
INTRODUCTORY NOTE

It is with pride that the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) offers to the international community the Resource Material Series No. 76.

This volume contains the work produced in the 137th International Training Course which was conducted from 5 September to 11 October 2007 and the Tenth International Training Course on the Criminal Justice Response to Corruption which was conducted from 24 October to 21 November 2007. The main theme of the 137th Course was “Corporate Crime and the Criminal Liability of Corporate Entities”.

Globalization has led not only to unprecedented opportunities for corporate activity, but also to an increase in the potential risk of economic crime or abuse committed by corporations in the course of their business. Highly publicized large-scale corporate scandals, such as Enron and WorldCom in the United States, Barings in Singapore, and Livedoor in Japan, have heightened awareness of the damage which can be inflicted by economic crime in developing as well as developed countries.

The principle that corporations cannot commit crime (*societas delinquere non potest*) used to be widely accepted, although the debate on whether legal entities can bear criminal responsibility now centres on how to define and regulate such responsibility. Other practical issues in the investigation, prosecution and adjudication of corporate crime also require attention, such as co-operation with other authorities; fear of reprisals against whistleblowers and witnesses; the need for investigative authorities to seize and analyse, in an effective and thorough manner, vast quantities of evidence, often electronic; etc; as well as many other difficult issues in regard to substantive and procedural law which have not yet been agreed upon by judicial precedent. UNAFEI therefore decided to hold this Course to enable participants to share their knowledge and experience, and come up with effective countermeasures to an increasingly globalized problem.

The detrimental effects of corruption on society are many and varied. In particular, corruption by public officials seriously undermines their integrity and neutrality in performing their official duties, leading to public distrust in the government and its institutions and potentially resulting in their eventual collapse. Corruption is a problem that needs constant challenge and attention; for this reason UNAFEI holds an annual international course specifically focused on corruption control.

In recognition of the harm corruption can cause, especially in developing countries, and the fact that it can transcend national borders, the General Assembly of the United Nations adopted the UN Convention against Corruption in 2003. The Convention came into force in December 2005 and requires States Parties to implement a number of measures to tackle corruption in a comprehensive way, including measures directed at prevention, criminalization, international co-operation, and asset recovery. It is hoped that all countries, including our participants’ countries, will become party to this Convention and fully implement it, thereby taking a step closer to freeing the world from the grip of corruption.

In this issue, in regard to the 137th Course, papers contributed by visiting experts, selected individual presentation papers from among the participants, and the Reports of the Course are published. I regret that not all the papers submitted by the Course participants could be published. In regard to the Tenth International Course on the Criminal Justice Response to Corruption, selected individual presentation papers from among the participants and the Reports of the Course are published.

I would like to pay tribute to the contributions of the Government of Japan, particularly the

Ministry of Justice, the Japan International Cooperation Agency, and the Asia Crime Prevention Foundation for providing indispensable and unwavering support to UNAFEI's international training programmes.

Finally I would like to express my heartfelt gratitude to all who so unselfishly assisted in the publication of this series; in particular, the editor of Resource Material Series No. 76, Ms. Grace Lord.

December 2008



Keiichi Aizawa
Director of UNAFEI