

**MISSION OF THE MINISTRY OF JUSTICE TO
PREVENT AND COMBAT CORRUPTION IN
THE KINGDOM OF CAMBODIA**

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The Ministry of Justice is the judicial headquarters of the Royal Government of Cambodia and comprises criminal and civil sectors.

Corruption is a criminal offence in Cambodia. In principle, a crime cannot be considered an offence unless it is stipulated in the law. Based on its mission, the Ministry of Justice has contributed to preventing criminal offences, including corruption, through various mechanisms as follows.

I. BUILDING AND ORGANIZATION OF LAW

In order to ensure the prevention of corruption, the Ministry of Justice has organized and built some crucial laws as follows:

A. Penal Code

A new penal code of the Kingdom of Cambodia was adopted by the National Assembly on 12 October 2009 and by the Senate on 17 November 2009, and was promulgated on 30 November 2009. The Ministry of Justice has organized this Penal Code in order to respond to the actual situation of Cambodia, which requires a clear, complete and well-organized Penal Code to safely combat the new offences arising in society, and other modern crimes. The Penal Code is a legal article assembling all criminal provisions, classified into accurate structures to ensure consistency, smoothness and coherence. To enable this code to become an important legal tool it is not only convenient for court officials and other legal enforcement officials to use and understand in-depth, but also helps people to have a clear understanding of their own rights and limits. In particular, they may be aware of prohibited activities [for which people can be] convicted as criminal offences. In order to ensure the legal principles of the criminal law, the organization of this Penal Code has been compiled in detail with discussion from Cambodian legal experts and French technical experts to determine general policy and the types of each offence

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comprehensively and specifically, in order to avoid any devastating activities from punishment on society.

This Penal Code also specifies various offences related to bribery and corruption.

These offences include:

- Bribery by employee
- Bribery of employee
- Bribery by governor
- Inappropriate bid
- Bribery committed by judge
- Bribery of judge
- Bribery of witness to provide fake testimony
- Bribery of witness
- Bribery of translator
- Bribery by businesspeople
- Bribery of businesspeople
- Offence of inactive influential trade
- Illegal exploitation of interests
- Intentional destruction and dishonest embezzlement
- Bribery
- Destruction and embezzlement
- Intimidation
- Destruction and embezzlement, etc.

B. Code of Criminal Procedure

The Code of Criminal Procedure was adopted on 7 June 2007 by the National Assembly, and on 24 July 2007 by the Senate. It was promulgated on 10 August 2007. The Code of Criminal Procedure is a key legal article and a key means for the criminal court. The Ministry of Justice has organized and compiled this Code of Criminal Procedure with the aim of ensuring the sustainability of the institution in accordance with the traditions and laws of the Kingdom of Cambodia and to provide the investigating judges with a major role in the stages of investigation and the finding of evidence. This Code clearly stipulates principles to ensure effectiveness in the search for offenders, accusation, trial and for respect of individual freedoms, for all criminal offences, including the offences of bribery and corruption.

C. Anti-Corruption Law

The Anti-Corruption Law was promulgated on 17 April 2010 and is now actively being enforced. The purpose of the organization of this law is to promote the effectiveness of all services, to strengthen governance and the rule of law in leading or governing the State as well as to maintain justice that is a necessary basis for the development of society and poverty reduction. This law aims to combat corruption by means of providing education, prevention and enforcement of the Anti-Corruption Law, as stipulated in the Penal Code and in this law.

The Ministry of Justice has shared numerous comments on the Anti-Corruption Law so this law is an effective means of ensuring the suppression of corruption in all forms, sectors and levels across the Kingdom of Cambodia.

II. EDUCATION AND DISSEMINATION OF LAW

In the current society of Cambodia, awareness of the rule of law ensures effectiveness in implementation. Most societies in the modern era face challenges in understanding and disseminating the law in order to lead, govern and ensure social security to establish safety and trust in the investment sector as well as in national and international trade operations.

In view of the necessity and importance of education and dissemination of law to ensure effectiveness in law enforcement and to raise awareness among people, as well as participation to prevent corruption in society, the Ministry of Justice, the headquarters of the Royal Government in this field, has organized, compiled and published the two codes – the Penal Code and the Civil Code – for distribution to legal professionals, courts and law enforcement officials to extensively implement it. Moreover, we have organized many training courses for law enforcement officials (Judicial Police, judges, prosecutors, clerks of the court and attorneys-at-law), to ensure a better understanding of what corruption is while fulfilling their roles and duties and so that they can clearly see the elements of corruption in order to ensure accurate investigations and search for evidence for the successful and fair conviction of offenders.

III. LEGAL ENFORCEMENT

To contribute to fighting corruption in Cambodian society, the Ministry has actively participated as a driving force to promote the accurate and fair implementation of the Anti-Corruption Law.

According to Article 29 of the Code of Criminal Procedure, the Minister of Justice is fully entitled to file a defamation complaint with the Prosecutor-General to the Appeal Court or Deputy Prosecutor to the Phnom Penh Court of First Instance over any offence that he has identified and could issue an injunction through written instruction to the Prosecutor-General or Prosecutor to indict or reach a conclusion as per the view of the minister. Therefore, whenever corruption occurs, regardless of any individual or form, the Minister of Justice deserves the right to sue for defamation or [issue an] injunction to the Prosecutor-General or Prosecutor to accuse that person in order to authorize the investigating judges to undertake investigation.

The Prosecution Institution at the Provincial/Municipal Courts of First Instance is the institution to ensure the State's public order; meaning that it acts in bringing a charge of the offence of corruption and reaching a conclusion for the courts to enforce the law. The offence of corruption is a special offence requiring institutions and the Judicial Police, in particular the anti-corruption unit, to enforce this law and to build up the case for forwarding it to the prosecution institution. Hence, if any sign of corruption has been identified, prosecutors are entitled to conduct their preliminary investigation and to reach conclusions about the case to be forwarded to the investigating judge for further inquiry. In case that a prosecutor finds that any ruling or order is inappropriate, he or she has the right to lodge an appeal to the Appeal Court. The Supreme Court is the final tribunal to examine and make a judgment on all corruption case files or criminal case files.

So far, we have actively enforced this Anti-Corruption Law regardless of any person, rank, complexion or race. Typically, a high-ranking official who has committed an act of corruption is subsequently convicted under the law and some other legal enforcement officials have also committed corruption. Thus, this reflects the real efforts and commitment of the Royal Government of Cambodia to fight against corruption.