

UNAFEI NEWSLETTER

UNAFEI

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AND THE TREATMENT OF OFFENDERS

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UNAFEI IS AN AFFILIATED REGIONAL INSTITUTE OF THE UNITED NATIONS

LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 158th International Training Course on “Measures for Speedy and Efficient Criminal Trials”, which took place from 20 August to 25 September 2014. In this Course, we welcomed 6 Japanese participants and 24 overseas participants: 19 from Asia, 3 from Africa, 1 from Europe and 1 from South America. The participants included judges, prosecutors, law enforcement officers, and other high-ranking public officials. As this newsletter demonstrates, the Course was extremely productive. It consisted of lectures by visiting experts, ad hoc lecturers, and faculty members, individual presentations, visits to relevant criminal justice agencies, and group-workshop and plenary sessions.

Under the International Covenant on Civil and Political Rights, individuals who are arrested or detained on criminal charges are “entitled to trial within a reasonable time or to release.” Yet despite global recognition of the importance of conducting speedy criminal trials, many developing and developed countries struggle to deliver justice efficiently and in a timely manner. This Course provided the participants with the opportunity to review and reflect on the current challenges of providing speedy and efficient justice in criminal cases, including the collection and preservation of evidence during the investigation phase and case management during judicial proceedings.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Course to offer participants an opportunity to clarify and analyse the current situation in each participating country and to explore more effective ways to improve the efficiency of each criminal justice system. Additionally, the participants were able to share experiences, gain knowledge, and build a human network of counterparts.

During the Course, the participants diligently and comprehensively examined the course theme, primarily through a comparative analysis. The participants shared their own experiences and knowledge of the issues and identified problems and areas in which improvements could be made. With the academic and practical input from the visiting experts, ad hoc lecturers and UNAFEI faculty—and the in-depth discussions they had with each other—the participants are now better equipped to cope with the challenges of ensuring speedy and efficient criminal trials.

I would like to offer my sincere congratulations to all of the participants upon their successful completion of the Course, made possible by their strenuous efforts. My heartfelt gratitude goes out 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 various agencies and institutions that helped diversify the Course.

I would also like to express my great appreciation to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Course. At the same time, a warm tribute must be paid to the Asia Crime Prevention Foundation (ACPF) and its branch organizations for their substantial contributions to our 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 work towards the improvement of their respective nations' criminal justice systems, and towards the benefit of international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 158th International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work and that the bonds fostered among the participants, visiting experts and UNAFEI staff will continue to grow for many years to come.

September 2014

A handwritten signature in black ink, reading "Tomoko Akane". The signature is written in a cursive style with a large, sweeping flourish over the top of the name.

Tomoko Akane
Director, UNAFEI

THE 158TH INTERNATIONAL TRAINING COURSE***MEASURES FOR SPEEDY AND EFFICIENT CRIMINAL TRIALS***

Course Rationale

The main theme of the programme was “Measures for Speedy and Efficient Criminal Trials”. Speedy and efficient criminal trials form the basis of public trust in the criminal justice system.

Delay of trial weakens the memories of witnesses, which can cause difficulties for both the prosecution and the defence when proving their cases. Unreasonable delay of trial also unnecessarily lengthens the detention periods of the accused and infringes upon the right of the accused to enjoy a speedy trial. Such delays cause the public to lose trust in the criminal justice system, and that makes it difficult to secure the cooperation of the public as witnesses at trial. As a result, without the full participation of necessary witnesses, some cases cannot be prosecuted and others will result in acquittals, and it makes the public lose even more trust in the criminal justice system. This vicious circle contributes to a dysfunctional criminal justice system. Furthermore, unreasonable delays of trials are the main cause of over-crowding of prisons in many countries.

In order to improve the efficiency of trials, it is necessary not only to adopt efficient trial procedures and to present evidence efficiently at trial but also to collect and analyse evidence properly in anticipation of trial at the investigative stage; it is also necessary to preserve essential evidence to prove the guilt of the accused in forms which can be readily admitted as evidence at trial. Because inefficiency of collection, analysis and preservation of evidence unnecessarily lengthen investigation, these issues increase the risk that evidence may disappear from the crime scene before collection or become lost over time after collection. As a result, too many offenders avoid prosecution or punishment. Also, wordy and inefficient statements and presentation of evidence at trial unnecessarily lengthen the trial and damage public trust in the criminal justice system.

Trial delays and improper or inefficient investigation are often caused by external factors. Such factors include shortage of budget and personnel. Also, long-term challenges to overcome as a nation, such as corruption, impact the criminal justice system, but these external factors and challenges were beyond the scope of this programme.

The purpose of this programme was to discuss effective countermeasures that criminal justice personnel can implement by themselves to improve the efficiency of their investigations and trials. The training course explored improvement of organization and management of criminal justice agencies, improvement of criminal justice procedure (for example, establishment of effective communication among criminal justice agencies, arrangement of organizational structures to implement efficient investigation, and the use of pretrial conference procedure to identify key issues and evidence), establishment of frameworks for cooperation among related agencies, capacity building of personnel, human

resource development, and so on. Moreover, this programme also aimed at building an international network among participating criminal justice practitioners to encourage the exchange of information in order to improve the criminal justice systems in their respective countries.

The following are key topics that were addressed during the Programme:

1 Measures for efficient trial procedure

- 1) Identification of issues and stipulated evidence before trial and shortening the length of trials (pretrial conference procedure and loss of right to bring up previously decided issues, procedure to admit evidence, sanctions against noncompliant parties, etc.)
- 2) Pretrial evidence-disclosure procedure (the scope and timing of evidence disclosure, the flexible practice of noncompulsory disclosure, etc.)
- 3) Facilitating pretrial preparation for prosecutors and defence attorneys (securing cooperation of related parties for pretrial preparation, etc.)
- 4) Screening of evidence to be used in court (strict selection of evidence essential to prove guilt of the accused, competency of evidence, application of the exclusionary rule to illegally obtained evidence, hearsay evidence, etc.)
- 5) Securing attendance of the accused and witnesses at trial (methods to summon the accused and witnesses at trial, compulsory system to appear at trial, testimony on a day other than the trial date, pretrial testimony, trial procedure during the absence of the accused, etc.)
- 6) Facilitating testimony at trial (witness protection programmes, compulsory testimony at trial, immunity, plea bargaining, penalties for witnesses who obstruct investigations or commit perjury, utilization of recorded oral statements instead of testimony at trial, etc.)
- 7) Sanctioning noncompliant parties (trial-management sanctions imposed by judges, etc.)
- 8) Time-saving methods for sentencing proceedings (evidence and information sharing among fact finders or judicial panels, methods for efficient deliberation and verdict, utilization of sentencing guidelines, etc.)
- 9) Utilization of simplified procedures (arraignment, summary proceeding, speedy trial procedure, summary criminal trials, etc.)

2 Improving organizational structures, procedures and practices for concise and efficient proof of guilt of the accused at trial and improving capacity building of personnel and human resource development

- 1) Measures for efficient collection, analysis, and preservation of evidence in anticipation of trial
 - (i) Improving organizational structures, procedures and practices to conduct

investigation (selective deployment of personnel to investigate serious crimes, proper distribution of personnel, etc.)

- (ii) Enhancing ability of investigators to collect evidence (training about on-site handling of the crime scene at the initial stage of investigation, training about which kinds of evidence should be collected by investigators depending on the types of cases, etc.)
- (iii) Facilitating communication among criminal justice agencies (preliminary consultation between the police and prosecutors and advice from prosecutors to the police in anticipation of trial at an early stage of investigation, etc.)
- (iv) Improving organizational structures, procedures and practices to preserve and analyse evidence efficiently (to preserve and manage evidence used in support of expert opinions and digital data, employment of experts such as accountants or computer forensics experts by investigative agencies, establishment of evidence-analysis agencies for the sole purpose of investigation, etc.)
- (v) Strategies for cooperation among related agencies regarding collection and analysis of evidence in anticipation of trial (cooperation among investigative agencies like the police, prosecutors, medical agencies, evidence-analysis agencies, private organizations, etc.)
- (vi) Implementing case review and feedback training for personnel among related agencies regarding investigations in anticipation of trial

2) Measures to make statements and present evidence concisely and efficiently at trial

- (i) Efficient opening statements, presentation of evidence, examination of witnesses, and closing arguments
- (ii) Improving the ability to question witnesses and the accused at trial depending on the personalities of the witnesses and issues of the cases (victim witness, expert witness, minor witness, disabled witness, the accused, etc.)
- (iii) Improving the effectiveness of opening statements, closing arguments and presentation of evidence by prosecutors (training system regarding the techniques of such statements and presentation of evidence, etc.)

Each participant was required to submit an Individual Presentation Paper regarding the above-mentioned topics as they apply to his or her country, and to explain and discuss these topics in his or her individual presentation.

Course Summary

Lectures

In total, the participants attended 38 lectures, including 5 presented by the visiting experts, 3 by ad hoc lecturers and 9 by the faculty of UNAFEI. Three distinguished criminal justice practitioners served as UNAFEI's visiting experts. They lectured on issues relating to the main theme of the Course and contributed significantly beyond their lectures by encouraging discussions after their lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, the ad hoc lectures were delivered by a member of the Japanese National Police Agency, a Japanese lawyer who formerly served as a judge, and a Public Prosecutor from the Tokyo District Public Prosecutors Office. The lecturers and lecture topics are listed on pages 7 and 8.

Individual Presentations

During the first three weeks, all participants delivered individual presentations which introduced the situation, problems and future prospects of the participants' countries. These papers were compiled onto USB memory sticks and distributed to all the participants. The titles of these individual presentation papers are listed on pages 9 to 11.

Group Workshop Sessions

Group workshop sessions provided the participants with the opportunity to further examine the sub-topics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as group members for the sub-topics, based on their responses to a previously distributed questionnaire. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs, and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the group workshop sessions. The participants and UNAFEI faculty studied the topics and exchanged their views based on information obtained through personal experience, the individual presentations, lectures and so forth. After the group workshop sessions, reports were drafted based on the discussions in their groups. These reports were subsequently presented in the plenary report-back session, where they were endorsed as the reports of the Course. Brief summaries of the group workshop reports are provided on pages 12 to 14.

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 15 to 17.

Lecture Topics

Visiting Experts' Lectures

- 1) Dr. Janice Lesley Brennan
 - Effective Advocacy
 - Effective Advocacy For Prosecutors
- 2) Dr. Yubaraj Sangroula
 - Crime Investigation in Developing Countries: Coordination and Collaboration of Investigators and Prosecutors
 - Trial Procedure: Challenges and Prospect of Enhancing the Procedures in Asian Criminal Justice Systems
- 3) Dr. Severino H. Gaña Jr.
 - BUILDING A CRIMINAL CASE IN THE PHILIPPINES: Problems, Insights and Proposals
 - JUSTICE DELAYED IS JUSTICE DENIED: Ensuring Efficient and Speedy Criminal Trials in the Philippines

UNAFEI Professors' Lectures

- 1) Mr. Kazuhiko Moriya, Professor, UNAFEI
 - Criminal Justice System in Japan
 - Criminal Justice System in Japan: Investigation & Prosecution
- 2) Mr. Naoya Oyaizu, Professor, UNAFEI
 - Japanese Police
- 3) Mr. Yusuke Hirose, Professor, UNAFEI
 - The Criminal Justice System in Japan: The Courts
- 4) Mr. Koji Yoshimura, Professor, UNAFEI
 - Correctional System of Japan - Advantages and Current Situation
- 5) Ms. Akiko Tashiro, Professor, UNAFEI
 - Community-Based Treatment of Offenders in Japan

- 6) Mr. Taro Morinaga, Deputy Director, UNAFEI
 - Diversion – Alternative Case Disposition
- 7) Mr. Shinichiro Iwashita, Professor, UNAFEI
 - How to Prove Criminal Facts Effectively and Speedily without Relying on the Confessions of Suspects
 - Case Study of a Serious Murder Case

Ad Hoc Lectures

- 1) Mr. Toshikazu Shimizu
Assistant Director of Criminal Identification Division, Criminal Investigation Bureau, National Police Agency
 - Crime Scene Identification Activity in Japan
- 2) Mr. Masanori Hatoko
Lawyer Belonging to the Wakayama Bar Association (former judge)
 - Efforts for Expediting Criminal Trials and Future Challenges in Japan
- 3) Mr. Hiroyuki Shibuya
Deputy Director, Criminal Affairs Department, Tokyo District Public Prosecutors Office
 - Collaboration Between the Police and the Public Prosecutor in the Investigation of Headquarters-based Cases

Individual Presentation Topics

Overseas Participants

- 1) Mr. Abdul Wali ALIZAI (Afghanistan)
 - Effective Case Screening by Prosecutors
- 2) Mr. Faridoon OBIDI (Afghanistan)
 - Introduction to the Afghan Police Force
- 3) Mr. Sonam TOBGAY (Bhutan)
 - Investigation of Penal Offences in Bhutan
- 4) Mr. Sonam WANGCHUK (Bhutan)
 - Measures for Speedy and Efficient Criminal Trials
- 5) Mr. Alvaro Luiz De Mattos STIPP (Brazil)
 - Measures for Speedy and Efficient Criminal Trials
- 6) Mr. CAMARA Souleymane (Cote d'Ivoire)
 - Measures for Speedy and Efficient Criminal Trials in Cote d'Ivoire: Collection, Analysis and Preservation of Evidence
- 7) Ms. DIOMANDE Mariame Epse Djelle (Cote d'Ivoire)
 - Measures for Efficient Collection, Analysis and Preservation of Evidence in Anticipation of Trial
- 8) Mr. Michael Kimeli SANG (Kenya)
 - Measures for Speedy and Efficient Criminal Justice Systems
- 9) Mr. Nyouaher XIAYEE (Laos)
 - Criminal Procedure in the Lao PDR
- 10) Mr. Abdulla AHMED (Maldives)
 - Measures for Efficient Collection, Analysis and Presentation of Evidence in Anticipation of Trial
- 11) Ms. Shamra SHAMEEM (Maldives)
 - Measures for Speedy and Efficient Criminal Trials
- 12) Mr. Erdenedalai BAIGALI (Mongolia)
 - Imminent Issues Relating to Investigation Operations in Mongolia
- 13) Mr. Aung Naing Swe (Myanmar)
 - Evolution of Anti-Bribery and Anti-Corruption in Myanmar

- 14) Mr. Suvas Kumar BHATTARAI (Nepal)
 - The Criminal Justice System in Nepal
- 15) Mr. Surya Raj DAHAL (Nepal)
 - Measures for Speedy and Efficient Criminal Trials and Nepalese Practice
- 16) Mr. Ayaz Ahmad BALOCH (Pakistan)
 - Measures for Speedy and Efficient Criminal Trials in Pakistan
- 17) Mr. Ishaq Hussain HARDAMINKUZ (Pakistan)
 - Criminal Justice System (Focus on Investigation, Prosecution, Adjudication and International)
- 18) Ms. Sunart HARNPIANPONG (Thailand)
 - Thailand's Criminal Trial Problem
- 19) Mr. Vipat RUJIPAVESANA (Thailand)
 - Pretrial Evidence-Disclosure Procedure in Thailand
- 20) Mr. Veeradej TRITASAVIT (Thailand)
 - Measures for Speedy and Efficient Trials
- 21) Ms. Myroslava KRASNOBOROVA (Ukraine)
 - Measures for Efficient Collection, Analysis and Preservation of Evidence in Anticipation of Trial
- 22) Mr. Zafarbek Abduvaxobovich NURMATOV (Uzbekistan)
 - Improvement of the Institution for Proof in Criminal Proceedings of the Republic of Uzbekistan
- 23) Mr. NGUYEN Duc Hanh (Viet Nam)
 - Introduction to the Criminal Justice System of Viet Nam
- 24) Ms. PHAM Thi Trang (Viet Nam)
 - Some Perspectives on Evidence Provided for in the Criminal Procedure Code of Viet Nam

Japanese Participants

- 25) Mr. Mikinori Asai
 - Practical Use of Japan's Speedy Trial Procedure for Drug Users
- 26) Mr. Hiroshi Fukunaga
 - Trial Delays in Revenge Cases
- 27) Mr. Keisuke Goto
 - Evidence Disclosure — Viewpoint of Public Prosecutors
- 28) Mr. Masashige Kuramoto
 - Measures for the Simplification and Expediting of Judicial Proceedings in Criminal Cases without Argument (Confession Cases)
- 29) Mr. Takafumi Ohata
 - The Implementation and Expediting of Lay Judge (*Saiban-in*) Trials in Japan
- 30) Mr. Taichiro Oka
 - Collecting Evidence Properly at Sea

Group Workshop Sessions

Group 1**MEASURES FOR EFFICIENT TRIAL PROCEDURES**

Chairperson	Mr. Zafarbek Nurmatov	(Uzbekistan)
Co-Chairperson	Mr. Masahige Kuramoto	(Japan)
Rapporteur	Ms. Shamra Shameem	(Maldives)
Co-Rapporteur	Mr. Suvas Bhattarai	(Nepal)
Members	Mr. Nyouaher Xiayee	(Laos)
	Ms. Sunart Harnpianpong	(Thailand)
	Mr. Vipat Rujipavesana	(Thailand)
	Ms. Djelle Diomande	(Cote d'Ivoire)
	Ms. Trang Pham	(Vietnam)
	Mr. Takafumi Ohata	(Japan)
Adviser	Prof. Kazuhiko Moriya	(UNAFEI)

Report Summary

Group 1 focused its discussions on three issues: (1) identifying and narrowing issues and evidence to be dealt with at trial in order to shorten trials; (2) securing attendance of the accused, victims and witnesses at trial; and (3) utilization of simplified procedures.

Regarding identifying and narrowing issues and evidence for trial, the group began by reviewing and comparing the legal systems of each country, considering whether each country utilized an adversarial or inquisitorial system. For countries with adversarial systems, the group found pretrial conference procedure to be useful for improving the speed and efficiency of trials, and that prosecutors should be encouraged to disclose evidence as quickly as possible. For countries with inquisitorial systems, the group found that pretrial conference procedure was not necessary because judges can already see all of the evidence before the commencement of trial. However, judges should still be encouraged to cooperate with prosecutors and defendants in order to help judges narrow the issues for trial.

Securing the attendance of parties and witnesses at trial is important to avoid unnecessary delays in the criminal justice process. The group agreed that, in principle, the accused must be present for trial. Further, it was agreed that witness testimony at trial should be considered a civic duty, and therefore sanctions, such as fines or imprisonment, should be ordered in cases in which witnesses fail to comply with subpoenas or other compulsory process. However, it was also stressed that witnesses are entitled to greater protection and support. Regarding protection, severe penalties should be imposed for interfering with or intimidating witnesses; witness privacy should be protected to the extent possible; witnesses should be protected before, during and after trial. Regarding support, measures should be imposed to allow witnesses to testify remotely via video and audio link, witnesses should be reimbursed for their expenses, and vulnerable witnesses should be permitted to testify behind privacy screens.

Simplified procedures should be utilized as much as possible in order to reduce the length of trials. Such procedures are best used in minor or uncontested cases. Other appropriate uses of simplified procedures include cases in which alternative sentencing is best suited to encourage rehabilitation, such as certain drug cases. The group agreed that the right of the defendant to appeal should be retained. The group presented a number of simplified procedures used by the participating countries, and these country-specific simplified procedures can be found in the final group-workshop report.

Group 2**MEASURES FOR EFFECTIVE TRIAL ADVOCACY AND COOPERATION
BETWEEN PUBLIC PROSECUTORS AND INVESTIGATORS**

Chairperson	Mr. Alvaro Luiz De Mattos Stipp	(Brazil)
Co-Chairperson	Mr. Hiroshi Fukunaga	(Japan)
Rapporteur	Mr. Sonam Wangchuk	(Bhutan)
Co-Rapporteur	Mr. Veeradej Tritasavit	(Thailand)
Members	Mr. Abdul Wali Alizai	(Afghanistan)
	Mr. Surya Raj Dahal	(Nepal)
	Ms. Myroslava Krasnoborova	(Ukraine)
	Mr. Duc Hanh Nguyen	(Vietnam)
	Mr. Ishaq Hussain Hardaminkuz	(Pakistan)
	Mr. Keisuke Goto	(Japan)
	Advisers	Prof. Shinichiro Iwashita

Report Summary

The group commenced its discussions by considering: (1) measures for effective trial advocacy, (2) conducting effective investigations by cooperation between prosecutors and investigators, and (3) the utilization of diversion programmes by prosecutors and investigators to bypass the traditional criminal justice system.

On the issue of effective trial advocacy, although the group agreed that opening statements and closing arguments were important measures for trial advocacy, most participants reported that such measures were not used in practice in their countries. To increase the usage and effectiveness of these measures, legal practitioners should be provided with continuous training on advocacy, and they should be encouraged to use visual aids to inform judges, and especially jurors or lay judges, of the key issues of the case. Additionally, protective measures, such as video conferencing and the use of intermediaries for minors and the mentally disabled, should be implemented to ensure the effectiveness of their testimony.

Regarding the issue of cooperation between investigators and prosecutors, early stage cooperation was found to be the best practice to ensure speedy and efficient trials. The principal benefits of such cooperation are that the police obtain legal advice and guidance early in the investigation while prosecutors obtain evidence earlier. Also, cooperation allows for the correction of mistakes as early as possible. However, the group identified several disadvantages of cooperation: police dependency on prosecutors and bias or dereliction of duty due to a lack of oversight. Therefore, a system of checks and balances should be implemented to review key decisions such as non-prosecution orders.

The group found that some countries vest all investigatory power in the police while others permit prosecutors to control, oversee or supervise police investigations. Despite the consensus that prosecutors should be involved as early as possible, the degree of cooperation will vary depending on the nature of the case and the practices of the country concerned. The group agreed that prosecutors should only visit the crime scene based on the gravity of the case, as it would be inappropriate and inefficient for prosecutors to visit the crime scene in relatively minor cases.

Finally, regarding the use of diversion programmes, the group found that prosecutors and investigators should be empowered to use the following measures to reduce the burdens on the criminal justice system and, thus, improve the speed and efficiency of trials: suspension of prosecution, plea bargaining, non-referral of minor cases, medical treatment or rehabilitation in lieu of punishment, and administrative disposition of traffic cases. As stated above, a system of checks and balances should be established in each country to provide transparency and to prevent the misuse of authority.

Group 3**MEASURES FOR SPEEDY AND EFFICIENT INVESTIGATION**

Chairperson	Mr. Ayaz Ahmad Baloch	(Pakistan)
Co-Chairperson	Mr. Aung Naing Swe	(Myanmar)
Rapporteur	Mr. Abdulla Ahmed	(Maldives)
Co-Rapporteur	Mr. Taichiro Oka	(Japan)
Members	Mr. Faridoon Obidi	(Afghanistan)
	Mr. Sonam Tobgay	(Bhutan)
	Mr. Souleymane Camara	(Cote d'Ivoire)
	Mr. Michael Kimeli Sang	(Kenya)
	Mr. Erdendalai Baigali	(Mongolia)
	Mr. Mikinori Asai	(Japan)
Advisers	Prof. Yukako Mio	(UNAFEI)

Report Summary

Group 3 focused its discussions on (1) measures for speedy and accurate crime scene investigation, (2) measures for prompt analysis and appropriate preservation of evidence, and (3) the utilization of diversion programmes by investigators to bypass the traditional criminal justice system.

Crime scene management has become a professional field, and speedy and accurate crime scene investigation requires the skills of specialized investigation officers. Investigators must overcome many challenges such as the lack of training, insufficient staffing, lack of coordination, and, in many countries, the inexperience of many investigators, which is the result of aging populations. Measures that should be implemented to overcome these challenges include establishing strategic partnerships, providing structured training, creating Standard Operating Procedures (SOP), providing adequate funding, and encouraging human resource development.

Regarding the analysis and preservation of evidence, the group identified the lack of facilities as one of the main factors that results in delays in investigation. Many developing countries are required to send evidence to other countries for analysis. Additionally, other challenges include the nature of geography, a lack of balance in terms of centralization and decentralization, lengthy procedures and red tape, and the lack of coordination between prosecutors and investigators. Overcoming these difficulties requires making optimum use of technologies and decentralized forensic capability to ensure that regions or provinces have timely access to forensic evidence and analysis, ensuring a proper balance between centralized and regional facilities, and the establishment of Quality Management Systems (QMS) and minimum standards for forensic staff, facilities and equipment.

Regarding the use of diversion programmes, the group reported that many participating countries do not have legal provisions that expressly address diversion programmes at the investigation level. It was agreed that authorization to conduct investigation-level diversion must be authorized by law, and checks and balances must be instituted to provide oversight and prevent abuse.

Furthermore, community members and key stakeholders should be involved in the process. The group cited the Sharia law example of *qisaas*, whereby the family of a murder victim can simply pardon or forgive the offender at any time. This is done through mediation between the offender and family members and offers the offender the opportunity for life, rehabilitation and reintegration into society.

Observation Visits

<i><u>Date</u></i>	<i><u>Agency/Institution</u></i>	<i><u>Main Persons Concerned</u></i>
26 Aug.	Scientific Crime Laboratory Kanagawa Prefectural Police	• Mr. Hirofumi Fukushima (Director)
27 Aug.	Supreme Court	• Ms. Yasuko Shimada (Officer)
27 Aug.	Ministry of Justice	• Mr. Sadakazu Tanigaki (Minister of Justice)
10 Sep.	Tokyo District, Summary and Family Court	• Ms. Koda Kazuyo (Senior Officer)
12 Sep.	Fuchu Police Station	• Shigeru Shinohara (Chief Inspector)
16 Sep.	Fuchu Prison	• Mr. Tadayoshi Matsumoto (Warden)

Group Study Tours

<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
17 Sep.	Hiroshima	6th Regional Headquarters Operations Command Center	• Mr. Noriaki Nishimura (Commander)
18 Sep.	Hiroshima	Hiroshima Prefectural Police	• Hiroyuki Noguchi (Chief Inspector, National Police Agency)
19 Sep.	Kyoto	Kyoto District Public Prosecutors Office	• Mr. Tadafumi Oshima (Chief Public Prosecutor)

Special Events

20 Aug. *Welcome Party*

22, 25, 28 Aug. *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teacher) was Ms. Misako Ukita from the NIHONGO NO KAI Business Co-operative.

27 Aug. *Courtesy Call to the Ministry of Justice and
Reception by the Vice-Minister of Justice*

At the conclusion of their visit to the Ministry of Justice, during which they met the Minister of Justice, Mr. Sadakazu Tanigaki, a reception was held for the participants by the Vice-Minister of Justice, Mr. Nobuo Inada, at the *Danwa-shitsu* lounge on the 20th floor of the ministry building, overlooking Hibiya Park.

29 Aug. *UNAFEI International Table Tennis Tournament and
Welcome Party for Nepali Participants of the Comparative Study*

The UNAFEI Table Tennis Tournament was held in the auditorium. Mixed teams of international participants, Japanese participants and UNAFEI faculty and staff were formed, and competed against each other. All participants, faculty and staff celebrated later in Lounge B. After that, a welcome party was held for the Nepali participants of the “Comparative Study on Criminal Justice Systems of Japan and Nepal” in Lounge A.

10 Sep. *Farewell Party for Nepali Participants of the Comparative Study*

A party was held to bid farewell to the Nepali participants of the “Comparative Study on Criminal Justice Systems of Japan and Nepal”.

13, 14 Sep. *ACPF Branches Study Tour*

The participants were invited to visit branches of the ACPF in five locations around Japan. The participants split into groups and visited Chiba, Tochigi, Fukushima, Nagano, Nagoya, and Osaka. They visited local criminal justice facilities and had an opportunity to do some sightseeing. In addition, each branch held a reception in honour of the participants visiting their region.

25 Sep. *Farewell Party*

A party was held to bid farewell to the participants.

Reference Materials

**UNAFEI 158TH INTERNATIONAL TRAINING COURSE
LIST OF REFERENCE MATERIALS****A. Speedy and Efficient Criminal Trials**

1. International Covenant on Civil and Political Rights
2. Addressing Inefficiencies in the Criminal Justice Process (2009 Yvon Dandurand)

B. Efficient Collection, Analysis, and Preservation of Evidence

1. Crime Scene and Physical Evidence Awareness for Non-forensic Personnel (2009 United Nations Office on Drugs and Crime)
2. Staff Skill Requirements and Equipment Recommendations for Forensic Science Laboratories (2011 United Nations Office on Drugs and Crime)
3. Crime Scene Investigation a Guide For Law Enforcement (2013 National Forensic Science Technology Center)

C. Effective Trial Advocacy

1. Trial Advocacy Manual (2003 Michael Genelin)
2. Effective Cross-examination: a Practical Approach for Prosecutors (2000 Alan G. Burrow)

D. Caseflow Management of Judicial Proceedings

1. Compendium of “best practices” on time management of judicial proceedings (2006 the European Commission for the Efficiency of Justice)
2. Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts (Brian J. Ostrom, Roger A. Hanson, National Center for State Courts)
3. Caseflow Management the Heart of Court Management in the New Millennium (2000 "David C. Steelman, John A. Goerd, James E. McMillan)
4. Circuit Court for Montgomery County, Maryland (2010)
5. Lafourche Parish Criminal Caseflow Improvement (2011 John T. Matthias, Tara Kunkel, Daniel J. Hall)
6. Act on the Expediting of Trials (2003)

Expert and Participant List

Visiting Experts

Dr. Janice Lesley Brennan	Barrister Barristers' Chambers United Kingdom
Dr. Yubaraj Sangroula	Executive Director Kathmandu School of Law Nepal
Dr. Severino H. Gaña Jr.	Senior Deputy State Prosecutor Department of Justice Padre Faura, Ermita, Manila Philippines Philippines

Overseas Participants

Mr. Abdul Wali ALIZAI	Investigator Anti-Corruption Unit Attorney General's Office Afghanistan
Mr. Faridoon OBIDI	Head of Transnational and Investigation Special Unit Criminal Investigation Department Ministry of Interior Afghanistan
Mr. Sonam TOBGAY	Officer Commanding Royal Bhutan Police, Monggar Division-X Bhutan

Mr. Sonam WANGCHUK	Officer Commanding Royal Bhutan Police Station, Bumthang Bhutan
Mr. Alvaro Luiz De Mattos STIPP	Federal Circuit Prosecutor Sao Paulo 3rd Regional Office Federal Public Prosecution Service of Brazil Brazil
Mr. CAMARA Souleymane	Investigating Commissioner Criminal Investigation Service Department of Interior and Security Ministry of State Cote d'Ivoire
Ms. DIOMANDE Mariame Epse Djelle	Attorney Public Department of Prosecution Ministry of Law, Human Rights and Publics Liberties Cote d'Ivoire
Mr. Michael Kimeli SANG	Officer-in-charge Capital Market Fraud Unit Directorate of Criminal Investigations National Police Service Kenya
Mr. Nyouaher XIAYEE	Judge Criminal Member Department Supreme Court Laos
Mr. Abdulla AHMED	Deputy Head of Command Specialist Crime Command Maldives Police Service Maldives

Ms. Shamra SHAMEEM	Assistant Public Prosecutor Prosecution Prosecutor General's Office Maldives
Mr. Erdenedalai BAIGALI	Senior Investigator Investigation Department of the Department of Combating Against Organized Crime National Police Agency Mongolia
Mr. Aung Naing Swe	Director Division of Upper Myanmar Bureau of Special Investigation Myanmar
Mr. Suvas Kumar BHATTARAI	Under Secretary Law Drafting Division, Ministry of Law, Justice, Constituent Assembly and Parliamentary Affairs Nepal
Mr. Surya Raj DAHAL	Deputy Government Attorney Department of Human Resource Management Office of the Attorney General Nepal
Mr. Ayaz Ahmad BALOCH	Senior Superintendent of Police / Sector Commander-N-25 RCD National Highways and Motorways Police Ministry of Communication Pakistan
Mr. Ishaq Hussain HARDAMINKUZ	Superintendent of Police Investigation Wing Police Department Gilgit-Baltistan Pakistan

Ms. Sunart HARNPIANPONG	Judge and Secretary The Central Labour Court The Court of Justice Thailand
Mr. Vipat RUJIPAVESANA	Judge The Central Bankruptcy Court The Court of Justice Thailand
Ms. Myroslava KRASNOBOROVA	Head of Division International Legal Department Prosecutor General's Office Ukraine
Mr. Veeradej TRITASAVIT	Prosecutor International Affairs Department Office of the Attorney General Thailand
Mr. Zafarbek Abduvaxobovich NURMATOV	Judge Khamza District Court on Criminal Matters of Tashkent City Supreme Court Uzbekistan
Mr. NGUYEN Duc Hanh	Head of Scientific Management Scientific Management Hanoi Procuratorate University Viet Nam
Ms. PHAM Thi Trang	Deputy Head International Law Department Hanoi Procuratorate University Viet Nam

Japanese Participants

Mr. Mikinori Asai

Narcotics Agent
Narcotic Control Department
Kanto-Shinetsu Regional Bureau of
Health and Welfare

Mr. Hiroshi Fukunaga

Public Prosecutor
Morioka District Public Prosecutors
Office Ichinoseki Branch

Mr. Keisuke Goto

Public Prosecutor
Gifu District Public Prosecutors
Office

Mr. Masashige Kuramoto

Assistant Judge
Osaka District Court

Mr. Takafumi Ohata

Judge
Mito District Court

Mr. Taichiro Oka

Coast Guard Officer
3rd Regional Coast Guard
Headquarters

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The 17th UNAFEI UNCAC Training Programme

From 5 October to 12 November 2014, UNAFEI will host the 17th UNAFEI UNCAC Training Programme in Tokyo, Japan. The name of the Programme is the 17th UNAFEI UNCAC Training Programme: Effective Measures to Prevent and Combat Corruption Focusing on Identifying, Tracing, Freezing, Seizing, Confiscating and Recovering Proceeds of Corruption”. Government officials from across Southeast Asia, including Japan, and visiting experts and lecturers will attend.

2. The Eighth Regional Seminar on Good Governance for Southeast Asian Countries

From 18 to 20 November 2014, UNAFEI will host the Eighth Good Governance Seminar in Kuala Lumpur, Malaysia. The theme of the Seminar will address “Current Issues in the Investigation, Prosecution and Adjudication of Corruption Cases”. Government officials from across Southeast Asia, including Japan, and visiting experts and lecturers will attend.

3. The 159th International Senior Seminar

From 12 January to 13 February 2015, UNAFEI will host the 159th International Senior Seminar in Tokyo, Japan. The theme of the Seminar is “Public Participation in Community Corrections”. Government officials from across Southeast Asia, including Japan, and visiting experts and lecturers will attend.

ADMINISTRATIVE NEWS

Faculty Change

Mr. Naoya Oyaizu, formerly a professor of UNAFEI, will continue in his post as a member of the Policy Research Center of the National Police Academy, effective as of 20 August 2014.

Mr. Tomonobu Kaya of the National Police Academy was appointed as a professor of UNAFEI on 20 August 2014.

Overseas Trips by Staff

Professor Yusuke Hirose and Professor Kazuhiko Moriya visited Abidjan, Cote d'Ivoire, Dakar, Senegal and Paris, France from 10 to 25 June 2014 to research the criminal justice systems of the aforementioned countries.

Professor Yukako Mio visited Kuala Lumpur, Malaysia from 26 June to 1 July 2014 to research anti-corruption efforts in Southeast Asia.

Professor Shinichiro Iwashita and Professor Kazuhiko Moriya visited Kuala Lumpur, Malaysia, Jakarta, Indonesia, Singapore and Bandar Seri Begawan, Brunei Darussalam from 26 June to 8 July 2014 to research anti-corruption efforts in Southeast Asia.

Director Tomoko Akane, Professor Akiko Tashiro and Professor Fumiko Akashi visited Bangkok, Thailand from 16 to 20 August 2014 to attend the ASEAN Plus Three Conference on Probation and Non-Custodial Measures.

Professor Toru Nagai visited Vancouver, Canada from 7 to 14 September 2014 to attend the 34th Asian and Pacific Conference of Correctional Administrators (APCCA).

Deputy Director Taro Morinaga and Professor Yusuke Hirose visited Hanoi, Viet Nam from 14 to 20 September 2014 to hold a workshop with the Supreme People's Procuracy.

FACULTY AND STAFF OF UNAFEI

Faculty:

Ms. Tomoko Akane	Director
Mr. Taro Morinaga	Deputy Director
Mr. Kazuhiko Moriya	Professor 158th Course Programming Officer
Ms. Yukako Mio	Professor 158th Course Deputy Programming Officer
Mr. Shinichiro Iwashita	Professor Chief of Training Division
Mr. Koji Yoshimura	Professor Chief of Research Division
Ms. Akiko Tashiro	Professor Chief of Information and Public Relations
Ms. Fumiko Akashi	Professor
Mr. Toru Nagai	Professor
Mr. Yusuke Hirose	Professor
Mr. Tomonobu Kaya	Professor
Mr. Thomas L. Schmid	Linguistic Adviser

Secretariat:

Mr. Hiromitsu Ando	Chief of Secretariat
Mr. Naoki Shojima	Chief of General and Financial Affairs Section
Mr. Ryosei Tada	Chief of Training and Hostel Management Affairs Section

General and Financial Affairs Section:

Mr. Yoshiki Fukuta	Senior Officer
Ms. Mayumi Hando	Senior Officer
Ms. Ayako Ema	Officer

Training and Hostel Management Affairs Section:

Mr. Yasushi Toyoda	Senior Officer
Ms. Keiko Nishi	Officer
Mr. Keiji Hayasaka	Officer 158th Course Assistant Programming Officer

Mr. Yuki Endo Officer

International Research Affairs Section:

Mr. Yoichi Ozawa Officer

Ms. Naoko Iwakata Librarian

Secretarial Staff:

Ms. Hisayo Yamada Officer

Kitchen:

Ms. Maki Odagiri Chef

JICA Coordinator for the 158th International Training Course:

Ms. Chizuko Kita JICA

Ms. Miyuki Nozaki JICA

UNAFEI Home Page: <http://www.unafei.or.jp/>

UNAFEI E-mail: unafei@moj.go.jp