

# **CURRENT ISSUES IN THE INVESTIGATION, PROSECUTION AND ADJUDICATION OF CORRUPTION CASES**

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## **I. INTRODUCTION**

My name is Soe Naung Oo. I am the Director of the Investigation and Financial Branch, Bureau of Special Investigation. The topic of my presentation is “Current Issues in the Investigation, Prosecution and Adjudication of Corruption Cases in Myanmar”. Myanmar’s new government took office in March 2011 and created good governance and clean government. The Government also made political, economic, administrative and social reforms. Consequently, the government has taken legal action against corruption.

The Bureau of Special Investigation was formed in 1951 according to the Special Investigation Administrative Board and Bureau of Special Investigation Act 1951.

The objectives of the Bureau are —

- (a) To investigate corruption and take legal action
- (b) To investigate economic crimes and take legal action
- (c) To collect intelligence for national security and
- (d) To strive for the interest of the people

The four functions of the Bureau are —

- (a) Investigation
- (b) Submitting legal opinions on cases
- (c) Prosecution
- (d) Collecting and submitting intelligence

## **II. ENACTING THE NEW LAW AND TAKING LEGAL ACTION**

The Suppression of Corruption Act (1948) only included categorization of the offence and countermeasures but does not meet international standards. A new Anti-Corruption Law was enacted on August 7, 2013. The Anti-Corruption Law came into force on September 17, 2013. The Anti-Corruption Commission consisting of 15 members was formed on February

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25, 2014. Its mission is combating corruption and bribery. The Commission Office was opened on March 3, 2014.

The objectives of the Anti-Corruption Law are —

- (a) To eradicate corruption as a national problem
- (b) To ensure clean government and good governance
- (c) To promote prestige and accountability
- (d) To prevent the loss of the state property and to protect human society and citizen's rights and benefits from the evils of corruption
- (e) To take action effectively against those who commit corruption
- (f) To develop the economy by local and foreign investment after establishing the prevalence of law and order and more transparency in the administrative sector.

The Action Committee against Bribery, led by the Vice President, was formed on January 8, 2013. The committee accepts complaints against corruption and bribery and refers them to the Ministry of Home Affairs and the Bureau of Special Investigation for legal action. The Bureau also investigates offences referred from the Anti-Corruption Commission.

Myanmar enacted the Control of Money Laundering Law on June 17, 2002 and formed the Central Control Board. The chairman of the Central Control Board is the Minister for Home Affairs, the Chief of Police is the Secretary and the Director General of the Bureau of Special Investigation is the Joint Secretary. The new Anti-Money Laundering Law was enacted on March 14, 2014 and the Central Board for Money Laundering was formed. The Chairman of the Board is the Minister for Home Affairs, the Secretary is the Chief of Police and the Director General of the Bureau of Special Investigation is a member.

### **III. INTERNATIONAL COOPERATION**

Myanmar signed UNCAC as a member on December 2, 2005 and ratified it on December 20, 2012. That Convention came into force in Myanmar on January 19, 2013. Myanmar signed a Memorandum of Understanding (MOU) and joined SEA-PAC on November 14, 2013. Senior officials from the Attorney General Office and Bureau of Special Investigation attend the International Association of Anti-Corruption Authorities (IAACA) meeting annually and cooperate with international organizations to combat corruption. The Myanmar Financial Intelligence Unit signed an MOU with Thailand's Anti-Money Laundering Office in 2012, Bangladesh's Anti-Money Laundering Office in 2012 and the Republic of Korea's Anti-Money Laundering Unit in 2012. The Anti-Corruption Commission is the focal point for the review of UNCAC.

#### IV. PLAN OF ACTION

Strategies for corruption prevention are as follows—

- (a) To regard corruption and prevention as matters of international concern and to prevent corruption multilaterally.
- (b) To cooperate with regional government organizations and social societies to prevent corruption.
- (c) To cooperate with regional anti-corruption agencies.

Tactics for corruption prevention are as follows—

- (a) To reduce poverty, to achieve progress and give priority to the welfare of public servants.
- (b) To reduce malpractice in order to create good governance and clean government.
- (c) To create transparency in the administrative sector and to reduce formalities in public administration.
- (d) To conduct corruption awareness programmes for the public sector and private sector to create a corruption free environment.
- (e) To set up a complaint system for corruption and bribery.
- (f) To form a joint team consisting of central organizations, commissions at all levels and departments.
- (g) To create a plan of action to ensure that the private sector is free from corruption.
- (h) The essential plan must be implemented and reviewed according to the law and procedure.
- (i) To apply technology instead of human resources to reduce abuses of power.
- (j) To create independence in the administrative and judicial sectors.
- (k) To cooperate with media to prevent and fight corruption.
- (l) To apply modern technology to fight corruption.
- (m) To modernize and amend the Anti-Corruption Law, Rules and Regulations, orders and guidelines to fight corruption.
- (n) To apply a reward and punishment system to fight corruption.

- (o) To provide suitable opportunity and assurance to fight corruption.
- (p) To cooperate with international organizations to fight corruption.

We understand that fighting corruption cannot be done by one group or one organization, but we have to cooperate with each other, with international organizations, and with the public and private sectors. Myanmar will support the efforts of anti-corruption agencies to fight corruption.