Domestic Cooperation Between Corruption Prevention and Law Enforcement Authorities - Republic of Korea

Supreme Prosecutors’ Office, Republic of Korea
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Anti-Corruption Organizations in Korea
Corruption Prevention Organization

- Responsible for prevention and deterrence of corruption in public sector
  - Coordinates national anti-corruption initiatives
  - Enforces legislations related to integrity of public servants (e.g. Act on Prevention of Conflict of Interest)
  - Receives reports from various sectors regarding public corruption
  - Protects and rewards whistleblowers
Law Enforcement Organizations

Korean Prosecution Service (KPS)

- Responsible for investigation & prosecution of crimes, and enforcement of sentences
  - Primarily responsible for investigating and prosecuting major anti-corruption cases
  - Major cases include bribery, embezzlement, abuse of functions, money laundering, etc.
Law Enforcement Organizations

- Responsible for maintaining public order and investigating of crimes
  - May initiate anti-corruption investigations upon receiving complaint, or on own initiative
  - Cooperates with the KPS during investigations
Law Enforcement Organizations

Corruption Investigation Office for High-ranking Officials (CIO)

• Newly established law enforcement body against high-ranking officials
  – Established in January 2021 to investigate high-ranking officials
  – Jurisdiction limited to crimes related to public officials’ duties (e.g. bribery, abuse of power, etc.)
  – May independently prosecute cases against judges, prosecutors and high-ranking police officers
Cooperation Mechanism Between Prevention & Enforcement Authorities
Cooperation Mechanism

How Corruption Reports are Processed

- **Reporter**: reports corruption to ACRC
- **ACRC**: receives reports & confirms fact
- **ACRC**: refers the case to investigative authority
- **Investigative Authority**: conducts investigation
- **Investigative Authority**: notifies ACRC of result
- **ACRC**: notifies informant of result

Corruption Report Cases

<table>
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<th>Year</th>
<th>Received</th>
<th>Handled</th>
<th>Referred</th>
<th>Notified as violations of the code of conduct</th>
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Cooperation Mechanism

• Cooperation between KPS and ACRC
  – Began cooperation in June 2013 by concluding MOU between two agencies
  – Agreed to mutually cooperate through information sharing, whistleblower protection, etc.
Cooperation Mechanism

MOU Signing Ceremony Between the Supreme Prosecutors’ Office (R) and the ACRC (L)
Best Practices of Cooperation
• Case 1
  – Defendant: marketing manager of company responsible for supplying generator parts to a power plant SOE
  – ACRC: referred the case to the Supreme Prosecutors’ Office alleging that D bribed SOE employee through generating slush fund from supplying fake parts
  – SPO: directed Busan DPO to conduct investigation
Best Practices of Cooperation

• Case 1
• Result of Investigation and Trial
  – D bribed SOE employee 4K USD in return for SOE’s favor towards his company
  – D also received commercial bribe from subcontractor to fabricate the transaction between entities (total 107K USD)
  – D sentenced to 4 years of imprisonment + 112K USD forfeiture
Best Practices of Cooperation

• Case 2
  – Defendant: official at municipal government of City A
  – ACRC: referred the case to the Supreme Prosecutors’ Office alleging that D engaged in inappropriate transaction
  – SPO: directed Tongyeong Branch office to conduct investigation
• Case 2

• Result of Investigation and Trial
  – D received total 35K USD from 3 contractors
  – D laundered his bribes through using bank account under his friend’s name
  – D convicted, sentenced with 2 years of imprisonment + forfeiture of his illegal proceeds
Challenges in Cooperation
Challenges in Cooperation

• Enhanced Cooperation during Investigation / Trial Needed
  – ACRC’s role is usually limited to referring / filing complaint to law enforcement authorities

• ACRC’s Active Use of Information from Law Enforcement Authorities Needed
  – Valuable Information to set Anti-Corruption Policy
Thank You