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MEMORANDUM OF UNDERSTANDING

With respect to the conduct of criminal investigations and prosecutions of offences under the Anti-Corruption Act of Bhutan and Office of the Attorney General Act

BETWEEN

ANTI-CORRUPTION COMMISSION

AND

OFFICE OF ATTORNEY GENERAL

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PREAMBLE

WHEREAS the Anti-Corruption Commission (ACC) and the Office of the Attorney General (OAG), the Parties to this Memorandum of Understanding (the Parties), having separate responsibilities within the Constitution and each Party recognizing the other's independence in performing their respective functions and duties;

WHEREAS the ACC established by the Royal Decree issued on 31 December 2005 and has the constitutional mandate under the Anti-Corruption Act 2011 (the AC Act) to investigate all allegations of corrupt practices, whether reported or otherwise and pursuant to Section 128 of the AC Act is required to make prosecution referral to the Office of the Attorney General its findings of investigation which in the opinion of the ACC warrants prosecution in the interest of public;

WHEREAS, the OAG having been established under the Office of the Attorney General Act 2006 entrusted with the primary responsibility of prosecution on behalf of the state shall carry out its prosecutorial functions in accordance with its Act and the Prosecution Guidelines;

WHEREAS the parties, without prejudice to each other's institutional independence, statutory rights and obligations under respective legislation, having unconditionally recognized the need to establish a guiding framework of collaboration to underpin an effective functional relationship between the ACC and the OAG in relation to investigation and prosecution of corruption offences through clear and effective communication and decision making processes;

