

DOCUMENTATION OF CORRUPTION CASES

A. Background

The Center for Social Development (“CSD”) has been working on anti-corruption issues since its inception in 1995, mainly through its Governance Unit. In this regard, CSD has focused most of its energy in advocacy, conducting trainings and seminars, namely for commune councils and other local authorities, holding national conferences to highlight the problems and costs of corruption on society in general, working closely with Transparency International as its national contact, coordinating with other governmental and non-governmental institutions, and publications. This is the first time for CSD to document charges and court cases of corruption.

CSD hopes that this *Documentation of Corruption Cases* will help us to understand the difficulties attached to bringing cases of corruption to trials but at the same time allow us to appreciate the unsung heroism of those who have tried to do so. Additionally, this *Documentation* will cast light on the degree of governmental political will and civil society’s capability to curb corruption by bringing specific cases of graft and corruption to the courts for prosecution.

The *Documentation of Corruption Cases* is an attempt to show the collaboration of NGOs, civil society and government actors to undertake corruption cases using existing appropriate laws and legislation.

B. Description

In this endeavor, CSD collaborates with lawyers from the Cambodian Defenders Project (“CDP”), Legal Aid of Cambodia (“LAC”), and other legal institutions to identify a corruption case that could be taken forward in a court of law. CSD and CDP identify a case involving bribery or fraud for which there is strong evidence and for which laws and penalties already existed and attempt to advance the counter-corruption case through combined legal and advocacy efforts.

C. Specific Activities

- Assessment of specific, potential corruption test cases with strong facts, strong legal arguments backed by legal instruments and evidence for a successful prosecution.
- CSD did the sorting, monitoring and investigation of corruption cases and forwarded the cases to the courts for trial and resolution.
- CSD conducted parallel activities similar to those done by the Court Watch Project (monitoring and observing) in terms of scrutinizing the corruption cases at court hearings.
- Coordination and networking with other NGOs and linking with women’s networks engaged in similar activities, as gender mainstreaming is a consideration.
- Selection of courts of law in which to monitor and observe trials, follow court procedures and standards of professionalism, and examine application of codes of judicial ethics.

- Documentation of this test activity and sharing of the results with NGOs, civil society, networks of human rights and legal luminaries, international networks, and the general public.
- Coordination and networking with the media through news reports, TV coverage, columns, and editorial articles.

D. Outputs

In documenting these cases, CSD hopes for:

- Lessons learned in using existing laws that address corrupt practices such as bribery and fraud.
- Positive results of prosecution in selected corruption cases.
- Increased domestic and international attention on corruption issues.
- Improvements of existing laws on anti-corruption, freedom of information, work of the regulatory bodies, and roles of the parliamentarians.

HEADMASTERS ACCUSED OF CORRUPTION (Kampong Thom)

A. Background

Four teachers (“**the Complainants**”) accused the principals of Decho Meas and Prey Kuy Junior High Schools of a conspiracy of silence regarding embezzlement, forgery of signatures, and public documents. The offense allegedly began in 2000 and was exposed in June 2004 when the complainants filed charges with the Cambodian Independent Teachers’ Association (“**CITA**”).

On 18 August 2004, the day after the case was brought to court, there was a meeting at Kampong Thom Provincial Department of Education, Youth and Sports (“**Education Department**”). The Education Department initiated the meeting which was attended by the Education Department director and two deputy directors, the four teacher complainants, two representatives of CITA, and two representatives from the provincial department of Parliamentary and Senate Relation and Inspections (“**PSRI Department**”). The teachers’ complaints were forwarded to Kampong Thom provincial court, PSRI Department, and the Cabinet of the Prime Minister, according to the deputy director of CITA in Kampong Thom.

During the meeting, a CITA representative suggested four actions to deal with this case:

1. Transferring 2,147,600 riel, illegally gained through embezzlement and for personal profits between October 2003 to February 2004, back into national budget;
2. Transferring the officials to a remote area where there is a lack of teachers;
3. Compensating the four complainants in the amount of 9 million riel; and
4. Wide broadcast of the facts of this case.

The Education Department was only prepared to accept the first three actions.

The first action appeared settled because the money mentioned above had apparently already been transferred into the national budget. However, the meeting was halted because the method of transfer was not made clear to CITA, nor was it made clear which account was to receive the funds. CITA raised these concerns, but no appropriate response was received. Furthermore, CITA objected to the attitude of the Principal of Decho Meas. If this meeting had been successful, CITA would have withdrawn its complaint.

At this point, the deputy director of the Education Department mentioned that upon receiving information about this case, the Education Department immediately convened a meeting between the Department of Education, the accused, the victim, the PSRI Department, and CITA. In the name of the Education Department, the deputy director tried to convince the parties to reach an agreement outside of the court system. He stated that although the Education Department was generally able to resolve these sorts of complaints, in this case it was not able to do so. He continued that he did not want any civil servants to be tried by the court because they would lose their positions. He confirmed that all embezzled money had been transferred back into national budget as of August 16, 2004.

In the afternoon of August 27, the CITA deputy director was informed that the Kampong Thom Prosecutor had summoned him to the court on August 30 to explain his complaint and how the principals forged the documents and signatures. This summons was sent to the Education Department, which then forwarded the summons to the teachers, who in turn forwarded the summons to CITA.

It was alleged that the principal of Decho Meas Junior High School had conspired with the principal of Prey Kuy Junior High School to forge the overtime sheets of four teachers (from two schools) and to forge their signatures. It was further alleged that the principal of Decho Meas had then forged a summary of a common overtime sheet abstracted from the overtime sheet of those teachers, and forged other signatures to receive the overtime payments..

B. Investigation of CSD Court Monitor

On Friday, 27 August 2004 CSD Court Monitor went to Kampong Thom to investigate the case. The first person our monitor met was a teacher who was also a member of CITA Kampong Thom (all the members of CITA are teachers). That teacher told our monitor that CITA filed a complaint against two junior high school principals alleging forgery of signatures, forgery of public documents, and defamation. He explained that the principal of Prey Kuy conspired with his brother, the principal of Decho Meas, to use the name of teachers of his school, without the knowledge of those teachers. He also stated that the principal of Decho Meas forged the overtime sheet to request money from the national budget through the Provincial Department of Education. He explained that after the details of this case were made public, the principal of Decho Meas defamed the teachers through Radio Free Asia (RFA), claiming that the teachers had received overtime payments but did not come to teach.

On 24 July 2006, CSD staff went to investigate; we met the teacher who brought the complaint against the principal of Decho Meas. He said that the issues had been dealt with and he did not want to reopen the case. He added that about two months ago, the deputy director of the Education Department called the teachers to negotiate with the principal of Decho Meas, who paid a four million riel settlement. The teachers agreed to accept the money and close the case but did not withdraw their complaint. The case then hinged on the court decision. The teachers did not want CSD and CITA to help because they did not wish to continue the case.

On 25 July 2006, CSD staff went to meet the principal of Prey Kuy. He said that he has no connection to the case and has no comment on it.

On 25 July 2006, CSD staff went to meet the principal of Decho Meas. He declined to comment on the case because litigation was pending.

CORRUPTION IN KEP MUNICIPALITY

A. Background

In April 2004, the Center for Social Development held a public forum on “Local Governance” in Kampot Province. At this CSD public forum, a teacher working for the education office in Kep alleged that the Director of the Kep Education Department committed fraud in funneling state funds. The accused officer subsequently filed a complaint in court against the teacher for defamation.

B. Defamation Case

The Kampot branch of the human rights non-governmental organization ADHOC informed CSD of the charge filed by the director of the Kampot’s Education Department against the teacher, who made the allegedly defamatory statement at the CSD public forum.

In May 2004, Kep’s Department of Education invited two officials of the Ministry of Education and the defendant-teacher to resolve the issue. However, the parties did not reach a resolution.

In January 2005, the Kampot Provincial Court questioned the accused teacher regarding the charge of defamation brought against him. The court allegedly pressured him to admit his fault, but the accused teacher maintained the position that his statement was truthful.

C. CSD Public Forum and Investigation

Upon learning of the defamation case filed against the teacher, CSD contacted the Cambodian Defender Project. CDP responded by sending a lawyer to represent the teacher in Kampot.

Toward the end of April 2006, CSD traveled to Kampot to meet with the accused teacher and the complainant Director at the ADHOC office in Kep.

On April 27, CSD met with the accused teacher. The corruption charge centers around the additional monthly allowance, which is given to teachers who work in “hardship” areas.

Pursuant to Sub-Decree No. 102 (October 3, 2002) of the Council of Ministers and Regulation No. 484 (June 26, 2001) of the Ministry of Education, a teacher is allowed an extra 40,000 riel per month in addition to the regular monthly salary for working in a hardship post. However, in Kep, the Director of the Education Department allegedly failed to implement the sub-decree and regulation. It was claimed that, only seventy percent of the teachers received even a portion of the allowance.

On 10 May 2002, the accused teacher and some colleagues wrote to the Minister of Education to address this issue; their letter went unanswered. The teachers wrote again to the Minister of Education and again their letter went unanswered.

When in April 2004, CSD held a public forum on “Local Governance” in Kampot, the accused teacher saw an opportunity to raise the issue of the hardship area allowance and did so. He publicly charged that officials of the Kep Education Department do not respect the sub-decree and regulation on the additional teachers’ allowance and hence are committing fraud.

D. The Investigation of the Ministry of Education

Two officials from the Ministry of Education were invited by the Kep Education Department in May 2004 to meet with the accused teacher to resolve the issue. However, rather than resolving the issue, the two officials accused the teacher of being an activist of the Sam Rainsy Party (“SRP”) and a member of the Cambodia Independent Teachers’ Association led by Rong Chhun, which they considered partisan.

The two officials defended the Kep’s Education Department’s actions in implementing Sub-decree No. 102 (Oct. 3, 2002) and Regulation No. 3391 on Procedure of Program Practice of Effective Education Service and pressured the accused teacher to retract his accusation.

According to the two ministry officials, pursuant to the Sub-Decree and the Regulation, the additional monthly allowance is allotted after evaluation by each school’s Board of Directors, who then submit a request to the Ministry of Education, Youth and Sports. In this case, it was maintained that, the Board of Directors had not approved an allowance for all teachers.

In the first trimester of 2002, the Kep’s Education Department registered 318 teachers. Prakas No. 270 (March 13, 2003) permitted an additional allowance for 230 of the teachers. The allowances of the other 88 teachers were not requested, and consequently, according to the ministry officials, there was no fraud.

Moreover, according to the two ministry officials, in the first trimester of 2003, Prakas No. 659 (July 9, 2003) approved an additional monthly allowance to 51 teachers in Kep and promised 38 teachers their monthly allowance when feasible. In 2004, the Kep Education Department stated that it would put in a request to the Ministry of Education, Youth and Sports for all its teachers.

The ministry officials stated that if the teacher refused to retract his claim of fraud against the Kep’s Education Department, they would bring a formal charge of defamation against him in court. As the teacher refused to retract, the Director of the Kep’s Education Department filed a formal complaint against the teacher in the Kampot provincial court. The court held a trial in January 2005, in which the accused teacher again refused to retract his statement against the Director.

CSD has been informed that the Kep’s Education Department has yet to pay the additional monthly allowance to the teachers for seven months. The case against the accused teacher remains in the Kampot Provincial Court. The accused teacher does not know of his next court date yet.

On April 28, 2006, CSD met with the complainant, the director of Kep's Education Department. He stated that he would not withdraw his complaint, nor would he attempt to reconcile with the accused teacher outside of court, as the teacher's statement against him was baseless and defamatory. He would instead let the court make its judgment.

In June 2006, CSD met with CDP. CDP stated the case may prove difficult because witnesses for the accused teacher refused to come forward, while the plaintiff director has provided many witnesses.

CORRUPTION TRIAL AT THE BATTAMBANG PROVINCIAL COURT

A. Background

Prime Minister Hun Sen announced the Iron Fist Event on March 3, 2005, to reform the justice system. The Council of Ministers instructed the high court's prosecutor to re-imprison some accused robbers, who had been freed through apparently irregular procedures. After the Iron Fist Event, there were some changes, especially at the Phnom Penh Municipal Court, wherein some judges were demoted and transferred to work at the Ministry of Justice or in the outer provinces. This Iron Fist Event is an opportunity for the Supreme Council of Magistracy to punish judges who made technical mistakes, as well as other judges who violated the law.

On 10 October 2003, and 19 December 2003, two gold and jewelry shops were robbed. Police were not able to arrest the robbers, but they did bring a complaint with the names of the accused and evidence to Phnom Penh Municipal Court. While prosecutors and the investigatory judge were preparing for litigation, policemen arrested the accused. Two investigatory judges indicted the accused, but did not require their detention. In the trial process, in what was allegedly a corrupt arrangement, one judge and the prosecutor made the decision to free some of the accused and to reduce the sentence of others. After freeing the accused, the Iron Fist Event required the policemen to arrest the accused robbers again, send them to the prison, and to file a complaint against the judges.

B. Investigation of CSD Court Monitor

1. *Hearing on 2 November 2005*

Battambang Provincial Court's public hearing was held on 2 November 2005, at 8:00 a.m., to hear the Phnom Penh ex-judge's Corruption Case, Criminal Case No. 242, dated 7 April 2005.

Court composition:

- Judge
- Prosecutor
- Clerk

There were 11 accused:

1. 3 ex-Judges (absent)
2. 2 ex-Prosecutors (absent)
3. 3 ex-clerks (absent)
4. 2 bribers (one absent and one present)

Among 11 accused, there was only one accused imprisoned on 12 May 2005. There were eight defense lawyers. There were two groups of policemen: one group from Toul Kok Police Inspection District, and another group from Police Phnom Penh Commissioner Office, who collected the evidence.

The judge postponed the hearing until the morning of 21-23 November 2005 because of the absence of lawyers, and on request from the accused. The public hearing was closed at 8:50 a.m. on the same day.

2. Hearing on 21-23 November 2005

The Battambang court hearing was continued on 21-23 November 2005. There were eight lawyers present. Also present were three accused persons; the others were absent. The hearing lasted for three days, mainly consisting of interrogation and the closing statements of the prosecution and defense. The judgment was to be given on 1 December 2005.

On 1 December 2005, the court announced that a public hearing would be held on 21 December 2005 at 8:00 a.m.

2. Hearing on 21 December 2005

At 8:07 a.m., Battambang Provincial Court continued the public hearing on Phnom Penh Ex-Judge's Corruption Case. The Court composition included:

- Judge
- Prosecutor
- Clerk

At that time, two accused persons were present and others were absent. Two lawyers were also absent.

3. Declaration of The judgment No. 81, dated 21 December 2005

After listening to the accused persons' response to the investigatory judge, the accused persons interrogations in the public hearing, and the lawyers closing statements, and noting:

- The Ministry of Justice's Permission Letter accusing the Phnom Penh Municipal Judges and Prosecutors of bribery under the UNTAC Law, Articles 38 and 58;
- The Ministry of Justice's Letter dated March 26, 200..., and the Secretariat of Supreme Council of Magistracy;
- Battambang Province Prosecutor's conclusion to order for investigation;

- Battambang Province Prosecutor's final conclusion order; and
- Battambang Province Investigation Judge sent order for judgment.

The court held:

- The UNTAC Law, Articles 38-58-69, applied.
- The accused ex-judges and ex-prosecutors had committed bribery (corruption) between March–October 2004, in contravention of UNTAC Law, Article 38.
- The two ex-accused clerks were accomplices to corruption between March–October 2004, in contravention of UNTAC law Article 38 and 69.
- The three accused persons had committed bribery between March–October 2004, in contravention of UNTAC Law, Article 58.
- The case against one accused ex-clerk was undetermined..
- The prosecutors had submitted evidence against the accused ex-judges and ex-prosecutors, and requested the court to sentence the accused between four years to seven years imprisonment for bribery (corruption), following UNTAC Law, Article 38 and 69.
- The prosecutors had submitted evidence against the accused person and requested the court to sentence the accused in an interval of one year to three years imprisonment for bribery, following UNTAC Law, Article 58.

So the judge decided as below:

- To release one accused ex-clerk.
- To sentence 5 accused ex-judges and ex-prosecutors to prison for 4 years, following UNTAC Law, Article 38 and 58.
- To sentence 3 accused persons in prison for 1 year and 6 months, following UNTAC Law, Article 58.
- To sentence accused ex-clerks in prison for 4 years, following UNTAC Law, Article 38 and 69.

All the accused had the right to appeal this judgment according to the law.

4. *First Hearing*

A further hearing was held at Battambang Provincial Court on 18-21 April 2006, in order to review the decision on the Phnom Penh Ex-Judge's Corruption Case because the accused ex-judges, ex-prosecutors and ex-clerks wished to appeal the last decision.

The Hearing's composition consisted of:

- Judge
- Prosecutor
- Clerk

It was stated that the sentence procedure was not conducted according to the law, as before the court hearing, the clerk did not inform the accused of their legal rights.

At the appeal hearing, the prosecutor summarized that three ex-judges and two ex-prosecutors were accused of bribery, following UNTAC Law, Article 38, whilst two ex-clerks were accused of complicity in bribery and corruption, following UNTAC Law, Articles 38 and 69. Three accused

persons were witnesses and also accused of bribery, following UNTAC Law, Article 58 and they brought an action to Appeal Court. This criminal case had taken place between March and October 2003.

All the accused and witnesses refused to admit the offences. They denied all the material in the police reports and raised allegations that the policemen forced witnesses to implicate the defendants and imprisoned them illegally. One of the accused ex-judges claimed that there had been a bad relationship between judges and policemen. The policemen who had produced the reports had subsequently been convicted of serious offences of murder or conspiracy to murder judges and prosecutors, and were serving prison sentences. It was submitted that in this corruption case, the policemen had created false reports in order to increase the pressure on Phnom Penh court.

The prosecutor concluded that there was evidence that the accused had committed corruption and that judges had been bribed to release accused persons. The evidences was contained in the reports made by the police. According to the report of the answers of the witnesses, who were absent, there had been no pressure upon witnesses to implicate the ex-judges and ex-prosecutors. Therefore the prosecutor continued with his case and requested the judge to sentence the accused in prison from 4 years to 7 years, following the UNTAC Law, Article 38 and 69.

In their conclusions to the court, all the lawyers pointed out that the prosecutor accused the defendants according to the policemen reports; the authors of those reports were now in prison for the commission of serious crimes. Therefore, it was submitted, the reports should not be relied upon as evidence against the accused in this case.

4. The Judge's Decision

The judge stated that he based his decision upon:

- The answers of the defendants who said that they did not commit any corruption and claimed that there was no evidence to show that they committed corruption,
- The answers of the witnesses, who said that their answers in the police reports are not true because the policemen force them to implicate the defendants,
- The lack of any new evidence of police to support the case,
- Article 38 of the Constitution which states that: “any case of doubt shall be resolved in favor of the accused”,
- The final conclusion of the prosecutor which confirmed that the witness and the defendants had never changed their answers since the first public hearing,
- The lawyers' concluding speeches,

The judge decided, "in order to reinforce the court's independence and justice", to quash the convictions of all the defendants, thereby releasing all the defendants from custody, and to give the right to any concerned person to appeal this decision.

OFFICIAL OF MINISTRY OF LAND MANAGEMENT ACCUSED OF CORRUPTION

A. Background

On 20 February 2006, the website of Radio Free Asia (“RFA”) stated that it has received hundreds of documents from officials of the Ministry of Land Management, Urbanization and Construction (“MLMUC”), accusing one high-ranking official within the Ministry of embezzling state money in the amount of US\$180,000 (one hundred eighty thousand U.S. dollars) and forgery of documents. The high-ranking official allegedly began committing these crimes in 2004.

Upon hearing the news, on 2 March 2006, the Center for Social Development went to RFA to obtain copies of these documents, including complaints to the prime minister and certain government ministers.

B. Investigation of CSD

1. *Meeting with the Accuser*

One week later, CSD held a meeting with one of the officials from MLMUC who made the accusations. According to this official, the embezzlement and forgery occurred when there was a change of director in the department of finance of the Ministry. The appointment of the new director had upset many employees. Normally, a director must carry out the projects of the Ministry once the Ministry of Economy and Finance has approved the budget. Here, the accused official allegedly pocketed the fund that was allocated for projects to be implemented by MLMUC. For example, the Ministry ran some projects in Poipet and O Chrov in Banteay Meanchey Province. However, the official allegedly falsified documents to claim that there were officials of the ministry undertaking projects there which were not in fact implemented. Additionally, this official allegedly falsified invoices for items purchased to upgrade and repair Ministry equipment. The official showed CSD many documents to support his charge of corruption.

First, a complaint was brought to Mr. HUN Sen, Prime Minister of Cambodia, and to the Permanent Central Committee of the Cambodia People Party (“CPP”) as well as to the Inspection Ministry, but this corruption case was neither resolved nor publicized. The final decision was to send the complaint and evidence to a press agent in the hope that publicizing the case would bring some pressure to bear upon Prime Minister Hun Sen to achieve a resolution.

The Ministry of Land Management, Urbanization and Construction held a meeting immediately after the Radio Free Asia (RFA) broadcast whereby the Land Minister allegedly stated that he was neutral to this issue and would not take a side in the dispute, and the corruption case remained unresolved.

In the meeting, the group of officials who brought the complaint, requested:

- (i) The creation of an investigation committee which should be comprised of one officer of the National Audit Authority, one official of the Ministry of National Assembly and Senate Relations and Inspection, one official of the Ministry of Economy and Finance, and possibly one auditor of an independent private audit enterprise. Those auditors must be chosen by civil society organizations.
- (ii) To make this case a test case, as corruption affects all aspects of life, and to work together to fight against corruption to have a better society;
- (iii) The Prime Minister to address this issue of corruption in order to resolve this particular corruption case and to demand reimbursement of the misused state budget; and
- (iv) To take measures immediately to address the corruption charges. Should the issue remain unresolved, then a formal charge would be filed in court.

On February 22, 2006, Ministry of Economy and Finance appointed four ministry officials to investigate the corruption scandal.

The officials of the Ministry of Land Management, Urbanization and Construction who brought the charges were not satisfied with these investigators, and therefore the issue remains unresolved.

On March 7, 2006, the National Audit Authority requested information and documents relating to the corruption case in the Ministry of Land Management, Urbanization and Construction.

The Center for Social Development met with the accused official of Ministry of Land Management, Urbanization and Construction. He informed us that 6 auditors had visited the Ministry of Land Management, Urbanization and Construction to collect documents but added that the presence of these auditors were only part of the normal general auditing procedure. Moreover, he denied any wrongdoing, and stated that the accusations against him were baseless, but he would not counter charge against those who brought the complaints against him. It was now only a matter of waiting for the investigation result, he added.

On April 4, 2006, the Center for Social Development received a letter from an owner of a construction materials shop, with one proper invoice attached. The owner of the shop complained that the invoice submitted by the accused official was falsified.

On April 6, 2006, the plaintiff official informed CSD that he contacted a particular computer shop to clarify whether a purchase invoice used by the accused official was falsified or not. The owner of the computer shop denied recognizing that kind of invoice.

The issue has reached the Ministry of Interior. One official of the Ministry of Interior claimed that the ministry has to wait for a complaint from the owner of the computer shop before pursuing the case. It appears that in order to hide his offence, the accused official requested the construction company to repair and upgrade the building and the fence of the Ministry of Land Management, Urbanization and Construction.

CONCLUSION

Corruption in Cambodia is still intact and endemic even though the Royal Government has taken and will continue to take considerable efforts to curb it. The Cambodian people perceive corruption as social phenomenon that hampers socio-economic development, causes a lack of confidence toward their leaders and affects the productivity, as well as hindering the rule of law.

The above-mentioned case studies indicate the entrenchment of corruption in Cambodian society. The Royal Government, media and civil society forces have not had any meaningful influence upon it. For example, the complaint of fund fraud made by a group of teachers in Kampong Thom province is still in the hand of investigative judge since last year (2005) and the process seems to have made no progress. The same complaint of a group of officers of Ministry of Land Management, Urbanization and Construction was not taken up by the main governmental institutions such as the Cabinet of Prime Minister, the Ministry of National Assembly and Senate Relation and Inspection, the General Secretariat of Cambodian People Party and other competent governmental agencies despite the fact that the plaintiffs had clear evidence in their possession.

As for the corruption case in Kep Municipality raised by one teacher during the session of CSD's Public Forum in 2004, the "whistleblower" was accused by his supervisor under the Defamation Act and he is now awaiting court trial. Only one corruption case among the court officials had been tried, by the provincial court of Battambang, but the trial was perceived as futile and stage-managed because the final decision of the court was to let the accused people free. .

The silence and the indifference of these institutions toward the issue of corruption, and their apathy in considering reports on corruption contributes toward the lack of confidence of the Cambodian people in these institutions.

The lack of interest of the governmental institutions could be a main factor that facilitates corrupt practices and mismanagement in Cambodian society. As a result, the corruption eyewitness or whistleblower does not know where or to whom they can report.

Although it may appear that corruption in Cambodian society is reaching its apogee entirely unchecked by any individuals or institutions, the anti-corruption movement is on the march. The Royal Government of Cambodia has issued the Rectangular Strategy, focusing mainly upon the improvement of good governance and combating corruption to ensure the positive process of national reform. Within the National Assembly and Senate Commissions exists the Commission of Interior, National Defense, Investigation and Anti-Corruption. One duty of that Commission is to collect all complaints on corruption from the public and submit them to the court. The Commission of Administration Reform and the National Audit Authority is also charged with dealing with corruption. Recently the Royal Government finished the draft of Anti-Corruption Legislation and submitted to the Jurist Council of the Council of Ministers for review and consideration. On behalf of the government, the Prime Minister has taken "iron fist measures" against some officials who have engaged in corrupt practices.

Concomitantly, we have seen the resistance of individuals and groups of individuals to corruption at the lowest levels of government. They have stood up against financial fraud in income tax, state funds and aid funds etc. In return, rather than incentives or reward, they have received threats, intimidation, suspension from work and accusations of defamation..

The public movement against corruption continues apace. This movement will become stronger when Cambodian people are made aware of the negative impacts of corruption that affect themselves, their families and the next generation. When the Anti-Corruption law is adopted and the anti-corruption body has been established, and when the public, through education, refuse to accept corruption as a way of life and strengthen their self-reliance, there will be a real opportunity and capacity to reduce corruption in Cambodia.

.....

Acknowledgement

The Center for Social Development would like to thank and acknowledge the excellent work of its Governance Unit, headed by Dr. NEOU Sun, particularly Ms. CHHOURN Sophea, in compiling these corruption cases for this *Documentation*, and to Mr. SEN Samondara for the illustration for the back cover. CSD would also like to acknowledge executive director Theory C. SENG, executive assistant IM Sophea and legal consultant Zoe Nield for editing this work.

.....

About the Center for Social Development

The Center for Social Development (“CSD”) is a non-profit, non-governmental organization. CSD was established in Phnom Penh since 1995 (recognized by the Council of Ministers in 1995 and the Ministry of Interior in 2001) and seeks to promote democratic values and improve the quality of life of the Cambodian people.

The mission of CSD is to encourage broad participation (at both national and local levels) in public affairs, develop a respect for human rights and the rule of law, enhance transparency and accountability in the public sphere, and raise awareness of issues of national concern through all forms of media. CSD has five main operational units to carry out this mission: (i) Legal, (ii) Governance, (iii) Public Forum, (iv) Elections & Parliamentary, and (v) Research & Publications.