

BEST PRACTICES IN ANTI-CORRUPTION IN THE KINGDOM OF CAMBODIA: PREVENTION OF CORRUPTION IN HIGH SCHOOL EXAMS

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I. ANTI-CORRUPTION UNIT

A. Background

The Royal Government of Cambodia first established the Unit Against Corrupt Practices on 27 October 1999, and later on the Unit was restructured and renamed the Anti-Corruption Unit on 22 August 2006 under the supervision of the Office of the Council of Ministers. On 17 April 2010, the first Anti-Corruption Law was promulgated and the Anti-Corruption Institution was established.

B. Anti-Corruption Institution

The Anti-Corruption Institution is composed of two bodies: the National Council Against Corruption and the Anti-Corruption Unit (ACU). The ACU is the operating body under which there are two general departments, each of which is composed of four departments. At present, the ACU is only located in the capital, Phnom Penh. By law, anti-corruption office branches may be established in the provinces.

**The National Council Against Corruption has the following main duties:*

- Set anti-corruption strategies and policies
- Provide opinions and recommendations for the ACU
- Monitor the work of the ACU
- Receive oral and written monthly work reports by the ACU
- Make reports on the anti-corruption work to the Prime Minister.

**The Anti-Corruption Unit has the following main duties:*

- To work independently and serve as the operating body against corruption
- The only competent authority to investigate all forms of corruption
- Create an action plan against corruption in line with the strategy and policy of the National Council Against Corruption
- Lead the work of prevention and fighting corruption
- Keep confidential all information sources related to corruption (in principle, it is better to lose a case than to break confidentiality)
- Take appropriate measures to protect individuals who provide information related to corruption.

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C. Rights and Investigative Power of the ACU

- ACU officials are empowered as Judicial Police Officers
- Investigate all kinds of corruption and other offences involving facts related to the corruption being investigated.
- Investigate other offences as ordered by a court
- The President of the ACU or his representative is empowered to lead and coordinate the mission of corruption investigation in the name of the prosecution to the point of the arrest of suspects
- After the arrest, the prosecution plays the role as stipulated in the provisions of the Criminal Procedure Code
- Once the investigation is completed, the ACU shall refer all investigation work to the prosecution for further action in accordance with the provisions of the Criminal Procedure Code
- If there are sufficient corruption leads, the ACU is empowered to:
 - Check and observe bank accounts and other similar accounts
 - Check and order the provision or copying of authentic documents or individual documents, or all banking, financial and commercial-related documents
 - Monitor, oversee, eavesdrop, record sound, take photos, and engage in phone tapping
 - Check documents, including those stored in an electronic system
 - Conduct operations aimed at collecting flagrant evidence

The above measures will not be considered as violations of professional secrets. Bank secrecy is not sufficient justification for failing to provide evidence related to corruption offences under the provisions of the Anti-Corruption Law.

- The court shall quickly start the trial of corruption cases
- Request relevant authorities to suspend the work of individuals for whom sufficient evidence of corruption has been found
- Request the competent authority to extradite suspects who abscond abroad
- Request the Royal Government to order the General Prosecutor of the Appeals Court or the Prosecutor of a municipal or provincial court to freeze the assets of individuals who commit corruption offences.
- Detain suspects at any convenient place in addition to the ACU detention rooms or request the competent authority to take custody of the suspect.

D. Mechanism to Deal with Complaints

- The ACU has not set any form of making complaints. The public can lodge complaints in any form.
- The ACU accepts all kinds of complaints, anonymous or identified, related to corruption
- All complaints go through the complaint office
- Some particular complaints, urgent or special, may go directly to the ACU President
- All complaints received shall be submitted the next day at the Analysis Meeting (Breakfast Meeting) every morning.

- Complainants or representatives are invited on a voluntary basis to take part in the Analysis Meeting.

E. Asset and Liability Declaration Regime

- Members of the Senate, the National Assembly and the Royal Government
- Armed forces, police officers (rank of colonel), civil servants (rank of department director)
- Judges, prosecutors, notaries public, clerks and bailiffs
- All ACU staff and leaders

The declaration shall be made every two years, 30 days after taking office and 30 days before leaving office. In case the declaration cannot be made before leaving office due to dismissal, the declaration shall be made 30 days after the dismissal.

F. Disciplinary and Internal Control Board

- ACU staff may not dine out without giving notice or permission from the ACU President and Chairman of the Disciplinary and Internal Control Board (except family dining)
- No need to report in case of dining out between ACU staff but payment shall be equally shared or the higher ranking person must bear the payment.
- A gift worth more than 25 dollars shall not be accepted but, if received, must be reported to the President and the Chairman of the Board
- Gifts not accepted shall also be reported.

G. Internal Investigation Section

This section is under the supervision of the President of the ACU and is entrusted with the work of overseeing and monitoring the work and activities of all ACU staff to spot irregularities.

II. OBSERVATION OF HIGH SCHOOL GRADUATION EXAMS

A. Background

In Cambodia, general education ends at grade 12 where students must pass a strict exam before they start university. The ACU started to cooperate with the the Ministry of Education, Youth and Sports to observe high school exams since 2014. The exam takes place in all 25 provinces and the capital.

1. Work Procedures

The national high school exam for academic year 2018 took place from 20-21 August with a total number of 117,062 candidates. There are 196 exam centres including 4,718 rooms throughout the country. As the ACU office is only located in the capital, Phnom Penh, and has a small number of staff, volunteers are invited to take part in the observation along with the ACU staff. The ACU staff lead the observation work. The volunteers include university students, civil servants, monks, civil society organizations, foreigners etc. who need to perform the work in accordance with the law and regulations.

In principle, one exam room needs one volunteer to do the observation, and one exam centre needs one ACU official to take charge of the observation.

For this academic year 2018 there were 4,718 volunteers plus some reserve volunteers. 196 ACU staff members have been deployed to all 196 exam centres throughout the country plus two ACU leaders who are responsible for overseeing the observation work in each province.

2. Conditions and Benefits for Volunteers

All volunteers are responsible for their own expenses during the observation work, and they may not have any conflict of interest (no relatives sitting for exam at the exam centre they work for). Meanwhile, the volunteers must go through an orientation training course before their observation work starts. As benefits, volunteers are provided with appreciation certificates and a banquet after the observation work.

3. Rights, Privileges and Duties of Volunteers

Volunteers are entitled to use phones and recording instruments within the exam centre while other people, such as invigilators (exam supervisors), are not allowed to use them. Moreover, they can move freely in the exam centre and enter the exam room in case of flagrant corruption. Volunteers are to take notes and report irregularities to the competent agents, especially the ACU officials at the centre. Finally, they have to make an evaluation of the process of the exam.

B. Observation (During Exam, Paper Marking and Result Announcement)

1. During the Exam

The volunteers observe all kinds of irregularities occurring outside and inside the exam centre and inside the exam room, for example, cheating or circulating answers. If there is any irregularity, they shall report it to the right people for proper action. The observation of the exam room is to ensure there is no cheating.

2. Marking Process

During the marking process, volunteers are not invited to take part, as at this stage fewer people are needed to observe. The ACU officials take sole responsibility for the observation. We observe the exam paper coding, the sealing of exam papers and rooms. We also observe the opening of the sealed exam papers and rooms. For the observation of the performance of the marking of exams by teachers, one ACU official is needed to observe each teacher marking exams, standing side by side (verifying the answer keys and the marking). And to make everything more secure, CCTV is installed to monitor the marking process.

3. Computerizing of Marks

At this stage people are computerizing the candidates' marks. To make everything run smoothly, the ACU officials observe the computerized marking process in case there are any marking errors on the paper and or on the computer. At the end of each marking session, the ACU also observes the opening and closing of the sealed marking rooms.

4. Announcement of Results

Before the exam results are officially released by the Ministry of Education, Youth and Sport, the ACU officials engage in last minute cooperation by verifying the marks on the

computer with the marks on the result list of candidates to make sure the right marks are recorded for the right person.

III. AN ACTUAL CORRUPTION CASE

A. Factual Summary (2 June 2014)

This case is related to a government official who was working in the Ministry of Post and Telecommunication. In his position as a Secretary General, he was collecting one hundred thousand US dollars from the Ministry account. This amount of money was deposited by the Cambodia Advance Telecommunication Co. Ltd. (CADCOMMS), which is operating its business in Cambodia. The Ministry of Post and Telecommunication had requested the Anti-Corruption Unit to conduct an investigation into the disappearance of this amount of money. The Anti-Corruption Unit found that a large amount of money in a closed envelope was collected by the Secretary General, and the ACU also found more of his assets which he had not declared truthfully to the ACU. On 10 October 2014, he was found guilty and convicted by the Phnom Penh Municipal Court. He was sentenced to seven years' imprisonment and a fine of 200,000 US dollars. 500,000 US dollars were confiscated from his account.

B. Court Judgment

On 17 November 2014, this case file was appealed by the accused, and the Court of Appeals upheld the verdict of the lower court. In July 2016, the Supreme Court affirmed the decision of the Court of Appeals. Currently, he is serving his sentence in the Phnom Penh Correctional Center.

IV. CONCLUSION

Since our taking part in the observation of high school exams in 2014, one can see the improvement in the quality of the students, as they dedicate more time to their studies. This new trend has drawn support from parents and the society as a whole and from the students themselves. In the past, students took risks bringing along copies and other related documents, but now one can see only a very few among 1,000 try unsuccessfully to take risks. The reform not only encourages grade 12 students to work hard but also students at all levels including grade 1. The ACU does not only engage in the observation of grade 12 exams but also exams for judges, clerks, lawyers, civil servants, bidding, etc., which, as a result, has led to the same remarkable achievements obtained as for high school exams.