
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. 83.

This volume contains the work produced in the 146th International Training Course, conducted from 25 August to 1 October 2010, and the 13th International Training Course on the Criminal Justice Response to Corruption, conducted from 18 October to 12 November 2010. The main theme of the 146th Course was “Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures.”

With regard to the 146th Course, confiscation of the proceeds of crime is one of the most powerful tools to fight organized and economic crime, including corruption. It realizes justice by depriving criminals of their ill-gotten gains, and also deters potential criminals from engaging in criminal activity by sending out a clear message that “crime does not pay.” Stemming the flow of a criminal organization’s lifeblood - its financial resources - can effectively hinder its activity and proliferation, and in corruption cases, where a huge amount of public assets have been diverted and transferred to a corrupt official’s personal accounts (often overseas), returning the confiscated assets to the Victim Country’s national treasury can further development of that country.

For these reasons, since the late 1980s, confiscation of criminal proceeds and criminalization of money laundering have come to be internationally recognized as important criminal justice tools, and as a result, relevant provisions have been incorporated into various United Nations Conventions and international standards such as the FATF recommendations.

The existence of Conventions and Recommendations, however, does not guarantee that these measures are effectively and successfully implemented or applied. In reality, identifying, tracing, freezing, and confiscating the proceeds of crime is an extremely complex and time-consuming process, often exacerbated by money laundering. A sufficient understanding of various legal and non-legal issues that arise throughout the above process is essential to effectively utilize these important legal tools. Likewise, international sharing of knowledge and experience are necessary to effectively request/provide assistance and co-operation to other countries. For these reasons, UNAFEI, as an institute of the UN Crime Prevention and Criminal Justice Programme Network, decided to hold this Course.

With regard to the 13th International Training Course on the Criminal Justice Response to Corruption, this is UNAFEI’s annual multiple country course that focuses specifically on corruption control and anti-corruption measures. The United Nations Convention against Corruption, effective 2005, 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. Paying due attention to this priority issue of the UN Crime Prevention and Criminal Justice Programme, this course is designed to encourage countries to become party to the Convention and fully implement it, thereby taking a closer step towards freeing the world from the grip of corruption.

In this issue, in regard to both the 146th International Training Course and the 13th International Training Course on the Criminal Justice Response to Corruption, papers contributed by visiting experts, selected individual presentation papers from among the participants, and the Reports of the Courses are published. I regret that not all the papers submitted by the participants of each Course could be 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. 83, Ms. Grace Lord.

March 2011

A handwritten signature in black ink, reading '佐: 崎 正 博' (Sasaki Masahiro).

Masaki Sasaki
Director of UNAFEI