

# Cambodia Notebook 2012

## Prisoners' Bribes Buy Family Visits ... And Water to Bathe With

By Chhay Channyda\*

For impoverished inmates of Prey Sar prison, Cambodia's largest prison, basic rights, such as visits from family members, come at a cost.

"Inmates must pay 2,000 riel (US \$0.50) every time they leave their locked cell to see their family," said Ros Sokhet, who was held in the Phnom Penh prison for a year in 2009.

Sokhet said there are several checkpoints in the prison where officials ask for bribes or visitors must pay guards to see their loved ones.

"We had two daily breaks for exercise, but you had to pay 5,000 riel (US \$1.25), to be unlocked from your cell," he said. "If you didn't have the money, you would stay inside until you felt like a paralyzed person."

For poor inmates, 5,000 riel (US \$1.25), is a big amount to pay.

A former freelance journalist, Sokhet was sentenced to two years behind bars for sending text messages to a pro-government news anchor, questioning him about allegations that he had extorted money. During the trial, Sokhet claimed that he had been seeking comment from Soy Sopheap for a news story, not threatening him.

The Appeal Court ordered Sokhet's release in 2010. Sokhet's experience in prison prompted him to found the anti-corruption newspaper The Khmer Nation, which he now runs.

"It was not easy to live in a prison where I did not earn a cent but instead spent money," he said.

**Corruption as the Norm.** The corruption that permeates the lives of inmates also extends to ordinary life. Low-level corruption in Cambodia's institutions is rampant. Transparency International, which measures public sector corruption around the world in its annual Corruption Perceptions Index, ranked Cambodia 157th out of 182 countries in 2012. Cambodia's score of 22 was a slight improvement compared to the 2011 results (154 out of 183 countries).

For the average citizen, bribes or "facilitation fees" for common transactions are the norm.

Perhaps owing to the meager wages paid to civil servants, government workers pad their earnings by charging for better or faster service for supposedly legally regulated transactions, such as obtaining a passport.

According to one official in the passport department of the Ministry of Interior, a passport costs US \$150 for a one-month turnaround time. However, according to an internal Anti-Corruption Unit (ACU) list of fees for public services, a passport should cost between 527,000 riel (US \$132) and 551,000 riel (US \$138) for a turnaround period of a month and a half.

For a three-day turnaround, getting a passport would cost 2 million riel (US \$500). And the passport department official said he could create a passport for 1.2 million riel (US \$280) in a week.

"When you come in, my service is that I do all the application filing for you," he said. "Don't worry."

**Informal Fees for Everyday Services.** In response to complaints about bribery, the ACU, established in 2010, mandated in November 2011 that all government agencies formally post fees for public services.

## Peer Review Comments

### Reviewer 1815:

In general, I agree with the notebook report though I'd add the following: 1- Relating to the corruption in prisons, based on my own work on "Alternative Sentencing", I fully support the claims in th...

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The reasons of existence of corruption are: 1. Low salary of government officials 2. Low social morale and low social sanction 3. Nepotism 4. Political interference 5. Weak Recommendations: ...

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But an internal ACU list of collected “facilitation fees,” drawn from officials from several ministries and foreign experts, reveals discrepancies in the announced costs and actual fees paid for services.

The list shows that officials extract informal fees from varied sources, ranging from traffic fines to promotions within government.

According to the list, illegal fees for promotion to the rank of military general range from 2 million riel (US \$500) to 4 million riel (US \$1,000), while promotion to the rank of commune police chief can cost 28 million riel (US \$7,000). Meanwhile, a slew of public services, including health care, land titling, company registration, and vehicle license plate registration, all have unspoken price tags.

**Amnesty for Sale.** A 2011 report by prominent Cambodia-based human rights nongovernmental organization Licadho highlighted violations in the nation’s justice system, including the role corruption can play in arrest, conviction and the treatment of prisoners in the country’s 24 prisons.

The report, titled “Beyond Capacity,” states that bribes can facilitate sentence reduction requests and amnesty granted during national holidays, while people – including the media – aren’t paying attention.

The bribe required for inmates to receive amnesty during Khmer New Year runs from US \$200 to US \$1,300, the report says.

“Virtually everything beyond the barest necessities has a price tag,” said Naly Pilorge, director of Licadho. “Payments are frequently necessary for a place to sleep, drinking water, medical care.”

This situation leaves prisoners lacking family or financial means especially vulnerable, she added.

According to former jailed land protester Kong Chantha, “The prison does not provide enough water for bathing, so I had to buy 20-liter containers of water for 500 riels (US \$0.125).”

The prison has water pumping from a pond nearby for free, but it’s black and dirty, so prisoners who want to use clean water must pay 500 riels.

Journalist Sokhet said the meals served by the prison were so bad he was forced to buy food from a small market inside the prison, where prices were double those at a normal market.

He added that rich and high-profile inmates were able to pay for better food and clean rooms separate from other inmates. Prison officials deny this version.

“We have no income living there, but some rich prisoners spend around 2.8 million riel (US \$700) monthly to get rooms like in a hotel,” he said.

Chantha noted a similar pattern: “Because of corruption, poor and rich are divided into different prison cells. Rich inmates sleep well in cells equipped with fans and filled with fewer prisoners.”

**“We Have No Policy of Bribery.”** Prison officials denied the former inmates’ claims. San Keo, deputy director of correctional centers at the Ministry of Interior’s General Department of Prisons, said, “Prisoners have equal rights in prison. Each prisoner has rights to accept relatives’ food from outside, but we don’t have prisoners buying food inside the prison.”

He added that in 2009, the Cambodian government increased its daily expenditure per prisoner from 1,500 riel to 2,800 riel (US \$0.70) to improve the availability of food and water.

“Before 2010, I believe there were loopholes in the law,” he said. “But now we have reformed our prison management system by moving out some prison chiefs.”

Licadho has called these changes “positive” but says they are only small steps toward reform.

Sun Lean, chief of Prey Sar prison’s Correctional Center I, which houses male inmates, maintains that since the government increased the budget allocated for prisoner needs, no money has been extorted from prisoners in return for basic needs.

"We have no policy of bribery," said Lean, though he did acknowledge that "sympathy" payments have occurred between prisoners and prison staff.

"Those officials received money simply because of prisoners' kindness," he said. "Everything else you hear is just hearsay."

He did not mention that such "sympathy" payments technically are still punishable by law. He didn't seem to think they pose a conflict of interest either.

**Fighting Corruption in Three Steps.** According to ACU president Om Yinteng, his organization received 800 complaints in the first eight months of 2012, 30 percent of which have been opened for investigation.

"The ACU's strategy is to eliminate corruption in three steps: first, education, second, prevention of corruption crimes, and third, crime crackdown," he said.

The ACU investigations so far have resulted in the sentencing of three high-profile figures: a former prosecutor for collusion in illegal logging, a former judge for bribery, and the ex-head of the anti-drug trafficking department for a plethora of corruption charges.

Disgraced anti-drug official Moek Dara was sentenced in 2011 to life in prison on 38 corruption charges, including bribery.

But former Kandal provincial court judge Hout Heang, arrested by the ACU in January 2012, was sentenced to only two years for accepting a bribe of 20 million riel (US \$5,000) from an official to forge a document. Moreover, his term ultimately was suspended for one year due to cooperation with the court and acceptance of guilt, according to the sentencing judge. Heang was to be released in January 2013. It wasn't possible to confirm if he'll be permanently sacked but usually convicted officials must be removed from their positions.

The ACU president said that the judge should have sentenced Heang to between seven and 15 years under the corruption law, but he also noted that the ACU did not have the right to appeal the decision, as the prosecution is now doing.

Heang's case has caused many to question the ACU's effectiveness.

San Chey, one critic, and coordinator for the Affiliated Network for Social Accountability in East Asia and the Pacific (ANSA), said that the judge's sentence of Heang was far too light and that in many other instances, the government had not even initiated the necessary legal action after ACU investigations.

He noted that in July 2011, the ACU demanded that the Ministry of Social Affairs, Veterans, and Youth Rehabilitation repay the US \$5 million that its employees had allegedly embezzled through payments to "ghost" veterans, but the matter did not go to court.

"In this case, we see systematic corruption, but none of the officials are being punished or removed from government positions," Chey said. Such incidents cast doubt on whether the ACU is "independent or under the sway of powerful ruling officials."

ACU head Yinteng could not be contacted for comment in relation to this allegation. He said he's busy.

**Corruption Is Everywhere.** To fight corruption on a smaller scale, the government recently has begun establishing "one window service offices" that allow citizens to request services from multiple ministries at once and facilitate the collection of public documents.

But Chey noted, "We see irregularities like undocumented passport payments at government service offices, so we don't know how much money actually goes into the functioning of the government. Corruption is everywhere."

Por Phak, project director for the Ministry of Interior's Demand for Good Governance program, said that so far only five ministries out of more than 20 publicize the prices set by the government for services. The program, funded through the World Bank, is hoping to increase this number in the near future.

Despite ongoing problems, senior government officials argue that Cambodia's leaders are doing their best to eliminate corruption.

Phay Siphon, spokesman for the Council of Ministers, said that it's not easy to change ingrained customs of bribery and graft. "I believe changing people's mindsets and behaviors takes a long time, but education is the best way for us," he said.

"The government requires commune-level officials to post prices so the public can know how much to pay," he said.

He added that "the government requires commune level officials to post the prices so the public know how much to pay."

Sok Sam Oeun, president the Cambodian Defenders Project, a legal aid organization, and chairman of Coalition for Integrity for Social Accountability (CISA), a leading anti-corruption coalition of more than 40 NGOs, agreed with Phay Siphon that education is crucial in changing customary complacency toward corruption and creating a "culture of hating corruption."

Preap Kol, executive director of Transparency International Cambodia, said, "Fighting corruption requires a joint effort by all stakeholders, but especially the citizens. Strong personal engagement will strengthen the fight against corruption and allow people to free themselves from continuing corruption through paying facilitation fees and bribes."

A good example of such citizen engagement is Sokhet, who agrees that reducing corruption will take a long time but thinks it's important to start somewhere. "Being unjustly imprisoned for one year on charges of disinformation by powerful and corrupt officials prompted me to start a newspaper to report on how the government officials get involved with corruption in Cambodia," he said. His newspaper is currently published on a weekly basis and hopes to have an online version at some point.

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