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**UNAFEI IS AN AFFILIATED REGIONAL INSTITUTE OF THE UNITED NATIONS**

**THE 112TH INTERNATIONAL TRAINING COURSE**  
**“PARTICIPATION OF THE PUBLIC AND VICTIMS FOR MORE FAIR AND**  
**EFFECTIVE CRIMINAL JUSTICE ADMINISTRATION”**

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**Course Rationale**

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In recent years, society has been gravely threatened by crimes which have been rapidly increasing in number and seriousness. Notably, they are becoming more complex and sophisticated in many countries. In such circumstances, it is indispensable for the sound development and prosperity of a country to effectively prevent and control crimes through fair and effective administration of criminal justice. It should be noted, however, that it cannot be achieved solely by the government's efforts, but requires public participation and cooperation.

Public participation and cooperation play an important role in all aspects of criminal justice administration including crime prevention (e.g., community policing and activities for enhancing public awareness); investigation and prosecution (e.g., witness and public participation in the review of non-prosecution decisions); judiciary (e.g., trial by lay judge); institutional treatment (e.g., board of visitors, chaplain and cooperation of business sector in prison labor), and community-based treatment (e.g., volunteer probation officer and halfway house). Regrettably, many countries have not successfully obtained such participation and cooperation due to little public confidence in the criminal justice administration, community disorganization following rapid urbanization, and lack of policies relating to public participation and cooperation.

In order for the criminal justice administration to be fair and effective and to obtain public confidence and cooperation, the protection and promotion of rights and interests of victims of crime (hereinafter called victims) in the criminal justice process are very important ; not to mention the importance of fair and humane treatment of offenders. It is said, however, that rather little attention is given by the criminal justice system to the protection of the rights and interests of victims. In this regard, there are growing concerns that the administration of the criminal justice system results in the unfair treatment of victims.

Assistance and protection of rights of victims are, in some jurisdictions, provided at all stages of the criminal justice process from pre-trial to post-trial, as the following examples illustrate: right to make a complaint, private prosecution, inquest of prosecution, mental assistance after an incident, victim compensation programmes, victim-offender mediation programmes, protection of and support to victims as a witness, special arrangements for minors and victims of sex crimes in terms of criminal procedure, notification of information about imprisoned offenders, participation in decision-making of early release, and programmes to prevent offenders from contacting victims. Although some countries in Europe, North America and other regions have taken initiatives in this field, measures for assistance and protection of victims are still lacking in many countries including Asian and African countries.

We explored possible solutions for these common problems through frank and deep discussions in the Group Workshop Sessions. As a result, we were able to produce a number of valuable recommendations with regard to the incorporation and enhancement of public and victim participation in criminal justice administration. Our common interest in dealing with the challenges of changing society motivated our in-depth study and produced results beneficial to us all. I have no doubt that the outcome produced in this Course will enable all of us to face such challenges more resolutely.

I would like to offer my sincere congratulations to all the participants for their successful completion of the Course, made possible by their strenuous efforts. My hearty gratitude goes to the visiting experts and *ad hoc* lecturers who contributed a great deal to the Course's success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by the various agencies and institutions which helped diversify the programme.

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

I also wish to thank the various community organizations and individuals who provided the participants with the opportunity to experience various aspects of Japanese culture, in particular the Fuchu Rotary Club and the International Soroptimist Tokyo Fuchu for their continuous contributions to UNAFEI 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 contribute significantly to the improvement of their respective nation's criminal justice systems, and their society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 112th International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work and that the human bonds fostered among the participants, visiting experts, lecturers and UNAFEI staff continue to grow for years to come.

July 1999

A handwritten signature in black ink, reading 'Mikinao Kitada'. The signature is fluid and cursive, with the first name 'Mikinao' and last name 'Kitada' clearly distinguishable.

*Mikinao Kitada*  
Director, UNAFEI

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## LETTER FROM THE DIRECTOR

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It is my privilege to inform readers of my appointment as Director of UNAFEI this 1 April 1999, and of the promotion of my predecessor, Mr. Toichi Fujiwara, to Chief Prosecutor of the Miyazaki District Public Prosecutors Office on the same date.

I would also like to notify you of the successful completion of the 112th International Training Course on "Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration" from 12 April to 2 July 1999.

In this Course, we welcomed 10 Japanese and 17 overseas participants: 10 from Asia, 2 from Oceania, 1 from Latin America and 4 from Africa. They included police and prison officials, public prosecutors, judges and other high-ranking officials. As this newsletter will demonstrate, this Course was definitely productive. It consisted of Individual Presentations, Group Workshop Sessions, visits to relevant criminal justice agencies, and presentations by visiting experts and *ad hoc* lecturers.

During the twelve-week period, the participants diligently and comprehensively examined measures to enhance participation of the public and victims in criminal justice administration. This was accomplished primarily through the comparative analysis of the current situation and problems in the participating countries. Our in-depth discussions enabled us to put forth effective and practical solutions to emerging problems in the changing society.

Many countries have recently seen an increase in the number and seriousness of crime. However the prevention and control of crime, through the fair and effective administration of criminal justice, can not be achieved by governments alone. Public participation and cooperation is an essential element of all aspects of criminal justice administration, from crime prevention to the treatment of offenders. Regrettably, many countries have not successfully obtained such participation and cooperation due to a lack of public confidence in, and relevant policies related to, criminal justice administration.

In order to obtain public confidence and cooperation, the recognition, protection and incorporation of the rights and interests of victims of crime ('victims') in criminal justice administration, is fundamental. Assistance and protection of the rights of victims is necessary at all stages of the criminal justice process, from pre-trial to post-trial. Initiatives including victim-offender mediation programmes and participation in decision making for the early release of offenders, are some measures that have been taken to enhance public and victim involvement.

This Course provided a forum for the exchange of information and views on how the changes presented by modern society have transformed the nature of crime, as well as the response required from the criminal justice system. We found that there were many common problems in incorporating public participation and victims' rights at the level of investigation, prosecution and trial, although our legal frameworks and systems varied from country to country.

Public participation and cooperation have been discussed extensively at the national, regional, and international levels. The United Nations has also produced several minimum standard rules emphasizing the significance of public involvement. Moreover, in 1985, the General Assembly of the United Nations adopted “the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” aimed at developing comprehensive assistance services for victims. In addition, community involvement in crime prevention as well as fairness to victims and offenders in the criminal justice process are expected to be substantive agenda items and workshop topics of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders which will be held in 2000. Notably, the United Nations instruments mentioned have not been embraced fully in the policies and practices of many countries. Thus, it is important for countries to take into account the fruits of international efforts and develop policies and practices to enhance participation of the public and victims in the criminal justice administration.

Giving due consideration to the above rationale, this International Training Course purports to explore measures to enhance participation of the public and victims for more fair and effective criminal justice administration in participating countries. To facilitate discussions, special emphasis will be placed on the following subtopics as each of them addresses the current situation in each country, the problems faced, and countermeasures to these problems:

- (1) Public participation and cooperation in crime prevention
  - a) Community policing
  - b) Activities for enhancing public awareness
- (2) Public participation and cooperation in the criminal justice process
  - a) Investigation
  - b) Prosecution
  - c) Judiciary
  - d) Conflict resolution system outside trial (e.g., mediation)
- (3) Public participation and cooperation in the treatment of offenders
  - a) Institutional treatment
  - b) Probation, parole and other aftercare services
- (4) Assistance to victim and victim participation in the criminal justice process
  - a) Victim assistance services
  - b) Victim participation in the criminal justice process

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## Course Summary

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### **Lectures**

In total, 37 lectures were presented 15 by visiting experts, 15 by *ad hoc* lecturers, 7 faculty members and the Deputy Director of UNAFEI. Six distinguished criminal justice practitioners from abroad served as UNAFEI visiting experts for an average of two weeks. They lectured on issues relating to the main theme. They also 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, *ad hoc* lectures were delivered by distinguished academics and senior officials of the Government of Japan. The lecturers and lecture topics are listed on page 6.

### **Individual Presentations**

During the first two weeks, each Japanese and overseas participant delivered a one-hour or one-hour and thirty-minute Individual Presentation respectively, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled into a book entitled "COUNTRY REPORTS FOR THE GROUP TRAINING COURSE IN CRIME PREVENTION" and distributed to all the participants. The titles of these Individual Presentation papers are listed on pages 9 and 10.

### **Group Workshop Sessions**

Group Workshops further examined the subtopics of the main theme. The participants were divided into three groups. Each group elected a chairperson(s) and rapporteur(s) to organize the discussions. The group members seriously studied the designated subtopics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. Fourteen sessions were allocated for Group discussion.

In the sixth, eighth and ninth week, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports, and to offer suggestions and comments. During the final Plenary Meeting in the tenth week, drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them at the Report-Back Session, where they were endorsed as the reports of the Course. Summaries of the Group Workshop reports are provided on pages 11 through 22.

### **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 23 through 29.

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### Lecture Topics

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#### *Deputy Director's Lecture*

- Mr. Masahiro Tauchi, Deputy Director, UNAFEI
- Current Crime Trends in Japan

#### *Professors Lectures*

- 1) Mr. Chikara Satou, Professor, UNAFEI
  - The Role of Prosecutors
- 2) Mr. Hiroshi Iitsuka, Professor, UNAFEI
  - Outline of Criminal Justice in Japan: The Courts
- 3) Mr. Shinya Watanabe, Professor, UNAFEI
  - Corrections in Japan: Participation of the Public & Victims
- 4) Mr. Akihiro Nosaka, Professor, UNAFEI
  - The Criminal Justice System in Japan: Rehabilitation in the Community (The Community-Based Treatment of Offenders)
- 5) Mr. Shoji Imafuku, Professor, UNAFEI
  - Victims of Crime in the Criminal Justice System
- 6) Mr. Hiroshi Tsutomi, Professor, UNAFEI
  - Examining Several Assumptions Underlying the Participation of the Public and the Victim in the Criminal Justice System : Offender Treatment Perspective
- 7) Mr. Keiichi Aizawa, Professor, UNAFEI
  - Outline of the United Nations Commission on Crime Prevention & Criminal Justice and its Activity at the Eighth Session

#### *Visiting Experts' Lectures*

- 1) Mr. John Griffin (Australia)
  - Private Participation in the Treatment of the Offenders: Contracting Private Operators in Criminal Justice
  - Innovations in Correctional Services (Non-Institutional) Community Correctional Services
  - Participation of the Public and Victims in Criminal Justice Administration

- 2) Prof. Dr. Ezzat. A. Fatah (Canada)
  - Victim Assistance in Canada
  - Victimology Today : Recent Theoretical and Applied Developments
  - Victim Redress and Victim-Offender Reconciliation in Theory and Practice: Some Personal Reflections
  - The Vital Role of Victimology in the Rehabilitation of Offenders and Their Reintegration into Society
- 3) Mr. Eberhard Siegismund (Germany)
  - Ancillary (Adhesion) Proceedings in Germany as Shaped by the First Victim Protection Law : An Attempt to Take Stock
  - The Function of Honorary Judges in Criminal Proceedings in Germany
- 4) Mr. Jamal Singh (Singapore)
  - Crime Prevention : The Singapore Approach
  - Community Policing in the Context of Singapore
- 5) Mr. Ugljesa Zvekic (UNICRI)
  - Criminal Victimisation Across the Globe
  - Citizens' Experience with Crime Prevention
  - Citizens' Appraisal of Security and Criminal Justice in an International Perspective
- 6) Ms. Heather Cartwright (United States)
  - Including Victims in the American Criminal Justice Process

### ***Ad Hoc Lectures***

- 1) Mr. Hayato Takagi (Japan)  
*Deputy Director Police Superintendent, Police Policy Research Center, National Police Agency*
  - Crime Prevention Measures Taken in Japan
- 2) Mr. Hiroyuki Ohta (Japan)  
*Director of Office for Crime Victims, National Police Agency*
  - Outline of Measures for Crime Victims



- 3) Mr. Takeyoshi Hongo (Japan)  
*Director-General of the Rehabilitation Bureau, Ministry of Justice*  
 • The Issues and Overview Relating to the Japanese Community-Based Treatment System
- 4) Mr. Yoshio Suzuki (Japan)  
*Professor, Kokushikan University*  
 • Some Thoughts on Public Participation in the Administration of Criminal Justice
- 5) Mr. Haruhiko Higuchi (Japan)  
*Deputy Director, International Research & Training Institute for Criminal Investigation, National Police Academy*  
 • Police Organization System in Japan
- 6) Mr. Osamu Ito (Japan)  
*Judge, Tokyo District Court*  
 • Issues Related to the Jury System
- 7) Mr. Ichiro Sakai  
*Director-General, Corrections Bureau, Ministry of Justice*  
 • The Current Situation and Issues of Correctional Administration in Japan
- 8) Mr. Kazuaki Morimoto  
*Attorney, Legislative Affairs Division, Criminal Affairs Bureau, Ministry of Justice*  
 • Legislation to Protect the Rights of Crime Victims
- 9) Mr. Minoru Yokoyama  
*Associate Professor, Kokugakuin University*  
 • Volunteers' Activities in the Criminal Justice System in Japan
- 10) Mr. Tatsuya Ohta  
*Professor, Faculty of Law, Keio University*  
 • Recent Trends in Victim Assistance in Asia : An Overview
- 11) Ms. Takako Konishi  
*Professor, Musashino Women's University*  
 • Psychology and Restoration of Crime Victims
- 12) Dr. Kouichi Miyazawa  
*Professor, Universal Policy Department, Chuo University*  
 • Support for Victims of Crime
- 13) Mr. Juichi Kobayashi  
*Senior Researcher, National Research Institute of Police Science*  
 • The Empowerment of Community Residents and Crime Prevention Activities

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### Individual Presentation Topics

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#### *Overseas Participants*

- 1) Ms. Ping Wang (China)
  - The Framework and Current Situation of China's Crime Prevention
- 2) Mr. Alvaro Caro Melendez (Colombia)
  - Criminal Prevention : National Police of Columbia
- 3) Mr. Moustafa Ahmed Genidy Abdin (Egypt)
  - Criminal Operations
- 4) Mr. Mansa Ram (Fiji)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration
- 5) Mr. Pa Hamady Jallow (Gambia)
  - Crime Prevention and the Treatment of Offenders in Gambia
- 6) Mr. Tai Kin Man (Hong Kong)
  - Community Involvement in Corrections in Hong Kong
- 7) Mr. Jyotirmoy Khosla (India)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration in India
- 8) Mr. Darmawel Aswar, Sh (Indonesia)
  - The Role of the Indonesian Prosecution Office in the Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration
- 9) Mr. John Isaac Odongo (Kenya)
  - Rehabilitation and Reformation of Offenders
- 10) Mr. Ghazali bin Hj. Md. Amin (Malaysia)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration
- 11) Mr. Nawaz Ul-Huq Nadeem (Pakistan)
  - Crime Prevention and the Treatment of Offenders: Pakistan Country Report
- 12) Mr. Mathew Peter Himsa (Papua New Guinea)
  - Crime Prevention and the Treatment of Offenders in the Criminal Justice System
- 13) Ms. Donna Lynn A. Caparas (Philippines)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration in the Philippines
- 14) Mr. Ha Young-Hoon (Republic of Korea)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration
- 15) Mr. Maxim Antoine Tirant (Seychelles)
  - The Criminal Justice System : Police, Victim and Witness Participation

- 16) Mr. Yasanath Ravindra Weerakkody Wijegunawardena (Sri Lanka)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration
- 17) Ms. Pornpit Norapoompipat (Thailand)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration

### ***Japanese Participants***

- 18) Mr. Hideki Igeta (Japan)
  - Measures for Consideration of the Victim in Criminal Trial Procedure
- 19) Ms. Noriko Komori (Japan)
  - Public Participation and Cooperation in the Community-Based Treatment of Offenders and Crime Prevention in Japan
- 20) Mr. Takehiko Mukaigawa (Japan)
  - Participation and Cooperation of Citizens in the Treatment of Prisoners in Japan
- 21) Ms. Chikako Nakajima (Japan)
  - Participation of the Public and Victims in Juvenile Delinquency Cases in Japan
- 22) Mr. Noburo Nakamura (Japan)
  - Participation of the Citizens and Victims in the Criminal Judiciary
- 23) Ms. Tokiko Sugawara (Japan)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration – Participation of the Public in the Immigration Control Administration
- 24) Mr. Hisahi Uruga (Japan)
  - The Current Situation and the Problems faced in the Participation of the Public and Victims in the Family Court of Japan
- 25) Mr. Kouji Yamada (Japan)
  - Participation of the Public and Victims for More Fair and Effective Criminal Justice Administration
- 26) Ms. Emi Yoshida (Japan)
  - Present Conditions and Problems for Victims in the Japanese Criminal Justice System

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### Group Workshop Sessions

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The following section summarizes the Group Workshop Session reports. The full text of the reports will be included in UNAFEI Resource Material Series No. 56.

#### Group 1 VICTIM ASSISTANCE : PUBLIC PARTICIPATION FOR MORE EFFECTIVE CRIME PREVENTION AND LAW ENFORCEMENT

<b>Chairperson</b>	Mr. Ghazali Bin Hj Md Amin	(Malaysia)
<b>Co-Chairperson</b>	Mr. Maxim Antoine Tirant	(Seychelles)
<b>Rapporteur</b>	Ms. Donna Lynn A. Caparas	(Philippines)
<b>Co-Rapporteur</b>	Mr. Kouji Yamada	(Japan)
<b>Members</b>	Mr. Pa Hamady Jallow	(Gambia)
	Mr. Harihiko Ishida	(Japan)
	Mr. Noburo Nakamura	(Japan)
	Mr. Nawaz Ul-Huq Nadeem	(Pakistan)
<b>Advisers</b>	Prof. Chikara Satou	(UNAFEI)
	Prof. Shoji Imafuku	(UNAFEI)

#### *Report Summary*

### I. INTRODUCTION

The importance of public participation in the effective functioning of the criminal justice system and in preventing crimes is an acknowledged fact. The necessity to encourage and mobilize citizen participation can not be overemphasized. Likewise, past experiences have proven that public participation is indispensable for the success of any crime prevention program. This paper will focus on public involvement at the police level, and will cover:

1. Participation of the Public in Police Investigation
2. Community Policing
3. Victims Assistance

### II. PARTICIPATION OF THE PUBLIC AND VICTIMS IN POLICE INVESTIGATION

#### A. Situational Analysis

The basic objective of police work is the maintenance of law and order, preservation of peace, prevention and detection of crime, apprehension of offenders and promotion of public safety. This concept of police work is universal, even if there are differences in procedures in each country largely dependent upon existing laws. The police should make effort towards ensuring that the public understands their role in the investigation process, so as to encourage maximum participation. The public must assume some sort of shared responsibility in the maintenance of peace and order in the community, even if the primary responsibility of enforcing law and order rests with the police. The police expect the public to cooperate with them specifically at the three stages of the investigation process.

In regard to crime reporting, which is considered to be the first stage, the police expect the public to willingly report crimes and unusual incidences. The second stage which involves collection of evidence, the police expect the public to provide information, to be willing to be a witness by giving police statements, identifying suspects, recognizing weapons etc, and to not tamper with evidence. During the apprehension or arrest stage, the police expect the public to assist in locating suspects, give information (hideouts etc) and provide logistical assistance like transportation and communication, if necessary.

### **B. Hindrances that Impede Public Participation and Cooperation**

Hindrances for better public participation can be categorized in two forms. Those that can be attributed to the police, and those that can be attributed to the public. The police should always have a good public image in order to solicit participation from the public. Negative police image can be caused by unsatisfactory police performance, lack of awareness regarding victims issues, low police morale and political influences in police work.

Uncooperative attitudes of the public may be due to fear of political interference in the police process, pressure from the community (traditional values), materialistic and individualistic attitudes, lack of incentive for the public, lack of awareness of criminal procedures, and an unfavorable environment created by mass media.

### **C. Recommendations**

There are three areas where the police can improve cooperation from the public:

1. The Police should improve the treatment of crime victims by enhancing police education in the fields of human psychology, victim sensitivity, crisis intervention especially in handling domestic violence cases and sex offenses, and improving police performance. Likewise the police should promote better relationships with the public by good work performance, providing more comfortable environment for victims and witnesses, and strengthening co-ordinative mechanisms with other government agencies. They should establish a system for reimbursing transportation and allowances for victims and witnesses, and should establish a Victims Complaints Section or a grievance procedure within the police station. To monitor police performance, an independent body should be established.
2. The police should initiate or intensify public information and education programs (with particular emphasis on the procedural stages of the criminal justice system). They should likewise provide necessary information to the public, especially victims and witnesses on case progress, services like witness protection, hotline numbers in case of emergency etc, and should adopt a reward system for public assistance.
3. The police must initiate diligent efforts toward giving the public right information. This can be done by issuing official police press releases, regular media dialogue, and by establishing a police office responsible for public relations or information to enhance media accessibility. The criminal justice system should engage the forces of the mass media, along with vigilant citizen action at the local level, in the effective fight against crime.

### **III. COMMUNITY POLICING**

#### **A. Community Policing Concepts**

Community policing is an activity to attain the police objectives of maintaining peace and order, preventing crimes and promoting public safety. Community policing is both a goal and an organizational strategy that allows the police and community residents to work closer together in new ways to solve problems of crime and social disorder. It envisions the police actively engaging in larger social issues. The objective of community policing is to establish a closer relationship with the community, to attain better public participation for more effective police work. Community policing is pro-active rather than reactive.

#### **B. Purposes of Community Policing**

There are four identified purposes of community policing:

1. To encourage police/citizen partnerships for crime prevention.
2. To foster and improve communication and mutual understanding between the police and the community.
3. To promote inter-professional approaches to the solution of community problems, and stress that the response to crime is ultimately a total community responsibility.
4. To enhance participation and cooperation of the public at all levels (police, prosecution, courts, corrections and rehabilitation).

#### **C. Essential Elements of Community Policing**

There are three (3) essential elements of community policing:

1. Police must understand the needs and expectations of the community.
2. Community must actively participate in crime prevention.
3. Community and police must be jointly responsible for community safety and solving community problems.

#### **D. Problems in Implementing Community Policing**

Problems encountered in implementing community policing are:

1. Resistance of police officers to change.
2. Lack of manpower - community policing is manpower intensive.
3. Lack of logistics - problem of resource maintenance and 'sustenance'
4. Lack of leadership and commitment on the part of police officers and community leaders.
5. Lack of participation from the public.
6. Strong traditional customs and beliefs.

#### **E. Countermeasures**

Recommendations for improving community policing are:

1. Police organizational re-structuring adopting a more innovative deployment strategy.
2. Tapping available resources in the community.
3. Continuous public education.
4. Public education on the 'Rule of Law'.
5. Improving public participation in community policing.

A lot of ground has been covered by the combined efforts of government and the community as far as crime prevention and control is concerned. Several measures like organizational changes and new policies have been introduced to enhance government capabilities to address problems of peace and order. The police have also shifted from the traditional reactive, incident-triggered type of policing to a proactive, problem-solving, community-oriented policing system. The adoption of community policing has resulted in an increased awareness that criminality is not solely a police problem but a shared responsibility. The major causes of crime have been brought to the consciousness of a wider spectrum of society that includes media, the religious sector, legislature and the overall community.

#### **IV. VICTIM ASSISTANCE**

##### **A. Effects of Victimization**

Criminal victimization includes physical effects, financial effects and emotional or psychological effects.

##### **B. Victim's Needs**

Individual victims have individual needs. The victim needs recognition of 'own harm', i.e. recognition that there is a violation inflicted and the victim expects the community and offender to recognize such harm. The victim needs support from the community (e.g. specific sectors like religious groups, victims groups etc) as well as from family and friends. The victim needs reparation for the harm, and needs to be protected from re-victimization or retaliation. The victim also needs to be informed of the status of the case, the whereabouts of the offenders and information about the criminal justice system.

##### **C. Types of Services that can be Provided to Victims**

1. *Crisis Intervention*: This should seek to ensure the safety and security of victims. At the same time, it should provide an opportunity for the victims to tell their stories, reactions to the incident, be assured of the validity of their reactions and prepare themselves for dealing with the aftermath of the incident.
2. *Counseling*: The incident may trigger stress reactions during the processes of the criminal justice system and after trial. Victims may again be traumatized by the verdict, sentence, etc.
3. *Advocacy*: General advocacy services in order to provide assistance with applications for victim compensation or private insurance, intervention to ensure the continuity of the victims credit, housing or employment, assistance with safety through protection orders, relocation or shelter for victims when needed.

##### **D. Victims Assistance Program**

Victim assistance is committed to providing people affected by crime with appropriate and sufficient recognition, support and information to help them deal with their experience. It also ensures that victims rights are acknowledged and advanced in all aspects of criminal justice and social policy.

### **E. The Goal of Victim Assistance Program**

The goal of a victim service program is to assist victims in dealing with emotional trauma from participating in the criminal justice process, obtaining reparation and coping with associated problems caused by the impact of victimization. The police should conduct onsite crisis intervention, secure medical assistance, inform victims about their rights, and refer them to available services and resources.

### **F. Special Victims Groups**

Special categories of victims who need professional and specialized assistance are domestic violence victims, juvenile victims, victims of organized crime, victims of sex offenses, victims of crimes involving police or military or high-ranking government officials.

### **G. Recommendations**

The following strategies are recommended to improve victim assistance:

1. Work for the establishment of an integrated victim's support system or establish a network of agencies to provide comprehensive services.
2. Establish victim's support units within the police organization.
3. Encourage the establishment of victim's support groups initiated by private and non-governmental organizations.
4. Provide specialized programs for victims of special categories of crime.
5. Provide victims with information on available services.
6. Encourage citizens to get involved in victim support programs.

The issue of victim assistance is relatively a very new phenomenon. A lot of issues still need to be addressed to improve the participation of victims and the public in the criminal justice process. Efforts to improve the plight of victims, however meager, will prove that governments recognize the important role victims play in the justice machinery.



**Group 2      PARTICIPATION OF THE PUBLIC AND VICTIMS  
FOR MORE EFFECTIVE ADMINISTRATION  
IN PROSECUTION AND THE JUDICARY**

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<b>Chairperson</b>	Mr. Alvaro Caro Melendez	(Colombia)
<b>Co-Chairperson</b>	Ms. Emi Yoshida	(Japan)
<b>Rapporteur</b>	Mr. Hideki Igeta	(Japan)
<b>Co-Rapporteur</b>	Mr. Moustafa Ahmed Genidy Abdin	(Egypt)
<b>Members</b>	Ms. Ping Wang	(China)
	Mr. Jyotirmoy Khosla	(India)
	Mr. Darmawel Aswar Sh	(Indonesia)
	Ms. Tokiko Sugawara	(Japan)
	Mr. Hisahi Uruga	(Japan)
	Mr. Yasanath Revindra Weerakkody	(Sri Lanka)
	Wijegunawardena	
<b>Advisers</b>	Prof. Keiichi Aizawa	(UNAFEI)
	Prof. Hiroshi Iitsuka	(UNAFEI)

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*Report Summary*

## **I. MEASURES FOR SECURING TESTIMONY**

Witnesses are sometimes exposed to threat by defendants or members of the gangster group and as a result, are likely to be reticent to answer prosecutor questions or may change their statement in court. If witnesses are afraid that defendants or their associates might harm them, they will hesitate to attend the court and will avoid statements against the defendant in the court, at which the defendants and their associates, in spectator's seats, are present.

As each participant presented countermeasures implemented in their respective countries, we have discussed the merits and demerits of each system in practice with recommendations. We came to recognize that multiple countermeasures are compatible in specific countries and, if selected and applied properly, to a variety of situations. The example of those countermeasures are comprehensive witness securing programs, exclusion of defendants from the courtroom, keeping the defendant in custody, and sanctions against threat. As a result of the discussion, we concluded that effort should be made to enhance the protection of witnesses during the entire criminal judicial process. Introduction of comprehensive witness protection programs would be useful in the fight against organized crime.

## **II. MONETARY REDRESS FOR VICTIMS THROUGH CRIMINAL PROCEDURE**

Victims of crime can bring a civil action for monetary compensation against the offenders in civil court, in order to recover the damage of the crime. Unfortunately however, victims sometimes cannot get any or sufficient amounts of money with civil action, thus this

has some defects in relieving victims of crime. Therefore each country has developed a respective system to realize monetary redress through criminal procedure, other than civil action in civil court. The systems which we discussed are Restitution Orders, Civil Action in Criminal Procedure and State Compensation.

It was decided that we should continue with our efforts to see how criminal procedure can best contribute to ensuring the monetary recovery of crime victims. State Compensation could be one of the possible solutions, especially when offenders are not caught or they do not have enough money. It is also worth considering the feasibility of encouraging criminal courts to be able to order the defendant to compensate the victim's damage, and establishing a system in which the victim can participate as a party concerned in the criminal procedure, and propose compensation for damage.

### **III. MEASURES FOR THE PROTECTION OF THE RIGHTS AND INTERESTS OF VICTIMS**

#### **A. Notification System for Victims**

In order for the victim to be able to make necessary proposals or requests to the investigating authorities and the court, it is necessary to provide adequate information on the flow and outcome of the criminal proceeding. However providing information to the victim may result in violating the privacy of third parties concerned with the case, or the secrecy of investigating information. Therefore, it is desirable to provide information to the victim by striking a balance between the necessity of providing information, protection of the privacy of third parties and the secrecy of investigating information.

#### **B. Initiation or Participation of Victims in Criminal Prosecution**

Victims sometimes feel dissatisfied with the decision of non-prosecution by the public prosecutor. However, generally victims are not provided the right of participation regarding the decision to prosecute an offender. The need for victims to check non-prosecution might be strong where prosecution is monopolized by the public prosecutor and is discretionary.

#### **C. The Right to Attend Trial**

Victims sometimes can not attend the trial as spectators, even though they want to, because of non-notification of trial date, capacity of spectator's seats, place of the court and so on. Regarding this matter, it is worth considering special treatment for victims in some situations to guarantee the opportunity of attendance or hearing, in addition to the general right to hear public trials.

#### **D. Secondary Victimization through Witness Examination**

Victims of sexual crime want to avoid witness statements in the trial because they think it is scandalous or shameful. In addition, victims are often afraid of the defendant. These are the causes of secondary victimization and we discussed devices to relieve the mental suffering experienced by victims of sexual offenses through witness examination. The examples of such devices are: video-linked witness examination systems; witness examination in a box sheltered from defendant and spectators; keeping the name, address and the place of work of a victim-witness secret during course of the trial; and closed trial in camera without spectators, the

scope of which should be limited to specific cases such as rape or sexual crime, in order to save any further embarrassment of victims.

**E. Mental Care and Support for Victims**

Criminal justice agencies concerned with the criminal judicial procedure, including police officers, public prosecutors and judges should recognize the mental impact or suffering that victims of crime receive. It is worth considering establishing a system of orientation to the criminal procedure, escort to the court or counseling support by government authorities or non-government organizations, and training to have officers recognize problems.

**F. Punishment: Giving Victims a Say About Sentencing**

Victims should be allowed to have their views and concerns presented and considered at appropriate stages of the proceedings where their interests are affected. This should be done without unfair prejudice to the accused and must be consistent with the relevant national criminal justice system. In deciding the sentence of the defendant, some elements presented by the victims could be considered, such as the content and degree of the damage, the effect on the victim, and the desired punishment of the offender. It is therefore preferable to consider the establishment of a system in which the victim will have a say in the criminal trial.

**G. Victim Involvement in Decision-making on the Appeal**

Victims are sometimes not satisfied with the sentencing of the courts, but usually whether to appeal or not depends on the judgement of the prosecutor. Therefore, it is worth considering giving the victims an opportunity to have their say on the decision-making re appeals, to promote the victim participation.

**Group 3**

**PARTICIPATION OF THE PUBLIC AND VICTIMS  
FOR MORE EFFECTIVE ADMINISTRATION  
IN THE TREATMENT OF OFFENDERS**

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<b>Chairperson</b>	Mr. John Isaac Odongo	(Kenya)
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<b>Members</b>	Mr. Mansa Ram	(Fiji)
	Mr. Tai Kin Man	(Hong Kong)
	Ms. Noriko Komori	(Japan)
	Mr. Mathew Peter Himsa	(Papua New Guinea)
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	Prof. Akihiro Nosaka	(UNAFEI)
	Prof. Hiroshi Tsutomi	(UNAFEI)

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*Report Summary***I. INTRODUCTION**

We discussed during the group workshop how to enable participation of the public and victims for more effective administration in the treatment of offenders. For clarity we divided our topic into three issues:

1. Participation of the Public in Institutional Treatment
2. Participation of the Public in Community-Based Treatment
3. Involvement of Victims in the Treatment of Offenders

**II. PARTICIPATION OF THE PUBLIC IN INSTITUTIONAL TREATMENT OF OFFENDERS****A. Prison Labor****1. Actual Situation**

Among participating countries, some have active public involvement in running prison industries. In many countries, religious organization's volunteers are participating in prison work. Especially in Japan, CAPIC (Correctional Association Prison Industry Cooperation) is supplying raw materials to prisons and selling the products to the public.

**2. Obstacles and Countermeasures**

*Obstacles:* Lack of public interest and appropriate information for the public; bad economic situation; security risk; inadequate land or space for the factory; quality of products; and difficulty in securing qualified and well trained prisoners constantly exist.

*Countermeasures:* Strengthen public relations through media and public seminars; government incentives for the private sector participating in prison industry; improve security capability; establishing intensive and functional workshop units in prison; install modernized instrument in prison industry, etc.

## **B. Rehabilitation Programs**

### **1. Actual Situation**

Most of the participating countries have rehabilitation programs in prison, with many having public participation in these programs.

- (1) *Vocational Training* : Some countries have active public participation in vocational training. In other countries, vocational training is run only by the government.
- (2) *Educational Training and Life Guidance*: Many countries have public participation in educational training and life guidance. Volunteer teachers, NGOs and religious groups provide correspondence course help in the training programs and prisoner counseling.
- (3) *Work Release*: Many countries have adopted work release programs. They select model prisoners and the prisoners commute to private industries from prison.

### **2. Obstacles and Countermeasures**

*Obstacles*: Negative public perception about participating in the prison industry; shortage of specialists or qualified staff; shortage of effective vocational training programs; security risks.

*Countermeasures*: Strengthen public relations through media and seminars; introduction of more modernized and practical vocational training programs; improve security capability, etc.

## **III. PARTICIPATION OF THE PUBLIC IN COMMUNITY-BASED TREATMENT**

### **A. Probation and Parole**

#### **1. Actual Situation**

Probation is a community-based treatment for juvenile delinquents or adult offenders who have been found guilty and are released into the community on parole or community service. Many countries have adopted a probation system as a substitute for imprisonment. Some countries allow probation not only for juveniles but also adults. During this treatment, in some countries like Japan, volunteers play a great role in supervising the offenders under probation and parole.

#### **2. Obstacles and Countermeasures**

*Obstacles*: Negative public attitude towards offenders; inadequately trained staff and VPOs (volunteer probation officers); incompetent parole board members (in some countries like Papua New Guinea); insufficient budget to meet the needs of VPOs, etc.

*Countermeasures*: Encourage the public to cooperate in community-based treatment of offenders, introduction and improvement of VPOs training, etc.

### **B. Halfway Houses and Probation Hostels**

#### **1. Actual Situation**

Halfway houses can be defined as community-based centers where offenders are sent with the view to maintaining or facilitating social integration. In halfway houses, released offenders are provided with basic necessities like food, shelter, clothing and job opportunities to prepare them for reintegration into the community.

## 2. Obstacles and Countermeasures

*Obstacles:* Inadequate accommodation space; lack of community support; accommodation of inmates with poor records like gang, drug or sex offenders, etc.

*Countermeasures:* Seek alternative accommodation; seek donor funds from private arena; develop relating programs with community, etc.

## C. Other Programs

As a system in which prisoners and probationers perform public work within their community, community programs were discussed. Many countries showed variable aftercare services for released offenders. Mediation and fines were also discussed.

# IV. INVOLVEMENT OF VICTIMS IN THE TREATMENT OF OFFENDERS

## A. Restorative Justice Programs

A criminal justice system that is intended to restore social relations is called restorative justice. One of the aims of restorative justice is involvement of the victims. We categorized the following programs as restorative justice programs:

### 1. Mediation

We discussed two types of mediation programs - one which requires face-to-face contact (direct mediation), the other that does not involve face-to-face contact (indirect mediation).

### 2. Disclosure of Offender's Information

Recently, the victims need to be notified of the offender's information is increasing. We agreed that victims should be notified of their right to access offender information. The agency which is most convenient to the victims should be available to assist them, so that they will have the least trouble in requesting offender information.

### 3. Involvement of Victim's Opinion in Decision-making Concerning Offender's Status

In some countries, victims provide input about the impact of the crime at parole hearings in prison. To make this meaningful, we agreed that parole authorities must notify the victims or their families in advance about the hearing and allow them to describe the crime's impact on their lives.

### 4. Education

We discussed victim-offender confrontation programs, victim-offender panels, and victim awareness programs.

### 5. Community Service

We also discussed community service by offenders with the view of victim's benefit.

**B. Actual Situation**

Some countries have good systems of public and victim participation in the programs mentioned above. However many countries still do not carry out these programs.

**C. Obstacles and Countermeasures**

*Obstacles to carrying out these programs in participating countries:* Lack of the public's understanding; victim's hesitation to participate; lack of legal support; lack of qualified human resources, etc.

*Countermeasures:* Laws to support programs; increase public understanding about programs; encourage offenders and victims to participate, etc.

**V. CONCLUSION**

We agreed that participation of the public and victims is imperative in the over all treatment of offenders. For effective treatment of offenders, more pragmatic emphasis should be given to community-based treatment and more legal support should be made for the participation of victims.

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**Observation Visits**


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<i><b>Date</b></i>	<i><b>Agency/Institution</b></i>	<i><b>Main Persons Concerned</b></i>
April 21	Ministry of Justice	<ul style="list-style-type: none"> <li>• Mr. Shuji Kitaoka State Secretary for Justice</li> </ul>
	Tokyo District Public Prosecutors Office	<ul style="list-style-type: none"> <li>• Mr. Kenji Aoki Deputy Director, General Affairs Department</li> </ul>
April 26	Tokyo District Court	<ul style="list-style-type: none"> <li>• Mr. Kenjiro Tao Deputy Chief Judge of Criminal Department</li> <li>• Mr. Kaoru Kanayama Presiding Judge</li> <li>• Ms. Kiyoko Suzuki Liaison Officer, General Affairs Division</li> </ul>
May 11	Kanto Regional Parole Board	<ul style="list-style-type: none"> <li>• Mr. Kazuhisa Suzuki Chairman</li> </ul>
	Tokyo Probation Office The Diet	<ul style="list-style-type: none"> <li>• Mr. Tetsu Obata Director</li> <li>• Mr. Noboru Hashimoto Chief, First Supervision Division</li> </ul>
May 18	Tokyo Metropolitan Police Department & Command Communications Center	<ul style="list-style-type: none"> <li>• Mr. Hirosaburo Ohtomo Assistant Adviser, Liaison Officer</li> <li>• Mr. Toru Oshiki Assistant Police Inspector, Liaison Officer</li> <li>• Mr. Shinsuke Saiki Police Sergeant, Liaison Officer</li> </ul>



<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
May 20	Supreme Court	<ul style="list-style-type: none"> <li>• Mr. Tsugio Kameyama Judge</li> <li>• Mr. Yoshimitsu Gohda Chief, Second Division, Criminal Affairs Bureau, General Secretariat</li> </ul>
June 1	Fuchu Prison	<ul style="list-style-type: none"> <li>• Mr. Masaaki Fukuhara Warden</li> <li>• Mr. Tatsuhiro Yasutake Assistant Director, General Affairs Division</li> </ul>
June 2	Fuchu Police Station	<ul style="list-style-type: none"> <li>• Mr. Yoshio Furukawa Chief</li> </ul>
June 28	Toppan Printing Co. Ltd	<ul style="list-style-type: none"> <li>• Mr. Masaru Kitajima Factory Manager</li> </ul>
June 29	Suntory Musashino Brewery	<ul style="list-style-type: none"> <li>• Dr. Takao Takahashi Plant Manager</li> </ul>

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**Group Study Tours**

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<i><b>Date</b></i>	<i><b>Group</b></i>	<i><b>Agency/Institution</b></i>	<i><b>Main Persons Concerned</b></i>
May 13 & 14	<b>Nikko</b>	<ul style="list-style-type: none"> <li>• Rehabilitation Aid Hostel “Shotoku Yurin-Kai”</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Kanjiro Suzuki Director</li> </ul>
May 27 & 28	<b>Chiba</b>	<ul style="list-style-type: none"> <li>• Ichihara Juvenile Training School</li> <li>• Ichihara Prison (minimum security)</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Kenji Ishikawa Superintendent</li> <li>• Ms. Shinobu Yoshioka Warden</li> </ul>
May 27 & 28	<b>Shizuoka</b>	<ul style="list-style-type: none"> <li>• Shizuoka Prefectural Police Headquarters</li> <li>• Shizuoka Prison</li> <li>• Shizuoka Crime Victims Support Centre</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Seiichi Nishikawa Assistant Inspector</li> <li>• Mr. Tetsuzou Masuda Warden</li> <li>• Ms. Yoshiko Nagasawa Counselor</li> </ul>
May 27 & 28	<b>Kofu</b>	<ul style="list-style-type: none"> <li>• Kofu District Public Prosecutors Office</li> <li>• Yamanashi Prefectural Police Headquarters</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Nobuyuki Horie Chief Prosecutor</li> <li>• Mr. Shotaro Maruyama Superintendent</li> </ul>
June 22, 23, 24 & 25	<b>Hiroshima- Kansai</b>	<ul style="list-style-type: none"> <li>• 6th Regional Maritime Safety Headquarters</li> <li>• Uji Juvenile Training School</li> </ul>	<ul style="list-style-type: none"> <li>• Mr. Kaoru Kuwabara Commander</li> <li>• Mr. Masanori Yoshimoto Special Assistant to the Chief Guard Division</li> <li>• Mr. Yoshitaka Azabu Superintendent</li> </ul>

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### Special Events

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April 12

#### *Welcome Party*

April 14,15,20,22,23,27

May 6,7

#### *Japanese Conversation Classes*

The overseas participants attended Japanese conversation classes provided by JICA. They learned practical Japanese expressions. The Sensei (teachers) were Ms. Tomiko Toriya, Ms. Yukiko Shiina and Ms. Junko Toyoguchi. *Iroiro Arigato Gozaimashita.*

April 15

#### *Mt. Takao Hike*

The participants hiked Mt. Takao with the UNAFEI staff. After enjoying a relaxing lunch at the summit, they descended the mountain by cable car and chair lifts.

April 21

#### *Courtesy Visit to State Secretary for Justice*

State Secretary for Justice, Mr. Shuji Kitaoka greeted the participants during their visit to the Ministry of Justice.

#### *Reception by Vice-Minster of Justice*

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

April 24

#### *Home Visits*

ACPF Fuchu Branch organized dinners for the participants in the homes of members from the Fuchu International Exchange Salon, Tokyo Fuchu Rotary Club and Soroptimist International of Tokyo, Fuchu. The hosts were Ms. Junko Ogawa, Mr. Rinshi Sekiguchi, Ms. Kazuko Seki, Mr. Yachiyo Maeda, Mr. Akira Kabori, Mr. Hidetaka Umezawa, and Ms. Kazuko Takano.

April 28

#### *UNAFEI Olympics*

The UNAFEI Olympic Games were held at the Fuchu City track and Field Stadium. The participants competed in such events as the Three-Legged race, Musical Chairs and the True-False quiz. Afterwards, there was a friendship party at UNAFEI. .

April 30

#### *End of Individual Paper Presentations*

The participants celebrated the completion of their Individual Presentations in Lounge B.

May 4 *Kurayami Matsuri*

The participants and UNAFEI staff members joined Fuchu citizens in a local festival called “Kurayami Matsuri”, where they wore “happi” (a traditional festival coat) and paraded with “Mikoshi” (portable shrines) on their shoulders. Fuchu Rotary Club hosted a friendship party later.

May 8 *Tea Ceremony*

“Cha-no-yu” or “Sado”, a formal Japanese tea ceremony, was demonstrated for the participants in UNAFEI Lounge B by Ms. Suiko Kobayashi, an Ura Senke Tea Master, and her apprentices.

May 13 & 14 *Nikko Trip*

After an official visit to the “Shotoku Yurin-Kai Rehabilitation Aid Hostel”, the participants attended a dinner hosted by ACPF Tochigi Branch. The next day, the participants enjoyed sightseeing, including visits to the Kegon Falls, Ryuzu Falls and Nikko Toshogu Shrine.

May 17 *VPOs' International Training*

Ten Volunteer Probation Officers visited UNAFEI for an International Training Program. It was jointly organized by UNAFEI and the Rehabilitation Bureau of the Ministry of Justice of Japan. A discussion session and friendship party were arranged to exchange views between VPOs and the participants.

May 18 *ACPF Tokyo Nangoku-kai Party*

ACPF Tokyo Nangoku-kai Branch, affiliated with ACPF Headquarters, hosted a dinner party on the 29<sup>th</sup> floor of the Hotel Pacific Tokyo in honor of the participants.

May 20 *Courtesy Visit to Supreme Court Justice*

During their visit to the Supreme Court, the Honorable Justice Kameyama received the participants in his private chambers.

May 24 *Flower Arrangement*

A group of volunteer instructors, led by Ms. Kuniko Mori, explained and demonstrated to the participants “Ikebana”, traditional Japanese flower arrangement. Afterwards, the participants had the opportunity to arrange the flowers themselves.

May 29 *Tokyo Horse Race Course*

At the invitation of the Fuchu Rotary Club, the participants observed and bet on horse races at the Tokyo Horse Race Course. Mr. Shoji Nagai, General Manager of the Tokyo Horse Race Course, hosted the event.

June 2 *UNAFEI Barbecue*

The participants hosted a party to express their appreciation to the entire UNAFEI staff for its efforts throughout the Training Course.

June 4 *UNAFEI-ACPF International Bowling Tournament*

ACPF Fuchu Branch sponsored the Eleventh UNAFEI-ACPF International Bowling Tournament. The participants enjoyed bowling and socializing with members of ACPF Fuchu Branch.

June 7 *Koto Concert*

The Ensemble 21st Century, a group of volunteer musicians, performed traditional Japanese "Koto" music for the participants at UNAFEI. Mr. Masaki Watanabe played the Japanese traditional flute "Shakuhachi," and Mr. Yoshinori Shimizu conducted.

June 10 & 11 *Visits to ACPF Branches*

The overseas participants were invited on local overnight trips by seven branch organizations of ACPF ; namely Aomori, Fukushima, Iwate, Sendai, Nagoya, Yamaguchi, and Takamatsu.

June 22,23,24,& 25 *Hiroshima-Kansai Study Tour*

*Hiroshima:* On their first day, the participants visited Peace Memorial Museum and Peace Memorial Park in Hiroshima. Participants were also escorted by two Maritime Safety Agency vessels to Miyajima Island, located in the Seto Inland Sea near Hiroshima.

*Kyoto:* On their fourth day, the participants went on a guided bus tour to Nijo Castle, Kinkakuji Temple and the Kyoto Imperial Palace.

July 1 *Farewell Party*

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**Reference Materials Distributed**

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**Statutes of Japan**

- (1) Criminal Justice Legislation of Japan

**Publications about the Japanese Criminal Justice System**

- (1) Summary of the White Paper on Crime 1997
- (2) Criminal Justice in Japan : various publications
- (3) Prison Administration in Japan
- (4) The Community-Based Treatment of Offenders System in Japan
- (5) Ministry of Justice : various publications

**UNAFEI Publications**

- (1) Extracts from UNAFEI Resource Material Series Nos. 48 and 32 (Report of the Seminar, Session 3)
- (2) Criminal Justice Profiles of Asia

**United Nations Instruments**

- (1) United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)
- (2) The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

**Others**

- (1) 112th International Training Course lecture and presentation papers
- (2) Pamphlets, leaflets, etc., from various criminal justice institutions

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## INFORMATION ABOUT FORTHCOMING PROGRAMMES

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### *Training Programmes*

#### **1. The 113<sup>th</sup> International Training Course**

The 113<sup>th</sup> International Training Course, "The Effective Administration of Criminal Justice for the Prevention of Corrupt Activities by Public Officials", is scheduled to be held from August 30 to November 18, 1999. The prevalence of corruption in many countries, and the severe difficulties encountered by criminal justice officials in tackling and effectively deterring such crime, prompted the selection of this theme. The 113<sup>th</sup> Course will examine the current situation regarding corruption in each of the participating countries and analyze the causes and dynamics of corruption, in order to seek concrete and practical countermeasures.

#### Rationale

Corrupt activities by public officials undoubtedly disrupts their integrity and neutrality in performing their official duties. It also breeds a feeling of distrust and unfairness toward the national or local government by the citizenry. As a consequence, corrupt activities by public officials may ultimately gravely weaken or collapse the national or local ruling government and economic structure of a country. Needless to say, the prevention and exposure of such activities are vital.

Corrupt activities in varying magnitudes and types have persisted in many countries for years. They range from large-scale corruption involving politicians and big business, or bureaucrats at both national and local levels, to small-scale activities by low level government employees. Thus the term "public officials" includes both national and local government officials, not only with policy-making powers, but also low-level government employees without such formal power.

It is suggested that organized crime groups are involved in many corruption cases. There is an indication that in keeping with the globalization of economic activities by various enterprises, corrupt activities are also gaining a global dimension. In this regard, it can be noted that corrupt activities of public officials were formerly of a domestic nature, but now are transnational in character. In light of the fact that corruption transcends national borders, the United Nations has attempted to tackle the problem of corruption at an international level. The United Nations General Assembly adopted an "International Code of Conduct for Public Officials" which has been recommended to member states as a tool to guide their efforts against corruption. In other international forums such as G8, Council of Europe, and OECD, corruption of public officials has been identified as an important issue.

Corrupt activities of public officials encompass not only instances of bribery by public officials, but also activities whereby public officials use their professional status and power to obtain personal gains such as embezzlement, breach of trust, and tax evasion. One of the most important tasks for the criminal justice system is to expose corrupt activities of public officials and to punish the wrongdoers effectively.

However, the clandestine nature of such activities obscures the ability of investigators to

detect and expose them. Other obstacles include difficulty in securing the cooperation of the people involved in the case during investigation and trial; the scarcity of personnel and material resources in the criminal justice system; laws limiting the authorized methods of investigation; and the limited skill and/or low morale of the investigators. In many countries, there is some doubt that current criminal justice systems work properly and effectively to expose and punish the corrupt activities of public officials.

Thus the 113<sup>th</sup> International Training Course will examine how corruption manifests in the changing society. Measures to prevent and respond to the corrupt activities of public officials will be considered and developed. To counter the phenomena of corruption, strategies ranging from securing the neutrality of courts and investigative agencies, to internal management and conduct control will be discussed. Promotion of the further cooperation and coordination between the criminal justice system and other public organizations at the national and local level will also be taken into account.

## **2. The 114<sup>th</sup> International Seminar**

The 114<sup>th</sup> International Training Course entitled "Cooperation for Combating Transnational Organized Crime – Special Focus on Mutual Legal Assistance and Extradition" is scheduled to be held from 17 January to 18 February 2000. The extensive international discussion, culminating in the drafting of the United Nations Convention Against Transnational Organized Crime, currently in process, prompted the selection of this theme.

Transnational organized crime has become a focus issue in international forums, with mutual legal assistance and extradition being recognized as pillar elements to enhance international cooperation and crime prevention in this area. The Naples Political Declaration and Global Action Plan Against Transnational Organized Crime, adopted in the 1994 United Nations Ministerial Conference, provides testimony to the increasing importance of this theme in international criminal justice administration. Thus, the 114<sup>th</sup> Seminar will examine the current situation regarding transnational organized crime in each of the participating countries and analyze the existing measures of international assistance and methods of extradition to combat it.

### ***Other Activities***

#### **1. Fourth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China**

The Fourth Special Seminar for Senior Officials of Criminal Justice in People's Republic of China, "Rational Structure of Criminal Justice and Relationship between the Different Agencies of Criminals Justice", was held from 1 to 19 March 1999. Ten senior criminal justice officials and UNAFEI faculty comparatively discussed the contemporary problems faced by China and Japan in the realization of criminal justice.



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## ADMINISTRATIVE NEWS

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### Faculty Changes

Mr. Toichi Fujiwara, formerly Director of UNAFEI, was transferred to the Miyazaki District Public Prosecutors Office and appointed Chief Prosecutor on 1 April 1999.

Mr. Mikinao Kitada, formerly Director of the International Affairs Division of the Criminal Affairs Bureau of the Ministry of Justice, was transferred to UNAFEI and appointed Director on 1 April 1999.

Ms. Kayo Konagai, formerly Chief of Information & Library Service Division and Professor of UNAFEI, was transferred to Tottori Probation Office and appointed Chief of Supervision Section on 1 April 1999.

Mr. Akihiro Nosaka, formerly Assistant Chief of General Affairs Section of the Tokyo Probation Office, joined UNAFEI as a Professor on 1 April 1999.

Ms. Tomoko Akane, formerly Professor of UNAFEI, was transferred to the Special Trial Department of the Tokyo District Public Prosecutors Office as a Public Prosecutor on 1 April 1999.

Mr. Keiichi Aizawa, formerly a Public Prosecutor with the Iwakuni Branch of the Yamaguchi District Public Prosecutors Office, joined UNAFEI as a Professor on 1 April 1999.

Mr. Ryosuke Kurosawa, formerly Professor of UNAFEI, was transferred to the Koube Juvenile Classification Home as a Principal Specialist on 1 April 1999.

Mr. Hiroshi Tsutomi, formerly Professor of the Training Institute for Correctional Personnel of the Ministry of Justice, joined UNAFEI as a Professor on 1 April 1999.

Ms. Priscilla Ferrazzi retired from the UNAFEI faculty on 1 April 1999.

Ms. Rebecca Findlay-Debeck joined the UNAFEI faculty on 1 April 1999

### Overseas Trips by Staff

Mr. Mikinao Kitada (Director) and Mr. Keiichi Aizawa (Professor) represented UNAFEI at the 8<sup>th</sup> U.N Commission on Crime Prevention and Criminal Justice , Vienna, from 26 April to 8 May 1999.

Mr. Masahiro Tauchi (Deputy Director), as a member-representative of UNAFEI and the Japanese delegation, attended the Subgroup on High-tech Crime of the G8 Senior Experts' Group on Transnational Organized Crime, held in Paris, France, from 17 to 22 May 1999.

Mr. Mikinao Kitada (Director), Mr. Akihiro Nosaka (Professor), Mr. Haruhide Tezuka (Officer) and Mr. Kazuhiko Kawasaki (Director of 2<sup>nd</sup> Training Division, Research & Training Institute of Ministry of Justice) visited the Peoples Republic of China from 19 to 26 July 1999 for the purpose of fostering international exchange in criminal justice administration.

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Mr. Masahiro Tauchi	Deputy Director
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Mr. Shinya Watanabe	Chief of Research Division, Professor
Mr. Akihiro Nosaka	Chief of Information & Library Service Division, Professor
Mr. Keiichi Aizawa	Professor
Mr. Chikara Satou	Professor
Mr. Hiroshi Tsutomi	Professor
Mr. Shoji Imafuku	112th Course Programming Officer, Professor
Ms. Rebecca Findlay-Debeck	Linguistic Adviser

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Mr. Miyoshi Chishima	Deputy Chief of Secretariat

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Mr. Kazuo Satou	
Ms. Tomomi Kubo	
Mr. Shokichi Kai	Driver
Mr. Teruo Kanai	Maintenance
Mr. Noboru Kaneko	Maintenance
Ms. Kyoko Matsushita	

**Training and Hostel Management Affairs Section**

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Mr. Haruhide Tezuka	112th Course Assistant Programming Officer
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