



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CONF.144/RPM.4
7 August 1989

ORIGINAL: ENGLISH

EIGHTH UNITED NATIONS CONGRESS
ON THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS
Havana, Cuba, 27 August-7 September 1990

WESTERN ASIA REGIONAL PREPARATORY MEETING
FOR THE EIGHTH UNITED NATIONS CONGRESS ON THE
PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS
Cairo, Egypt, 27-31 May 1989

Report

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RECOMMENDATION

1. The Western Asia Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, after careful consideration and extensive discussion of the various issues related to the five topics of the provisional agenda of the Congress, unanimously adopted the resolutions presented below and recommended their submission, through the Committee on Crime Prevention and Control, to the Eighth Congress for further consideration and appropriate action.

Resolution 1

International action against transnational forms of crime

The Western Asia Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Aware that crime has become a major problem with national and international dimensions, hampering political, economic, social and cultural development and threatening peace, stability, security and the enjoyment of human rights,

Conscious that Governments should join forces in combating the deleterious effects of transnational crime, particularly terrorism, organized crime, including illicit drug-trafficking, economic and white-collar criminality, corruption and massive fraud and flight of capital, as well as offences against the environment and against the cultural patrimony,

Convinced that the United Nations has a significant role to play in enhancing and making more effective multilateral co-operation to face the transnational dimensions of crime, and that to this end the capacity of the United Nations to extend technical assistance to developing countries should be urgently reinforced,

Recognizing the magnitude of the external debt situation that prevents many developing countries in the region from allocating the resources necessary to counteract effectively the increasing menace posed by criminality in aggravating economic and social conditions,

Noting the scarcity of reliable comparative data and criminal justice statistics in the region, which are an indispensable basis for the formulation of cost-effective national strategies and policies, adjusted to the economic, social, political and cultural conditions of each country,

Convinced that criminal justice reform and crime prevention strategies, including the re-integration of offenders, should be based on the full enjoyment and protection of human rights,

Bearing in mind the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order, as well as all other relevant recommendations of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Bearing in mind also the responsibility entrusted to the United Nations in the field of crime prevention and criminal justice, as well as the important results achieved by the quinquennial United Nations congresses,

Seriously concerned about the lack of resources for the United Nations crime prevention and criminal justice programme, which severely limits its effectiveness in the achievement of its goals and in providing technical assistance to countries in need,

Emphasizing the theme of the Eighth Congress, "International co-operation in crime prevention and criminal justice for the twenty-first century",

Determined to take appropriate action in order to translate the United Nations recommendations in this sphere into practical measures and policies,

1. Expresses its gratitude to the Government of Egypt and to the National Police Academy of the Ministry of Interior for having invited and having generously hosted the Meeting;

2. Takes note with appreciation of the reports of the interregional preparatory meetings and of the report of the Committee on Crime Prevention and Control on its tenth session;

3. Endorses all the recommendations contained in the above-mentioned reports, and expresses the wish that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders take appropriate action towards their adoption;

4. Stresses the significance of the proposed draft instruments, in particular the draft Guidelines of Riyadh, which address the early prevention of juvenile delinquency, as well as the draft Model Treaties on the Transfer of Criminal Proceedings, Extradition and Mutual Assistance, whose provisions constitute a basis for improved international co-operation;

5. Acknowledges the important role played in the region by the Arab Security Studies and Training Centre and its contributions to the United Nations programme in this field, as well as by the Economic and Social Commission for Western Asia in promoting and co-ordinating policies aimed at harmonious development, and by the Police Research Centre of Egypt;

6. Invites Governments to accord high priority to crime prevention and criminal justice as part of their overall national development plans, through the reinforcement of their national machinery, allocation of adequate resources, and co-ordination of practical arrangements against transnational crime;

7. Calls on Governments that are in a position to do so, the World Bank, the United Nations Development Programme, the Department of Technical Co-operation for Development of the United Nations, the United Nations Fund for Drug Abuse Control and other funding agencies, to increase their level of support to programmes and projects in the field of crime prevention and criminal justice, also through the revitalization of the United Nations Trust Fund for Social Defence;

8. Urges Governments to intensify their efforts related to the exchange of information, data collection and analysis, monitoring and evaluation, through the United Nations Secretariat and its interregional and regional institutes, and to accede to or ensure the application of existing conventions, as well as the implementation of international norms, standards and guidelines in crime prevention and criminal justice;

9. Expresses the view that the serious forms of criminality hindering the development process of nations should be considered as international crimes requiring universal jurisdiction and prosecution;

10. Declares its condemnation of terrorism in all its forms and shapes and whatever its sources, affirming the need to rely on legal methods approved by the international community and to adhere to the principles of law, justice and international legitimacy;

11. Calls on the Eighth Congress and on the Committee on Crime Prevention and Control to identify the main elements for a new convention on crime prevention and criminal justice co-operation, which should be elaborated for consideration by the Ninth Congress;

12. Requests the Eighth United Nations Congress to give the utmost priority to ways and means of overcoming the constraints affecting the United Nations crime prevention and criminal justice programme, in accordance with the recommendations of the Committee on Crime Prevention and Control, and to urge the provision of adequate financial and human resources for a more viable and strengthened structure commensurate both with the world-wide importance of crime problems, nationally and transnationally, and with the increasing need for effective international co-operation in this respect.

Resolution 2

The protection of the human rights of victims of crime and abuse of power

The Western Asia Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Concerned that crime and victimization continue to pose serious problems, affecting both individuals and entire groups, and often transcending national frontiers,

Emphasizing the need for preventive action and measures for the fair and humane treatment of victims, whose needs have often been ignored,

Recognizing the importance of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which provides standards and guidelines for redress and assistance to such victims, and which needs to be widely disseminated and applied in practice,

Welcoming the efforts made to date to develop appropriate means for the implementation of the Declaration, and to further its application at the national, regional and international levels,

Stressing the need for social solidarity, which requires the establishment of close links between members of society to guarantee social peace and respect for the rights of victims, as well as the need to provide adequate mechanisms and measures through which redress and assistance for victims can be provided nationally, regionally and internationally,

Considering the key role of law enforcement agencies, prosecutors, lawyers and the judiciary in the implementation of the United Nations Declaration,

Bearing in mind the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind also the work being carried out by the United Nations Committee on Crime Prevention and Control,

Recalling the Cairo Declaration on Law Enforcement and the Human Rights of Victims, adopted by the International Symposium held at Cairo, Egypt, from 22 to 25 January 1989,

Recalling also the report prepared by the Ad Hoc Committee of Experts at the International Institute of Higher Studies in Criminal Sciences, held at Siracusa, Italy, in May 1986, as revised by a colloquium of leading non-governmental organizations active in crime prevention, criminal justice and the treatment of offenders and victims, held at Milan, Italy, in November-December 1987,

1. Takes note with appreciation of Economic and Social Council resolution 1989/57 of 24 May 1989, as recommended by the Committee on Crime Prevention and Control;

2. Recommends that, in the implementation of paragraphs 1 to 6 of the said resolution, the Committee on Crime Prevention and Control should take into account the important proposals already made by the community of concerned non-governmental organizations;

3. Urges the finalization and adoption by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders of the implementation principles for the Declaration on Victims, and their further articulation, especially as far as part B of the Declaration is concerned;

4. Calls upon States to take the appropriate measures in order to make their legislation comply with the Declaration;

5. Recommends that Governments should consider the availability of public and social support services for victims of crime and abuse of power and foster culturally appropriate programmes for victim assistance, information and compensation;

6. Invites Governments to establish and contribute to an international fund, within the framework of the United Nations crime prevention and criminal justice programme, for the compensation of, and assistance to, victims of transnational crimes and abuse of power, whether individual or collective, and for the promotion of international research, data collection and dissemination and the establishment of policy guidelines in this respect;

7. Recommends that States should prepare training programmes based on the principles of the Declaration, aimed at defining and disseminating the rights of victims of crime and abuse of power, which should be part of the curricula of faculties of law, criminological institutes, law enforcement training centres and judicial colleges;

8. Calls upon States to exchange, both at the international and regional levels, information and experiences related to the means used to implement their legal provisions concerned with the protection of victims of crime and abuse of power;

9. Requests the United Nations and other organizations concerned to strengthen their technical co-operation activities in order to help Governments to implement the Declaration and other relevant guidelines, and to strengthen international co-operation in this respect;

10. Requests also the Eighth Congress to give appropriate consideration to the implementation of the Declaration, under topic V of its agenda, so as to encourage Governments to take preventive and remedial action in order to ensure the protection of the rights of victims.

INTRODUCTION

2. The Western Asia Regional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders was the fourth in a series of five regional preparatory meetings having as their purpose the discussion of the substantive topics on the provisional agenda of the Eighth Congress, to be held in 1990, in pursuance of Economic and Social Council resolution 1987/49 of 28 May 1987 and General Assembly resolution 42/59 of 30 November 1987.

I. ORGANIZATION OF THE MEETING

Date and venue of the Meeting

3. The Meeting was organized by the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, in co-operation with the Economic and Social Commission of Western Asia, and hosted by the Government of Egypt at the Police Academy, at Cairo, from 27 to 31 May 1989.

Attendance

4. The Meeting was attended by 88 participants, including representatives and experts from 13 States members of the Economic and Social Commission for Western Asia (ESCWA), observers from other States, the Secretariat of ESCWA and intergovernmental and non-governmental organizations.

5. As representative of the Committee on Crime Prevention and Control also attended the Meeting. The list of participants is given in annex I of this report.

Election of officers

6. The Meeting elected the following officers:

Chairman:	Samir Nagi (Egypt)
Vice-Chairmen:	Khalifa bin Said Al-Busaidy (Oman) Gassan El Woswas (Iraq)
Rapporteur:	Farid Kamel Azhar (Saudi Arabia)

7. The Meeting also elected Zaki Badr, Minister of the Interior of Egypt, as Honorary Chairman, in recognition of his role in hosting the Meeting.

Adoption of the agenda

8. The Meeting adopted the following agenda:

1. Opening of the Meeting.
2. Election of officers.
3. Adoption of the agenda.

4. Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation.
5. Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures.
6. Effective national and international actions against:
 - (a) Organized crime;
 - (b) terrorist criminal activities.
7. Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions.
8. United Nations norms and guidelines in crime prevention and criminal justice: implementation and priorities for further standard-setting.
9. Consideration of the conclusions and recommendations, and adoption of the report of the Meeting.

List of documents

9. The documents before the Meeting are listed in annex II.

Opening of the Meeting

10. The Director of the Social Development Division, Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, opened the Meeting on behalf of the Secretary-General of the Eighth Congress, and gave the floor to the Minister of the Interior of Egypt.
11. The Minister of the Interior welcomed the participants and extended to them the cordial regards of President Mubarak. He also conveyed to the Meeting the best wishes of all the departments of his Ministry responsible for maintaining security and preventing crime.
12. The Minister noted the urgent need for international co-operation in order to face security problems and control crime, and stated Egypt's willingness to participate in the creation of a new world in which security, justice and a deeper belief in freedom and human dignity would reign supreme. His country was very happy to co-operate with the United Nations in providing the opportunity for the exchange of information, thus contributing to building-up a consensus leading to more effective co-operation in criminal justice matters. Such co-operation was needed now more than ever, particularly in order to cope with terrorism and organized crime.
13. The States of Western Asia were continuing their efforts to raise living standards and achieve a better quality of life for all, including those who came into conflict with the law. Offenders should enjoy basic rights and at least a minimum of human and social well-being, without which it would be extremely difficult to reintegrate them into society. Prisons should not cause pain and take revenge, but should contribute to the resocialization of prisoners.
14. The Minister asserted, further, that development alone did not necessarily reduce crime. In fact, it was indispensable to prevent the negative results

often generated by economic development. That objective could be reached by coupling the latter with social efforts aimed at countering the disruptive consequences of crime and delinquency. That meant that security and justice should be attained by protecting society from crime and preventing its members from becoming criminals. Those goals should be achieved by the collective efforts of both official institutions and agencies, as well as of the community.

15. The Minister of Justice of Egypt also addressed the Meeting, noting that high-level international conferences, such as the current one, were very useful for the development of effective strategies to deal with international problems, and stressed the need to pay attention not only to the rights of the offenders, but also to those of the victims. That was indispensable in order to avoid a potentially dangerous imbalance.

16. The Assistant Minister of the Interior and General Director of the Police Research Centre pointed out that crime had always been with humankind. There was, however, no doubt that modern life created new manifestations of criminality, emanating from the complexity of relations between people, the accelerated pace of life, and the wide-ranging changes produced by new inventions and technologies. It was important that law-enforcement agencies acquired the necessary skills and capabilities to deal with those developments.

17. The Director of the Social Development Division, Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, extended to the Meeting the greetings of the Secretary-General of the United Nations, and of the Secretary-General of the Eighth Congress, and expressed the Secretariat's sincere gratitude to the Government of Egypt for generously hosting the Meeting.

18. The world was living through interesting and challenging times. Positive changes were sweeping the globe, but too many legacies of the past still afflicted different regions, particularly in the third world. That situation generated frustrations and tended to increase the frequency of criminal activities. Without losing sight of such problems, however, it was encouraging to note some progress in the reduction of world tensions and in the solution of long-standing regional and subregional conflicts.

19. Such progress also provided a basis for improved international co-operation in crime prevention, criminal justice and the promotion of human rights. As tensions between States subsided, energies became available to cope with problems of common concern. That was a most welcome trend at a time when the extension of transborder criminality was posing a dangerous threat to many countries all over the world, demanding urgent multilateral countermeasures on the part of the international community.

20. Crime had become a major disruptive force affecting every society. The sooner the world community acted in a concerted way to contain the illegal power of criminal syndicates, the greater would be the prospects for social peace. Although the United Nations crime prevention and criminal justice programme had been deemed highly successful, it had not been matched by adequate resources. Only a collective, comprehensive and more incisive international response could make inroads into seemingly intractable crime problems, ensuring the supremacy of the rule of law.

21. The representative of the Committee on Crime Prevention and Control expressed its sincere appreciation for the assistance the Government of Egypt was providing for the preparation of the Eighth Congress. He and the Committee

had high expectations concerning the results of the Meeting, and were looking forward to conclusions that would reflect the ancient legal traditions of the countries of the region, where a homogeneous heritage found expression in comparatively low crime rates.

22. The Chief of the Social Development Division of the Economic and Social Commission for Western Asia asserted that crime was part of the developmental process. Research had shown that development was characterized by interrelated changes in a number of variables, some of which were negative. Thus, higher standards of living were often accompanied by an increase in drug abuse. The challenge was to achieve development without such negative side-effects. To devise the necessary policies, however, it was necessary to base decision-making on sound knowledge and reliable information, including crime and criminal justice statistics. He therefore urged all Governments to provide the United Nations with all the relevant data.

23. Emphasizing that the human rights of offenders should always be guaranteed, but with due respect also for the rights of all citizens and of the community to be free from crime, he also stressed the importance of taking into account the seriousness of the offences involved.

II. REPORT OF THE DISCUSSION

Topic 1: Crime prevention and criminal justice in the context of development: realities and perspectives of international co-operation

24. The Executive Secretary of the Eighth Congress introduced topic 1, noting that crime had highly negative implications for the quality of life. In extreme cases, the very foundations of society and of the State were put in jeopardy by dangerous manifestations of criminality. Increased international co-operation was urgently needed to combat the menacing emergence of serious forms of transborder crime, a relatively recent development that threatened social, economic and political stability in many countries.

25. Crime should not be treated as an isolated act but, rather, as a complex and multidimensional phenomenon occurring in the wider context of economic and social life. Thus, crime required systematic strategies and differentiated approaches, formulated in full accordance with human rights. The Eighth Congress was expected to adopt recommendations aimed at the prevention of transnational criminality, and to develop mechanisms promoting international co-operation for that purpose. There was also the need to promote the application of modern technology in the struggle against crime, so as to catch up with its utilization by contemporary criminals.

26. The participants commended the Secretariat of the United Nations and the Committee on Crime Prevention and Control for the work accomplished so far, particularly in the preparation of the relevant documentation, as well as for the valuable material contained in the reports of the interregional meetings, including their recommendations. Those constituted a viable substantive platform for action by the Eighth Congress. While the complexity of the issues to be discussed under that topic was acknowledged, the value of the recommendations focusing on specific and practical measures was also stressed. In that respect, the importance of the co-ordinating role of the United Nations was underlined, as was the necessity for more incisive action and more effective international co-operation.

27. Participants recalled that the Seventh Congress had considered crime as a threat to socio-economic development. Moreover, it was United Nations doctrine that States should co-operate with other states to ensure that they attained the necessary development. None the less, many developing countries were facing grave problems as a result of high levels of external indebtedness. The strict conditions imposed upon debtor countries by the International Monetary Fund generated serious economic problems that created criminogenic situations. Consequently, the Eighth Congress should devote special attention to the crisis provoked by the oppressive conditions imposed by external debt. The creditor States were called upon to seek a radical and just solution to the problem of debt and high interest rates, with a view to alleviating the economic suffering of developing countries. Hard-line policies adopted in collecting such debts were detrimental to the development progress in the debtor countries.

28. Some participants stressed the necessity of identifying those crimes that hindered or impeded development, in order to recommend appropriate policies for their prevention and control. However, it was noted that all crimes affected development negatively. Some did so in a direct way, while others did so in a more indirect manner. But all were harmful to development because they implied staggering human, social and economic costs, with a loss of human resources and energy that could otherwise be used for the developmental effort. Furthermore, all crimes weakened stability and social peace, which were indispensable conditions for development.

29. Certain crimes, however, were particularly harmful to development. That was so in the case of the corruption of public officials who misappropriated public funds and were thus a drain on State finances. Also, white-collar and economic crime, such as currency manipulations and the smuggling of capital out of the country, were extremely damaging to development. Other examples were large-scale fraud that robbed countries of considerable amounts of investment resources, environmental offences and traffic in human organs. International co-operation was needed to limit the harm caused by those offences and to recuperate the assets generated by them.

30. In the opinion of some participants, crimes affecting development should be equated with crimes against humanity, insofar as development was, for numerous countries, a matter of life and death. Those crimes should be treated as international offences, as was torture. That would mean that their prosecution should not be limited by territoriality or by established extradition practices.

31. The interlinkages between crime and development were complex and not thoroughly understood. In addition, they were continuously changing according to time and place. In order to assess the impact of crime on development, it was necessary to examine more closely the interrelationship between the two, so as to devise countermeasures on a scientific basis. More research and the exchange of information, already available in many cases at the national level, were needed to allow for the proper evaluation of the situation on an international or regional basis. That should be done, however, in a broader context, taking into account the ideologies and philosophies underlying the development process.

32. It was necessary to prevent the emergence of criminal behaviour by eliminating the conditions that fostered it. However, although it was obvious that misery had a criminogenic effect, development alone, that is to say economic growth and the elimination of poverty, had not been successful in preventing the proliferation of crime. That meant that a balance should be sought between social and economic programmes if true prevention was the objective. There was

no way of attaining integrated development if insufficient attention was given to a vast number of criminogenic factors. It was also necessary to pay attention to the education of children and youth so as to develop their commitment to society and its values.

33. Some participants thought that there had been an excess of legislation, both nationally and internationally. There were far too many laws and too many international recommendations. The problem was that they were not implemented. As a result, they lacked effect. Thus, perhaps the Eighth Congress should devote time to discussing the difficulties of implementation, and formulating alternative and more effective strategies. To that end, special emphasis was placed on the implementation of the Milan Plan of Action and the Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development, as well as on the need for reinforcing the vital technical, operational and field-oriented functions of the United Nations.

34. In the implementation of the existing norms, and in the elaboration of new strategies to be based on research, local needs, traditions and customs, as well as the varying legal concepts and philosophies of the region, had to be taken into consideration in a balanced way, so as to allow decision makers to review and adapt their policies accordingly.

35. The Meeting praised the actions taken so far or currently under formulation in the region, including the development of strategies for crime prevention and internal security, as well as the attempt to harmonize legislation on narcotic drugs. All participants agreed on the need for the further improvement of regional and international co-operation, believing that the United Nations and its regional and interregional institutes should assist in those efforts. The participants commended the work of the Arab Security Studies and Training Centre, and of the Egyptian Police Academy in that area. They were having a catalytic function in advancing joint co-operation in training and research between States. Based on the promising experiences of the past, the countries of the region should extend their co-operation and make a common effort to further implement the already existing international, regional, multi-lateral and bilateral agreements.

36. The participants made a number of proposals for possible action before and at the Eighth Congress. Those included the identification of specific measures against corruption and the abuse of power, which affected public funds and the credibility of Governments; the strengthening of international action against organized crime and drug trafficking; the improvement of information exchange and of co-operation between Member States, in particular at the regional level.

37. The participants emphasized that any viable United Nations action must be backed by a considerable increase in the resources allocated to that programme. To ensure effective action at the international level, its budgetary level should correspond to the proportion of budget expenditures devoted to crime prevention and criminal justice by Member States. In that connection, it was pointed out that, while the staff of the Secretariat of the United Nations had decreased considerably, the tasks to be carried out had greatly increased, including new initiatives for improving international co-operation and monitoring the implementation of a great number of instruments. Since the capacity of the United Nations Crime Prevention and Criminal Justice Branch to meet the needs of Member States had been very much reduced, urgent remedial action was strongly advised.

38. A large number of participants stated that it was also necessary to strengthen the collective capacity to counteract crime by providing efficient services to Governments and by promoting practical arrangements. Existing mechanisms, such as the United Nations Social Defence Trust Fund, should be revitalized, and Governments in a position to do so should pledge their financial help. The importance of that point was also reflected in the growing number of requests for technical assistance received from developing countries. The need for technical co-operation, however, was not matched by a corresponding capacity on the part of the United Nations to deliver the services requested. Accordingly, it was recommended that the funds available to the United Nations for technical co-operation activities be increased, and a plea was voiced for adequate contributions for that purpose.

39. The Meeting, at the end of its deliberations, reviewed and approved the recommendations of the Interregional Preparatory Meeting on topic 1, contained in document A/CONF.144/IPM.1, proposing the following amendments: with respect to recommendation 5, it was suggested that subparagraph (d) should become (a); the last part of subparagraph (b) should be deleted; the wording "corrupt officials" should be replaced by "officials engaged in illegal practices"; and forfeiture should refer to funds "acquired from corrupt practices". With reference to recommendation 6, it was proposed that special assistance should be extended to developing countries for the implementation of drug abuse control programmes, including treatment centres for drug addicts, as well as for compensation for countries that, as a result of eradicating the illicit production of drugs, were suffering a loss of income.

Topic 2: Criminal justice policies in relation to problems of imprisonment, other penal sanctions and alternative measures

40. In introducing topic 2, the Executive Secretary of the Eighth Congress indicated that the issue had been considered by the United Nations congresses on the prevention of crime and the treatment of offenders since 1955, when the First Congress adopted the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 C I (XXIV)). The draft resolutions to be submitted to the Eighth Congress under that topic had been formulated on the basis of recommendations adopted at Milan, and were the result of important contributions by many different institutions, organizations and individual experts.

41. Representatives expressed their appreciation of the recommendations made by the Interregional Preparatory Meeting on topic 2 (A/CONF.144/IPM.4), held at Vienna from 30 May to 3 June 1988, and the observations made by the Committee on Crime Prevention and Control at its tenth session.

42. The participants observed that the current trend was to try to eliminate comparatively short prison terms altogether in favour of non-custodial alternatives. That was, in the opinion of many, a welcome development, as prisons were often schools for crime and delinquency, where new inmates acquired skills and methods leading to criminal careers. Thus, instead of being rehabilitated, they drifted irreversibly into a life of crime. Consequently, imprisonment should be limited to cases where it was absolutely indispensable, taking into account two fundamental objectives: the safety of society and the deterrence of would-be perpetrators. Accordingly, increased use should be made of alternative sanctions.

43. In many cases, fines were an effective alternative to imprisonment, for example, for minor offences and for crimes against personal property. Several

countries were already using that approach. Various forms of restitution and compensation were another possibility. In addition, traditional and other forms of mediation and reconciliation could also replace formal proceedings, thus avoiding the use of prison. Reconciliation could be particularly suitable for offences not requiring public prosecution. In that connection, many participants reported the increasing acceptance of non-judicial alternatives aimed at conflict resolution in countries of the region.

44. Some representatives felt, however, that fines negated the rehabilitative function of the penal law. Fines did not resocialize. That goal could only be attained by having the offender in an institution for the necessary treatment. Moreover, certain serious crimes should inevitably lead to a loss of freedom. In such cases, it was thought that there was no valid alternative, since a certain minimum amount of pain, experienced as a deprivation of liberty, was deemed indispensable for rehabilitation.

45. It was recommended, however, that physical or psychological duress should never be used, and that constant judicial supervision should be exercised over the administration of penal sanctions, in order to avoid abuses. The importance of providing appropriate attention to the family and employment opportunities for the released offender was also stressed.

46. Other alternatives to be considered were restitution and compensation, conditional release, discharge on recognizance, probation, parole, pardon and amnesty. Pardon, however, was not really an alternative to imprisonment, but a measure based on the evaluation of the success achieved in the rehabilitation of the offender. The remission of part of the time to be served was an acknowledgement that the offender's behaviour had changed for the better in a shorter time than had originally been expected.

47. Certain alternatives, however, such as probation and parole, required for their effective implementation the establishment of an infrastructure and the creation of agencies to supervise such alternatives. Furthermore, those agencies had to be staffed with properly trained personnel. Such alternatives would require specialized human resources that were often not at the disposal of developing countries. In any case, there was no doubt that non-custodial sanctions were much less expensive than imprisonment, in both material and social terms.

48. Some participants reported that, in order to avoid the negative consequences of judicial delays, strict time limits had been imposed on the judiciary in passing judgements in penal cases. The results had been encouraging, and judges not complying with such time limits were liable to administrative sanctions, including a denial of promotion.

49. Although it was obvious that alternatives to imprisonment would result in some relief of the problem of prison overcrowding, several participants indicated that the introduction of alternatives should be undertaken with careful planning, monitoring and evaluation of results. Moreover, the fundamental motivation should be the desire to create optimal conditions for social reintegration and not merely to reduce the prison population.

50. In that connection, it was noted that the phenomenon of overcrowding, was, in many countries, the result of long pre-trial detention. A large proportion of the prison population was often composed of individuals awaiting trial. Many of them could end up spending a longer time in prison than was caused for by the sentence they eventually received. Others were found to be innocent, but there was no compensation for the months or years spent in

prison. It was thus indispensable to devise measures that would reduce the danger of being victimized by the criminal justice system. Further, legislation should be adopted that ensured that the time spent in pre-trial detention would be deducted from the prison term eventually imposed on the accused. Finally, the possibility of the State being liable for such judicial errors should be explored, and those innocently accused or punished should receive adequate compensation.

51. Additional obstacles to the adoption of alternatives were public attitudes and public apathy. It was obvious that legislators were sometimes not inclined to even consider the alternative options. In that, they were responding to deep-seated prejudices in the population. Such a resistance, often rooted in the belief that excessive leniency would lead to private justice and retaliation, could threaten any change or reform in the penal system.

52. Prisons were not only ineffective, but also extremely costly. In developing countries they consumed a large share of scarce resources. That was leading some Governments to experiment with new measures, such as the financing of prisons by the prisoners themselves through their work. That approach could be envisaged as serving to mobilize resources that could be utilized for development. Thus, in open and semi-open systems, prisoners could work on land reclamation projects.

53. In that connection, some participants thought that, in view of the enormous financial burden that prisons represented for the State, some offenders, such as drug traffickers who made enormous profits from their crimes, should be obliged to finance their own imprisonment out of those profits. Other participants, however, thought that the loss of freedom was sufficient punishment.

54. The view was also expressed that certain forms of light physical punishment, though abandoned by the majority of countries, could serve to avoid the problems created by prisons in restricted socio-cultural situations while serving as an example.

55. The need for continuous prison education was stressed. It was further suggested that vocational training and adult education, in general, should be integrated into all prison administrative systems. Since it was well known that the rate of illiteracy was higher among prisoners than the general population, appropriate attention should be given to educational programmes in prisons in order to remedy educational deficiencies. As it was the responsibility of the State to promote the well-being of all members of society, prisoners should have access to all educational means, without discrimination. They should, in addition, be educated on human rights.

56. In many countries the roots of education were to be found in religion and traditions that allowed for a balanced approach to treatment and education. The religious convictions of prisoners had to be respected in the administration of prison sentences as well as in educational programmes for prisoners.

57. The importance of management and computerization, as well as the wide application of the Standard Minimum Rules for the Treatment of Prisoners, was stressed by various participants.

58. At the conclusion of its work, the Meeting reviewed the two resolutions proposed by the Interregional Preparatory Meeting on topic 2, and approved the provisions contained therein. With regard to resolution 1, section V, entitled

"Sentencing policy: general principles", it was suggested adding "the case and" in recommendation 10(a) after "an understanding of", and to check the Arabic translation of recommendation 11(a). It was also recommended unifying the procedures relating to criminal cases in those countries where there was a multiplicity of jurisdictions. It was recommended, further, that work opportunities, compatible with their abilities, should be provided for prisoners, thus contributing to their rehabilitation; that special community programmes for released prisoners should be encouraged; and that special measures for the treatment and rehabilitation of recidivists should be introduced.

59. Support was expressed by the participants for the Basic Principles for the Treatment of Prisoners, submitted by the International Council for Adult Education on behalf of a number of non-governmental organizations. Since the participants were informed that specific proposals for action in that respect by the Eighth Congress had already been made by the Latin American and Caribbean Regional Preparatory Meeting, it was unanimously recommended that the resolution be acted upon by the Eighth Congress, with the endorsement of the Western Asia Regional Preparatory Meeting.

Topic 3: Effective national and international action against:
(a) organized crime; (b) terrorist criminal activities

60. The Executive Secretary introduced the topic, and pointed out its great complexity. First, the seriousness and extent of the illicit operations of organized crime were acknowledged facts. Its economic power had become enormous and it had succeeded in infiltrating politics and public administration in a number of countries. Money laundering operations were the root of widespread corruption, a phenomenon that seriously menaced the very foundations of civilized and orderly social and legal institutions. Secondly, it was evident that terrorism was a grave threat to the international community. As such, it had earned the unequivocal condemnation of all responsible States, most recently at the Summit of Arab States that had recently met at Casablanca.

61. The urgent need to devise more effective strategies and measures that could help to counteract the growing menace of those criminal phenomena, both within and between States, was evident. The recommendations contained in the report of the Interregional Preparatory Meeting on topic 3 (A/CONF.144/IPM.2) on organized crime were based on the provisions of the Seventh Congress, resolution 1, while those on terrorism were based on resolution 23. Those recommendations not only had been endorsed by the Committee on Crime Prevention and Control at its tenth session, but also had received the approval of the three previous regional meetings.

62. The Executive Secretary indicated that the draft model treaties on mutual assistance in criminal matters, and on extradition, could not have been prepared without the assistance and sustained support of the Government of Australia, certain other Governments, and of the International Association of Penal Law and its dedicated Secretary-General, Professor Cherif Bassiouni.

63. The Meeting acknowledged that both forms of crime highlighted under topic 3 had, in recent years, loomed menacingly among other types of criminality. Adequate legislation was, in the opinion of some participants, often readily available. The real problem was one of ensuring its effective application, in view of the difficulties of pursuing the perpetrators of those crimes across national boundaries. In fact, international co-operation lagged sadly behind domestic legislation.

64. Radical innovations were needed to deal with those crimes: they should be subject to universal jurisdiction and their prosecution should not be hampered by territoriality. The international community should classify terrorism as an international crime, regardless of whether its consequences affected only one country. That would grant every Government the right to try the perpetrators, no matter where the crime had been committed. Overcoming the traditional concept of jurisdiction was a prerequisite to making progress in the struggle against terrorism. In that manner, all countries would be permitted to bring the criminals to justice. That was particularly important in view of the existence of national laws preventing the extradition of nationals. Equally important was the establishment of an international criminal court, a project that had received considerable attention more than 50 years ago and that had been recently revived by some statesmen with regard to transnational terrorism. Such a court could help to overcome the political attitudes surrounding some of the issues underlying terrorism and the widespread reluctance of Governments to extradite the suspects. Consequently, the United Nations should encourage States to seriously explore the possibility of establishing such an international court.

65. Other participants, however, felt that the proposal to establish an international criminal court was rather far-fetched, since it would necessarily collide with national sovereignty. Such a project could take a long time to become a reality, and the international community urgently required effective action. Thus, more practical solutions and arrangements had to be devised, through bilateral and regional agreements, so as to facilitate and strengthen international co-operation.

66. Representatives acknowledged the difficulty of defining terrorism in an adequate manner. While some felt that a clear definition should be attempted in spite of the difficulty, others thought that such an attempt would be too time-consuming and had no guarantee of success. It was sufficient for the international community to condemn certain acts and types of conduct as unacceptable, in view of their very dangerous consequences. The real difficulty lay not in defining terrorism, but in agreeing on single definition.

67. The view was expressed that, if no definition could be agreed upon, at least the salient characteristics of the phenomenon should be identified. For example, the following list could be used to characterize organized crime: (a) organization; (b) tendency to corrupt public officials; (c) willingness to assassinate or intimidate; (d) huge investments that permit bribing government officials, including the judiciary; (e) profit as the main objective of the illicit operations; (f) professionalism or career-like characteristics of membership; and (g) confidentiality and secrecy of membership and operation.

68. Although it was not at all simple to clearly distinguish between terrorism and the violence to which national liberation movements were often obliged to resort, it should not be forgotten that all resolutions adopted by the United Nations on the topic included the recognition of the right of peoples to fight for their independence and their right to self-determination. Thus, it could be said that colonialism and racism were at times the real causes of acts of violence akin to terrorism.

69. It was also stressed that the Seventh Congress in resolution 23 had established a clear-cut frame of reference in relation to terrorist criminal activities by referring to specific acts defined as such in agreed upon international conventions. Those conventions were enumerated, *inter alia*, in the preambular part of resolution 23. That had facilitated the effort of the Interregional Preparatory Meeting to identify and formulate practical measures to strengthen international co-operation in that area.

70. From an international point of view, the menace was not only in the exportation of terrorism, but also in the fear and alarm caused even in places far away from those countries in which terrorist acts had been perpetrated. Although treaties and conventions existed, they seemed to be insufficient, both because they had not been universally ratified and because they had been formulated in a piecemeal manner.

71. The innocent deserved adequate protection from terrorist attacks, regardless of the motivation or goals of the perpetrators. The loftiest ideals were not a sufficient justification for such crimes against humanity. In that connection, it was re-emphasized that the recent Summit Meeting of the Heads of Arab States at Casablanca had renewed its condemnation of terrorism in all its shapes and forms, whatever its source, and had affirmed the need to rely on legal methods approved in international charters and to adhere to the principles of right, justice and international legitimacy.

72. One approach to the problem was the adoption of regional agreements, a solution that should be encouraged by the international community. In that connection, the Government of Egypt had prepared a project for submission to the Arab League of States.

73. The participants reviewed and adopted the recommendations contained in the report of the Interregional Preparatory Meeting on topic 3 and the draft model treaties on mutual assistance in criminal matters and on extradition, as revised in documents A/CONF.144/RPM/CRP.2 and 3. However, the participant made the following suggestions:

Addition to paragraph 62:

"Banks and financial institutions should not resort to the principle of secrecy once there exists a judicial order issued by the competent judiciary authority in the country where the institution is located."

Paragraph 95 should read:

"Defence based on obedience to superior orders, or acts of State (acts of sovereignty in Arabic), or immunities accorded subsequent to the commission of the crime, shall not apply ..."

Addition to paragraph 97:

"The United Nations should assist any country that suffers from terrorism or from the presence of terrorist organizations on its territory to put an end to that phenomenon."

Paragraph 105, line 2, should read:

"or encourage the establishment of compulsory guidelines to control the ..." instead of "or encourage the establishment of voluntary guidelines to control the ...".

Moreover, participants emphasized the need to revise the translation of the model treaties into Arabic, since several formulations appeared to be ambiguous or inaccurate.

Topic 4: Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions

74. The Executive Secretary, in introducing topic 4, acknowledged that the Arab region had contributed greatly to progress in the development of that item, a fact of which the participants could be justly proud. Furthermore, the countries of the region were in the process of successfully implementing the United Nations Standard Minimum Rules for Juvenile Justice Administration, as evidenced in the various reports received by the United Nations.

75. Both of the draft instruments before the Meeting fulfilled the mandates emanating from the Seventh Congress and were inspired by the new United Nations Rules, which had been adopted on that occasion. The assistance provided to the Secretariat by the Arab Security Studies and Training Centre (ASSTC) and non-governmental organizations, under the leadership of Defence for Children International, in the formulation of those two draft instruments, had been truly decisive.

76. The observer of the Training Centre pointed out that the central objective of the draft Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) was to promote measures that would effectively prevent the onset of delinquency; that objective constituted prevention in its purest meaning. For that purpose, great emphasis was placed on the role of education and the function of the family. In that manner, the transmission of values from one generation to the next was effectively ensured, establishing a solid foundation for prevention. That implied the need for protection and prognosis by means of a follow-up of the educational and social adaptation processes.

77. Participants were of the opinion that protecting millions of children and youth from victimization and the devastating impact of rapid social change and economic crisis was fundamental to social well-being. The Guidelines represented a welcome attempt to formulate principles that could be shared by all countries and regions. The principles contained in the United Nations Rules were adequately complemented by the Guidelines.

78. The problem of juvenile delinquency was grave, complex and multifaceted. An urgent need existed for measures designed to prevent and contain youth crime, particularly in developing countries, in which, almost without exception, the percentage of youth in the population was extremely high.

79. A number of representatives provided information on national strategies for the prevention of juvenile delinquency and for child care and education in general, including centres for homeless children and young delinquents, and education and rehabilitation programmes. Participants also referred to organizational changes in the juvenile justice system and recent law reforms in that regard.

80. Although there were calls for more research in that area, representatives felt that the investigations already carried out could fill entire libraries. The real problem was the implementation of the recommendations derived from such research, their adaptation to the conditions in each country and the available resources.

81. Delinquency was obviously a pattern of behaviour fostered by the conditions prevailing in the social and cultural environment. The efforts to prevent it were deemed by some as being based upon three principles: (a) early detection; (b) improvement of living standards, since an impoverished family environment could lead to the failure of preventive policies; and (c) formal education and the eradication of illiteracy.

82. The observer of Defence for Children International addressed the Meeting, underlining the contribution of that non-governmental organization to the elaboration of the draft Standard Minimum Rules for the Protection of Juveniles Deprived of their Liberty. That had been accomplished in co-operation with Amnesty International, the International Commission of Jurists, the Swedish Save the Children Organization and others. The first draft had been revised by a consultant selected by the United Nations, and it had been reviewed by a large number of non-governmental organizations. The resulting version was later examined, reviewed and adopted by the Interregional Preparatory Meeting on topic 4 (A/CONF.144/IPM.3), and endorsed by the Committee on Crime Prevention and Control at its tenth session.

83. The Meeting welcomed the draft as an instrument that reflected the nature of the problem and special needs in the area in the very best way. It set the goals for States to aim at in formulating guidelines for administrators, planners and policy makers.

84. It was stressed that prevention was better than treatment. In fact, it was society that was in need of treatment as a means of preventing the emergence of delinquency. Delinquent behaviour was a reflection of the society and environment in which a young person had been raised. That was particularly relevant to developing countries, in which the rate of juvenile delinquency was probably higher than in industrialized countries, and where juvenile delinquency had to be prevented in its own environment; recourse to specialized institutions being the last resort for the shortest possible time.

85. The family, the community and the educational system were identified as the main agents responsible for the socialization and integration of children into society. Not only government agencies but also voluntary associations and religious groups could contribute to the well-being of children and young persons by providing a wide range of support services to families and to young persons themselves. Special attention should be given to homeless children, who deserved special care and guidance. The participants also stressed the growing need for comprehensive programmes and strategies for the prevention of alcohol and drug abuse by young persons.

86. The industrialized countries should be urged to assist developing countries to overcome the difficulties encountered in their path to development, by assisting them in the implementation of juvenile delinquency prevention and juvenile justice programmes. A first step in that direction could be taken by the reduction of the external debt of developing countries.

87. International financial and banking institutions should also be urged to implement projects aimed at the prevention of delinquency and the social reintegration of juvenile delinquents. That, however, could only be expected if countries gave such programmes as priority, since that was a prerequisite for action on the part of those institutions.

88. The Meeting felt that, to the extent possible, the stigmatization of delinquents should be avoided. Consequently, institutionalization should be restricted to the absolute minimum mandated by the need to protect society and by the gravity of the offence. In its place, the family and the school should be assisted to perform their rehabilitative function. For that purpose, the two should be more closely integrated, so as to provide delinquents with as normal a life as possible.

89. The Meeting then approved the drafts submitted for its consideration, indicating that some of the ambiguities found in the Arabic versions should be carefully removed. Specific comments were made with reference to Guidelines 22 and 54 regarding the use of the term "Ombudsperson". The importance of relying on broad social policies for the establishment of both protective and preventive programmes was stressed, as was ensuring proper co-ordination by the establishment of interdisciplinary committees or councils in order to translate those policies into concrete action by a well-functioning administrative process.

90. With reference to the draft Rules, the significance of specialization and training was noted, as was the need to stress psychological care, artistic culture and self-expression as educational means, together with the provision of comprehensive social services from the moment of reception to the day of release and after.

91. At the conclusion of its work, the participants endorsed both the drafts that had been submitted for their consideration.

Topic 5: United Nations norms and guidelines in crime prevention
and criminal justice: implementation and priorities for
further standard-setting

92. The Executive Secretary introduced topic 5, stressing its importance, from the point of view of both implementation of existing norms and standard-setting. In that respect, he indicated that only resolutions A, B, C, and D contained in the report of the Interregional Preparatory Meeting on topic 5 (A/CONF.144/IPM.5) were to be submitted to the Eighth Congress. The remaining ones had already been adopted by the Economic and Social Council and thus required further consideration only with respect to their implementation.

93. The drafts before the Meeting followed from, and complemented, the norms and guidelines adopted by the Seventh Congress. Thus, the draft Basic Principles on the Use of Force and Firearms by Law Enforcement Officials were a logical extension of the Code of Conduct for Law Enforcement Officials, whereas the draft Basic Principles on the Role of Lawyers grew out of the Basic Principles on the Independence of the Judiciary. In a similar manner, the draft Model Agreement on the Transfer of Proceedings in Criminal Matters and the draft Model Agreement on the Transfer and Supervision of Offenders who had been Conditionally Sentenced or Conditionally Released were elaborated on the basis of the same concerns that had been at the origin of the Model Treaty on the Transfer of Foreign Prisoners. In the formulation of all four drafts the Secretariat had been assisted by numerous governmental experts, non-governmental organizations and individual scholars.

94. The participants emphasized the importance of ensuring the full implementation of existing standards and norms in the field of crime prevention and criminal justice, also in pursuance of the recent General Assembly resolutions on human rights in the administration of justice. In that respect, it was noted that, in accordance with the constitution of some countries of the region, the provisions contained in international treaties or conventions that had been ratified were treated as internal legislation. It was also noted that in various countries efforts had been made either to enact new legislation or to take initiatives at various levels to improve the implementation of United Nations standards and norms.

95. In that connection, it was recalled that an International Symposium had recently been held at Cairo, also at the Police Research Centre, to consider ways and means of facilitating the implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34), the provisions of which were given great significance by all countries of the region.

96. With reference to the new draft instruments to be submitted to the Eighth Congress, the participants stressed their relevance, acknowledging the difficulties involved in their elaboration, as well as the great amount of work accomplished in their formulation. A comprehensive review of their content would require much more time than was available to the Meeting.

97. In the discussion of the draft Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Meeting placed particular emphasis on their relevance and on the fact that in many countries there were specific provisions regulating that matter.

98. The rejection of "obedience to superior orders" as a defence, contained in Principle 26, generated some controversy. For some participants, obedience was a justifiable ground for defence. How could a police officer be expected to know if an order was or was not unlawful? What was meant by "reasonably expected to know"? How could that be objectively and subjectively evaluated? The expectations implicit in that Principle were too high and placed excessive responsibility on the shoulders of police officers. Consequently, it was believed that the second paragraph of that Principle should be deleted. For other participants, however, the provisions contained therein were rather well-known, and had been applied at the Nuremberg Trials at the end of the Second World War. Moreover, since the First World War, blind obedience had disappeared from all codes, including military ones. As such, the Principle had to be retained as it was.

99. It was agreed, at the end of a comprehensive discussion on the issue, to propose the deletion of "or could have been reasonably expected to know", contained in the second sentence of Principle 26, since, in accordance with the general principles of criminal and military law, the knowledge of the unlawfulness of superior orders was a good justification for disobedience, while "reasonable expectation" was not.

100. With reference to Principle 11 of the same draft, which prohibited the use of firearms except, *inter alia*, to arrest a person presenting a grave danger to the community, one participant felt that it demanded judgemental powers not necessarily available to law enforcement officers. For instance, with reference to Principle 11, prison guards could not easily determine whether an inmate attempting to escape was a murderer, and thus a grave danger to the community. Their job was to prevent inmates from escaping, and they were expected to use firearms for that purpose, if necessary. It was also suggested that families and victims should also be notified whenever a report on the use of force and firearms was prepared.

101. With respect to the draft Basic Principles on the Role of Lawyers, it was felt that since Principle 8 could be used to condone suspensions or restrictions of the uncontested and widely accepted principle of the right to defence, it should be deleted. Other participants felt that it should at least be reformulated to make it compatible with the provisions of the Covenant on Civil and Political Rights concerning exceptional circumstances (article 4). Accordingly, "exceptional circumstances to be specified by law" had to be qualified

by the same language as used in article 4, i.e. "in time of public emergency which threatens the life of nations and the existence of which is officially proclaimed".

102. Principle 4 of the same draft, establishing the duty of Governments to ensure that all persons charged with criminal offences, or arrested, detained or imprisoned, should be promptly informed of their right to be represented and visited by a lawyer of their own choice, demanded, for some of the participants, too much from Governments. There were far too many minor offences where such a procedure was not needed. Thus, that obligation should be confined to persons accused of serious crimes. The same applied to Principle 5, where free legal assistance should be made available only for serious offences and to those persons who truly lacked the financial means. For other participants, however, the right to have access to lawyers was a well-established principle, as had been determined, for example, in the United States in the case of Miranda v. Arizona. In that respect, any regression was totally unacceptable.

103. Observations were also made with reference to Principle 1, in order to add after "equal access to lawyers" the following: "in all stages and proceedings of the trial"; to Principles 6 and 7, in order to ensure access to lawyers also in the stage of the collection of evidence; and to Principle 17, the Arabic translation of which did not correspond to the English text.

104. The representative of the Arab Lawyers' Union reported that a conference of his Organization would soon be held at Damascus, during which a report on the role of lawyers in the Arab region was going to be considered, together with a draft for a unified lawyers' law, based on the United Nations model.

105. Concerning the draft Model Agreement on the Transfer of Proceedings in Criminal Matters, some representatives thought that the danger existed that some of its provisions could violate the principle of a fair trial (chapter I). Moreover, the term "suspect" in Arabic was misleading, since it referred, in that language, to a stage previous to the accusation and formal charges (chapter III). In addition, the safeguards contained in the draft, aimed at protecting the rights of the victims, were considered insufficient (chapter V). Other participants, however, felt that, in view of other provisions, the draft was adequate as a model. It was suggested that, in order to find a solution to the above-mentioned problem, the following sentence should precede paragraph 1: "Without prejudice to the rights of the accused and, in particular, the right to a fair trial..."; as well as to specify the conditions to be met when "the interests of the proper administration of justice so require" (chapter I, paragraph 1).

106. With regard to chapter III (c) and (d), the representative of the United Nations High Commissioner for Refugees noted that the question of refugees should not be forgotten. Refugees were often obliged to flee their country of origin, often illegally. In accordance with the relevant provisions of the Geneva Convention, all efforts should be made to ensure that no further victimization, suffering or oppression were imposed upon them in the countries where they had found refuge.

107. Finally, and with reference to the Draft Model Agreement on the Transfer of Supervision, one participant felt that it was influenced by the Anglo-Saxon juridical tradition in that it referred to institutions such as parole, probation and suspended sentence, which were the result of specific historical developments. They had to be integrated into the legislation and practice of the countries of the region, as was happening in continental Europe. The Arabic translation had to be properly reviewed. In that connection, it was

suggested that the Arab Security Studies and Training Centre could assist the Secretariat by checking the accuracy of the technical expressions used in Arabic.

108. On the basis of the above-mentioned observations, the Meeting concluded its work by endorsing all the draft instruments submitted to it for its consideration under topic 5.

III. ADOPTION OF THE REPORT OF THE MEETING

109. The final session of the Meeting adopted the report introduced by the Rapporteur. It also unanimously adopted two draft resolutions, the texts of which were contained in the recommendations at the beginning of the present report. Draft resolution 1 on international action against transnational forms of crime and draft resolution 2 on the protection of the human rights of victims of crime and abuse of power were introduced by the representative of Egypt.

110. The Minister of the Interior, as Honorary Chairman of the Meeting, in his closing address, stressed that the international community was clearly aware of the profound danger of crime and had demonstrated its interest in taking measures to combat and control terrorism, organized crime and other forms of serious international crime. The calls for strengthening international co-operation and for more financial resources for criminal justice programmes and projects were fully justified, in order to combat the growing power of criminal organizations.

111. The Director of the Social Development Division, Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, stated that the encouraging results of that Meeting reflected the broad consensus in the region on crime-related matters. The outcome of the Meeting would contribute greatly to preparations for the Eighth Congress. The question of resources was as much of a concern to the United Nations as it was to Member States. He appealed to Governments to support the United Nations crime prevention and criminal justice programme as an important component of the development process, deserving priority attention by the international community.

112. On behalf of all the participants, appreciation was expressed to the Government of Egypt and the Police Research Centre for hosting the Meeting and for their generous hospitality.

Annex I

LIST OF PARTICIPANTS

Members of the Economic and Social Commission for Western Asia

Bahrain

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Mohammed Rashid Bu-Hammound, First Lieutenant, National Police Force

Democratic Yemen

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Egypt

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Farouq Seif El-Nasr, Minister of Justice

Ahmed Galal Ezeldin, Assistant to the Minister of Interior

Samir Nagi, Chancellor, Assistant to the Minister of Justice

Mohamed Fathi Nagib, Adviser

Emad El-Din Elnagar, Adviser

Seri Mahmoud Seiam, Chancellor

Mohamed Abdel Rahman Elbahr, Chancellor

Hussein Mostafa Ebdel Salam, Chancellor

Abdel Moneim Hashish, Adviser

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Mohamed Abdul Hameed El-Bahr, Ministry of Justice

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Eduardo Vetere, Executive Secretary of the Eighth Congress; Chief, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs

Pedro David, Interregional Adviser in Crime Prevention and Criminal Justice

Rodrigo Paris-Steffens, Social Affairs Officer, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs

Burkhard Dammann, Social Affairs Officer, Crime Prevention and Criminal Justice Branch, Centre for Social Development and Humanitarian Affairs

United Nations High Commissioner for Refugees

Abdel Mawla Elsolh, representative

Maria Nataloni Chiara, Programme Officer

United Nations Development Programme

Saleem Kassum, resident representative

Specialized agency

United Nations Educational, Scientific and Cultural Organization: Al-Rawi, Dr., Director, Regional Office for Science and Technology in the Arab States

Regional institute

Arab Security Studies and Training Centre

Mohamed Zeid, Dr.

Ersan Abdul Latif Mohamed

Other intergovernmental organization

Social Defence Organization, League of Arab States: Safeya Youseef

Non-governmental organizations

Category II: Amnesty International, Arab Lawyers Union, International Association of Penal Law, International Council for Adult Education, International Institute for Higher Studies in the Criminal Sciences, World Federation for Mental Health

Roster: Defense for Children International Movement

Other organization

Egyptian General Association for Social Defence

Mostafa-Rezq Mattar
Ersan Abdul Latif

Annex II

LIST OF DOCUMENTS

A. Basic documents

- A/CONF.144/PM.1 Discussion guide for the interregional and regional preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
- A/CONF.144/IPM.1-5 Reports of the interregional preparatory meetings for the Eighth United Nations Conference on the Prevention of Crime and the Treatment of Offenders
- E/AC.57/1988/20 Report of the Committee on Crime Prevention and Control on its tenth session
- A/CONF.144/RPM/CRP/1 Draft Model Treaty on Mutual Assistance in criminal Matters
- A/CONF.144/RPM/CRP/2 Draft Model Treaty on Extradition
- A/CONF.144/RPM/CRP/3 United Nations Draft Guidelines on Prosecution

B. Background documents

- A/RES/43/99 Crime prevention and criminal justice
- A/RES/43/153 Human rights in the administration of justice
- A/RES/43/173 Body of principles for the Protection of all Persons Under Any Form of Detention or Imprisonment
- DPI/960 Safeguards guaranteeing protection of the rights of those facing the death penalty
- DPI/959 Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development and a New International Economic Order
- DPI/958 Basic Principles on the Independence of the Judiciary

- DPI/957 Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners
- DPI/896 United Nations Standards Minimum Rules for the Administration of Juvenile Justice
- DPI/895 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
- DPI/832 Standard Minimum Rules for the Treatment of Prisoners and Procedures for the Effective Implementation of the Rules
- DPI/665 Code of Conduct for Law Enforcement Officials
- Standard Minimum Rules for the Implementation of Non-Custodial Sanctions and Measures Involving Restriction of Liberty
- A/CONF.121/22/Rev.1 Report of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders
- E/AC.57/1988/NGO/3 Statements submitted by non-governmental organizations in consultative status with the Economic and Social Council, category II

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.