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WHICH CORRUPTION CASES TO INVESTIGATE?

Case selection in the Corruption Investigation Office of Korea

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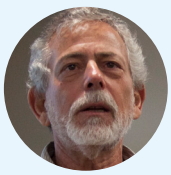

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It is difficult to imagine an anti-corruption agency in any country appearing consistently impartial and independent in the public eye. Accusations of partisanship and prejudice accompany the selection of any case for investigation, and these allegations may be persuasive when corruption is endemic, investigations rare, and cynicism about justice abundant. Managing these accusations might be a special challenge for a new anti-corruption agency, which must quickly build a reputation for courage, competence, and integrity.

How then is an anti-corruption agency with investigatory powers supposed to select cases worth investigating? Which allegations of what type of corruption should command its attention? Are special criteria required when corruption is believed to be prevalent in government and business, or when its investigation could destabilise the state, upset the economy, and tilt the field of political competition? Can a 'public interest test' commonly used to screen cases to *prosecute* be adapted to the task of selecting cases to *investigate*, or must these decisions be guided by different principles?

It is unlikely that a single answer to these questions will apply everywhere; an approach to case selection that commands respect in one setting might undermine it in another. Still, the evolution in the way the relatively new Corruption Investigation Office for High-Ranking Officials in Korea (CIO) has handled some of these questions is worth wider attention. Established in 2021, the CIO initially struggled to defend a discretionary approach to case selection imposed by a government committee, which led to a concentration of investigatory resources on a few high-profile cases, including one into the new President and his peers that intensified criticism of the organisation. A revision to the case-handling rule in 2022 increased the number of cases selected for investigation and diversified the portfolio of allegations

and types of officials under scrutiny, weakening the foundation of claims about favoritism. Additional guidance on case selection in 2023 recommended investigators first appraise the social salience of the alleged offence and later examine the prospects for obtaining sufficient evidence to support prosecution, which focused attention on the problem rather than persona implicated by corruption. These changes did not eliminate criticism of the CIO, but the new strategy highlighted rather than masked selectivity in the investigation of corruption and, by making public distress about corruption an explicit criterion in such case selection, demonstrated that attention to strategic considerations can help manage allegations of bias in anti-corruption.

The Setting for Case Selection in Korea

Several aspects of the legal, organisational, and political setting for anti-corruption in Korea will be familiar to leaders of anti-corruption agencies anywhere in the world. First, as a new investigative and prosecutorial agency, the CIO's leaders feel the need to distinguish themselves from the perceived political partiality of the other institutions that set the mold for anti-corruption, yet it remains dependent in many respects on those legacy institutions. Second, there is broad cynicism in the society that anti-corruption investigations are always politics disguised as law. Third, the extent of perceived corruption is far greater than the resources of any new institution can directly address, forcing the kinds of prioritisation that easily fuel further suspicions of political partiality.

So, what is a new anti-corruption institution to do with its limited investigative authority and resources? On what basis should it prioritise some cases over others while equipping itself to justify those decisions as impartial? What should be the relevance of the degree of public outrage that one or another allegation of corruption has provoked? Is there an objective way for a new institution to assess the relative social harms caused by its potential cases?

Outline

To appreciate how some of these considerations affect the way the CIO selects cases, we first describe the organisation's birthmarks – the historical, political and constitutional inheritance of anti-corruption in Korea. Next we explain the CIO's jurisdiction and mandate, which give shape to its corporate identity. Then we analyse the evolution of case-selection rules and the profile of cases the CIO investigates and refers to other agencies. Finally, we consider foreign strategies and international advice for guiding and justifying case selection.

Note that our focus is on decisions about whether to investigate and what to investigate, rather than what kinds of corruption are considered in the 'public interest' to prosecute. Legal and policy guidance about how to decide whether prosecution is in the public interest appears to be more abundant and controversial in most countries than rules about the discretionary power to commence an investigation. And yet selecting cases worth investigation might be just as complicated and consequential.

Birthmarks

Some aspects of the organisational and political setting for case-selection in Korea are worth enumerating here as they illustrate how the political implications of case selection can shape that initial decision and how few of these challenges can be handled by legal criteria alone.

First, the CIO combines the authority to investigate and prosecute corruption, a doubling of power and purpose that in some settings arouses a suspicion of organisational bias, and it is awkwardly dependent on the main prosecution service for many cases it investigates. The CIO must refer to the Supreme Prosecutors Office (SPO) all cases that do not involve justice officials which it believes should be prosecuted, and it can only request rather than compel the referral of cases in which the SPO initiated an investigation that turns out to implicate high level public officials within the CIO's remit (the first such request was denied).[1] Moreover, the non-prosecution of cases it refers to the SPO and/or their collapse at trial could diminish the credibility of the CIO, and that prospect might have an anticipatory effect on the kinds of cases it decides to investigate thoroughly as well as the ones it refers to the SPO with a recommendation to prosecute.[2]

Second, the CIO was expected to distinguish itself from the SPO in terms of impartiality and efficacy, and yet since 2022 the main prosecution service has investigated and indicted many prominent public officials for offences whose misconduct predated the CIO or is not covered by its specialised jurisdiction.[3] The continued prominence of the SPO in prosecuting corruption among high level officials has made the investigation of corruption look like brute political force. Respected lawyers who have shaped law and policy in criminal justice in Korea claim that the SPO has engaged in "selective and targeted investigations" [*seon tah juk, pyo-juk, soo-sa*], relying on a principle of "friend or foe" or "us and them" [*pee-ah*].[4] To escape from that cloud, an anti-corruption agency might be tempted to set its sights on mundane and more pervasive forms of corruption; and yet investigating only officials of low stature might create the impression that the CIO is fearful and feckless.

Third, recent Korean political history has set a high and controversial bar for what counts as combatting grand scale public sector corruption. Several past presidents, well-known senior government officials, and prominent CEOs have been convicted of corruption over the past 30 years. The suicide of one former president while under investigation for corruption generated reticence about the use of criminal justice to combat it.[5] The pardon of former president Lee by current President Yoon, the former chief prosecutor, fuels speculation that criminal investigations of corruption among elected officials are merely politics by other means.[6]

1 A draft bill on the CIO accorded it both investigative and prosecutorial jurisdiction over all public officials on the CIO's list, whereas the final law narrowed its authority to prosecute only justice officials. The original draft law also stipulated that other agencies "shall" surrender cases to the CIO upon its request. However, the final draft of article 24 (1) of the Law on the CIO, whose provisions appear in the Appendix to this paper, added three conditions that permit the SPO to retain control over the case.

2 In Nigeria, Brazil, and other countries, too, several organisations have over-lapping jurisdictions in the investigation and prosecution of corruption. Some scholars have argued that the absence of monopoly and clear division of authority are an asset in some settings, for instance by permitting a small agency to work in the slipstream of a behemoth or enabling it to establish a niche. See, for example, Lindsey Carson and Mariana Prado, who suggest that "institutional multiplicity" could be an undervalued asset in the political economy of anti-corruption in "Using institutional multiplicity to address corruption as a collective action problem: Lessons from the Brazilian case," *Quarterly Review of Economics and Finance*, v. 62 (2016).

3 Dozens of legislators, including the leader of the main opposition party, have been investigated by the SPO for various forms of corruption, although the legislature may thwart them by refusing applications for arrest warrants. See, for example, "Parliament Rejects warrant motion for ex DP lawmakers," *Korea Joongang Daily*, June 12, 2023.

4 See the extended interview with Kim Nam Jun, former chairman of the Special committee on Judicial Affairs and Prosecution Reform, February 22, 2023, available here.

5 The suicide of former President Roh Moo-hyun, who threw himself off a mountain while under investigation for corruption, is lamented today and cited by many justice officials as evidence of the danger of zealous prosecution of corruption. See, for example, the comments of former prosecutors and party leaders in "Ex-President Roh Remembered 14 years after his tragic death," *Korea Herald*, May 23, 2023.

6 Presidential pardons in 2022 were made to two former presidents and more than a thousand former civil servants and corporate leaders. See John Yoon, "Lee Myung-Bak, ex President, receives Pardon, *New York Times*, December 27, 2022, available at: https://www.nytimes.com/2022/12/27/world/asia/lee-myung-bak-south-korea-pardon-president.html

Fourth, the CIO can only investigate individuals, not corporations or patterns of corruption that might lie behind the misconduct of public officials. This aspect of its jurisdiction draws further attention to the identity of the suspect rather than the character of the conduct under examination when critics appraise institutional performance. The individualisation of anti-corruption investigations when the conduct being investigated is endemic or believed to be widespread can make an agency's choices look arbitrary or vengeful.

Fifth, the vast number of "high officials" whose conduct the CIO can investigate (approximately 7,300) dwarfs its resources (40 investigators and 23 prosecutors), which makes the relative capacity of the organisation weigh heavily on determinations of the prospective value of an investigation. The opportunity cost of investigations, in other words, is unusually high, especially for cases that might take a long time to complete.

Sixth, corruption is portrayed as ubiquitous by the media and the public seems to concur. According to a Gallup World Poll in 2022, 72 percent of residents believed corruption was "widespread" in government, and 67 percent thought was widespread in business.[7] Expert estimates of the prevalence of corruption in Korea are more moderate, as they are in nearly every country.[8] Nevertheless, the perceived prevalence of corruption in government exceeds the capacity of any single agency to combat it, and expectations of the CIO's contribution to the control of corruption in Korea are high. The CIO received over 3000 allegations and referrals of corruption in the first 14 months of its existence, with demands for action far outstripping the capacity of the organisation to respond quickly and credibly.[9]

There are many other attributes of the CIO and the environment in Korea that constrain its ability to select cases in ways that build a reputation for integrity and competence, including the power to initiate an investigation *suo motu*.[10] Still, this abbreviated account illustrates the high stakes of case-selection, which are rooted in more than an imbalance of demand and supply. If the CIO declines to investigate top officials, it could be accused of timidity. If indictments of prominent public officials later collapse in court, the CIO could be accused of subterfuge.

Jurisdiction and Mandate

The law on the CIO enumerates first the types of people rather than the kinds of practices it must investigate and possibly prosecute for corruption. The CIO is thus responsible for investigating politically exposed persons rather than corruption on a grand scale. The law accords the CIO exclusive jurisdiction in investigations of corruption among the most senior public officials in the country, including the President, the speaker of the National Assembly and its members, the Chief Justice of the Korean Supreme Court and its Justices, and Chief Justice of the Korean Constitutional Court and its Justices, the Prime Minister and the other Ministers and vice-Ministers of the administration, the Prosecutor General, Metropolitan

7 By contrast, 40% of Korean respondents in the latest World Values Survey indicated that "most or all state authorities" are involved in corruption, while 54% said most or all "business executives" are involved in corruption, and only 27% agreed "there is abundant corruption in my country."

8 The World Bank's World Governance Indicators, Transparency International's Corruption Perceptions Index, and the Bertelsmann Transformation Index all give Korea more favorable appraisals of the quantum of corruption. For an analysis of the incongruity and incommensurability of these systems, see Kamel Ayadi and Todd Foglesong, "The Next Generation of the Measurement of Corruption," Chandler Papers, Oxford University, December 2023, here.

9 The first draft of the law on the CIO recommended a staff of up to 70 investigators and 50 prosecutors. A proposal to expand the capacity of the CIO was submitted to the legislature but did not become a bill.

10 The Law on the CIO does not specify the authority to initiate an investigation on its own accord without first receiving a complaint or referral, but the CIO has asserted this authority on several occasions with no objections.

City Mayors, all judges and prosecutors, etc. The law also gives to the CIO the authority to investigate allegations of corruption among the "family members" of such officials provided the allegedly illegal act is committed "in connection with the duties" of said official. Any prosecution of individuals not considered a justice official must be referred to the SPO.

The acts of "corruption" under the CIO's jurisdiction are broadly defined in the law governing the Anti-Corruption and Civil Rights Commission (ACRC), whose work is primarily preventative, and includes conventional forms such as the abuse of authority for financial gain as well as less conventional ones, such as inflicting damage on the property of public institutions and coercing and covering up corruption.[11] The range of offences under the jurisdiction of the CIO is narrower than in the initial draft law, which accorded the CIO jurisdiction over *any* crime committed by prosecutors or senior police officials, not merely abuse of power or bribery. Nevertheless, the number of offences the CIO may investigate is large, including not only bribery and embezzlement but also causing the abuse of authority by subordinates, divulging official secrets, disseminating false documents, and breach of trust.[12] The list of offences in the CIO Act also encompasses "related corruption," whose acts are in accomplice relations to a corruption crime by a high level official or whose crimes are committed by a high-level official that is found directly related to another crime of such high level official while investigating him or her for such another crime. Without this power, it might be difficult to investigate a case fully or investigate the conduct of conspirators, aiders and abetters, or a bribe giver who is not a public official.[13]

The political mandate of the CIO is much broader than its legal jurisdiction. The original draft of the bill on the CIO included a statement of its purpose "to eradicate wrongdoing by high-ranking officials in government" [*go wee gongjikja bumzoi beeri chokyul*], and although this expression was removed from the text of the law that was adopted the expectation continues to figure in public conversations about the purpose of the CIO. Likewise, although the law makes no reference to the reform of the prosecution service, domestic and foreign scholars continue to portray the establishment of the CIO as a check on the authority of the SPO and as a model for new ways of conducting a prosecution.[14]

The CIO has embraced this broader mandate with a mission statement that declares: "The purpose of the Office is to *eradicate crimes* by high-ranking officials and *enhance transparency* in the government and trust in public offices." The CIO's corporate logo, captured in Figure 1, emphasises the two dimensions of its work, with one side for "upholding justice" by responding to allegations of impropriety and misconduct regardless of the outcomes of an investigation, and another side that "enhances integrity" in public administration. These twinned objectives are represented as two hands jointly upholding the public's trust.

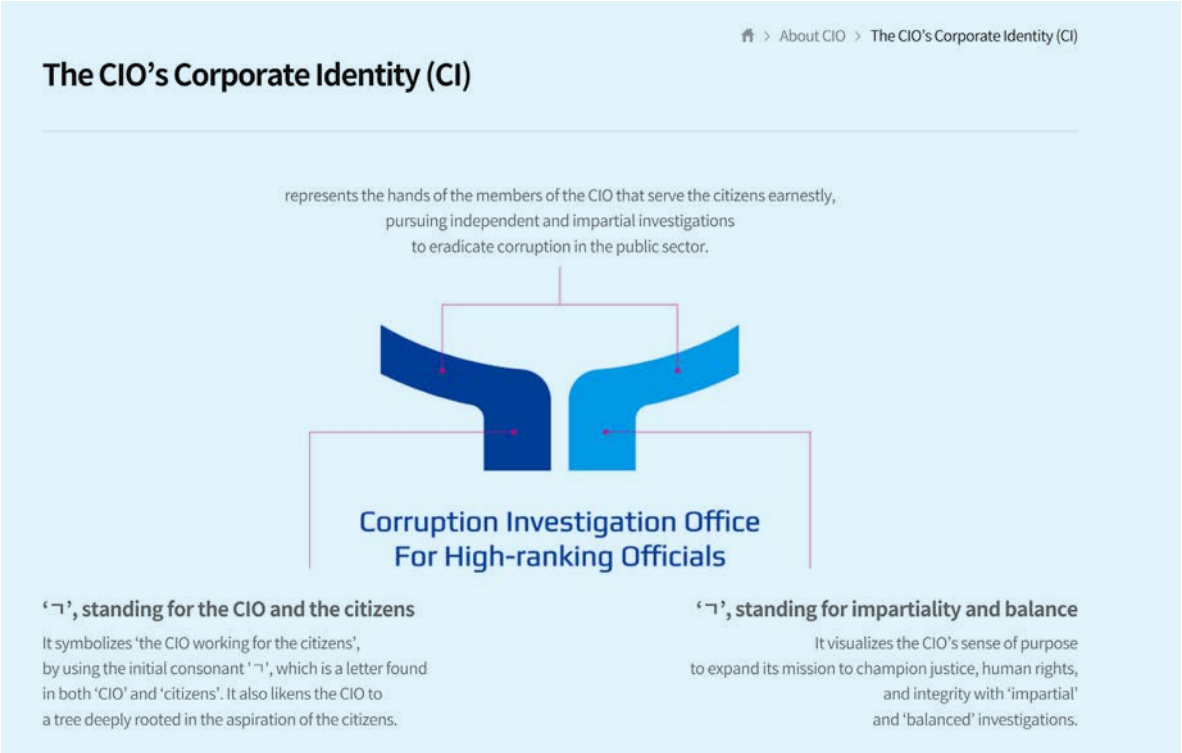
11 The text of the act establishing the ACRC is available here.

12 For a longer list of offences in the CIO's jurisdiction, see the Appendix to this paper.

13 In one case, the CIO indicted a private individual, not a public official, for giving a bribe to a prosecutor.

14 For example, Byung Doo Oh, a professor of law at Hongik University, published an article in the July 2020 issue of the *Korean Journal of Criminology* on the CIO claiming "At present, the CIO is about to be built under the current law (the CIO Act) and supposed to be operated effectively to hold the Prosecutors Office in check as a way of reform of the prosecution. Foreign scholars of Korea have commented on this implicit goal, too. See for example Erik Mobrand, "Prosecution Reform and the Politics of Faking Democracy in South Korea," *Critical Asian Studies*, 53/2 (2021), and Neil Chisholm, "Prosecutorial Independence Regained? Mixing the Continental and Anglo-American Styles in South Korea," 7 *Cardozo International & Comparative Law Review*, forthcoming 2024.

Figure 1. CIO Corporate Logo



Sources of Cases for the CIO

The CIO has two main sources of potential cases. One is a referral from another government agency, including the police, prosecution service, auditor general, or ACRC that suspects corruption among officials whose positions appear on the list of the CIO's exclusive jurisdiction. The second comes from allegations and reports of corruption from members of the public or civil society organisations that file 'complaints' directly with the CIO. There is a third source, although in practice it yields a small portion of cases. According to Article 24 Section 2 of the CIO Act, where the police or the prosecution service comes to discover corruption crimes, including the "related corruption" prescribed in Article 2 (definition clause), that agency shall immediately notify the CIO of such fact though it may decide not to refer it.[15]

The discretion of the CIO over which of these allegations and referrals to investigate is further circumscribed by the code of criminal procedure, which discourages and may even prohibit the CIO from refusing to consider allegations of corruption from these sources. For instance, Article 195 of the Code states that an investigative agency "*shall* investigate" if it "deems that an offense has been committed." According to authoritative commentary on the code, the grounds for such "deeming" are wide: a criminal investigation may begin with a *subjective suspicion* by an investigation agency that a crime has been committed. Moreover,

15 For instance, the SPO declined to refer its investigation of a senior prosecutor who was widely perceived to be the leading candidate to succeed President Yoon as the Prosecutor General. It argued that there was no "controversy over fairness" in the case, which is one of the grounds for which the SPO can retain jurisdiction of cases that otherwise would be arrogated to the CIO. The prosecutor was later acquitted on charges that he had obstructed justice by interfering in investigations conducted by junior prosecutors.

if somebody files a criminal complaint before an investigation agency, a case number shall be allotted automatically. Finally, Article 23 of the Law on the CIO also reiterates the presumption in favor of investigation: "when a CIO prosecutor deems that an offense of corruption by a high-level official has been committed, he or she shall investigate." In sum, the legal standards and evidentiary threshold for opening an investigation are comparatively low, which burdens the justification of decisions to decline to investigate.

On the other hand, the law on the CIO permits the agency to refer cases for investigation to other agencies when it believes it is "appropriate." Article 24 section 3 prescribes "if the Director deems it *appropriate* for any other investigation agency to investigate a corruption crime of a high-level public official *in light of the suspect, the victim, the nature and the size of the case*, etc. he or she may refer that case to that investigation authority." The law provides no explicit guidance on what factors should influence its appraisal of the "nature" and "size of the case," nor of the identity/number of the suspect and victim. As a result, the CIO developed its own strategy for managing the great volume of complaints and referrals it receives.

A further complication is the mismatch in the "demand" for action by the CIO and its ability to "supply" a response. The CIO received nearly 3,000 complaints in its first year of operation, most of which alleged that justice officials, especially prosecutors, police officers, and judges, abused their power or abandoned their official duties to take good care of their cases. The CIO also must decide whether it or another agency should investigate referrals, which are fewer yet more sensitive. If the case is too big for the CIO to handle or there are too many victims and suspects, or other aspects of the case might exhaust the resources of the CIO, then it might have to refer the case to other agencies. In short, for these pragmatic reasons alone, the CIO thus has no choice but to choose and concentrate on a subset of these potential cases.

Case Selection: Inherited Rules

The CIO inherited its initial procedure for case selection. Before its establishment, the Prime Minister composed an Institutive Group to design rules for the institution, which published a "Case Handling Rule" for investigation and prosecution in the CIO. This basic rule of operations was established in the first half of 2020, well before the selection of the first director of the CIO, whose appointment was realized in January 2021.[16] This rule rejected the purely administrative booking system used by the Prosecution Service in Korea, in which a case number is assigned automatically whenever a criminal complaint is filed and has the unwanted effect of many people acquiring the status of an "accused" merely upon registry. Instead, the Institutive Group adopted the model for case acceptance at the UK's Serious Fraud Office, according to which the Director exercises broad discretion about whether to accept a case for full investigation.

The principles guiding the SFO director's discretion to select cases for investigation emphasize political ramifications and organizational interest. For instance, the "statement of principles" for case selection, which was articulated by the SFO itself, lists two factors: (1) the actual or intended harm that may be caused to (a) the public or (b) the reputation and integrity of the UK as an international financial center, or (c) the economy and prosperity

16 The first director of the CIO, Jinwook Kim, was appointed only after rules governing the public competition for the position were changed to secure a consensus from the nominating commission. The law required 6 of the 7 committee members to agree on a candidate to recommend to the president. Since two members of the committee are composed by the official opposition party, it was impossible to reach the requisite number of votes for any of the candidates being considered.

of the UK and (2) whether the complexity and nature of the suspected offense warrants the SFO's specialist skills and capabilities to investigate and prosecute.[17] The selection of cases worth investigating is also supposed to be guided by advice from a Case Evaluation Board composed of the senior leadership of the SFO, which might depersonalise the final determination, and it also evaluates evidence not only against the statement of principles but also the "strategic and tactical risk, cost, and resource implications" of a full investigation and, "where appropriate," the context of the Government's strategic approach to economic crime."

For the first fifteen months of operation the CIO administered a system of case acceptance not unlike the SFO in the UK, though without a formal statement of principles or Case Evaluation Board. To manage the initial case-handling rule, which was made public in May 2021, the CIO assigned two of its 13 prosecutors to make a preliminary and advisory decision on case acceptance from among the unexpectedly high volume of complaints and referrals.[18] These case evaluation prosecutors submitted a recommendation to the Director of the CIO whether to formally accept the case and give it a new case number to be an open active case for further investigation. Cases that did not receive a recommendation were either dismissed -- with or without prejudice -- or referred to another investigative authority, such as the police or the prosecution service. The director deferred to their recommendations.

The CIO formally accepted 23 cases for full investigation in 2021, a small fraction of the total number of possible cases (2,825) it received that year, 89 percent of which were complaints from citizens and 11 percent were referrals from government agencies such as the police and prosecution. The CIO dismissed without prejudice 316 cases and referred 1,833 cases (84 percent) to the Supreme Prosecutors Office or the Police or the JAG office. By the end of the year, it had disposed of 2,172 cases, or 77 percent of the total.

The first case accepted for full investigation involved the Education Superintendent for the Seoul Metropolitan City, Mr. Cho Hee-yeon, who allegedly abused his official power to rehire 5 specific teachers who had been fired for engaging in union activities (one of whom competed with Cho in the Superintendent Election and dropped out of the race during the campaign). The problem of interest was not merely that the Superintendent premeditated to hire these five specific teachers, but he forced his subordinates to concede to his plan to rig a mandatory public competitive hiring process. In January 2023, the Seoul District Court found Cho guilty of abuse of power and sentenced him to 18 months in prison, suspended for two years, ruling that he undermined transparency in teacher employment by disguising it as fair competition. In January 2024, the Seoul High Court dismissed an appeal and confirmed the District Court's findings.

Strong criticism of the CIO's practice in case selection emerged as early as June 2021. One source of the intensity of critique is that some potential cases were related to leading candidates for the presidency at a time when the Presidential Election was less than a year away. Several NGOs filed criminal complaints against the future President Seok-youl Yoon, who was the Director of the Supreme Prosecutors Office until early March 2021, three months before he declared his candidacy for the Presidency of South Korea. In this period, too, Yoon was accused of abusing his power to stop a criminal investigation into a massive financial fraud case or allegedly interfering with another investigation into his assistant

17 The description of the statement of principles can be found here. The SFO's annual report for 2018-2019 claims that five strategic objectives "support" the Director's determination, two of which are (1) the recovery of the proceeds of crime and (2) the development of "constructive relationships" with partners at home and abroad. The most recent annual report, by contrast, states four strategic objectives and emphasizes "collaboration" with "overseas" partners solely for the purpose of deterrence. See p. 13 of the annual report for 2022-2023 here.

18 The CIO act authorised the hiring of 23 prosecutors, but only 13 prosecutors were appointed as of April 16, 2021.

prosecutors who had been accused of forcing prison inmates to make false testimonies against a former Prime Minister who was ultimately sentenced to prison for bribery and served the full term.

The CIO investigated another case involving Yoon, dubbed the "election interference case," which surfaced in early September 2021, when Ms. Cho, a former key member of the then opposition party's (now the ruling party's) election campaign committee in the 2020 general election, made a serious allegation about a senior prosecutor, Son, who oversaw the Intelligence Unit of Supreme Prosecutors Office while Yoon was director. Son allegedly conveyed a draft of criminal complaint (drafted by his subordinates) to Ms. Cho by telegram just before the general election to discredit figures from the then ruling party (now the opposition party). A candidate member of the legislator who delivered the draft complaint allegedly asked that it be submitted to the Supreme Prosecutors Office for investigation and prosecution with an aim to interfere in the upcoming general election. The CIO's investigation culminated in an indictment in May 2022, and in January 2024 the Seoul District Court confirmed most of the facts alleged by the CIO and sentenced the senior prosecutor Son to one year in prison.

Criticism followed the CIO whenever it made decisions to formally accept a case, in particular cases related to candidates in public election. Some critics claimed that the CIO's case acceptance decision was politically motivated and designed to implicate the then opposition party candidate Yoon, who did well in election opinion polls. Another reason for such criticism, though, is that the media and the public were accustomed to the traditional automatic acceptance system in other justice agencies. The public was unfamiliar with the new formal acceptance system, and unaware of the limited capacity of the organisation to process so many allegations, all of which arouse suspicions about possible political reasons for the low rate of case acceptance when compared to the thousands of cases it might have investigated.

As early as the summer of 2021, many CIO prosecutors insisted that it should abandon this discretionary acceptance system and revert to the automatic acceptance model used by other justice institutions such as the main prosecution service and National Police. But the Director insisted that the CIO persist with this system at least for a year before making any revision to make sure that it should do the right thing: the discretionary acceptance system, after all, minimised unnecessary bookings of individuals who might receive the status of an "accused" just because they were named in a criminal complaint. However, it soon became clear that the initial case acceptance system fueled too much controversy in Korea, which for decades has been acutely divided politically between conservatives and progressives. For this reason, the CIO scrapped the initial acceptance system on March 14, 2022, by revising the Case Handling Rule.

Revised Rules

In the revised system of triage, all complaints and referrals were assigned one of two letters: R for cases which were likely to be referred to other agencies or dismissed (for instance, those that contained repeat allegations, complaints with fictitious claims, or where the offensive conduct involved a matter of civil rather than criminal law); or C, which denoted the CIO and included all cases in which the initial evaluation indicated might warrant a full investigation. Of the 2,457 potential cases the CIO received between the introduction of the revised rule and the end of that year, 268 (11%) were given a case identification number beginning with the letter C and other 1,949 cases were given a case ID beginning with the letter R.

The new system of registration and triage coincided with an increase in the rate of investigation and was followed by an increase in 'demand' for investigations by the CIO. Although the total number of potential cases received by the CIO in 2022 was lower than in the first year of operation (2,657 vs 2,825), the average number of potential cases increased from 204 to 282 per month in the seven-month period between October 2022 and May 2023, when we conducted this analysis. As Figure 2 shows, the CIO is now investigating a larger share of all allegations, from just 1% in the first year of operations to 13% in 2022 and 21% in the 7 months. This increase reflects the strategic decision in year one to concentrate nearly all resources on just a couple of cases, including the alleged election interference case, which culminated in a jail-time sentence by the Seoul District Court. This shift also means that the cases investigated by the CIO in 2023 had, on average, a lower political profile than those in 2021.

Figure 2. Case Intake and Decision to Investigate under Two Systems of Triage

	Initial System for Case Acceptance		Revised Case Handling System			
	2021 (Full Year)		2022 (Full Year)		October 2022 to May 2023 (7 months)	
CIO Intake	N	%	N	%	N	%
Cases Received	2825	100%	2657	100%	1974	100%
Cases Disposed	2172	77%				
Dismissed	316	15%				
Referred	1833	84%	596	22%	219	11%
Investigated	23	1%	333	13%	410	21%

Although the CIO began investigating many more cases, it did not allocate resources equally among them. Of the 410 cases designated C in the seven months between October 2022 and May 2023, the CIO further classified 94 as especially important cases at reception stage, which means they were allocated more resources and treated with greater urgency. The criteria for making that second-stage determination included whether the cases: (a) were filed by major political parties or major NGOs, (b) commanded the general public's attention, (c) were filed or referred by government agencies, (d) were reported by major media outlets. These criteria were developed internally by CIO staff to triage the social stature and salience of cases.

Among the 94 important cases that were considered to have a special social stature and salience, 30% involved allegations of the abuse of official power, 10% the divulgence of official secrets, and another 10% the abandonment of official duties. Just over 8% pertained to bribery. Another 8% involved alleged violations of the Political Funding Act, with 6% alleging the falsification of public documents. Not all these cases were investigated by the CIO: 15 of the 94 cases were referred to other investigation agencies, and nearly all these referrals were discretionary, relying on Article 24 Section 3 of the CIO, according to which the Director may

deem it appropriate for other agencies to investigate corruption by high officials in light of the suspect, the victim, and nature, and the size of the case. In only 2 cases did the CIO refer a case that it considered salient after determining itself to lack jurisdiction over those cases.

Brief descriptions of seven recent important cases convey how the stature of officials investigated by the CIO interacts with the character of corrupt conduct considered salient. These include: (1) a case alleging the Minister of the Interior and Safety and the Chief Commissioner of the National Police Agency, along with other high-level public officials, neglected their official duties causing the severe injury or death of over 300 citizens in Itaewon on Halloween (the "Itaewon Disaster"); (2) a case alleging the Chair and the Secretary-General of the Board of Audit and Inspection (BAI) abused their official power by conducting a targeted audit and inspection of the Anti-corruption & Civil Rights Commission (ACRC) to force the chairwoman of ACRC to resign; (3) a case alleging a high-level BAI official received a bribe; (4) a case alleging that senior prosecutors divulged confidential information during their investigation of possible bribery among opposition lawmakers; (5) a case alleging the President abused his official power by pardoning former-president Lee Myung-Bak who had been sentenced to a 17 years' prison term for bribery; (6) a case alleging the Chief Justice of the Supreme Court may have abused his official power by compelling a judge of the Court Administration to make remarks to recommend a senior judge as a candidate for associate Justice (afterwards he was appointed as associate Justice), thereby interfering in the nomination process; (7) a case alleging that the Presidential Office and the Minister of Defense unduly influenced the investigation and referral process of the JAG office in the death of a marine during a rescue operation after heavy rain in Southern Korea by excluding the commander of the Marine Corps etc. from the list of suspects.

Supplementary Guidance

To foster clarity and consistency in these decisions, the Director of the CIO drafted an advisory guideline for case selection for investigation in the fall of 2023. After discussions with prosecutors, the director circulated a final version, which stated:

> *CIO prosecutors are advised to choose and concentrate on cases for their investigation by taking into account the following two criteria (but not considering the category of the crimes): one criterion is whether the case is worth the CIO's full investigation in light of its very limited resources, considering the significance or gravity of the case, by asking relevant questions such as who are the possible/potential victims and perpetrators, what is at stake in this case in terms of the two mandates of the CIO, the presence of a fairness controversy if any, and the size of the case etc.; the other criteria is a potential "evidence test," which may be done by asking whether the CIO has fairly good chances to secure sufficient evidence to obtain a guilty verdict, if indicted.*

In short, there is a presumption in favor of investigation when the two criteria are positively aligned – that is, when the gravity of the case is severe and the evidence strong – and in favor of declination when, conversely, both are negligible. But when the gravity and social stature of the case is high yet the evidence weak, the CIO typically will investigate since that is in line with the CIO's mandate and public expectations.[19]

19 The prosecution services in many common law countries are expected to appraise the "public interest" in prosecution *after* appraising whether the evidence already collected can justify beliefs about a "realistic" or "reasonable" prospect of conviction. See, for example, the sequencing of the evidentiary threshold test and public interest test in the "full code test" of the Code for Crown Prosecutors in the UK, available here.

Because the CIO's mission is not only to uphold justice but also "eradicate" or at least put in check high-level corruption crimes by high officials and their relatives, it is natural and logical that the CIO should be expected to choose cases with significance or grave meaning to the nation or society from the perspectives of serving the public interest. For example, at stake in the Education Superintendent case was the justice and fairness in the teacher-hiring competition process in Korea's capital city of Seoul. In the Election Interference allegation, an opinion poll showed that most Koreans believed that whether the allegation is true or not should be revealed through CIO's investigation, before the Presidential election. In this context, we can safely say that the above two cases easily met the significance/gravity test in line with the advisory guideline, while the CIO was not able to assess the chances of winning, if indictment is made, when it began its investigations.

The approach to case-selection might evolve further as there has been ongoing debate since 2022 inside the CIO and within academic circles in Korea about what sort of cases should be prioritised in the future. Two alternative approaches have been discussed. One recommends the CIO focus on specific kinds of problems such as corrupt conduct for monetary gains or financial motives since other forms of corrupt conduct are related to what the high official did or did not do in his/her office and their investigation might be perceived as a form of political interference. In short, this view advises the CIO to avoid potential reputational risk from investigating politically sensitive cases that might invite harsh criticism from both sides of the political aisle. The other approach advises the CIO to investigate whichever case it has received and whatever problem its attention has been drawn to, regardless of whether it is a bribery case or a politically sensitive case, even if taking on certain cases might provoke controversies or consume a disproportionate share of time and scarce resources.

Comparing Strategies for Case Selection

Despite manifest differences in their mandates and the divergent character of corruption they are expected to investigate, there is a superficial resemblance between the criteria used to make and explain decisions in the CIO and the two institutions from which its designers took inspiration -- the Serious Fraud Office of the UK and the SFO of New Zealand. In all three organisations the "nature" and "scale" or "size" of the alleged offence are deemed legitimate factors in determining the "public interest" in an investigation, as are the identity of the victims and/or the suspects (perpetrators).[20] However, the CIO applies their two-staged scheme for case selection in reverse, with the first component gauging the significance/gravity of the case**,** and the second test appraising the strength of the evidence. That difference in sequence may be more important in distinguishing the approach in Korea than variation in the kinds of political repercussions of case selection that are considered in other jurisdictions.

Recall that the United Kingdom's SFO makes the achievement of a political purpose paramount in decisions about whether to investigate fraud and corruption. Its principal criterion for case selection is to "prevent harm" from fraud caused to the public, the reputation and integrity of the UK as an international finance center, and the economy and prosperity of the UK. In other words, the potential to prevent and remediate such

20 Compare the provisions in Article 24, Section 3 of the CIO law in the Appendix to this paper with the four criteria for selecting cases worth investigation enumerated in the Law on the SFO in New Zealand, which are: 1) the suspected nature and consequences of the fraud; 2) the suspected scale of the fraud; 3) the legal, factual, and evidential complexity of the matter, 4) any relevant public interest considerations.

repercussions for the country is expected to guide appraisals of the merit of an investigation. And yet the SFO does not specify which harms should be averted most or how they might be measured, nor determine whether the investigation of such crimes would advance rather than thwart the objective. In no public document does the SFO specify by how much national or international indices of integrity, economy, and prosperity should move in response to investigations, nor which investigations of these possible crimes would deliver the greatest benefit to economy and prosperity.[21]

By contrast, the SFO in New Zealand has taken steps toward articulating and measuring these prospective costs and benefits. In August 2023, the New Zealand SFO published "Strategic Areas of Focus," a document that outlines seven areas of public activity in which the organisation pledges to conduct at least 40% of its investigations.[22] Their declaration gives advance notice to officials and firms engaged in such activities that they might become the subject of adverse attention, a warning that by itself could have deterrent value. It also positions the agency in the business of disrupting the dynamics of corruption rather than incapacitating specific individuals. In other words, instead of pledging to eradicate fraud and corruption, the SFO hopes to reduce harm by encouraging less destructive behavior in the economy and public service so that people can get on with the business of their lives.

The incorporation of prudent political considerations into the legal calculus of case-selection is not new in anti-corruption. The United Nations Office on Drugs and Crime (UNODC) has for many years counseled a consequentialist approach to case-selection, even though many judicial systems forbid the consideration of such consequences, presumably because they might compromise the legality of the decisions. UNODC's tool kit for anti-corruption lists six criteria that "should generally be considered" in case selection.[23] Two reiterate widely recognised conventions about (1) the appraisal of relevant law and (2) the scale or gravity of the offense. A third gauges the organisation's opportunity costs of investigation and prosecution. Three more probe the potential dividends from a decision – will the case "set a precedent," how likely is a "satisfactory outcome," and would the criminal intelligence used in or gained by the process of investigation unravel an illicit market of influence or compromise the capacity of the government to combat it over time?

The latter three considerations nudge us closer to an appraisal of what some legal scholars call the "political ramifications" of decisions to investigate and prosecute, or what some leaders of anti-corruption agencies term with greater immediacy their "consequences."[24] In fact, the leaders of several anti-corruption agencies we spoke to said that careful examination of the possible repercussions of a decision to investigate do and should routinely figure in their calculus. One told us that this is one way to meet "legitimate public expectations" of political accountability expressed by the electorate, even if their consideration leads to practices that tend to punish the preceding government for acts of corruption more than the successor. Another said that since the express purpose of her organisation is to reduce corruption, "not just fight it," the anticipated results of an investigation must be part of the initial case-selection. And yet the danger of foreshortened decisions in justice is widely

21 For a recent analysis of the way "public interest" in prosecution has been expressed and perhaps re-defined by prosecutors and judges in the UK, see Nicholas Lord, "Prosecution Deferred, Prosecution Exempt: On the Interests of (in)Justice in the Non-Trial Resolution of Transnational Corporate Bribery," *British Journal of Criminology*, 63/4, 2023, available here.

22 The document describes the areas in which the SFO "believes its specialist resources can have the greatest impact in disrupting and deterring serious or complex fraud, including corruption." It emphasises that these areas will be reviewed every 12-18 months. See "SFO Publishes Strategic Areas of Focus," available here.

23 The criteria appear to stem from a review of practices in common law countries as well as a few that insist on their fidelity to the "legality principle." See the summary in the *UNODC Anti-Corruption Tool Kit*, chapter 5, pp. 195-196, available here.

24 See, for example, Jeeyang Rhee Baum and Matthew Stephenson, "Strategic Decision-Making by Anti-Corruption Agencies: Case Selection, Communication, and Institution-Building," unpublished paper, 2023.

acknowledged: the promise of a "satisfactory outcome" might trump urgent cases that are less providential, depriving access to valid concerns.[25]

So how can an anti-corruption agency incorporate strategic considerations into the case-selection process without inviting persuasive and otherwise destructive allegations of bias? The CIO's own experience suggests one way to help manage suspicions of partisanship or own goaling that can flow from the reliance on such considerations: that is, by establishing a niche, in this case assiduously and publicly investigating ethical slide zones within the justice system. The composition of cases that have been fully investigated by the CIO illustrate an aspect of this approach, since the conduct of justice officials and prosecutors have figured in so many of their recent cases. If successful, its near monopoly over the investigation and prosecution of such cases could help it develop a reputation for expertise in this sector of government and perhaps also diminish public cynicism about justice, though it might thereby forgo opportunities to model new forms of collaboration with the prosecution service and neglect systemic or broader forms of corruption.

There are other schemes for protecting strategic decisions in case selection from persuasive claims about their politicisation. For instance, some agencies have created an interagency commission or advisory board to steer decision-making; others have established oversight bodies to review, analyse, and publish the results of audits of discretion. These schemes might be termed bureaucratic and professional, for they use hierarchy and collegialism as proffers of accountability in the investigation of corruption. Another strategy revolves around transparency and communication. Some agencies announce the identities of individuals and organisations that will be or have been investigated shortly after the opening or closing of a case with or without prejudice, even when their publication may strain rules about privacy and confidentiality.[26] Yet another strategy is more expressly political and rooted in published policy. For instance, by aligning the targets of investigation with the declared priorities of the national government or other authoritative agencies such as a planning ministry, the National Prosecuting Authority of South Africa can demonstrate that its decisions are guided by criteria and priorities that were assigned by others rather than itself.

A more explicit strategy anchors and justifies case-selection decisions in an analysis of the larger universe of corruption, which makes what is deemed "salient" or significant dependent on a sociological finding rather than a legal interpretation of misconduct or a transient policy preference. One version of this scheme which would not require comprehensive social science research or national estimates of the prevalence of corruption is the analysis and publication of data about the composition of all complaints and referrals alongside a list of the cases selected for investigation; the contrast between accepted and rejected allegations would permit critics to interrogate the representativeness of the cases selected. Another version of this scheme might derive case-selection decisions from an appraisal of the range and intensity of community concerns about corruption, whether they are in construction, transportation, education, or commerce. Even without confident appraisals of the accuracy of such perceptions and beliefs, an anti-corruption agency might diversify its choices by selecting equal numbers of cases in, say, oil, agriculture, and finance, and thereby manage uncertainty about their true prevalence, hedge bets on the outcomes, and persuade skeptics of its non-partisan approach. We do not know whether case selection rooted in the systematic analysis of trends in corruption even within one country will protect the agency from criticism about its decisions, some of which revolve around the methods of investigation

25 For a polemic against "cherry picking" and the timidity of US prosecutors in the face of complex commercial crime and corruption, see Jesse Eisinger, *The Chickenshit Club*, 2017.

26 See the annual and semi-annual reports of the Office of the Special Prosecutor in Ghana, available here.

rather than their targets and results.[27] Still, some additional security from criticism might come from such measurement as the new strategy in New Zealand has helped it align the limited capacity of a small anti-corruption agency with the large scale of the problem.

Conclusion

This account of the evolution of the strategy for selecting cases for investigation in Korea emphasises the constraints that stem from its political inheritance as much as the constitutional configuration of criminal justice. It also highlights aspects of practices in other anti-corruption agencies that affirm the compatibility of politically purposive case selection with principles of legality. What makes the approach in Korea distinct is not the extreme politicisation of public anxiety about corruption. Nor is it the CIO's twin mandate, although the combination of these two functions within a single agency add torque to the complexities of case-selection. The uniqueness of the CIO's approach lies in treating the social salience of certain kinds of corrupt conduct as more relevant and urgent than an appraisal of the prospect of conviction, which in any country might not depend solely or primarily on the strength of the evidence.

It is unclear whether this approach to case-selection diminished or increased concerns about partisanship in the CIO or cynicism about public administration and the role of criminal justice in anti-corruption more generally. The new director of the CIO might have to work with the ACRC and other complementary organisations to detect change in trust and confidence in the enterprise of anti-corruption, recognising that it might not be possible to disabuse all beliefs that selectivity in anti-corruption investigations is a form of political competition. But candor about the role that social salience plays in selecting cases for investigation places the CIO and the future of anti-corruption in Korea in a new mold of organisational accountability, as does advance communication about the forms of corruption considered most corrosive to public integrity.

27 See, for example, complaints about the methods of collecting testimony from suspects in the New Zealand SFO, in Tim Murphy, "Is the SFO too powerful for its own good?" in *Newsroom*, September 9, 2022, available here.

APPENDIX

The Law on the CIO (excerpted provisions)

Article 24 (Relationship with Other Investigation Agencies)

(1) With respect to an investigation into corruption by any other investigation agency that overlaps with the CIO's corruption investigation, the Director may request that the investigation agency refer the case under investigation to the CIO when he or she deems it appropriate for the CIO to conduct such investigation in light of the progress of the investigation and the controversy over fairness, and if so, the investigation agency shall comply with the request.

(2) If any other investigation agency comes to discover a corruption crime in this Act in the course of criminal investigation, such agency shall immediately notify the CIO of such fact.

(3) If the Director deems it appropriate for any other investigation agency to investigate a corruption crime in this Act, in light of the suspect, the victim, and the nature and the size of such corruption crime, he or she may refer that case to that investigation agency.

(4) Upon receiving a notice of a corruption crime under paragraph (2), the Director shall reply as to whether to begin an investigation, to the head of the investigation agency of such notice within the period and by the method by the CIO rules.

Jurisdiction

The law on the CIO accords it exclusive jurisdiction to investigate "high ranking officials" for many crimes, some of which are:

1) the abuse of authority (Article 123 of Korean Criminal Code), where a public official who by abusing his/her official authority, causes a person to perform the conduct which is not to be performed by the person, or obstructs the person from exercising a right which the person is entitled to exercise,
2) the divulgence of official secrets (Article 127 of Korean Criminal Code),
3) the obstruction of public election (Article 128 of Korean Criminal Code),
4) the acceptance of bribe (Article 129), which includes demands or promises to give or accept bribes,
5) the bribe to the third person (Article 130),
6) the improper action after acceptance of bribe (Article 131),
7) acceptance of bribe through good offices (Article 132),
8) offer of bribe (Article 133),
9) forgery or alteration of official documents (Article 225),
10) preparation of false public documents (Article 227),
11) uttering of falsified documents (Article 229),
12) receiving or giving bribe by breach of trust (Article 357), etc.

MEMBER BIOGRAPHIES

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Kamel Ayadi is an international consultant and civil society activist in the fields of anti-corruption, ethics, governance, corporate social responsibility, and social accountability. He has served in a number of high-level positions, including Minister of Public Service, Governance, and Anti-corruption; Chair of the Authority on Financial and Administrative Control; Secretary of State; Senator; and Chair of the Regulatory Authority of Telecommunication. After having served in leadership positions in numerous NGOs, including President of the Tunisian Order of Engineers, he was elected in October 2003 as the president of the World Federation of Engineering Organisations (WFEO, 100 member countries). He also served for six years as the Founding Chair of its standing Committee on Anti-corruption. He is the Founding Chair of the World Leadership and Ethics Institute, Founding Chair of the Tunisian Centre for Strategic Thinking on Economic Development. He is also the Founding Chair of the Global Infrastructure Anti-corruption Centre's for the MENA region.

SHAMILA BATOHI

National Director of Public Prosecutions, South Africa

Career Advocate Shamila Batohi has served as South Africa's National Director of Public Prosecutions (NDPP) since February 2019. Advocate Batohi began her career as a junior prosecutor in the Chatsworth Magistrate's Court in 1986 and steadily advanced to become the Director of Public Prosecutions in KwaZulu-Natal. She was seconded to the Investigation Task Unit established by President Nelson Mandela in 1995, investigating and prosecuting apartheid-era atrocities, and later served as the first regional head of the Directorate of Special Operations in KwaZulu-Natal, investigating and prosecuting serious organised crime and political violence. Immediately before her appointment as NDPP, she served as a Senior Legal Advisor to the Prosecutor of the International Criminal Court in the Hague.

MONIKA BAUHR

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Monika Bauhr is a Professor at the department of Political science, University of Gothenburg and a research fellow at the Quality of Government Institute. Bauhr investigates the causes and consequences of corruption and quality of government. She studies the link between democracy and corruption, the role of transparency and access to information, women representation and the nature of different forms of corruption and clientelism. She also investigates how corruption influences public support for foreign aid, international redistribution and the provision of public goods more broadly. She has previously been a visiting scholar at Harvard University, Stanford University and the University of Florida in the US and the University of Dar es Salaam in Tanzania. She has also served as a consultant and participated in public events relating to climate change, corruption and development policies. Between 2014 and 2017 she has been the Scientific Coordinator and Principal Investigator of the ANTICORRP (Anticorruption Policies Revisited: Global Trends and European Responses to the Challenge of Corruption), a large-scale multidisciplinary research program, involving 20 institutions in 15 European countries, funded by the European Commission. She is also a co-editor of the recently publishedOxford Handbook of the Quality of Government.

MARTHA CHIZUMA

Director-General of the Anti-Corruption Bureau (ACB), Malawi

Martha Chizuma is the Director General of the Anti-Corruption Bureau effective from 1 June 2021, the first-ever female to hold the position in the country. The Bureau is mandated to fight corruption through prevention, public education and law enforcement. She holds a master's in law from the UK and bachelor's in law (Hon) degree from Malawi. Before joining the Bureau, she was Ombudsman of Malawi from December 2015 to May 2021. However, she has also held various positions in the judiciary and private sector. With fighting corruption being on top of the Government agenda, Martha is responsible for providing strategic leadership to operational and administrative processes at the Bureau in a manner that ensures that positive and substantive inroads are being made against corruption in Malawi and also that a correct moral tone is set for the country in as far as issues of integrity are concerned.

IZABELA CORRÊA

Former Postdoctoral Research Associate, Blavatnik School of Government, United Kingdom, and editor of the Chandler Papers (2021-2024)

Izabela has been dedicated to the themes of integrity and anti-corruption academically and as a practitioner for over fifteen years. She is currently serving as the Secretary for Public Integrity at the Brazilian Office of the Comptroller General. Prior to that, she was the Postdoctoral Research Associate for the Chandler Sessions on Integrity and Corruption (2021-2023). She has also served in the Brazilian Central Bank (2017–2021), and in the Brazilian Office of the Comptroller General (2007–2012), where she led a team of public officials that oversaw the development and implementation of high-impact transparency and integrity policies. Izabela holds a PhD in Government from the London School of Economics and Political Science (2017) and a master's degree in political science from the Federal University of Minas Gerais (UFMG) in Brazil. She is a member of the Chandler Sessions and the managing editor of its paper series (2021-2024).

JAVIER CRUZ TAMBURRINO

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Javier Cruz Tamburrino is the Compliance Officer of the Chilean Central Bank. His main responsibilities include, among others, designing and implementing an Annual Compliance Plan, coordinating and articulating the compliance activities with the Prosecutor's Office, the Comptroller's Office, the Division Management Corporate Risk and the other areas of the Bank. Prior to joining the Central Bank, Javier Tamburrino served for nine years as Director of the Financial Analysis Unit (UAF), a public service whose mission is to prevent Money Laundering (ML) and the Financing of Terrorism (FT) in the Chilean economy, also acting as National Coordinator of the ML/TF Preventive System of Chile.

TODD FOGLESONG

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Todd Foglesong joined the Munk School of Global Affairs and Public Policy at the University of Toronto in 2014. He teaches courses on the governance of criminal justice and the response to crime and violence in global context. Between 2007 and 2014, Todd was a senior research fellow and adjunct lecturer in Public Policy at Harvard Kennedy School (HKS). Between 2000 and 2005 Todd worked at the Vera Institute of Justice, creating a center for the reform of criminal justice in Moscow and founding Risk Monitor, a non-governmental research center in Sofia, Bulgaria that supports better public policies on organized crime and institutional corruption. Before that, Todd taught political science at the Universities of Kansas and Utah.

GUSTAVO GORRITI

Founder and Editor of IDL-Reporteros, Peru

Gustavo Gorriti leads the investigative center at the *IDL-Reporteros*, in Lima, Peru. He was Peru's leading investigative journalist before having to leave the country, largely because of his reporting. During the April 5, 1992, coup, he was arrested by Peruvian intelligence squads and "disappeared" for two days until international protests forced President Alberto Fujimori first to acknowledge his detention and then to release him. Gorriti had earlier investigated, among other things, the drug ties of the man who became Fujimori's de facto intelligence chief. After several months of mounting threats and harassment, Gorriti left Peru for the United States, where he was a senior associate at the Carnegie Endowment for International Peace and the North-South Center. In 1996, he settled in Panama and went to work for La Prensa. Gorriti's investigative reporting there, however, had a similar effect, and the government attempted unsuccessfully to deport him. After Fujimori lost power, Gorriti returned to Peru in 2001. Gorriti was a Nieman fellow in 1986. He received the Committee to Protect Journalists' International Press Freedom Award in 1998.

JIN-WOOK KIM

Chief Prosecutor of the Corruption Investigation Office for High-ranking Officials (CIO), South Korea

Jin-wook Kim is the inaugural Head of the Corruption Investigation Office for High-Ranking Officials. Prior to his current position, he was head of the international affairs department at the Constitutional Court of Korea (2020–21), and head of the education department and research department, at the Constitutional Research Institute (2016–20). He holds a master of law from the National University of Seoul, where he also graduated in archaeology and art history. He holds an LLM in public law from Harvard University.

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John-Allan Namu is an investigative journalist and the CEO of Africa Uncensored, an investigative and in-depth journalism production house in Nairobi, Kenya. Africa Uncensored's ambition is to be the premier source of unique, important and incisive journalism. Prior to co-founding Africa Uncensored, he was the special projects editor at the Kenya Television Network, heading a team of the country's best television investigative journalists. He has received numerous awards for his work including the CNN African Journalist of the Year and joint journalist of the year at the Annual Journalism Excellence Awards by the Media Council of Kenya.

BOLAJI OWASANOYE SAN

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Owasanoye started his career as an assistant lecturer at the Lagos State University. He moved to the Nigerian Institute of Advanced Legal Studies (NIALS) in 1991 and became a Professor of law 10 years later. In August 2015, he was appointed as the Executive Secretary of the Presidential Advisory Committee Against Corruption (PACAC) before being appointed to the ICPC in 2017. He was involved in advocacy for passage of major anti corruption bills in Nigeria including Nigeria Financial Intelligence Agency Act , Proceeds of Crime Act, and reenactment of the Money Laundering Prevention and Prohibition Act and the Terrorism Prevention Act, amongst others. At the continental level he participated in drafting and advocating adoption of the Common African Position on Asset Recovery by the African Union in 2020 and served as member of the UNGA/ECOSOC established FACTI Panel in 2020-2021. His portfolio of consultancies include Nigerian federal and state agencies, as well as international development agencies such as the World Bank and USAID, DFID and UNITAR. In 1997, he co-founded the Human Development Initiative (HDI), a non-profit organisation. In 2020, He was awarded the rank of Senior Advocate of Nigeria (SAN) and national honour of Officer of the Federal Republic (OFR) in 2022.

ANNA PETHERICK

Associate Professor in Public Policy at Blavatnik School of Government, United Kingdom

Anna Petherick is Associate Professor in Public Policy and Director of the Lemann Foundation Programme. Since her DPhil on the topic, Anna has researched corruption, gender and trust, and advised policymakers on the topic. She wrote the UNODC 'The Time is Now: Addressing the Gender Dimensions of Corruption' report, published in 2020, and has presented on the topic of gender and corruption at the United Nations General Assembly. Anna is also co-Principal Investigator of the Oxford COVID-19 Government Response Tracker (OxCGRT) project. Prior to becoming an academic, Anna wrote a column for The Guardian that fused longevity and wellbeing research, and another column about the social dimensions of climate change for the journal, Nature Climate Change. She was a science and then foreign correspondent at The Economist, and a section editor at the journal, Nature. Anna holds a BA (MA) in Natural Sciences (Evolutionary Genetics, Population Modelling) from Cambridge University.

KATHLEEN ROUSSEL

Director of the Public Prosecutions, Canada

Kathleen Roussel is the Director of Public Prosecutions. She was appointed June 21, 2017. Kathleen was Deputy Director of Public Prosecutions from 2013 to 2017. She was responsible for the Regulatory and Economic Prosecutions and Management Branch. Previously, Kathleen served as Senior General Counsel and Executive Director of the Environment Legal Services Unit at the Department of Justice (Canada), from 2008 to 2013. From 2001 to 2005, she was the Senior Counsel and Director of the Canadian Firearms Centre Legal Services, before joining the Department of Environment's legal services later that year. Before joining the public service, Ms. Roussel worked as a criminal defence lawyer. She has been a member of the Law Society of Upper Canada since 1994 and graduated from the University of Ottawa Law School in 1992, having previously obtained an Honours Religion degree from Queen's University.

AGUNG SAMPURNA

Former Chairman of the Audit Board of the Republic and Lecturer at the University of Indonesia, Indonesia

Dr Agung Firman Sampurna was the Chairman of the Supreme Audit Agency for the period 2019 – 2022. Previously, he served as Member I of BPK-RI for the period 2014 – 2019, Member III for the period 2012 - 2013, and Member V for the period 2013 - 2014. Agung Firman Sampurna once led the Main Auditorate of Finance State (AKN) III (2012 – 2013), AKN V (2013 – 2014), and AKN I (2014 – 2019). Recipient of the Mahaputra Naraya Star, Agung Firman Sampurna is heavily involved in training activities, research, seminars and various other forums, both domestically and abroad. Agung holds a Bachelor of Economics from Sriwijaya University, a Master of Public Policy and Administration from the University of Indonesia and a PhD in Public Administration also from the University of Indonesia.

TANKA MANI SHARMA

Former Auditor General, Nepal

Tanka Mani Sharma Dangal is a Nepalese Bureaucrat. He has long experience in Public Financial Management and fiscal administration. He has experience in Public Procurement Management and development administration, Civil Service Administration and Training, Cooperative Societies Regulation and Management, Health Sector Financing, Public Enterprises Management, and other different areas of public sector management. He served as an Auditor General of Nepal from 2017 to 2023 for 6 years. His prior positions include Secretary at the Office of the Prime Minister and Council of Ministers, Ministry of General Administration, and Public Procurement Monitoring Office. He had also served as a Director General of the Inland Revenue Department, Department of Customs, Department of Revenue Investigation, and the Registrar of the Department of Cooperative. likewise, he had served as Finance Chief in different Ministries and Departments of the Government of Nepal.

Mr. Sharma holds a Master's degree in Business Administration (MBA). He has attended various national and international training and seminars and acquired knowledge and skills in different fields of the public sector management and governance system. He has rewarded with the "Best Civil Service Award" in 2001 by the government of Nepal. He has awarded the medal "Prasidda Prabal Janasewa Shree" by the president of Nepal in the year 2021. He was also awarded the "Prabal Gorkha Dakshin Bahu" medal in 2000.Mr. Sharma hopes to build a more efficient and effective public administration, promoting good governance through transparent and accountable public sector management. Moreover, he emphasizes maintaining professional integrity and controlling mismanagement and corruption in the governance system.

CHRIS STONE

Professor of Practice of Public Integrity, Blavatnik School of Government, University of Oxford

Chris Stone is Professor of Practice of Public Integrity. Chris has blended theory and practice throughout a career dedicated to justice sector reform, good governance and innovation in the public interest, working with governments and civil society organisations in dozens of countries worldwide. He has served as president of the Open Society Foundations (2012–2017), as Guggenheim Professor of the Practice of Criminal Justice at Harvard's Kennedy School of Government (2004–2012), as faculty director of the Hauser Center for Nonprofit Organizations at Harvard University (2007–2012), and as president and director of the Vera Institute of Justice (1994–2004). He is a graduate of Harvard College, the Institute of Criminology at the University of Cambridge, and the Yale Law School. At the Blavatnik School, Chris's work focuses on public corruption turnarounds: the leadership challenge of transforming cultures of corruption into cultures of integrity in government organisations, large and small. As an affiliate of the Bonavero Institute of Human Rights within the University's Faculty of Law, Chris serves as the principal moderator for the Symposium on Strength and Solidarity for Human Rights.

LARA TAYLOR-PEARCE

Auditor General, Sierra Leone

Lara Taylor-Pearce is auditor general of Sierra Leone and has more than 27 years of experience in public- and private-sector financial and administrative management and oversight. As the government's chief external auditor since 2011, she has won praise for helping change Sierra Leone's public-sector accountability landscape, including her work in developing its 2016 Public Financial Management Act and other public-sector oversight acts. Among other honors, she received the 2015 National Integrity Award from the Sierra Leone Anti-Corruption Commission. She has also served as principal finance manager and head of administration for the Institutional Reform and Capacity Building Project, finance and administrative manager for the Public Sector Management Support Project, technical assistant in the Accountant General's Department of the Ministry of Finance, and supervisory senior for KPMG Peat Marwick. An honours graduate in economics of the University of Sierra Leone, she is a fellow of the Association of Chartered Certified Accountants (FCCA), U.K, and of the Institute of Chartered Accountants of Sierra Leone (FCASL). She is vice chair of the INTOSAI Development Initiative (IDI) board, chair of the governing board of the African Region of Supreme Audit Institutions-English Speaking (AFROSAI-E), and a Grand Officer of the Order of the Rokel (GOOR) President's National Award.

WHICH CORRUPTION CASES TO INVESTIGATE?

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