

# **MAIN ACTIVITIES OF UNAFEI (1 January 2004 - 31 December 2004)**

## **I. ROLE AND MANDATE**

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was established in Tokyo, Japan in 1961 pursuant to an agreement between the United Nations and the Government of Japan. Its goal is to contribute to sound social development in Asia and the Pacific region by promoting regional cooperation in the field of crime prevention and criminal justice, through training and research.

UNAFEI has paid utmost attention to the priority themes identified by the Commission on Crime Prevention and Criminal Justice. Moreover, UNAFEI has been taking up urgent, contemporary problems in the administration of criminal justice in the region, especially problems generated by rapid socio-economic change (e.g., transnational organized crime, corruption, economic and computer crime and the re-integration of prisoners into society) as the main themes and topics for its training courses, seminars and research projects.

## **II. TRAINING**

Training is the principal area and priority of the Institute's work programmes. In the international training courses and seminars, participants from different areas of criminal justice discuss and study pressing problems of criminal justice administration from various perspectives. They deepen their understanding, with the help of lectures and advice by the UNAFEI faculty, visiting experts and ad hoc lecturers. This so-called "problem-solving through an integrated approach" is one of the chief characteristics of UNAFEI programmes.

Training courses and seminars are attended by both overseas and Japanese participants. Overseas participants come not only from the Asia-Pacific region but also from the Middle and Near East, Latin America and Africa. These participants are experienced practitioners and administrators holding relatively senior positions in criminal justice fields.

During its 43 years of existence, UNAFEI has conducted a total of 128 international training courses and seminars, in which approximately 3122 criminal justice personnel have participated, representing 107 different countries. UNAFEI has also conducted a number of other specialized courses, both country and subject focused, in which hundreds of other participants from many countries have been involved in. In their respective countries, UNAFEI alumni have been playing leading roles and holding important posts in the fields of crime prevention and the treatment of offenders, and in related organizations.

### **A. The 126th International Seminar**

#### **1. Introduction**

From 13 January to 12 February 2004, 21 participants from 16 countries attended the 126<sup>th</sup> International Seminar to examine the main theme of "Economic Crime in a Globalizing Society ~ Its Impact on the Sound Development of the State".

#### **2. Methodology**

Firstly, the Seminar participants respectively introduced the current position regarding the role and function of criminal justice agencies in their country in regard to the main theme. The participants were then divided into three group workshops. Each group was given the same topics to be discussed as below. All the groups, representing six countries in each, were requested to summarize the current situation and the problems of serious economic crime in their countries (I), and select at least one topic from the following (II, III and IV) to be discussed in its group workshop.

- I. The Current Situation and the Problems of Serious Economic Crime in Participating Countries
- II. Problems and Countermeasures in Regard to the Investigation and Trial of Economic Crime

- A. The Investigative Apparatus
  - B. Collection of Information in Order to Initiate the Investigations
  - C. Collection of Evidence and Securing an Appropriate Adjudication
- III. Prevention of Economic Crime
- A. Regulations of Economic Activities
  - B. Corporate Governance
  - C. Establishment and Implementation of a Corporate “Compliance Programme”
  - D. Establishment of a System to Monitor Economic Activities
  - E. Public Awareness and Others
- IV. Strengthening the Legal Framework and Countermeasures of Economic Crime
- A. Criminalization of New Types of Harmful Economic Activities
  - B. Ratification and Utilization of International Standards such as UN Conventions
  - C. Corporate Sanctions
  - D. Review of the Criminal Procedure and/or Evidential Law
  - E. Recovery of Damage

Each group elected a chairperson, co-chairperson, rapporteur and co-rapporteur in order to facilitate the discussions. During Group Discussion the group members studied the designated topics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. Later, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meetings, 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 in the Report-Back Sessions, where they were endorsed as the reports of the Course.

### 3. Outcome Summary

Economic crimes in this globalizing society have expanded from the conventional types such as embezzlement, fraud, corruption and breach of trust to include more modern crimes such as collusive bidding cartels, insider trading, market manipulation, financial crimes and computer crimes. They are rapidly becoming more diversified, complicated and sophisticated. This new wave of crimes has the characteristics such that the perpetrators and or the damage done cannot be easily identified or measured. However, this is not to say that the losses are not significant. In fact, it is quite the opposite, in that they erode investors' confidence and threaten the country's ability to compete.

Corruption is not only a crime in itself, but it also acts as a catalyst in promoting other types of criminal activities and often aids in concealing them. In some instances there are large variations between each participant country's legal framework, preventive measures, sanctions, recovery of assets, international cooperation and so on because of the differences of each country's culture, politics and economic situation, etc. At the same time however, all participant countries have common problems and need common countermeasures for tackling serious economic crimes; such as a need for cultivating a strong political will, securing independence of the investigative authorities and adequate resources, development of personal skills and capacity building of the investigators.

It is therefore imperative that we put in place the necessary infrastructure, such as an efficient investigative apparatus, equipped with sound preventive measures, regulations/legislation and monitoring systems. Each country should move towards the establishment of a separate, independent, new criminal justice system to fight serious economic crimes in this globalizing society. Such as the establishment of a 3<sup>rd</sup> eye (an independent body to monitor the public affairs handled by government officials) These measures will ensure the principles of good governance are observed so that an atmosphere of integrity, transparency, accountability and equity can prevail.

In addition, consideration should be given to alternative administrative sanctions and regulatory measures, because it is accepted that criminal punishment alone has only a limited effect on the offenders or offending corporations, where corporate crimes are concerned. We must therefore, *'hit them where it hurts - in their pockets'*, by putting in place a framework for confiscation and forfeiture of illegal proceeds and

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ensure that it is thoroughly enforced. This will lead to asset recovery and sharing, which can in turn be factored back into the fight against economic crimes.

Victims of economic crime were naturally most concerned with whether they would be able to recover their lost assets. It is therefore necessary to strengthen the legal framework for the recovery of damage. Subject to the individual State's circumstances, to encourage reconciliation, settlements should be recorded in court; evidence and findings of criminal courts should be adopted in civil courts; law enforcement personnel should be encouraged to concentrate on the seizure of property; and a legal aid system should be introduced.

In light of the foregoing observations there should be a review of existing legal procedures as follows:

- (i) Empower criminal courts to make compensation orders as is appropriate and equitable based on the evidence adduced. In addition, for a time and cost effective approach, the criminal courts should encourage negotiations or settlement between the parties, especially where the defendant pleads guilty. However, the court should take due cognizance of the interest of other victims who may not be listed in the indictments.
- (ii) Keep civil and criminal actions as independent and separate processes, particularly where civil action by a victim precedes the criminal litigation. Where the existing criminal procedures are favourable, a consolidation of the criminal and civil action should be encouraged.
- (iii) Institute a legal support system for victims who have limited financial means to procure the services of counsel in a civil action.
- (iv) Countries should further facilitate access to international legal assistance in civil matters for victims of massive economic crimes who are compelled to take civil action against perpetrators who may have crossed borders. To overcome the complex procedure involved in executing civil judgments and pursuing illegal proceeds abroad, States should be encouraged to ratify the existing international instruments relevant to recovery of damages, e.g. the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime.
- (v) To overcome delays in the recovery of damage process arising out of appeals by defendants, the courts should be empowered to make provisional execution orders as it deems appropriate for recovery.

Appropriate legal measures and resources (physical, financial, human and others), should be allocated to those involved in investigating, prosecuting and bringing to justice the perpetrators. Because influential politicians, high ranking public officials, financiers and powerful businessmen are often involved in economic crimes the independence of the investigative agencies should be secured, so as not to be influenced by them. Law enforcement officials should also take advantage of the new technological capabilities to enhance their investigative techniques. Moreover, the whistle-blowing system, which has proved to be very effective in other parts of the world, can be implemented and or the granting of immunity for persons cooperating in investigations relating to economic crimes.

Cooperation and the timely exchange of information by all stakeholders are vital elements for success. It is also important that this be done in a well-coordinated manner, at the national, regional and international levels. This can be achieved by networking and sharing the tremendous benefits from the experiences of our counterparts and implementing the required international standards, such as UN Conventions.

However stringent the laws of a country are, if they are confined only to the paper on which it is printed, the economy and the public cannot be protected from the evil of economic crime. In order to achieve the purpose of implementation of countermeasures to prevent economic crime, it is essential to create and arouse the public awareness. When the public are aware of their vulnerability to victimisation they will willingly involve themselves in the crime prevention mechanism and will give effect to the countermeasures in a more meaningful manner. Furthermore, this awareness of the public also perhaps would result in applying pressure on the government or on the policy makers to introduce effective countermeasures to combat economic crime.

## **B. The 127th International Training Course**

### 1. Introduction

UNAFEI conducted the 127th International Training Course from 17 May to 25 June 2004 with the main theme, "Implementing Effective Measures for the Treatment of Offenders after Fifty Years of United Nations Standard Setting in Crime Prevention and Criminal Justice". This Course consisted of 27 participants and 2 observers from 15 countries. It was hoped that the participants of this Course would come up with solutions that would enable their countries to implement U.N. Standards and Norms more effectively.

### 2. Methodology

The objectives of the Course were primarily realized through the Individual Presentations and Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of their country with respect to the main theme of the Course. The Group Workshops further examined the subtopics of the main theme. To facilitate discussion, the participants were divided into three groups to discuss the following topics under the guidance of faculty advisers:

- Group 1: Promotion of Alternatives to Imprisonment
- Group 2: Administration of Penal Institutions
- Group 3: Promotion of Effective Treatment Programmes for Offenders

The three groups elected a chairperson, co-chairperson, rapporteur and co-rapporteur to organize the discussions. The group members studied the designated subtopics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. During the course, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meetings the 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 in the Report-Back Sessions, where they were endorsed as the reports of the Course.

### 3. Outcome Summary

- (i) *Promotion of Alternatives to Imprisonment*
  - (a) All criminal justice systems should incorporate a clear mission in their sentencing policies that advocates the extensive use of non-custodial measures. This has to be achieved by adopting a holistic approach involving the offender, the victim and society. In doing so, countries should pay heed to their social, cultural and criminal policy situation.
  - (b) Real change can only come about by public acceptance of the rationale for the wider use of effective non-custodial measures. Re-socialization of offenders requires public awareness of the need to rehabilitate and reintegrate offenders. Policy makers and politicians, who have better access to the mass media, should be the agents for standard setting in the better treatment of offenders.
  - (c) Non-custodial treatment like rehabilitation programmes can only flourish within an effective framework that streamlines such treatment. Criminal justice systems must pay attention to the detailed management of the release and rehabilitation of offenders in society. Some areas that should be looked at are:
    - Comparative availability of alternatives at each stage of the criminal justice system.
    - Maximum utilization of community services.
    - An integrated and cooperative network between voluntary sectors and public community-based services.
    - Periodic review of domestic laws to ensure non-custodial alternatives are viable.
    - Transparency/accountability in the non-custodial process at all levels.
  - (d) Countries must be committed to set a time frame for the implementation and assessment of non-custodial measures. The model of non-custodial alternatives in other countries can be modified/ adapted to the domestic situation. The role of all agencies involved in implementing non-custodial alternatives should be clearly defined. Victim redress and alternative offence resolution mechanisms, offender classification,

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categorized treatment and broad-based community participation should be developed as some of the key components of alternative treatment.

- (e) Research and study are essential to ensure that non-custodial measures work and continue to remain relevant. Systematic evaluation of alternative treatment programmes on evidence-based practice provides vital information as to the efficacy of these programmes. An evidence-based practice approach enables the use of alternatives to withstand public scrutiny.
- (f) All countries should use the benchmark of The Tokyo Rules as the standard for the promotion of alternatives. An easy strategy would be to infuse small incremental changes in the social/ justice system to eventually blend in non-custodial alternatives. Socio-economic inequalities should be addressed to strengthen community-based programmes. Effective alternatives can complement the ultimate aim of criminal justice policies i.e. the reduction of crime in society. Consequently, obvious and lasting improvements will be seen in the persistent problem of prison overcrowding.

### (ii) *Administration of Penal Institutions*

Prison administrations are confronted with issues and problems that hinder the full and effective implementation of the rules laid down by the UN Standard Minimum Rules for the Treatment of Prisoners, the following recommendations are made in order that they may be fully implemented.

- (a) The full utilization of existing facilities by transferring prisoners can alleviate overcrowding of some institutions. However, in order to fully counter the problem of overcrowding, increased use of alternatives to imprisonment is inevitable.
- (b) More recreational activities should be considered to reduce the stress level of the inmates due to overcrowding.
- (c) Separation of inmates is important in any situation and when separate facilities could not be provided, separate sections should, at least, be considered.
- (d) Dialogues must be conducted with the health department or private medical organizations/associations to improve prison medical services. Every country must ensure that the health care of the prison population is at least equal to the medical health service provided to the general population.
- (e) Audio-visual aids should be used in imparting information to prisoners. Prison administrations should consider the use of audio-visual aids in informing the prisoners of their rights, privileges, responsibilities, application of prison rules and regulations and the conditions of their imprisonment.
- (f) Maintaining contact with family and friends play an important role in the rehabilitation process of prisoners. There is a need, therefore, to incorporate the latest communications technology such as e-mail and a video visit system. However, these forms of communication must be strictly monitored when necessary.
- (g) Certain basic features of natural justice, as in criminal trial proceedings, should be observed in disciplinary proceedings to ensure transparency and fairness. Human rights issues should also be taken into consideration in procedures pertaining to prison disciplinary punishment.
- (h) Mediation could have a role in reducing prison tension and building social and conflict resolution skills for inmates.
- (i) Effective prison and inmate management must be employed to reduce prison incidents. Suicide and other prison incidents such as escape, conflicts and disturbances are serious. Inmates having a particular high risk of suicide, escaping and causing a disturbance must be given greater attention.
- (j) Establishment of independent bodies to inspect prisons may be considered. Prisons, being closed institutions, need an independent body or person from outside who will conduct an independent inspection of all the aspects of prison administration and make necessary recommendations for the improvement of the treatment of prisoners and the effective administration of penal institutions.
- (k) Active community involvement in certain prison affairs must be encouraged to ensure transparency and accountability. The prison administration should disclose as much information as possible in order to gain the confidence of the community.
- (l) Outsourcing of certain functions of prison administration to the private sector may be considered under certain suitable conditions in order to effectively utilize available

resources. However, it must be ensured that the rules and regulations for prison management are determined by the government, including disciplinary action.

There is no single or easy solution to the problems confronting the prison administrations. Prison management must continue to explore and consider measures, both short-term and long-term, in resolving their problems. In this connection, it is important for prison management to initiate and use forward planning; this means that management must not be reactive, its plans and programmes must be based on clearly developed objectives and be able to anticipate issues and problems.

To fully realize the objectives of the penal system, changes in the attitude of the people from within and outside the prison must simultaneously take place. Efforts must be directed not only towards improving the attitude of the prison officers/staff and prisoners but also the attitude of policy and decision makers, members of the business sector, academia, media and the individual members of the community. Prison reforms in the administration of penal institutions and the improvement of the treatment of prisoners can only be achieved through the concerted efforts of all sectors of society.

(iii) *Promotion of Effective Treatment Programmes for Offenders*

- (a) Archaic prison facilities should be improved or replaced to improve prisoners' living conditions.
- (b) Additional facilities should be acquired and additional personnel such as experts in psychology and psychiatry should be recruited for therapeutic programmes.
- (c) A review and improvement of the existing classification system should be made to reflect the actual rehabilitation programmes existing in the prisons.
- (d) There should be a review of the existing system and the introduction of a more practical progressive stage system in all prisons.
- (e) There should be a review of stage gratuity (stage earnings) to increase the amount of money paid so it is equivalent to the value of the prisoner's actual work.
- (f) Industries with real work potential in outside industries should be introduced in prisons for the benefit of prisoners on release.
- (g) Suitable work should be available in all prisons to prevent the prisoner's deterioration.
- (h) Prison legislation should be reviewed to incorporate provisions for prisoners' education.
- (i) All prisons should be fully fledged with integrated rehabilitation programmes, including education.
- (j) The frequency and duration of visits should be increased to a desirable standard subject to provision of adequate visiting facilities and staffing.
- (k) A mechanism should be in place between the prison department and probation department to co-ordinate after care programmes.
- (l) An evaluation mechanism should be implemented in all prisons to evaluate the success or otherwise of their rehabilitation programmes.

The Government in various countries should take the lead in committing resources to improve the conditions of prison facilities and introduce rehabilitation programmes that are holistic which would ensure the promotion of effective treatment programmes for offenders so that the rate of recidivism is reduced.

## **C. The 128th International Training Course**

### **1. Introduction**

From 30 August to 7 October 2004, UNAFEI conducted the 128th International Training Course with the main theme, "Measures to Combat Economic Crime, including Money Laundering". This Course consisted of 24 participants from 15 countries. The purpose of this Course was to offer participants an opportunity to share information on the current situation of economic crime, and the challenges faced by each country. At the same time the course offered participants the opportunity to explore more effective measures and strategies to meet these challenges.

### **2. Methodology**

The 128<sup>th</sup> Course endeavoured to explore the best means to effectively combat Economic Crime, including Money Laundering. The participants comprehensively examined measures to prevent Economic Crime, and studied ways in which Money Laundering could be detected and prevented. This was

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accomplished primarily through a comparative analysis of the current situation and the problems encountered in tackling these issues. The participants' in-depth discussions enabled them to put forth effective and practical solutions.

The objectives were primarily realized through the Individual Presentations and the Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of their country with respect to the main theme of the Course. To facilitate discussions, the participants were divided into three groups and given a hypothetical case to base their discussions around.

Each group elected a chairperson, co-chairperson, rapporteur and co-rapporteur to organize the discussions. The group members studied the situation in each of their countries and the hypothetical case and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth.

Plenary Meetings were later held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the Plenary Meetings, 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 in the Report-Back Sessions, where they were endorsed as the reports of the Course.

### 3. Outcome Summary

Economic crimes are mostly committed by organized criminal groups. Moreover, these crimes are often committed beyond national borders and therefore pose difficulties to national investigative authorities. The international standards prescribed in the 2000 UN TOC Convention are a firm foundation on which to explore effective measures to combat economic crime including money laundering. All countries should be strongly encouraged to ratify or accede to this Convention. In order to do so, they should enact or amend their domestic laws and regulations in accordance with the articles of the TOC Convention. In addition the 40 Recommendations adopted by the FATF in June 2003 should be respected by all governments.

Given the fact that the TOC Convention gives due consideration to diversities of the legal and financial system of member states and allows each state party to exercise discretionary power to a certain degree, it is feared that economic crimes, including money laundering, may target countries with lenient legal provisions and international criminal organizations may end up setting a strong foothold in these countries, even if every state accedes to the Convention. In order to dispel such concerns states parties should be encouraged to apply article 34 paragraph 3 of the TOC Convention which stipulates "each state party may adopt more strict or severe measures than those provided for by this Convention for preventing and combating transnational organized crime".

- (i) *Criminalization of the Laundering of Proceeds of Crime*  
Countries must have anti-money laundering laws in place. In criminalizing money laundering, countries should seek to apply such laws to the widest range of predicate offences and should include as predicate offences all serious crimes as in conformity with the TOC Convention Article 6 and Article 2(b).
- (ii) *Regulatory and Supervisory Regime*  
Each state should enact laws to institute a comprehensive domestic regulatory and supervisory regime for financial institutions, including banks, in accordance with Article 7 of the TOC Convention. The financial institutions, telephone carriers and internet service providers should take responsibility for preventing their services from being misused as criminal tools, specifically:
  - (a) Personal identification requirements should be rigorously enforced in financial institutions through know your customer identification norms and sanctions imposed on financial institutions for breach. The selling, purchasing and transferring of bank accounts should be criminalized.
  - (b) Regulations should be introduced to prevent the use of cell phones for criminal acts and sanctions imposed on cell phone companies when the regulations are violated.
  - (c) Regulations should be introduced to prevent usage of the Internet for criminal acts and sanctions imposed on Internet service providers when the regulations are violated.

(iii) *Investigation, Prosecution, Adjudication and Sanctions*

We need to explore ways to improve laws and practices in investigation, prosecution, adjudication and sanctions in order to combat economic crime including money laundering more effectively. Each state should take the necessary measures to allow for the appropriate use of special investigative techniques such as electronic surveillance and undercover operations in accordance with Article 20 of the TOC Convention.

Records of all known economic criminals should be kept; this will assist in sentencing them once they are arrested for repeatedly committing these economic crimes. Each individual country should be able to maintain data on statistics for and trends in economic crime, in line with Article 28 of the TOC Convention in order to assist in designing and implementing policing strategies. Investigative agencies and prosecutors must make every effort so that the courts impose stiffer sentences on criminals who have committed serious economic crime including money laundering (see the TOC Convention Article 11).

Law enforcement authorities within the country should closely cooperate with each other. Any sense of turfdom embedded in the criminal justice system of each country should be removed. Information sharing among investigative authorities is central to the successful and effective investigation of complex economic crimes, including money laundering.

(iv) *International Cooperation*

Paragraph 14 of Article 16 of the TOC Convention provides the safeguard against the extradition of a person for the purpose of prosecuting or punishing the person on account of his/her "political opinions". However, such safeguard should be applicable only when the requested State has "substantial grounds" for believing that that is the case.

Each country should afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to economic crime including money laundering in accordance with Paragraph 1 of Article 18 of the TOC Convention. Each state also should consider the possibility of concluding bilateral or multilateral agreements or arrangements on this matter as provided in Paragraph 30 of this Article. In case where a country does not have such agreements or arrangements, the law enforcement authorities of that country should endeavour to explore all possible measures, including using diplomatic channels to request and obtain assistance from a foreign country.

In accordance with Article 27 of the TOC Convention, each country should cooperate closely with one another to enhance the effectiveness of law enforcement action to combat economic crime including money laundering and should, in particular, adopt effective measures to enhance and establish channels of communication between law enforcement authorities. Since official procedures often take time informal channels can also be used to obtain necessary information and evidence, simultaneously or before the use of diplomatic channels. In this connection, investigators should always bear in mind the issue of admissibility of evidence in criminal courts. Novel modus operandi or trends in economic crime would be worth sharing internationally.

(v) *Other Measures*

As provided in Article 29 of the TOC Convention, each country should initiate, develop or improve specific training programmes for its law enforcement personnel in order to keep them updated on the rapid evolution of economic crime including money laundering.

In accordance with Article 40 of the TOC Convention, all countries should make concrete efforts in coordination with each other and with international and regional organizations to enhance their cooperation with developing countries, with a view to strengthening their capacity to prevent and combat economic crime. Enhancing financial, material and technical assistance to support the efforts of developing countries to implement the TOC Convention is also essential.

With regard to measures against corruption, in line with Article 7 of the United Nations Convention against Corruption, each country should endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants that promote adequate remuneration and pay scales, in order to ensure that they are not corrupted.

It is important to educate employees of financial institutions, non-financial institutions and independent professions in order to strengthen their cooperation with law enforcement agencies (See Paragraph 2 of Article 31 of the TOC Convention). To promote public awareness on the modus operandi of economic crime is also essential in order to warn people who are vulnerable.

Economic crime including money laundering is an international menace and all countries should work together and establish laws that conform to the 2000 UN TOC Convention and respect the FATF 40 recommendations. The few countries that have not yet criminalized money laundering must ensure that they have because all the proceeds of economic crime are laundered at the end of the day. Developed countries should support developing countries in their training programmes and allocation of resources, because without expertise and without resources, these developing countries cannot tackle modern forms of sophisticated economic crime, including money laundering. Joint efforts made by each country in developing a reliable strategy of vigorous domestic enforcement of law, as well as international cooperation, is the most effective means to cope with problems related to economic crime, including money laundering.

#### **D. Special Seminars and Courses**

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

The Ninth Special Seminar for Senior Officials of Criminal Justice of the People's Republic of China, entitled "Effective Criminal Justice Administration in Accordance with UN Standards and Norms: The Proper Way for the Protection of Rights and Punishment of Crimes", was held from 23 February to 11 March 2004. Thirteen senior criminal justice officials and the UNAFEI faculty comparatively discussed contemporary problems faced by China and Japan in relation to the above theme.

2. Third Seminar on the Judicial System for Tajikistan

The Third Seminar for officials involved in criminal justice from Tajikistan was held from 1 March to 18 March 2004 at UNAFEI. The Seminar was entitled "The Juvenile Justice System and the Treatment of Juvenile Offenders". Fifteen criminal justice officials and the UNAFEI faculty comparatively discussed contemporary problems faced by Tajikistan and Japan in relation to the above theme.

3. The Second and Third Seminar on the Revitalization of the Volunteer Probation Aid System for the Philippines

The Second seminar exposed the Parole and Probation Officers from the Philippines to the administration of the Japanese Volunteer Probation officer System, to help them improve their own volunteer programme. This seminar was conducted from 22 to 29 March, 2004 at UNAFEI for six Parole and Probation officers. The Third Seminar was held on 6 to 14 December 2004 which was attended by ten participants from the Philippines, including the Administrator of the PPA, PPOs and two VPAs.

4. Special Course for Indonesia

A special course for Indonesia entitled "Comparative Study on the Judiciary System (Efficient Legal and Judiciary Systems for Civil Dispute Settlement) Legal and Judicial Systems for their Reform" was held from 31 May to 2 July 2004 by the International Cooperation Department, Research and Training Institute, Ministry of Justice of Japan in collaboration with UNAFEI.

5. First Training Course on Support for Anti-Corruption Management for Thailand

UNAFEI held the First Training Course on Support for Anti-Corruption Management for Thailand for twenty officials from the Office of the National Counter Corruption Commission (ONCC), Thailand. Through the Training programme, participants discussed various problems relating to corruption control, expanding their technical and juridical knowledge of the suppression of corruption and asset investigation. The Course was held from 28 June to 22 July 2004.

6. Fifth Training Course on the Juvenile Delinquent Treatment System for Kenyan Criminal Justice Officials

UNAFEI conducted the Fifth Training Course for Kenyan criminal justice officials who are working for the prevention of delinquency and the treatment of juvenile delinquents in their country. The Course was held from 12 October to 4 November 2004. The Course exposed Kenyan officials to the workings of the Japanese juvenile justice and treatment system through lectures and observation visits to relevant agencies.

As a result of this comparative study, the officials successfully developed action plans for the implementation and development of institutional and community-based treatment systems for juvenile delinquents in Kenya. They also developed a plan for the establishment of a network between the Police, the Courts, Department of Corrections, Probation Services and the Children's Department.

#### 7. Seventh International Training Course on Corruption Control in Criminal Justice

UNAFEI conducted the Seventh International Training Course on Corruption Control in Criminal Justice entitled "Corruption Control in Criminal Justice" from 18 October to 11 November 2004. In this course thirteen foreign and three Japanese officials engaged in corruption control comparatively analyzed the current situation of corruption, methods of corruption prevention and suppression, and measures to enhance international cooperation in this regard.

#### 8. Third JICA-NET Seminar on the Revitalization of the Volunteer Probation Aid System for the Philippines.

A video teleconference was held from 30 November to 2 December 2004 to facilitate the development of the Philippine VPA system. Fifty participants from the Parole and Probation Administration of the Philippines took part and interacted with Japanese VPOs and PPOs.

### **III. TECHNICAL COOPERATION**

#### **A. Regional Training Programmes**

##### 1. Short-Term Experts in Kenya

From 26 July to 18 August 2004, three UNAFEI Professors were dispatched to Kenya to assist the Children's Department of the Vice-President of the Ministry of Home Affairs and National Heritage of Kenya in a project to develop nationwide standards for the treatment of juvenile offenders.

##### 2. Research on Criminal Justice System Reform in Latin American Countries

In August 2004, two UNAFEI Professors travelled to Argentina, El Salvador and Costa Rica to carry out research for the seminar to be held from 2005 to 2007 with ILANUD on Criminal Justice System Reform in Latin American Countries.

#### **B. Preparation for the 11th Congress**

UNAFEI and the Swedish National Economic Crimes Bureau have undertaken to organize a workshop on "Measures to Combat Economic Crime, Including Money Laundering" for the 11th Congress to be held in Bangkok, Thailand in 2005. From 16 to 18 September 2004 UNAFEI held a preparatory meeting for the Workshop inviting experts from various countries and international organizations, including UNODC. The Australian Institute of Criminology will also participate in the Workshop.

#### **C. First In-Country Training Course on Support for Anti-Corruption Management for Thailand**

UNAFEI in cooperation with the National Counter Corruption Commission (NCCC) of Thailand held an In-Country Training Course in Bangkok, Thailand from 22 to 25 November 2004. Sixty participants from Thailand attended the Course. The purpose of the Course was to develop and enhance the capacity and efficiency of the ONCC (which supports the activities of the NCCC) in the field of suppression, inspection and prevention of corruption.

### **IV. COMPARATIVE RESEARCH PROJECT**

Reflecting its emphasis on the systematic relevance of training activities and priority themes identified by the UN Commission, the research activities of the Institute are designed to meet practical needs, including those for training materials for criminal justice personnel. In June of 2003 UNAFEI sent questionnaires on the treatment of drug abusers to 8 Asian countries, by the end of the year 6 countries had replied. In 2004 UNAFEI analyzed the results and conducted a comparative study which will be published as a report in 2005.

### **V. INFORMATION AND DOCUMENTATION SERVICES**

The Institute continues to collect data and other resource materials on crime trends, crime prevention strategies and the treatment of offenders from Asia, the Pacific, Africa, Europe and the Americas, and makes

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use of this information in its training courses and seminars. The Information and Library Service of the Institute has been providing, upon request, materials and information to United Nations agencies, governmental organizations, research institutes and researchers, both domestic and foreign.

### VI. PUBLICATIONS

Reports on training courses and seminars are published regularly by the Institute. Since 1971, the Institute has issued the Resource Material Series, which contains contributions by the faculty members, visiting experts and participants of UNAFEI courses and seminars. In 2004, the 62nd, 63rd and 64th edition of the Resource Material Series were published. Additionally, issues 113 to 115 (from the 126th to the 128th respectively) of the UNAFEI Newsletter were published, which included a brief report on each course and seminar and other timely information. These publications are also available on UNAFEI's web site <http://www.unafei.or.jp/english>.

### VII. OTHER ACTIVITIES

#### A. Public Lecture Programme

On 30 January 2004, the Public Lecture Programme was conducted in the Grand Conference Hall of the Ministry of Justice. In attendance were many distinguished guests, UNAFEI alumni and the 126th International Seminar participants. This Programme was jointly sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI.

Public Lecture Programmes increase the public's awareness of criminal justice issues, through comparative international study, by inviting distinguished speakers from abroad. This year, Mr. Peter Kiernan (Assistant Director, Serious Fraud Office, London) and Dr. Deepa Mehta (Inspector General of Police, Delhi Metro Rail Corporation) were invited as speakers to the programme. They presented papers on "The Role and Responsibilities of the Serious Fraud Office in Fighting Fraud within the United Kingdom" and "Tackling Corruption: An Indian Perspective", respectively.

#### B. Assisting UNAFEI Alumni Activities

Various UNAFEI alumni associations in several countries have commenced, or are about to commence, research activities in their respective criminal justice fields. It is, therefore, one of the important tasks of UNAFEI to support these contributions to improve the crime situation internationally.

#### C. Overseas Missions

Ms. Tamaki Yokochi (Professor) and Ms. Shinobu Nagaoka (Staff) visited the Philippines with 9 Volunteer Probation Officers from 21 to 27 January 2004 to conduct interaction meetings with Filipino Volunteer Probation Aids at Cabuyao, Laguna and Cebu.

Mr. Keisuke Senta (Professor) and Mr. Horoyuki Shinkai (Professor) visited Bangkok, Thailand from 21 to 28 January 2004 for a consultation with the National Counter Corruption Commission of Thailand concerning a technical cooperation project with UNAFEI.

Mr. Takafumi Sato (Professor) visited Yangon, Myanmar to attend the FATF Seminar as an expert in the field of mutual legal assistance from 9 May to 13 May 2004.

Mr. Kunihiko Sakai (Director) and Mr. Keisuke Senta (Professor) visited Bangkok, Thailand to attend the Regional Preparatory Meeting for the 11th U.N. Congress on Crime Prevention and Criminal Justice from 28 March to 1 April 2004.

Mr. Kunihiko Sakai (Director) and Mr. Keisuke Senta (Professor) visited Vienna, Austria to attend the 13th Session of the U.N. Commission on Crime Prevention and Criminal Justice from 10 May and 21 May 2004.

Mr. Kunihiko Sakai (Director) and Mr. Keisuke Senta (Professor) visited Stockholm, Sweden to attend the preparatory meeting for the 11th U.N. Congress Workshop on Measures to Combat Economic Crime, including Money Laundering from 22 May and 26 May 2004.

Ms. Tamaki Yokochi (Professor) visited Cagayan de Ora, the Philippines to attend and give a lecture at

the 9th National Convention and 7th National Training Institute of the Probation and Parole Officers League of the Philippines Inc. from 5 to 12 June 2004.

Ms. Tomoko Akane (Deputy Director), Mr. Masato Uchida (Professor) and Ms. Tamaki Yokochi (Professor) visited Kenya to assist them in enhancing the services of the Children's Department of the Ministry of Home Affairs and National Heritage from 26 July to 18 August 2004.

Mr. Takafumi Sato (Professor), Mr. Kei Someda (Professor), Mr. Yoshihiro Miyake (Chief of General and Financial Affairs) and Ms. Tsuburu Miyagawa (staff) visited China to carry out research on the Chinese Criminal Justice System and meet with Chinese officials from 1 to 8 August 2004.

Mr. Keisuke Senta (Professor) visited Canberra, Australia to attend and speak at the Bali Regional Ministerial Meeting on Counter Terrorism and Legal Issues Working Group from 1 to 6 August 2004.

Mr. Motoo Noguchi (Professor) and Mr. Iichiro Sakata (Professor) visited Argentina, El Salvador and Costa Rica to carry out research for the seminar to be held in 2005 with ILANUD on Criminal Justice Reforms in Latin America from 8 to 28 August 2004.

Mr. Motoo Noguchi (Professor) visited Korea to speak at the Congress on Asian Prosecution from 5 to 11 September 2004.

Mr. Hiroyuki Shinkai (Professor) visited the United Kingdom to carry out research on Drug Treatment in Criminal Justice from 12 to 26 September 2004.

Mr. Kei Someda (Professor) visited Australia to carry out research on Drug Treatment in Criminal Justice, from 21 September to 7 October 2004.

Mr. Masato Uchida (Professor) visited Singapore to attend the 24th Asian and Pacific Conference of Correctional Administrators, from 2 to 9 October 2004.

Mr. Hiroyuki Shinkai (Professor) visited Myanmar, to meet with officials from the Ministry of Foreign Affairs and speak at their human rights seminar, from 5 to 8 October 2004.

Mr. Keisuke Senta (Professor) and Mr. Masaki Iida (Deputy Chief of Secretariat) visited Kuala Lumpur, Malaysia from 10 to 14 October, 2004 to attend the Second Anti-Corruption Agency Forum.

Mr. Keisuke Senta (Professor) and Mr. Masaki Iida (Deputy Chief of Secretariat) visited Bangkok, Thailand from 15 to 19 October 2004 to prepare for the In-Country Training Course under the three-year project on "Strengthening of Anti-Corruption Capacity in Thailand".

Mr. Hiroyuki Shinkai (Professor) visited Beijing, China from 24 to 29 October 2004 to participate in the 6th Annual General Meeting and Conference of the International Corrections and Prisons Association.

Ms. Tomoko Akane (Deputy Director), Mr. Keisuke Senta (Professor), Mr. Takafumi Sato (Professor) and Mr. Tatsufumi Koyama (International Training Course Specialist) visited Bangkok, Thailand from 18 to 27 November 2004 to coordinate and attend the In-Country Training Course under the three-year project on "Strengthening of Anti-Corruption Capacity in Thailand". This project is organized by UNAFEI, JICA and the NCCC (National Counter Corruption Commission of Thailand). Mr. Kunihiko Sakai (Director) joined them from 18 to 24 November 2004.

Mr. Motoo Noguchi (Professor) visited Hong Kong from 25 to 28 November to attend the International Association of Prosecutors, Second Asia and Pacific Regional Conference - "Dealing with Drug Offenders" and gave a presentation on "The Situation of Drug Abuse in Japan".

#### **D. Assisting ACPF Activities**

UNAFEI cooperates and corroborates with the ACPF to improve crime prevention and criminal justice administration in the region. Since UNAFEI and the ACPF have many similar goals, and a large part of

## MAIN ACTIVITIES

ACPF's membership consists of UNAFEI alumni, the relationship between the two is very strong. As an example of this cooperation the Director of UNAFEI Mr. Kunihiko Sakai visited Macau from 24 to 26 November to attend the ACPF World Conference and gave a presentation on the "Specific Objectives to be achieved at the Eleventh United Nations Congress in Bangkok".

### VIII. HUMAN RESOURCES

#### A. Staff

In 1970, the Government of Japan assumed full financial and administrative responsibility for running the Institute. The Director, Deputy Director and eleven professors are selected from among public prosecutors, the judiciary, corrections, probation and the police. UNAFEI also has approximately 20 administrative staff members, who are appointed from among officials of the Government of Japan, and a linguistic adviser. Moreover, the Ministry of Justice invites visiting experts from abroad to each training course and seminar. The Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

#### B. Faculty Changes

Mr. Toru Muira, formerly Professor of UNAFEI, was transferred to the Tokyo District Court on 1 April 2004.

Mr. Kenji Teramura, formerly Professor of UNAFEI, was transferred to the Yokohama Juvenile Classification Home on 1 April 2004.

Mr. Yasuhiro Tanabe, formerly Professor of UNAFEI, was transferred to the Tokyo District Public Prosecutors Office on 1 April 2004.

Ms. Sue Takasu, formerly Professor of UNAFEI, was transferred to the Tokyo District Public Prosecutors Office on 1 April 2004.

Mr. Masato Uchida, formerly a Professor of the Training Institute for Correctional Personnel, joined UNAFEI as a Professor on 1 April 2004.

Mr. Takafumi Sato, formerly a Prosecutor at the Tokyo District Public Prosecutors Office, joined UNAFEI as a Professor on 1 April 2004.

Ms. Megumi Uryu, formerly a Prosecutor at the Tokyo District Public Prosecutors Office, joined UNAFEI as a Professor on 1 April 2004.

Mr. Iichiro Sakata, formerly a Judge with the Gifu District/Family Court, joined UNAFEI as a Professor on 1 April 2004.

### IX. FINANCES

The Ministry of Justice primarily provides the Institute's budget. The total amount of the UNAFEI budget is approximately ¥314 million per year. Additionally, JICA and the ACPF provide assistance for the Institute's international training courses and seminars.