

# UNAFEI NEWSLETTER

UNITED NATIONS ASIA AND FAR EAST  
INSTITUTE FOR THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS

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*No. 133*

*October 2010*

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*Established*

*1961*

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## LETTER FROM THE DIRECTOR

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It is my privilege to inform readers of the successful completion of the 146th International Training Course on “Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures”, which took place from 25 August to 1 October 2010.

In this Course, we welcomed nine Japanese and nine overseas participants: four from Asia, four from Latin America and the Caribbean and one from Africa. Two course counsellors also attended, both from Asia. The participants included judges, public prosecutors, police officers and other high-ranking public officials.

As this newsletter demonstrates, the Course was extremely productive. It consisted of individual presentations, group workshop and plenary sessions, visits to relevant criminal justice agencies, and presentations by visiting experts, faculty members and ad hoc lecturers.

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 deters potential criminals from engaging in criminal activity by showing clearly that “crime does not pay”. Moreover, stemming the flow of a criminal organization’s lifeblood - its financial resources - can be a particularly effective way to hinder further activity and future proliferation of such organizations. Confiscation of criminal proceeds has other desirable consequences. For example, successfully confiscated assets may be utilized for victim compensation, and in corruption cases, where a huge amount of public assets have been 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 gained international recognition as important criminal justice tools, and 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.

In view of the ongoing need to attack the proceeds of crime and to implement and apply anti-money laundering measures, UNAFEI, as a regional institute of the UN Crime Prevention and Criminal Justice Programme Network, decided to hold this Course.

During the Course, the participants diligently and comprehensively examined the current situation of attacking the proceeds of crime and anti-money laundering measures in their respective countries, 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. After engaging in in-depth discussions with the UNAFEI faculty and visiting experts, the participants were able to put forth effective and practical solutions that could be applied in their respective countries.

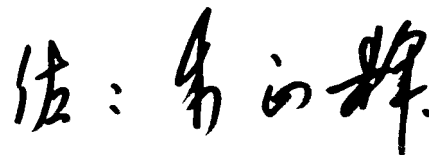
I would like to offer my sincere congratulations to all the participants upon their successful completion of the Course, made possible by their strenuous efforts. My heartfelt gratitude goes to the visiting experts and ad hoc lecturers who contributed a great deal to the Course's success. Furthermore, I appreciate the indispensable assistance and co-operation extended to UNAFEI by various agencies and institutions, which helped diversify the programme.

I would 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 to the benefit of the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 146th 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.

October 2010



***Masaki Sasaki***

Director, UNAFEI

## THE 146TH INTERNATIONAL TRAINING COURSE

### “ATTACKING THE PROCEEDS OF CRIME: IDENTIFICATION, CONFISCATION, RECOVERY AND ANTI-MONEY LAUNDERING MEASURES”

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#### Course Rationale

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Confiscation of the proceeds of crime is one of the most powerful tools to fight organized and economic crime, including corruption. Not only does it realize justice by depriving criminals of their ill-gotten gains, but it deters potential criminals from engaging in criminal activity by sending out a clear message that “crime does not pay”. Moreover, stemming the flow of a criminal organization’s lifeblood - its financial resources - can be a particularly effective way to hinder further activity and future proliferation of such organizations.

Confiscation of criminal proceeds has other desirable consequences. Assets successfully confiscated may be utilized for useful purposes including victim compensation, 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.<sup>1</sup> As a result, relevant provisions have been incorporated into various United Nations Conventions and international standards such as the FATF recommendations.

The United Nations Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances (1988) requires States Parties to criminalize money laundering and take necessary measures to identify, trace, freeze and confiscate the proceeds of drug related offences.<sup>2</sup> The United Nations Convention against Transnational Organized Crime (2000) requires States Parties to expand the scope of predicate offences for money laundering purposes. It also requires States Parties to adopt certain measures to identify, freeze, and confiscate proceeds of crime and to provide international co-operation regarding these matters.<sup>3</sup> The United Nations Convention against Corruption (2003) goes one step further by including innovative provisions regarding “asset recovery” - the return of assets to victim countries - which is characterized as “a fundamental principle” of the Convention.<sup>4</sup>

Outside of the United Nations, the Financial Action Task Force on money laundering (FATF), an inter-governmental body established by the G-7 summit in 1989, developed the “Forty

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<sup>1</sup> The Final Declaration issued following the 2009 G8 Justice & Home Affairs Ministerial Meeting concisely explains the concept. “We came to the conclusion that a critical tool in fighting organized crime is to deprive criminal organizations of the proceeds of crime, pursuing a proceeds-driven approach.”

<sup>2</sup> Article 3, Paragraph 1 b) and 1 c), and Article 5.

<sup>3</sup> Article 6, 7, 12, 13 and 14 of UNTOC.

<sup>4</sup> Article 51 of UNCAC.

Recommendations (1990)” which provide a comprehensive set of countermeasures against money laundering. The Forty Recommendations were supplemented by the “Eight Special Recommendations (2001)” that address issues terrorist financing. These two sets of recommendations have evolved into what is now known as the “40+9 Recommendations (2004)” and are recognized as international standards for combating money laundering and financing of terrorism.

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. It is made more so by the often intervening money laundering schemes by which criminals attempt to conceal the origin, destination and/or nature of their money. A sufficient understanding of various legal and non-legal issues that arise throughout the above process is essential in order to effectively take advantage of these important legal tools. Likewise, international sharing of knowledge and experience will be necessary in order to effectively request/ provide assistance and co-operation to other countries.

### **Objectives of the Programme**

This programme offered participants an opportunity to deepen their understanding and share experiences and expertise on “identification, confiscation and recovery of the proceeds of crime and anti-money laundering measures”. Emphasis was placed on organized crime and corruption. Another objective of the programme was to establish a global network of counterparts so that exchange of updated information on country practices can be facilitated.

In order to achieve these objectives, the programme provided an opportunity to identify and examine current situations and problems existing in participants’ countries, and to build participants’ knowledge of possible measures to improve current situations.

These objectives were achieved through lectures and participants’ dialogue and discussions.

Specific topics discussed were the following:

1. Accumulation of ill-gotten proceeds (with particular emphasis on organized crime and corruption):
  - (a) Current situation:  
Current situation of accumulation of ill-gotten proceeds by offenders in each country, major case examples, *modus operandi*, cases of successful investigation, recent trends and problems encountered by each country;
  - (b) Countermeasures:  
Current measures and legislation for identification, tracing, freezing, confiscation and recovery of the proceeds of crime, recent problems and challenges;
2. Money laundering:
  - (a) Current situation:  
Current situation of money laundering in each country, major case examples, *modus operandi*, cases of successful investigation, recent trends and problems encountered by each country;
  - (b) Countermeasures:  
Current measures and legislation for prevention and punishment of money laundering, recent problems encountered by each country and challenges;
3. International standards regarding identification, confiscation and recovery of the proceeds of crime and anti-money laundering:
  - Introduction and utilization of appropriate legislation in each country, which is required by relevant international standards, i.e. the UN Convention against Illicit Traffic in Narcotic

Drugs and Psychotropic Substances, the UN Convention against Transnational Organized Crime, the UN Convention against Corruption and the FATF's "40+9 Recommendations", etc.;

4. Effective measures and legislation for identifying and tracing the proceeds of crime and prevention and detection of money laundering:
  - (a) Measures to collect and utilize information conducive to identifying and tracing the proceeds of crime:
    - Establishment of a suspicious transactions reporting system, and utilization of the reported information;
    - Securing co-operation of banks and non-bank financial institutions;
  - (b) Measures to prevent and detect cash smuggling;
  - (c) Other anti-money laundering measures/legislation;
5. Effective legislation for freezing, confiscation and recovery of the proceeds of crime:
  - (a) Legislation for rapid freezing of the proceeds of crime;
  - (b) Legislation for securing confiscation of the proceeds of crime:
    - Criminal/Civil forfeiture;
    - Confiscation of the proceeds of crime which have been intermingled with property acquired from legitimate sources;
    - Confiscation or collection of the transformed or converted property which is equivalent to the proceeds of crime;
    - Shifting the burden of proof to the defendant, and any other methods of alleviating the prosecutors' burden of proof with respect to the origin of ill-gotten proceeds;
    - Utilization of the power vested by the taxation law; and
  - (c) Legislation for returning the confiscated ill-gotten proceeds to victims, including both individuals and countries.

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## Course Summary

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### **Lectures**

In total, five lectures were presented by visiting experts, eight by ad hoc lecturers and six by the professors of UNAFEI. Three distinguished criminal justice practitioners and scholars from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the Course by encouraging discussions after their own lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, distinguished senior officials of the Government of Japan, and university professors, delivered ad hoc lectures. The lecturers and lecture topics are listed on pages 7 and 8.

### **Individual Presentations**

During the first two weeks, each Japanese and overseas participant delivered an individual presentation, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled onto a USB drive and distributed to all the participants. The titles of these individual presentation papers are listed on pages 9 and 10.

### **Group Workshop Sessions**

Group Workshop sessions further examined the subtopics 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 response to a questionnaire previously distributed. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs, and visiting experts 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, experts 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 meetings and report-back session, where they were endorsed as the reports of the Course. Brief summaries of the group workshop reports are provided on pages 11 and 12.

### **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 14 to 16.

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## Lecture Topics

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### *Visiting Experts' Lectures*

- 1) Ms. Jean B. Weld
  - Forfeiture Laws and Procedures in the United States of America
  - International Co-operation in Recovery of Criminal Assets
  - Current International Money Laundering Trends and Anti-Money Laundering Co-operation Measures
- 2) Mr. Daniel Thelesklaf
  - Asset Recovery: The Case of Sani Abacha
  - Asset Recovery: The Case of Ferdinand Marcos
  - International Centre for Asset Recovery (ICAR)
- 3) Mr. Wayne Patrick Walsh
  - International Recovery of Ill-Gotten Assets

### *UNAFEI Professors' Lectures*

- 1) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
  - Challenges of the Koban (Police Box) System in the 21<sup>st</sup> Century
- 2) Ms. Kumiko Izumi, *Professor*, UNAFEI
  - Investigation and Prosecution in Japan
- 3) Mr. Yuichi Tada, *Professor*, UNAFEI
  - The Criminal Justice System in Japan: The Courts
- 4) Mr. Junichi Watanabe, *Professor*, UNAFEI
  - Institutional Corrections in Japan: Penal Institutions and Treatment of Inmates
- 5) Ms. Ayako Sakonji, *Professor*, UNAFEI
  - The Community-Based Treatment of Offenders System in Japan



6) Mr. Naoyuki Harada, *Professor, UNAFEI*

- Provisions of the UN Conventions regarding Anti-Money Laundering, Confiscation of the Proceeds of Crime and Asset Recovery

*Ad Hoc Lectures*

1) Mr. Yasunobu Suzuki

*Superintendent, Deputy Director, Planning and Analysis Division, Organized Crime Department, National Police Agency*

- Countermeasures to Money Laundering - Anti-Arrests and Deprivation of the Criminal Proceeds in Cases of Violation of the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters (Anti Organized Crime Law)

2) Mr. Yuji Kubo

*Superintendent, Deputy Director, Japan Financial Intelligence Center, National Police Agency*

- Fight against Money Laundering in Japan - The Role of JAFIC

3) Mr. Kenichi Kiyono

*Director, Office for Elimination of Criminal Organizations, National Police Agency*

- Countermeasures on Organized Crime in the United Kingdom

4) Mr. Yuichiro Tachi

*Chief Public Prosecutor, Osaka District Public Prosecutors Office, Sakai Branch*

- Investigation of Money Laundering in Japan

5) Mr. Toru Sakai

*Director, Special Investigation Department, Tokyo District Public Prosecutors Office*

- Methods of Investigation of Economic Crime by the Special Investigation Department of Tokyo District Public Prosecutors Office

6) Mr. Shyuichiro Hoshi

*Professor, School of Law and Politics, Urban Liberal Arts, Tokyo Metropolitan University*

- Legal System on Confiscation and Forfeiture of Illicit Proceeds

7) Ms. Kayo Ishihara

*Public Prosecutor, Tokyo District Public Prosecutors Office*

- Compensation After Confiscation - Japanese Experience

8) Mr. Keisuke Senta

*Professor, University of Tokyo Graduate Schools of Law and Politics*

- International Action for the Suppression of the Financing of Terrorism

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## Individual Presentation Topics

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### *Overseas Participants*

- 1) Mr. Ubiratan Cazetta (Brazil)
  - Attacking The Proceeds of Crime Identification, Confiscation, Recovery and Anti-Money Laundering Measures: Country Report
- 2) Mr. Fazil Abdool Karimbaksh (Guyana)
  - Attacking the Proceeds of Crime: Identification, Tracing, Freezing, Confiscation and Anti-Narcotic Measures: The Guyana Context
- 3) Mr. Anthony Adverse Vanderhyden (Guyana)
  - Attacking the Proceeds of Crime Identification, Confiscation, Recovery and Anti-Money Laundering Measures: The Guyana Context
- 4) Mr. Yehu Wangsajaya (Indonesia)
  - Handling of Crime Money Laundering in Indonesia
- 5) Mr. Rene Daniel Aldana Ramírez (Mexico)
  - Illicit Enrichment in Mexico
- 6) Mr. Chethiya Goonesekera (Sri Lanka)
  - Challenges in the Legal Regime to Deal with Money Laundering
- 7) Mr. Gampaha Mudiyanseelage Hirantha Buddhika Siriwardhana (Sri Lanka)
  - Accumulation of Ill-gotten Proceeds and Money Laundering
- 8) Mr. Ramadhan Ali Nassib (Tanzania)
  - Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures: Country Report
- 9) Ms. Tuyet Mien Duong (Vietnam)
  - Corruption and Money Laundering in Vietnam

### *Course Counsellors*

- 10) Ms. Julia C. Bacay-Abad (Philippines)
  - Measures to Identify, Trace, Freeze and Confiscate the Proceeds of Crime - The Philippine Setting
- 11) Mr. Jumpon Phansumrit (Thailand)
  - Attacking the Proceeds of Crime in Thailand

### *Japanese Participants*

- 12) Mr. Naoki Fukuda
  - Investigation of Tax Evasion in Japan

- 13) Mr. Takashi Hashimoto
  - Current Drug Situation in Japan: With Particular Reference to Activities of Foreign Drug-Trafficking Organizations
- 14) Mr. Toshiyuki Igusa
  - Successful Cases of Freezing the Proceeds of Crime
- 15) Mr. Tetsuya Konno
  - Current Situation of Anti-Money Laundering Measures in Japan
- 16) Mr. Katsuhiko Manabe
  - Confiscation and Collection of Equivalent Value of Criminal Proceeds under the Anti-Drug Special Provisions Law by the Japan Coast Guard
- 17) Mr. Koji Morishita
  - Example of a Criminal Investigation Utilizing FIU Information
- 18) Mr. Akihiro Motomura
  - The Current Situation of Investigative Techniques for Organized Crime in Japan
- 19) Ms. Shinobu Okada
  - Legislation for the Confiscation and Preservation of Crime Proceeds, and Money Laundering in Japan
- 20) Mr. Kazuyoshi Tsuji
  - Measures to Freeze the Proceeds of Crime in Japan

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## Group Workshop Sessions

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### Group 1

#### EFFECTIVE MEASURES TO DEPRIVE CRIMINALS AND CRIMINAL ORGANIZATIONS OF CRIME PROCEEDS

<b>Chairperson</b>	Mr. Jumpon Phansumrit	(Thailand)
<b>Co-Chairpersons</b>	Mr. Chetiya Goonesekera	(Sri Lanka)
	Mr. Koji Morishita	(Japan)
<b>Rapporteur</b>	Mr. Ramadhan Ali Nassib	(Tanzania)
<b>Co-Rapporteurs</b>	Mr. Anthony Adverse Vanderhyden	(Guyana)
	Mr. Kazuyoshi Tsuji	(Japan)
<b>Members</b>	Ms. Tuyet Mien Duong	(Vietnam)
	Mr. Naoki Fukuda	(Japan)
	Mr. Toshiyuki Igusa	(Japan)
	Mr. Katsuhiko Manabe	(Japan)
<b>Visiting Experts</b>	Ms. Jean B. Weld	(USA)
	Mr. Wayne Walsh	(Hong Kong)
<b>Advisers</b>	Prof. Naoyuki Harada	(UNAFEI)
	Prof. Kumiko Izumi	(UNAFEI)
	Prof. Haruhiko Higuchi	(UNAFEI)
	Prof. Yuichiro Wakimoto	(UNAFEI)

#### *Report Summary*

The group agreed recommendations under five subtopics, summarized below.

I. Measures to identify and trace proceeds of crime: 1. FIUs should be free of political interference. 2. FIUs should focus on analysis and dissemination of information, rather than investigation. 3. Threshold reporting requirements for financial institutions should be relative to the economy of each respective country. 4. Suspicious transaction reports should be clearly defined, either in law, or by guidelines. 5. Where appropriate, public officials should be required to disclose assets; the information should be at least accessible to the competent authorities.

II. Measures to freeze/seize proceeds of crime: 1. Competent authorities should be empowered to quickly but temporarily freeze property as an administrative measure; the owner of the property should have the right of appeal. 2. All countries should adopt a system of confidentiality regarding freezing and seizure. Court procedures to register requests should be simple, and orders of competent authorities ought to be executable in requested countries.

III. Confiscation/deprivation of the proceeds of crime: 1. Countries should consider allowing the collection of sums of equivalent value where crime proceeds have been transformed, converted, or intermingled with legitimately acquired property. 2. All countries should consider adopting a system of non-conviction based confiscation. 3. If countries adopt administrative forfeiture, limitations similar to the US model should be considered, and if challenged, the government must bear the costs of the case. 4. If the burden of proof is reversed, the government should set certain requirements to be met by the prosecutor before the burden of proof can be shifted to the accused. 5. Countries are urged to consider either adopting or adapting a system of taxing the proceeds of crime. 6. Countries should lower their requirements to provide international co-operation.

IV. Recovery of confiscated proceeds of crime: 1. Where necessary, countries should broaden the scope for returning recovered assets to victims and should consider a compensatory fund for victims similar to the USA model. 2. All countries should consider legislating to comply with Art. 57 of the UNCAC. 3. Countries should consider legislating for, or otherwise regulating, asset sharing. 4. If facing obstacles in international co-operation, countries should seek technical assistance from organizations such as the Basel Institute on Governance.

V. Capacity building: Training is imperative, and turnover of personnel should be infrequent. The experience and expertise of organizations such as UNAFEI should be utilized.

**Group 2****EFFECTIVE MEASURES TO PREVENT, DETECT AND PUNISH MONEY LAUNDERING**


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<b>Chairperson</b>	Mr. Tetsuya Konno	(Japan)
<b>Co-Chairperson</b>	Mr. Rene Daniel Aldana Ramírez	(Mexico)
<b>Rapporteur</b>	Mr. Ubiratan Cazetta	(Brazil)
<b>Co-Rapporteur</b>	Mr. Akihiro Motomura	(Japan)
<b>Members</b>	Mr. Fazil Abdool Karimbaksh	(Guyana)
	Mr. Yehu Wangsajaya	(Indonesia)
	Mr. Hirantha Buddhika Siriwardhana	(Sri Lanka)
	Ms. Julia C. Bacay-Abad	(Philippines)
	Mr. Takashi Hashimoto	(Japan)
	Ms. Shinobu Okada	(Japan)
	Ms. Jean B. Weld	(USA)
<b>Visiting Experts</b>	Mr. Wayne Walsh	(Hong Kong)
	Prof. Yuichi Tada	(UNAFEI)
<b>Advisers</b>	Prof. Fumihiko Yanaka	(UNAFEI)
	Prof. Toru Kawaharada	(UNAFEI)
	Prof. Junichi Watanabe	(UNAFEI)

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*Report Summary*

I. Regarding the basic legal framework: 1. FATF Rec. 1 should be used as a minimum standard to criminalize money laundering. 2. Bank records and other reports should be retained for at least 5 years. 3. To enhance their analysis, FIUs should have access to a wide variety of information; FIUs and law enforcement authorities (LEAs) should establish a good working relationship; FIUs must be spared political interference and must have adequate human resources and efficient organizational structure. 4. Reporting entities must be aware of STR requirements; legislation may be required to ensure compliance. 5. To ensure that information is fully utilized, FIUs should: (i) be staffed by personnel with varied specialist backgrounds; (ii) have their own permanent staff; (iii) provide their staff with adequate training; (iv) provide reporting entities with necessary information; (v) develop their IT systems; (vi) improve the quality of STRs disseminated to LEAs.

II. Regarding advanced legal frameworks: 1. The STR system should be extended to Designated Non-Financial Businesses and Professions. 2. FIUs and financial and non-financial institutions must be in open and continuous communication. 3. With regard to PEPs, every country should implement FATF Recs. 6 and 12, which should be extended to PEPs discharging prominent domestic public functions. It is important to have a more specific international definition of PEPs. 4. Investigative authorities should have access to asset disclosures by public officials. 5. To observe FATF Rec. 31, comprehensive co-operation and information-sharing mechanisms should be implemented between relevant authorities. 6. To detect cash smuggling, countries should implement information-sharing mechanisms between their respective border control agencies.

III. Investigation and punishment of money laundering: 1. Countries should effectively and proactively enforce anti-money laundering legislation. 2. Investigators need constant training on complex special investigative techniques; it is also critical that investigators utilize IT. 3. FIUs and LEAs should provide constant training to develop their human resources.

IV. Promotion of international co-operation: The group affirmed the importance of: 1. International exchange of information among relevant agencies, including FIUs, as urged under the UN Conventions and FATF Recs. 35-40. 2. Informal channels of communication; they should be utilized to make more effective use of the formal MLA channels. 3. The need for and usefulness of joint investigations such as *Operation Mantis*. 4. Receiving technical assistance from international organizations such as the International Centre on Asset Recovery.

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### Observation Visits

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<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
2 Sept.	Tokyo Regional Taxation Bureau	• Mr. Setsuo Sato (Deputy Chief of Inspection Division)
	Tokyo District Court	
	The Supreme Court	• Mr. Yuuki Furuta (Justice)
8 Sept.	Tokyo District Public Prosecutors Office	• Mr. Kazuhiro Suzuki (Chief Public Prosecutor)
	Ministry of Justice	• Mr. Kotaro Ono (Vice-Minister of Justice)
13 Sept.	Fuchu Prison	• Mr. Hideo Fujimoto (Special Assistant to the Warden)
28 Sept.	Fuchu Police Station	• Mr. Tadatoshi Honda (Director)

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**Group Study Tour**

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<b><u>Date</u></b>	<b><u>Location</u></b>	<b><u>Agency/Institution</u></b>	<b><u>Main Persons Concerned</u></b>
15 Sept.	Hiroshima	• Criminal Investigation Laboratory, Hiroshima Prefectural Police	• Mr. Yuji Matsui (Assistant Inspector)
16 Sept.	Osaka	• Osaka Customs Kansai Airport Branch	• Mr. Katsunori Yamazaki (Director, Kansai Airport Branch)
17 Sept.	Kyoto	• Kyoto District Public Prosecutors Office	• Mr. Shigeru Ota (Chief Public Prosecutor)

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## Special Events

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25 Aug. *Welcome Party*

27, 31 Aug., 1 Sept. *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teacher) was Ms. Toshiko Honda of JICE.

3 Sept. *Table Tennis Tournament*

The Table Tennis Tournament was held in the UNAFEI auditorium. The overseas participants competed against the Japanese participants and the UNAFEI faculty in an international test of ping-pong skills, in which the overseas participants were victorious. Afterwards, the participants enjoyed a social with UNAFEI staff and faculty.

8 Sept. *Courtesy Visit to the Ministry of Justice  
and  
Reception by the Vice-Minister of Justice*

After visiting the Ministry of Justice, a reception was held by the Vice-Minister of Justice, Mr. Kotaro Ono, at the Ministry of Justice, Tokyo.

10 Sept. *ACPF Fuchu Branch Party*

The participants enjoyed a tour of Okunitamajinja (Okunitama Shrine) and a party hosted by the ACPF Fuchu Branch. The party was attended by ACPF Fuchu Branch members and UNAFEI faculty and staff.

21 Sept. *TICP Friendship Party*

The participants were guests of honour at a friendship party hosted by the Training Institute for Correctional Personnel, in Fuchu. The participants participated in Japanese *sado* (tea ceremony), and enjoyed demonstrations of sports such as *karate*, *kendo* and *judo*.

24, 25 Sept. *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 Aomori, Iwate, 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.

27 Sept. *Social with Law School Students*

The participants were joined at a party by students from Tokyo University Graduate Schools of Law and Politics following a lecture by Professor Keisuke Senta of Tokyo University Graduate Schools of Law and Politics.



30 Sept.

*Farewell Party*

A party was held to bid farewell to all the participants.

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## Reference Materials

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### A. International Standards and Related Materials

1. United Nation Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).  
<[http://www.unodc.org/pdf/convention\\_1988\\_en.pdf](http://www.unodc.org/pdf/convention_1988_en.pdf)>
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  - (iii) Sir David Calvert Smith QC (United Kingdom): “The Proceeds of Crime: Past, Present and Future in England and Wales” ([data only](#)).
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## Experts and Participants List

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### Visiting Experts

Ms. Jean B. Weld	Senior Trial Attorney International Unit Asset Forfeiture and Money Laundering Section US Department of Justice
Mr. Daniel Thelesklaf	Executive Director Basel Institute on Governance Switzerland
Mr. Wayne Patrick Walsh	Head of the Mutual Legal Assistance Unit International Law Division Department of Justice Hong Kong SAR

### Overseas Participants

Mr. Ubiratan Cazetta	Federal Prosecutor Federal Public Prosecution Service State of Pará Office Brazil
Mr. Fazil Abdool Karimbaksh	Assistant Superintendent of Police Police Court Prosecutor Guyana Police Force Guyana
Mr. Anthony Adverse Vanderhyden	Assistant Superintendent of Police Police Court Prosecutor Guyana Police Force Guyana
Mr. Yehu Wangsajaya	Chief Sub-Division of the Administration Operation, Operational Division Metropolitan Jakarta Police Indonesian National Police Indonesia
Mr. Rene Daniel Aldana Ramírez	Sub-Director of Area Unit of Criminal Analysis State of Mexico Security Agency Mexico

Mr. Chethiya Goonesekera

Senior State Counsel  
Criminal Prosecution Division  
Attorney General's Department  
Presidential Secretariat  
Sri Lanka

Mr. Gampaha Mudiyanse Hirantha  
Buddhika Siriwardhana

Superintendent of Police  
Criminal Prosecution Division  
Attorney General's Department  
Presidential Secretariat  
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Mr. Ramadhan Ali Nassib

State Attorney/Public Prosecutor  
Office of the Director of Public Prosecutions  
Ministry of Good Governance  
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Ms. Tuyet Mien Duong

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Head, Legal Services Group  
Anti-Money Laundering Council Secretariat  
Philippines

Mr. Jumpon Phansumrit

Expert Public Prosecutor  
Office of Policy and Strategy  
Office of the Attorney General  
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### **Japanese Participants**

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Criminal Investigator  
Tokyo Regional Taxation Bureau

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Narcotics Control Officer  
Narcotics Control Department  
Ministry of Health, Welfare and Labour

Mr. Toshiyuki Igusa

Public Prosecutor  
Sendai District Public Prosecutors Office

Mr. Tetsuya Konno

Superintendent of Police  
Japan Financial Intelligence Center  
Organized Crime Department  
Criminal Investigation Bureau  
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Deputy Chief of Security Division  
Security and Rescue Department  
Seventh Regional Coastguard Headquarters  
Japan Coast Guard

Mr. Koji Morishita

Chief Public Prosecutor  
Okayama District Public Prosecutors Office  
Kurashiki Branch

Mr. Akihiro Motomura

Assistant Judge  
Osaka District Court

Ms. Shinobu Okada

Public Prosecutor  
Osaka District Public Prosecutors Office

Mr. Kazuyoshi Tsuji

Assistant Judge  
Tokyo District Court

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**THE FIFTH COUNTRY SPECIFIC TRAINING COURSE ON THE  
COMMUNITY BASED TREATMENT OF OFFENDERS THROUGH THE  
HOLISTIC APPROACH TO VOLUNTEER RESOURCE DEVELOPMENT  
FOR THE PHILIPPINES**

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This Course was held from 22 June to 2 July 2010. Six Probation and Parole Officers and four Volunteer Probation Aides from the Parole and Probation Administration of the Philippines (PPA) attended.

Mr. Allan Jose Bibal Alcala	Regional Director Parole and Probation Administration Department of Justice
Ms. Amites Bragat Butiong	Chief Probation and Parole Officer Davao City Parole & Probation Office No.3 Parole and Probation Administration Department of Justice
Ms. Janette Santos Padua	Chief Probation and Parole Officer Mandaluyong/San Juan Parole & Probation Office, Parole and Probation Administration Department of Justice
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Ms. Teresa Banayanal Fernandez

Volunteer Probation Aide  
Cavite City Volunteer Probation Aide  
Association

Mr. Rey Constancio Jr. Giducos  
Cataluña

Volunteer Probation Aide  
Mandaue City Volunteer Probation Aide  
Association

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## INFORMATION ABOUT FORTHCOMING PROGRAMMES

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### **1. The 13th International Training Course on the Criminal Justice Response to Corruption**

The 13th International Training Course on the Criminal Justice Response to Corruption will be held from 18 October to 12 November 2010. Twenty three participants will attend: 17 overseas participants and six Japanese participants, including two observers.

### **2. The 16th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China**

The 16th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China will be held from 16 November to 3 December 2010. Approximately fifteen criminal justice officials from the People's Republic of China will attend. The theme of the seminar will be "Expert Analysis of Forensic Evidence".

### **3. The Fourth Regional Seminar on Good Governance for Southeast Asian Countries**

The Fourth Regional Seminar on Good Governance for Southeast Asian Countries will be held in Manila, the Philippines, from 7 to 9 December 2010 and will focus on "Securing Protection and Co-operation of Witnesses and Whistleblowers". Senior criminal justice officials from eight Southeast Asian countries and a visiting expert will attend.

### **4. The 147th International Senior Seminar**

The 147th International Senior Seminar will be held from 13 January to 10 February 2011. The theme of the Seminar will be "Community Involvement in Offender Treatment". Approximately 19 government officials from Japan and overseas will attend, as well as visiting experts from Asian and Western countries.

### **Rationale**

Community involvement is an important element of both institutional and community-based treatment of offenders.

(1) Detained offenders will sooner or later return to society. In order to smoothen the reintegration process and to make it sustainable, it is essential that offenders are provided with an opportunity to achieve economic independence and with a motivation to reintegrate.

(a) The core elements of economic independence are a secure job and accommodation. As government or correctional authorities cannot directly provide these elements, this responsibility has to be shared with the community.

The authorities and the community need to work together to ensure that sufficient employment opportunities and accommodation are afforded to those offenders who are willing to make genuine efforts to rehabilitate.

(b) Measures to encourage offenders and keep them motivated throughout the process of reintegration are also essential. Rehabilitation and social reintegration can take a substantial period of time, and hardships are to be expected. As families, friends, and colleagues can provide help and prevent offenders from becoming mentally isolated, restoring such relationships, or building new ones, will be a very effective crime prevention measure. Support from self-help groups and volunteers can serve similar functions, and measures to enhance their involvement are also worthy of consideration.

(2) The advantages of community involvement are not limited to facilitating the reintegration process. Many of the correctional programmes and interventions, in both institutional and

community-based settings, can be administered more effectively and efficiently with help from the community.

(a) In many countries, vocational training is provided in the prisons. Involvement of business entities can increase the relevance of these programmes, updating their content and responsiveness to market needs. This in turn will enhance the employability of offenders.

(b) NGOs, individual experts and volunteers may have more experience and expertise in dealing with particular types of offenders or offender needs, and therefore may be able to make a substantial contribution to their rehabilitation.

For example, programmes and consultations provided by self-help groups may be more effective in breaking drug and alcohol addictions, and lectures by crime victim groups may have a stronger impact on offenders as they will be speaking from their own experiences. In a different vein, volunteer probation officers, on the basis of their personal experience and social connections, can provide useful services governmental authorities cannot.

(c) Participation of private enterprises in the administration of correctional institutions may have other advantages. They may have creative ideas and business know-how, otherwise unavailable to prison authorities, that can result in substantial cost-savings.

(3) The importance of community involvement in offender treatment has long been recognized and repeatedly mentioned in various standards and norms of the United Nations.

“With the participation and help of the community and social institutions, and with due regard to the interests of victims, favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.”

*Basic Principles for the Treatment of Prisoners*

“The Rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility towards society.”

*United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)*

More recently, the Workshop on “*Strategies and Best Practices against Overcrowding in Correctional Facilities*”, organized by UNAFEI in the framework of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (Salvador, Brazil, April 2010), discussed and examined various measures against prison overcrowding such as diversion, sentencing alternatives to imprisonment, and early release programmes.

The Workshop agreed that the co-operation and understanding of the community were essential in implementing these measures, and included the following in its final recommendations:

“Member States should promote the participation of civil society organizations and local communities in implementing alternatives to prison”; “Member States should raise awareness and encourage comprehensive consultative processes, involving the participation of all relevant sectors of government, civil society, in particular victims’ associations, and other stakeholders in the development and implementation of national strategies, including action plans, to address overcrowding”.

(4) However, engaging the attention of the community and enhancing their involvement in the treatment of offenders is not an easy task.

General fear of crime, aversion to offenders, and indifference are some of the major obstacles to be first addressed. Creating incentives for businesses to employ offenders, and providing them with coverage for potential financial loss caused by their reoffending, may have to be considered as well. Moreover, a framework within which the government and the community can create a partnership and co-operate with each other has to be established.

In order to achieve these goals, the government needs to develop strategies to promote the community's understanding that: 1) many offenders are willing to make good-faith efforts to re-enter society; and that 2) the ultimate beneficiary of successful offender rehabilitation is the community itself because it will achieve the important criminal justice goal of reducing crime.

(5) UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, will explore in this Seminar various issues that relate to community involvement in the treatment of offenders. They include possible fields of services in which the community can be effectively involved and measures to enhance such involvement.

### **Objectives of the Programme**

The purpose of this Seminar is to offer participants an opportunity to share experiences and knowledge regarding community involvement in offender treatment. In order to achieve this purpose, the Seminar programme will provide an opportunity to clarify the current situations and problems existing in the respective countries in the field of community involvement in offender treatment. There will also be opportunity to build participants' knowledge of possible ways to enhance community involvement in offender treatment. Among the major topics to be studied are the following:

- (1) Current situation of community involvement in offender treatment
  - (a) Organizations and individuals currently involved in offender treatment (e.g. private companies, NGOs, volunteers, chaplains);
  - (b) Fields or services in which the community is currently involved (e.g. provision of rehabilitation programmes or vocational training, support with job allocation, provision of welfare and medical care);
- (2) Possible fields or services in which the community can be involved
  - (a) Potential organizations and individuals who may participate in the treatment of offenders (e.g. social welfare organizations, religious organizations, volunteers);
  - (b) Potential fields or services in which the community can be involved (e.g. provision of rehabilitation programmes or vocational training, support with job allocation, provision of welfare and medical care);
  - (c) Obstacles to promoting community involvement (e.g. public fear of offenders, lack of a legal framework, opposition from government officials);
- (3) Measures to enhance community involvement in the treatment of offenders
  - (a) Public relations campaigns towards awareness of the importance of offenders' reintegration and acceptance of offenders into the community;
  - (b) Incentives to participate in the treatment of offenders (e.g. preferential taxation, subsidy, social appraisal);
  - (c) Co-ordination between the government and the community, especially when prisoners are released;
  - (d) The organizing and training of volunteers;
  - (e) Other measures to enhance community involvement; and
  - (f) Legal frameworks to enhance community involvement.

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## ADMINISTRATIVE NEWS

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### **Overseas Trips by Staff**

Deputy Director Haruhiko Ukawa and Professor Yuichi Tada visited China from 29 June to 8 July 2010 to meet Chinese criminal justice officials in preparation for the 16th Seminar on Crime Prevention and Criminal Justice for the People's Republic of China, to be held at UNAFEI in November 2010.

Professor Ayako Sakonji was dispatched to the Philippines from 4 to 10 July 2010 as a Short-Term JICA Expert for the Training Course for Volunteer Probation Aides.

Professor Toru Kawaharada and Professor Yuichiro Wakimoto were dispatched to Nairobi, Kenya, from 31 July to 12 September 2010, and from 31 July to 7 September 2010, respectively, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Deputy Director Haruhiko Ukawa and Professor Fumihiko Yanaka visited Costa Rica from 2 to 7 August 2010, and 2 to 12 August 2010, respectively. In Costa Rica, they jointly hosted, with ILANUD, a course on Criminal Justice Reform in Latin America in which seven countries were represented. Professor Yanaka then visited Honduras from 12 to 14 August to attend a follow-up seminar on the specific situation in that country.

Professor Ayako Sakonji visited Beijing, China from 3 to 6 August 2010 to attend the International Forum on Halfway Houses.

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## FACULTY AND STAFF OF UNAFEI

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**Faculty:**

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Mr. Junichi Watanabe	Professor
Ms. Grace Lord	Linguistic Adviser

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