

---

## 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. 86.

This volume contains the work produced in the 149th International Training Course, conducted from 25 August to 30 September 2011, and the 14th UNAFEI UNCAC Training Programme, conducted from 13 October to 10 November 2011. The main theme of the 149th Course was “Securing Protection and Cooperation of Witnesses and Whistle-blowers”. The main theme of the 14th UNAFEI UNCAC Training Programme was “Effective Legal and Practical Measures against Corruption”.

With regard to the 149th Course, witness statements and testimony are the cornerstones of criminal proceedings. Without them, successful investigation and prosecution of criminal conduct is almost impossible. Likewise, whistle-blowing often plays a key role in exposing criminal conduct that would otherwise remain undetected. However, securing the cooperation of witnesses and whistle-blowers can be difficult. Obstacles to their full cooperation include fear for their safety, the risk of retaliation, and other disadvantageous treatment. To remove these obstacles, measures that provide adequate protection are much needed. Further, obstruction of justice, including witness tampering, should be criminalized and properly punished.

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

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

With regard to the 14th UNAFEI UNCAC Training Programme, corruption is a problem that constantly needs to be challenged and this is the reason UNAFEI holds an annual multiple country course specifically on corruption control. UNAFEI’s course focuses chiefly on the measures contained in the United Nations Convention against Corruption, which was adopted by the General Assembly of the United Nations in 2003. The Convention was adopted in recognition of the harm corruption can cause, especially in developing countries, and the fact that it can transcend national borders.

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. UNAFEI’s annual UNCAC Training Programme is our contribution to promoting the ratification and full implementation of the Convention by all UN Member States, and a step closer towards freeing the world from the grip of corruption.

In this issue, in regard to both the 149th International Training Course and the 14th UNAFEI UNCAC Training Programme, 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. 86, Ms. Grace Lord.

March 2012

A handwritten signature in black ink, reading "T. Sakuma". The signature is written in a cursive style with a large initial "T" and a long, sweeping underline.

Tatsuya Sakuma  
Director of UNAFEI