan. The participants split into groups and visited Aomori, Iwate, Nagano, Nagoya and Osaka. They visited local criminal justice facilities and had an opportunity to do some sightseeing. In addition, each branch held a reception in honour of the participants visiting their region.

26 Sept.

Social with Law School Students

The participants were joined at a party by students from Tokyo University Graduate Schools of Law and Politics following a lecture by Professor Keisuke Senta of Tokyo University Graduate Schools for Law and Politics.

29 Sept.

Farewell Party

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

Reference Materials

A. International Standards and Related Materials

1. United Nations Convention against Transnational Organized Crime and the Protocols thereto (2000)
 - (i) Convention
<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>
 - (ii) Legislative Guides for the Implementation of the UNTOC Convention (excerpts: cover 1, p12-p14, p90-p102, p162-p182)
http://www.unodc.org/pdf/crime/legislative_guides/Legislative%20guides_Full%20version.pdf
2. United Nations Convention against Corruption (2003)
 - (i) Convention
http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf
 - (ii) Legislative Guide for the Implementation of the UNCAC (excerpts: cover 1, p80-p82, p93-p95, p119-p121, p125-p126, p141-p151)
http://www.unodc.org/pdf/corruption/CoC_LegislativeGuide.pdf

B. Other Related Materials

1. Good Practices for the Protection of Witnesses in Criminal Proceedings involving Organized Crime, UNODC
<http://www.unodc.org/documents/organized-crime/Witness-protection-manual-Feb08.pdf>
2. UN Economic and Social Council Resolution 2005/20 “Guidelines on Justice in Matters involving Child Victim and Witnesses of Crime”
<http://www.un.org/docs/ecosoc/documents/2005/resolutions/Resolution%202005-20.pdf>
3. Anti-Human Trafficking Manual for Criminal Justice Practitioners Module 12, UNODC/ UN.GIFT
http://www.unodc.org/documents/human-trafficking/TIP_module12_Ebook.pdf
4. Toolkit to Combat Trafficking in Persons Tool 5.17, 5.18, UNODC
http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_5-17.pdf
http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_5-18.pdf
5. Facilitating Witness Co-operation in Organized Crime Cases: an international review, Home Office of the UK
<http://rds.homeoffice.gov.uk/rds/pdfs05/rdsolr2705.pdf>
<http://siteresources.worldbank.org/NEWS/Resources/Star-rep-full.pdf>
6. Good Practice in Whistleblowing Protection Legislation (WPL), U4
<http://www.u4.no/helpdesk/helpdesk/query.cfm?id=207>
7. Whistleblowing International Standards and Developments, David Banisar
http://www.corrupcion.unam.mx/documentos/investigaciones/banisar_paper.pdf
8. Whistleblower Protection Act (Japan)
<http://www.cas.go.jp/jp/seisaku/hourei/data/WPA.pdf>
9. For Victims of Crime by Japanese Prosecutors Office
<http://www.moj.go.jp/ENGLISH/CRAB/crab-02.html>

C. UNAFEI Resource Materials

1. UNAFEI Fourth Regional Seminar on Good Governance for Southeast Asian Countries
 - (i) Ms. Anne Katharina Zimmermann: “Securing Protection and Cooperation of Witnesses and Whistle-blowers – An overview of the law as it stands in Germany”
 - (ii) GG4 Recommendations

2. Resource Material Series No. 58 (2001, excerpt)
http://www.unafei.or.jp/publications/Resource_Material_58.htm
Report of the 116th International Training Course by Group 2, Phase 2: “Method for Obtaining the Cooperation of Witnesses to Punish Organized Criminals: The Immunity System and Witness Protection Programmes”
3. Resource Material Series No. 59 (2002, excerpt)
http://www.unafei.or.jp/publications/Resource_Material_59.htm
Report of the 119th International Training Course by Group 2, Phase 2: “Criminalization of Participation in an Organized Criminal Group and Conspiracy, Immunity System, and Witness and Victim Protection Programmes”
4. Resource Material Series No. 73 (2007, excerpt)
http://www.unafei.or.jp/publications/Resource_Material_73.htm
 - (i) Mr. Severino H, Gaña, Jr. (Philippines): “The Philippine Experience in the Investigation and Prosecution of Trafficking in Persons and Smuggling of Migrants, with Special Focus on Punishing the Traffickers”
 - (ii) Mr. Giuliano Turone (Italy): “Legal Frameworks and Investigative Tools for Combating Organized Transnational Crime In the Italian Experience”
 - (iii) Report of the 134th International Training Course by Group 1: “Measures to Facilitate Information and Testimony by Key Witnesses”

Experts and Participants List

Visiting Experts

Ms. Karen Kramer	Senior Expert Division for Treaty Affairs UNODC
Mr. Robert E. Courtney III	Department of Justice Attaché Embassy of the United States in the Philippines USA
Mr. Severino H. Gaña, Jr.	Deputy Prosecutor General National Prosecution Service Department of Justice Republic of the Philippines

Overseas Participants

Mr. Roland Cornelius Cobbler	Sergeant Community Policing Royal Barbados Police Barbados
Mr. Rafael Armando Ascencio Menjivar	Head of Administration Victim and Witnesses Protection Program Executive Technical Unit of the Justice Sector El Salvador
Mr. Amitabh Thakur	Superintendent Anti-Corruption Branch Department of Personnel Central Bureau of Investigation India
Mr. Igusti Ngurah Agung Suandika	Head of Subsection Planning and Activity of Peace and Humanity, International Relations Division Indonesian National Police Indonesia
Mr. Krishna Murari Shiwakoti	Under Secretary (Bench Officer) Full Bench Division Supreme Court of Nepal Nepal

Mr. Narayan Prasado Panthee	Deputy Registrar Litigation Department Supreme Court of Nepal Nepal
Mr. Azael Samaniego Ivaldy	Mayor Officer III Auxiliary Public Prosecutor's Office Public Minister Panama
Mr. Brian Kipling Samuel	Inspector in Charge Drug Squad Royal Saint Lucia Police Force Saint Lucia
Mr. Barnabas David Mwakalukwa	Crime Analyst (Superintendent) Police Operations Crime Prevention Unit Tanzania
Mr. Ayub Yusuf Mwenda	Senior State Attorney Directorate of Public Prosecution Attorney General's Chambers Tanzania
Japanese Participants	
Ms. Masako Kariya	Public Prosecutor Kobe District Public Prosecutors Office Himeji Branch
Ms. Shiori Nakagawa	Narcotic Agent Narcotic Control Department Kyushu Regional Bureau of Health and Welfare
Mr. Tomoyuki Nakahata	Public Prosecutor Shizuoka District Public Prosecutors Office
Mr. Kazuaki Watanabe	Assistant Judge Akita Family Court, Odate Branch
Mr. Kousuke Yokomaku	Public Prosecutor Branch Chief Gifu District Public Prosecutors Office Tajimi Branch

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The 14th UNAFEI UNCAC Training Programme

The 14th UNAFEI UNCAC Training Programme: Effective Legal and Practical Measures against Corruption will be held from 13 October to 10 November 2011. Twenty two participants will attend: 16 overseas participants and six Japanese participants.

2. The 17th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China

The 17th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China will be held from 15 to 30 November 2011. Fourteen criminal justice officials from the People's Republic of China will attend. The theme of the seminar will be "Public Dissemination of Legal Knowledge".

3. The Fifth Regional Seminar on Good Governance for Southeast Asian Countries

The Fifth Regional Seminar on Good Governance for Southeast Asian Countries will be held at UNAFEI, in Tokyo, Japan, from 7 to 9 December 2011 and will focus on "Preventing Corruption: Administrative and Criminal Justice Measures". Sixteen senior government officials from eight Southeast Asian countries and two visiting experts will attend.

4. The 150th International Senior Seminar

The 150th International Senior Seminar will be held from 12 January to 9 February 2012. The theme of the Seminar will be "Human Trafficking". Twelve government officials from overseas will attend, along with two overseas course counsellors and eight Japanese participants.

Rationale

Trafficking in persons is a heinous crime that grievously harms its victims. Every year, thousands of men, women, and children are trafficked and subjected to sexual exploitation, forced labour, slavery or other forms of exploitation. Many of them are exposed to multiple and chronic traumatizing events such as restriction of movement, direct physical violence, and verbal and psychological abuse, causing a number of physical and mental health problems that are difficult to recover from.

The growing recognition that trafficking in persons is a global problem resulted in the adoption of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," supplementing the United Nations Convention against Transnational Organized Crime.

The Protocol entered into force on 25 December 2003, and its purposes are: (a) to prevent and combat trafficking in persons, paying particular attention to women and children; (b) to protect and assist the victims of such trafficking, with full respect for their human rights; and (c) to promote cooperation among States Parties in order to meet those objectives (Article 2).

Prevention

Human trafficking is difficult to detect, and once committed, its negative impacts on victims are difficult to redress. Therefore, prevention should be a major component of any anti-human trafficking policies or programs. In this regard, the Trafficking in Persons Protocol requires States Parties to strengthen border control (Article 11) and take measures to prevent the misuse of travel and identity documents (Article 12). Awareness raising efforts (Article 9) are also essential as they can alert vulnerable groups to the risks of victimization; mobilize public support for measures to detect and prevent trafficking; and encourage victims to come forward.

Prosecution

Trafficking in persons is carried out by several actors in an organized and clandestine way. Traffickers change methods and routes constantly, and victims are often transported across national borders. These elements make trafficking in persons a particularly difficult crime to investigate and successfully prosecute. Witness protection, measures to encourage accomplice testimony, and special investigative techniques such as controlled delivery, electronic surveillance, and undercover operations are examples of useful tools to prosecute sophisticated organized criminal activity.

Another characteristic of trafficking in persons cases is the often-encountered difficulty in obtaining the full cooperation of the victims. They are placed under a blend of control measures such as violence, coercion, and deception by the traffickers, and many of them are led to believe it disadvantageous to cooperate with the authorities. They may even show hostility towards law enforcement officers. Investigators and prosecutors need to know how to deal with these challenges.

Victim Protection

The Trafficking in Persons Protocol contains several specific provisions calling for protection of trafficking victims. States Parties are required to consider implementing measures to provide for physical, psychological, and social recovery of victims, including provision of appropriate housing; medical, psychological and material assistance; and employment, education and training opportunities (Article 6 paragraph 3). In addition, States Parties are required to consider adopting measures that permit victims to remain in their territories (Article 7), and they should also cooperate and facilitate the repatriation of the victims (Article 8).

Promoting International Cooperation

A significant proportion of trafficking in persons cases are transnational, and even domestic cases may involve victims or offenders who originate from an outside jurisdiction. These transnational elements aggravate the complexity and difficulties of investigation and prosecution.

Varying legal requirements and restrictions, jurisdictional problems, differences in criminal law and procedure, lack of coordination, and translation and language problems are some of the most frequently experienced barriers to international cooperation and mutual legal assistance.

Objectives of the Programme

The objective of this Seminar is to offer participants an opportunity to share experiences, gain knowledge, and examine measures against trafficking in persons. In order to achieve this purpose, the Seminar programme will provide an opportunity to examine the current situations and problems existing in the respective countries.

Specific topics to be addressed are the following:

- (1) Definition of trafficking in persons
- (2) The actual situation of trafficking in persons
 - (i) The current situation of trafficking in persons;
 - (ii) Modus Operandi and means of trafficking in persons;
 - (iii) Forms of exploitation;
 - (iv) Analysis of the causes of trafficking in persons.
- (3) Measures for Prosecution
 - (i) Criminalization of trafficking in persons and related acts;
 - (ii) Obstacles to the investigation of trafficking in persons;
 - (iii) Detecting trafficking in persons;

- (iv) Victim-related issues (Identification of victims, interviewing victims, and victim protection during investigations;
- (v) Witness protection and measures to encourage co-operation (immunity grants, mitigation of punishment, etc.;
- (vi) Special investigative techniques (controlled delivery, electronic surveillance, undercover operations, etc.);
- (vii) International cooperation (extradition, mutual legal assistance, law enforcement cooperation);
- (viii) Confiscation of proceeds of crime.

(4) Measures for Protection

- (i) Immigration Status;
- (ii) Assistance for living (residence, translation, medical care, psychological care, etc.);
- (iii) Reintegration (education, vocational training, etc.);
- (iv) Assistance for return;
- (v) Assistance for restitution and compensation.

(5) Measures for Prevention

- (i) Border control;
- (ii) Measures against misuse of travel and identity documents;
- (iii) Awareness raising.

ADMINISTRATIVE NEWS

Faculty Changes

Director Masaki Sasaki was transferred and appointed Chief of the Sapporo Public Prosecutors Office on 1 August 2011.

Mr. Tatsuya Sakuma, formerly Chief of Otsu Public Prosecutors Office, was appointed the new Director of UNAFEI, and took office on 5 August 2011.

Overseas Trips by Staff

Professor Ayako Sakonji, Professor Mayu Yoshida, Chief of Secretariat Takashi Hagiwara visited China from 5 to 12 July 2011 to meet Chinese criminal justice officials in preparation for the 17th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China, to be held at UNAFEI in November 2011.

Professor Ryo Tsunoda and Professor Yuichiro Wakimoto were dispatched to Nairobi, Kenya, from 12 August to 10 September 2011, and from 5 August to 3 September 2011, respectively, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Professor Ryo Tsunoda and Professor Yuichiro Wakimoto attended the 13th International Corrections and Prisons Association Annual General Meeting and Conference in Singapore from 11 to 17 September 2011.

Director Tatsuya Sakuma visited Cambridge, England from 3 to 7 September 2011 to attend 29th International Symposium on Economic Crime. Director Sakuma made a keynote address at the Symposium.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. Tatsuya Sakuma	Director
Mr. Haruhiko Ukawa	Deputy Director
Mr. Motoo Noguchi	Professor
Mr. Naoyuki Harada	Professor
Ms. Kumiko Izumi	Professor
	149th Course Deputy Programming Officer
Mr. Fumihiko Yanaka	Professor
	149th Course Programming Officer
Mr. Yuichi Tada	Professor, Chief of Training Division
Mr. Haruhiko Higuchi	Professor
Mr. Ryo Tsunoda	Professor, Chief of Information and Library Service Division
Mr. Yuichiro Wakimoto	Professor, Chief of Research Division
Ms. Ayako Sakonji	Professor
Ms. Mayu Yoshida	Professor
Ms. Grace Lord	Linguistic Adviser

Secretariat:

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Mr. Katsuhiko Jimbo	Co-Deputy Chief of Secretariat
Mr. Seiichi Sugiyama	Co-Deputy Chief of Secretariat

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Mr. Hiroki Miyazaki	Chief
Mr. Takayuki Suzuki	
Mr. Takashi Okaniwa	

Training and Hostel Management Affairs Section:

Ms. Yoshiko Tani	Chief
Ms. Makiko Sasabe	
Mr. Masato Honda	149th Assistant Programming Officer
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Ms. Kanami Tashima	

International Research Affairs Section:

Mr. Shinichi Yamamoto	Chief
Ms. Naoko Iwakata	Librarian

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