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ROYAL GOVERNMENT OF BHUTAN
ANTI-CORRUPTION COMMISSION

NATION'S CONSCIENCE
THIMPHU, BHUTAN

ACC/COORDINATION-01/2006/ 137

November 15, 2006

Honorable Prime Minister,
Cabinet Secretariat,
Tashichhoedzong

SUB: EXPEDITIOUS & IMPARTIAL INVESTIGATION, PROSECUTION & TRIAL

Honorable *Lyonpo*,

The strategy of the Anti-Corruption Commission (ACC) is a comprehensive approach that integrates prevention, education and investigation. Firm, impartial, objective, transparent and speedy actions against corrupt individuals, regardless of their ranks and status, are the hallmarks of the Commission's ethos. As fighting corruption is a top national agenda, the state has to be the main player. It must be seen to be sincere and committed to fighting corruption through result-oriented and timely actions.

To combat corruption effectively, timely detection, expeditious prosecution and trial are critical. Currently, no precedence is given to cases of corruption, cases have to be registered with the Dzongkhag/Dungkhag court of origin and besides, corruption cases may only grow in the future. Unlike prevention and public education, which are long-term and continuous processes, investigation and trial are time bound and discrete.

For proactive action, timely detection, effective and speedy investigation, we are making all efforts, within the systemic hindrances, to build our capacity. Responses to the two vacancy advertisements have been very, very poor. We are exploring possibilities of direct and/or contract recruitment particularly for investigators and recruit fresh graduates, preferably RCSC-select graduates for other posts and train them. Further, our investigation officers work round the clock.

As corruption stakes wider public and national interests, we have also suggested that courts give precedence to cases of corruption over other (normal) cases. Further, to unburden the courts, the ACC in close consultation with legal experts will develop criterion to distinguish petty corruption (petty misdemeanor and below) from not so petty (misdemeanor & above & below 3rd degree felony) and grand corruption (2nd degree felony & above). We are hopeful that such efforts would not only facilitate expedient action on corruption cases, but would also bring about certain uniformity of action on all corrupt people alike, which currently is starkly amiss.

In pursuance of the draft Constitution and the Anti-Corruption Act of Bhutan 2006, cases have to be generally prosecuted by the Office of Attorney General (OAG). For speedy prosecution it is suggested that (i) the Attorney General will designate a legal officer as the prosecutor for a case; the ACC will consult/apprise him/her at appropriate stages of investigation; (ii) charge sheet will be prepared jointly by the prosecutor designate and the ACC and forwarded to the Office of the Attorney General and (iii) the OAG will register a case in the appropriate court preferably within a month from the time it receives a case file from the ACC.

Honorable Lyonpo will certainly recognize the need to institutionalize the above suggestions for sustained meaningful cooperation. We look forward to Honorable Lyonpo's valuable support and continued goodwill.

With respect,

Yours faithfully,


(Neten Zangmo)
Chairperson

Copy to:

1. Secretary to His Majesty the King, Tashichhodzong
2. Attorney General of Bhutan --this letter has reference to the note that we shared with your office.