



The Republic of the Union of Myanmar
The Anti – Corruption Commission

THE ANTI – CORRUPTION RULES

10 July, 2015

The Republic of the Union of Myanmar
The Anti-Corruption Commission
Notification No. (3/2015)
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The Anti – Corruption Commission, in exercise of the powers conferred on it under sub-section (a) of Section 72 of the Anti – Corruption Law, issues these Rules with the approval of the Union Governments.

Chapter I

Title and Definition

1. These Rules shall be called **the Anti – Corruption Rules**.
2. The expressions contained in these Rules shall have the meanings contained in the Anti – Corruption Law. In addition, the following expressions shall have the meanings given hereunder :
 - (a) **Law** means the Anti – Corruption Law;
 - (b) **Government** means the Union Government;
 - (c) **Beneficiary in Evidential Property** means a person, not a person under investigation, who has suggested that he obtained enrichment by corruption or money and property accumulated by corruption by giving consideration or reasonable price in good faith by any means;
 - (d) **Form** means the form stipulated in these Rules.;
 - (e) **Working Committee** means the committee formed by the Commission to provide assistance to the Commission and for enabling to carry out the functions and duties on behalf of the Commission in implementing the provisions contained in this Law;
 - (f) **Working Group** means the group formed by the Commission sector-wise to provide assistance to the Commission and for enabling to carry out the functions and duties on behalf of the Commission in implementing the provisions contained in this Law.

Chapter II

Duties and Powers of the Commission

3. The Commission :

- (a) shall form and assign duties to the Investigation Board, Preliminary Scrutiny Board, Working Committees and Working Groups as is necessary, and directing, supervising and coordinating the said Boards;
- (b) shall give decision on the findings and suggestions of the Working Committees and Working Groups;
- (c) shall stipulate the functions and duties of the Inspector – General and the Inspectors by issuing orders and directives in accord with the laws and rules;
- (d) shall, if made a decision to investigate enrichment by corruption or corruption, form the necessary investigation boards in accord with law, and assign duty to them to carry out investigation, entering into the building, searching and seizing the property as exhibit;
- (e) shall, when assignment is conferred under the rule (d), issue an order with Form (1) to the Investigation board or the Inspector to investigate, enter into the building and inspect, search and seize property as exhibit with respect to enrichment by corruption or money and property obtained by corruption;
- (f) may, to confiscate the money and property obtained by corruption which are deposited in the relevant banks and financial institutions, and to investigate, copy the documents, if necessary, and to seize the property as exhibit by the investigation board, issue an order with Form (2) under sub-section (b) of Section 17 to the responsible persons from banks and financial institutions.
- (g) if an order is passed to entrust the seized property as exhibit with Form (3) by bond, shall cause to execute the bond with Form (4). If the bond is violated, the order by which the property has been entrusted by the said bond may be withdrawn;

- (h) may issue injunction with Form (5) to the relevant department and organization not to change, transfer by any means, conceal, eradicate and transform money and property obtained by corruption during the period of investigation under the law. Moreover, it may direct to seal the immovable property if necessary;
- (i) may, with respect to report on the findings of the Investigation Board, give decision on closing the case, causing to obtain legal advice, informing to take action by the relevant department, informing to carry out prosecution, carrying out the matter of sanction for prosecution, and causing to carry out the matters as may be necessary to scrutinize with the Preliminary Scrutiny Board as it has been exposed through investigation by the Investigation Board;
- (j) subject to the report on the findings of the Investigation Board :
 - (1) may, if it is required to investigate the evidence again, assign the original Investigation Board or another Investigation Board to investigate and submit the report;
 - (2) shall, if it is found out clearly that no corruption has been committed, close the case under investigation. Moreover, the seized money and property shall be returned to the person under investigation or the person whose property has been seized with Form (6);
- (k) may, according to the report on the findings of the investigation by the Investigation Board as well as the submission of the Preliminary Scrutiny Board, pass the order of confiscation of the money and property or the order to return them. Provided that the seized money or property as exhibit :
 - (1) shall, after investigating by the Investigation Board, stay the case without passing the order of the confiscation of money and property if it is relevant to the case filed in the court, and pass the necessary judgment in accord with the final and conclusive order and judgment of the relevant court;

(2) shall, although no sufficient evidence may be available for prosecution, pass the necessary order if the Preliminary Scrutiny Board has submitted, after scrutiny, whether it is true or not enrichment by corruption has been accumulated by corruption;

(l) may, if the person under investigation appears obviously that he has, after committing corruption, absconded, cannot be found out, died or gone abroad for good, pass the order of confiscation of the money and property related to corruption, under the findings of the Investigation Board and submission of the Preliminary Scrutiny Board;

(m) may, if the person under investigation has, before or after passing the order of confiscation of the exhibit, applied for review of the case by submitting the witness or documentary evidence that have not been submitted by him in the previous hearing within (60) days after hearing by the Preliminary Scrutiny Board direct the Investigation Board or the Preliminary Scrutiny Board to investigate and conduct hearing again;

(n) shall, with the approval of the Pyidaungsu Hluttaw, make known the list of persons who possesses political post to the general publish by issuing notification;

(o) shall determine the type of authority, position, duty, etc., and cause to compile the list of money and property, liability and assets and submit thereof, and cause to scrutinize by the relevant working group whether or not the matters submitted as such are correct;

(p) shall, if it is required to assign duty to the Investigation Board and the Inspector to obtain advice from the relevant working group as regards the report on the findings of the Investigation Board, prosecute the case at the relevant competent court and to obtain sanction in accord with Section 65.

4. The Commission shall decide whether or not to carry on the matter submitted under sub-rule (d) of Rule 36 by the relevant working Group.

5. The Commission:
 - (a) may, with respect to matters relating to the anti-corruption, cooperate with members of the United Nations Convention, international conventions, regional organizations and foreign countries;
 - (b) shall make arrangements, supervision and give guidance to run training courses, hold workshops and exchange local and foreign knowledge.

Chapter III

Formation of the Investigation Board and Functions and Duties

6. The Commission shall, if any reason arises to investigate under any provision of the Law or under submission of the relevant working group, form the Investigation Board consisting of not less than (5) suitable citizens led by a member of the Commission. In forming as such, the members of the Investigation Board shall be assigned duty to them subject – wise.
7. The Investigation Board shall, only after permission of the Commission is obtained, start investigation, enter into the building and inspect, search and seize with Form (3) as exhibit.
8. The Investigation Board, in carrying out under Rule7, as regards enrichment by corruption or corruption:
 - (a) shall open the proceedings to conduct investigation to confirm the complaint;
 - (b) shall, in conducting investigation, explain first the person under investigation, for what purpose the investigation is made by showing the permission of the Commission;
 - (c) may ask for the necessary documents and other evidence from the person under investigation or another person or relevant government department or organization or bank and financial institution;
 - (d) may take statements by summoning the person under investigation or other necessary persons;
 - (e) have the right to enter into the building, search and seize the moveable properties and immoveable properties of the person under investigation;

- (f) shall seal and seize the diamond, gold, silver, gem, jewelry, monies and precious articles, if necessary. Such articles shall be deposited in the bank designated by the Commission by the system deposited for security;
- (g) shall, if necessary, seize all kinds of vehicles, machineries, accessories related to such properties and documents. If the Commission permits to entrust the seized properties with bond during the investigation period, such properties shall be re-entrusted to the person from whom such properties were seized with sufficient guarantee for the bond with Form (4) after executing;
- (h) shall, if necessary, seize animals such as the elephant, horse, cattle, etc. Such animals shall, by executing bond with Form (4) with sufficient guarantee, be re-entrusted during the investigation period;
- (i) shall, if necessary, seize the moveable properties such as furniture, musical instruments, electronic devices etc., and such properties shall, by executing bond with Form (4) with sufficient guarantee, be re-entrusted during the investigation period;
- (j) shall, with respect to the properties that will be re-entrusted with the bond under Sub-rule (g), (h) and (i), re-entrust to the person whose property has been seized only when Prohibition Order Form (5) of the Commission has been obtained;
- (k) shall, with respect to entering the building, inspecting, searching and seizing money and property under the duties and powers mentioned in sub-rule (e) to (i), seize with Property Seizure Form (3) in triplicate in the presence of two search witnesses. In such form, the person investigated, person who is seized property, search witnesses and leader of Investigation Board shall be signed. A copy of property seizure Form(3) shall give the person investigated or person who is seized property.

9. The inspector shall, with respect to matters assigned to him, submit the findings and performance concerning the investigation daily to the leader of the relevant Investigation Board.

10. The Investigation Board shall, with respect to the investigation subject to the complaints, news and information letters, carry out all investigation matters up to the point prosecution may be filed at the relevant court or to the point the preliminary scrutiny board may investigate and take action, and shall report to the Commission.

11. The Investigation Board shall, in case the Commission has assigned duty to prosecute, cause one of the inspectors to become a complainant, and carry out compiling the required proceedings for enabling to file to the relevant court for prosecution.

12. In case the Commission has decided to prosecute after the Investigation Board submitted the report, any of the inspectors shall submit and carry out requesting for sanction, doing the proceedings to be completed, requesting pre-trial legal advice, etc. to the Commission through the Inspector General.

13. The Investigation Board shall, if there arises a situation to pass one of the following order and instruction during the investigation period with respect to money and property seized as the exhibit, submit to the Commission, with its remark:

(a) order to return it with sufficient bond subject to application by the person under investigation, person whose property has been confiscated or beneficiary in evidential property who applied to return it with bond;

(b) order of prohibition not to change, transfer, conceal and transform it by any means;

(c) instruction to seal the land and building.

14. The Commission shall:

(a) after scrutinizing the submission under Rule 13, pass any order and instruction, as may be appropriate.

(b) if the property permitted to seize as the exhibit is the other property not permitted under any existing law, instruct the Investigation Board to hand over it to the relevant government department and organization systematically.

15. The Investigation Board shall, after making investigations, submit the report of findings to the chairman of the Commission together with the proceedings. In the said

report, with respect to enrichment by corruption or corruption, the following points shall be mentioned, as may be necessary:

- (a) name, Citizenship Scrutiny Card Number, father's name, occupation and address of the persons involved in committing the offence;
- (b) position, salary and income of the person investigated;
- (c) type of offence committed and summary of the case;
- (d) date on which the person under investigation has initially possessed or benefited on money or property located both at home and abroad;
- (e) how deposit, withdrawal and transfer by any means of money is made, and the date on which such activity is made;
- (f) type of property , the method used to get possession of such property, and the date on which transfer of possession is made;
- (g) estimated current value of properties, location and that if such property is nowhere at the time of investigation, why it is so;
- (h) type of property under the control and not under the control of the person under investigation, type of property transferred to another person nominally, type of property transferred to another person, type of property easy to separate from the property of other person and type of property difficult to separate due to mixing up, and current value of each item of property;
- (i) submission of beneficiary in evidential property;
- (j) summary of his own activities due to order and instruction issued by the Commission;
- (k) list of documentary evidence and witnesses;
- (l) findings of investigation and review.

16. If the aggrieved person has filed a complaint regarding corruption or enrichment by corruption, it shall be reported to the Commission immediately.

Chapter IV

Inspecting, Copying and Seizing as Exhibit

The Financial Records of Bank and Financial Institutions

17. The Investigation Board shall, during the investigation period, for enabling to issue order of prohibiting not to withdraw or transfer money and property relevant to enrichment by corruption or corruption freezed in the bank and financial institution or to obtain right to inspect, copy or seize the records of money and property deposited therein, submit to the Commission immediately by stating the following points:
- (a) summary of the offence committed as known by investigation;
 - (b) findings by investigation that offence has been committed;
 - (c) matter which is desirous to be carried out and duration of time to be carried out;
 - (d) name and address of the bank and the financial institution relevant to the matter desirous to be carried out.
18. The Commission:
- (a) may, after scrutinizing the submission of the Investigation Board under Rule 17, any one of the following orders may be passed during the investigation period:
 - (i) order of prohibition not to withdraw or transfer money and property;
 - (ii) order of permission to inspect the financial records and order of permission to copy them;
 - (iii) order of permission to seize the financial records, money and property as exhibit;
 - (b) shall, when passing an order contained in sub-rule (a), issue the said order to the responsible person from the relevant bank and financial institution, and send the copy of the order to the Ministry of Finance, head of relevant bank and financial institution.
19. The Investigation Board or the inspector shall:
- (a) in accord with the order issued by the Commission, carry out inspecting, copying and seizing the financial records as exhibit and seizing as exhibit of

the money and property entrusted, paid or transferred by the person under investigation in accord with sub-rule (k) of Rule 8;

- (b) entrust the diamond, gold, silver, gem, jewelry, money and precious articles confiscated as exhibit under the entrusted system for security in the bank and financial institution designated by the Commission.

Chapter V

Passing Order of Prohibition Regarding Exhibit and Giving Instruction to Seal

20. The Investigation Board shall, during the investigation period, when the Commission issues the order of prohibition to the relevant government department, organization and persons not to change, transfer, conceal, eradicate, and transform the exhibits relevant to the case or instructing to seal the immoveable property:

- (a) attach the said order or instruction at the conspicuous place where the property for which the order of prohibition has been issued or instruction is made to seal exits, and also attach the same at the relevant township, ward and village-tract administration offices;
- (b) in case the sealed immoveable property has not been re-entrusted with bond, remove those residing in the said property, and seal and keep it locked;
- (c) coordinate with the Ministry of Home Affairs to keep the sealed immoveable property securely.

21. The Investigation Board may, if the person under investigation or person whose property has been confiscated or beneficiary in evidential property submits application with sufficient evidence regarding the immoveable property during the investigation period, cause to execute bond with Form (4) with sufficient guarantee subject to the order of the Commission, and return the sealed immoveable property.

22. The person under investigation or the person entrusted with bond shall, with respect to the money and property issued prohibition order or instructed to be sealed by the Commission, not sell, mortgage, lease, transfer by any means or allow third party to reside or use it.

Chapter VI
Formation of the Preliminary Scrutiny Board
and Functions and Duties

23. The Commission shall, subject to the report on scrutiny and findings of the relevant working group or the report on scrutiny and findings of the Investigation Board or other information, form the Preliminary Scrutiny Board comprising at least five persons for enabling to scrutinize or submit whether or not the evidential money and property should be confiscated, in the event that no sufficient evidence is available to submit for prosecution though it is exposed that the money and property has been owned through enrichment by corruption or corruption. In the said board excepting the Commission member who has taken responsibility as the leader of the original Investigation Board, one of the remaining Commission members shall be assigned duty as the leader.

24. The Preliminary Scrutiny Board shall:

- (a) in accord with the order issued by the Commission, carry out inspecting, copying and seizing the financial record, as exhibit, and seizing as exhibit of the money and property entrusted, paid or transferred by the person under investigation in accord with sub-rule (k) of Rule 8;
- (b) entrust the diamond, gold, silver, gem, jewellery, money and precious articles seized as exhibit under the entrust system for security in the bank and financial institution designated by the Commission.

25. The Preliminary Scrutiny Board shall, during the investigation period, when the Commission issues the order of prohibition the relevant government department, organization and persons not to change, transfer, conceal, eradicate and transfer the exhibits relevant to the case or instructing to seal the immoveable property:

- (a) attach the said order or instruction at the conspicuous place where the property for which the order of prohibition has been issued or instruction is made to seal exits, and also attach the same at the relevant township, ward and village-tract administration office;
- (b) in case the sealed immoveable property has not been re-entrusted with bond, remove those residing in the said property, and seal and keep it locked;

(c) coordinate the Ministry of Home Affairs to keep the sealed immovable property securely.

26. The Preliminary Scrutiny Board may, if the person under investigation or person whose property has been seized or beneficiary in evidential property submits application with sufficient evidence regarding the immovable property during the investigation period, cause to execute bond with Form (4) with sufficient guarantee subject to the order of the Commission, and return the sealed immovable property.

27. The Preliminary Scrutiny Board shall:

(a) when assigned duty by the Commission, carry out it by opening the preliminary scrutiny proceedings;

(b) after scrutinizing the report on the findings of investigation of the Investigation Board, inform the person under investigation, person whose property has been seized or beneficiary in evidential property to come, defend and settle it personally or by agent within 30 days;

(c) if no person comes, defends and settles it even though informing has been made under sub-rule (b), after summoning and hearing the witnesses already examined by the Investigation Board and other necessary witnesses, submit it to the Commission with its remark whether or not the money and property seized as exhibit should be confiscated.

28. The Preliminary Scrutiny Board shall, when the person who has been informed comes and defends it during the prescribed period under sub-rule (b) of Rule 27:

(a) if the case is the one which is initially scrutinized by the Preliminary Scrutiny Board, carry out the scrutiny work in accord with the means carried out by the Investigation Board contained in sub-rule (b) to (d) of Rule 8;

(b) explain to the person under investigation, person whose property has been seized and beneficiary in evidential property seized as exhibit that it is required to defend and argue why the money and property seized as exhibit should not be confiscated;

(c) if the person under investigation, person whose property has been seized and beneficiary in evidential property seized as exhibit admits that he has

become rich by means of corruption, submit report to the Commission with the remark that the money and property seized as exhibit should be confiscated.

29. In the event that the person under investigation, whose property has been seized and beneficiary in evidential property seized as exhibit refuses that the he has become rich by means of corruption, the Preliminary Scrutiny Board:

- (a) shall initially examine the witnesses already examined by the relevant Working Group and Investigation Board;
- (b) shall examine and hear the person under investigation, person whose property has been seized and beneficiary in evidential property and may accept or refuse to accept the documents as exhibit produced by those persons after scrutinizing them;
- (c) shall examine and hear witnesses produced by the person under investigation, person whose property has been seized and beneficiary in evidential property seized as exhibit;
- (d) may, if necessary, summon and examine person who has been exposed through investigation as witness, and may re-examine the witnesses already examined;
- (e) shall, if it is found that additional evidence is required based on the report of findings on investigation of the Investigation Board or defence of the person under investigation, person whose property has been seized and beneficiary in evidential property, submit to the Commission to cause the Investigation Board to re-investigate;
- (f) shall scrutinize the report on the findings of investigation by the Investigation Board, the testimonies of witnesses of both sides of the person under investigation, person whose property has been seized and beneficiary in evidential property as well as documentary evidences, and submit to the Commission with remark whether or not the money or property seized as exhibit should be confiscated.

30. The Preliminary Scrutiny Board shall, when the Commission has instructed to submit again after re-examining on submission subject to sub-rule (f) of Rule 29, re-

examine the necessary witnesses and obtain testimonies again and submit it again with remark.

31. The Preliminary Scrutiny Board shall, if the Commission has instructed to examine and submit after scrutinizing the application that the person whose property has been seized or beneficiary in evidential property has obtained the money and property seized as exhibit by giving consideration or due price by any means in good faith, make the necessary examination and obtain the evidence in accord with Rule 28 and 29, and submit it to the Commission with remark whether or not the right which that person has claimed should be granted.

32. If the aggrieved person has filed a complaint regarding corruption or enrichment by corruption, it shall be reported to the Commission immediately.

Chapter VII

Formation of Working Committee and Working Group

Formation of Working Committee and Functions and Duties Thereof

33. The Commission may:

(a) form the Working Committees under sub-section(b) of Section 16 of the Law comprising at least (3) persons. It may be formed again as may be necessary;

(b) form the following working committees. It may be formed again as may be necessary:

(1) Policy Affairs Working Committee;

(2) International Relations Working Committee;

(3) Legal Affairs Working Committee;

(4) Complaint Scrutiny and Review Working Committee;

(5) Staff Affairs Working Committee;

(6) Information Working Committee;

(7) Maintenance of Discipline and Security Working Committee;

(8) Training and Research Working Committee.

34. The Working Committees shall:
- (a) after drawing functions and duties to be carried out, methods and future programmes to be performed systematically by its committee, submit them to the Commission;
 - (b) by searching for and collecting idea that may assist in implementing the law, difficulties that may occur in doing practically, and means to solve them taking into account of the requirements in advance, submit them to the Commission;
 - (c) by studying, reviewing and conducting research on the strength and weakness in the operation of works experienced in carrying out practically, make record and find solutions through mutual discussion;
 - (d) under the guidance of the Commission, train and educate the inspectors and staff to enhance skill and capacity;
 - (e) if the aggrieved person has filed a complaint regarding corruption or enrichment by corruption, it shall be reported to the Commission immediately.
 - (f) submit report on its activities to the Commission's chairman quarterly in a year;
 - (g) carry out other activities assigned by the Commission under sub-section (b) of Section 16 of the Law.

Formation Working Groups and Functions and Duties Thereof

35. The Commission may, under sub-section (b) of Section 16 of the Law, form the Working Groups led by a member of the Commission subject to each sector of the works. If necessary, it may be formed again.

36. The Working Groups shall:
- (a) after drawing functions and duties to be carried out, methods and future programmes to be performed by its Working Group, submit them to the Commission;
 - (b) by searching for and collecting ideas that may assist in implementing the law, difficulties that may occur in doing practically, and means to solve

them taking into account of the requirements in advance, submit them to the Commission;

- (c) by studying, reviewing and conducting research on the strength and weakness in the operation of works experienced in carrying out practically, make record and find solutions through mutual discussion;
- (d) with respect to the complaints, news and information letters, after scrutinizing whether or not they are consistent with the stipulations contained in the law, taking confirmation from the complainant to know whether or not the evidences attached to the complaint are true or not, investigating other supporting points, submit the report to the Commission in writing;
- (e) with respect to matters contained in sub-rule (d), submit the report in writing as follows:
 - (1) if it is found after scrutinizing that the contents contained in the complaint is not in line with the stipulations contained in the law, submitting it to reject the complaint;
 - (2) if the complaint, news and information letter are the matters that cannot to be prosecuted under the law, submitting it so as to inform the relevant Head of Department to take action under the Service Regulations;
 - (3) even though the complaint, news and information letter have no prima facie for prosecution, and if it appears, after scrutinizing that the money and property are obtained by corruption, submitting it for enabling to scrutinize the matter by the Preliminary Scrutiny Board to confiscate;
 - (4) if the accusations contained in the complaint, news and information letter are correct, and sufficient for prosecution, submitting it with recommendation to investigate with the Investigation Board;
- (f) in scrutinizing the complaint, news and information letter, scrutinize them within the prescribed period so as not to cause leaking of secrets and to be able to carry out the work speedily;
- (g) when it has received the information regarding corruption, make investigations as may be necessary, and submit it to the Commission's chairman for enabling to determine it as the reliable information. The Commission's chairman shall study and review on the submission of the

Working Group, and further submit it to the meeting with remark for enabling to decide whether or not it is the reliable information;

- (h) if the aggrieved person has filed a complaint regarding corruption or enrichment by corruption, it shall be reported to the Commission immediately.
- (i) submit report on its activities to the Commission's chairman quarterly in a year;
- (j) carry out other activities assigned by the Commission under sub-section (b) of Section 16 of the law.

Chapter VIII

Declaration of Currencies, Properties, Liabilities and Assets

Owned by the Competent Authority

37. The Commission shall, with the approval of the Union Government, determine the level of the competent authority who shall be responsible to compile the list regarding the currency property, liability and assets, and submit them, and ask for the list of names of such competent authority from the relevant government departments and organization, and issue notification after scrutinizing it.

38. The relevant government department and organization shall cause to compile the list of co-parcenary property which are money, property, liability and assets-owned by the family headed by him from the competent authority responsible to send declaration of ownership in their government department and organization with Form (7), and shall compile and send it to the Commission within 60 days from the issuance of notification under Rule 37.

39. After sending the declarations from the government department and organization, if the responsible competent authority holding the prescribed position appears again, declaration for such persons shall be sent to the Commission within thirty days from the date of holding such position.

40. The competent authority responsible to send the declaration under Rule 38 and 39 shall, after compiling the list of co-parcenary property which are money, property, liability and assets owned by the family headed by him with Form (7), send to the

Commission on 31st December every year or at a time the Commission has asked for it from time to time.

41. The competent authority shall, in sending declaration with Form 7:
- (a) attach and submit the copies of evidential documents proving how his money and property have been owned;
 - (b) attach and submit the original recommendations of the relevant persons regarding liabilities and assets;
 - (c) if there was transfer and sale of property, and was paid tax from sales money, attach and submit the evidence and documents copies proving such payment;
 - (d) in addition to the evidence proving ownership of the money and property contained in sub-rule (a), (b) and (c), attach and submit the list of money and property as well as liabilities and assets obtained at home and abroad.
42. When the competent authority responsible to send the declaration under Rule 38 and 39 passed away, his successor, authorized agent or trustee shall compile the list of money and property owned by the deceased person with Form 7, and submit it to the commission.

Chapter IX

Confiscation

43. The Commission, with respect to money and property seized by the Investigation Board as exhibit:
- (a) may, if it is required to obtain additional statements and evidence, instruct the Preliminary Scrutiny Board to obtain them and submit to it;
 - (b) shall, if it is found out that he has become enrichment by corruption according to report on the findings of the Investigation Board and Preliminary Scrutiny Board, pass the order to confiscate the money and property seized as exhibit. If it is found out that he has become enrichment not because of corruption, the money and property seized as exhibit, the order shall be passed to give back the money and property seized as exhibit;
 - (c) in the implementation of sub- rule (b) when the person whose property has been seized, is prosecuted on corruption under Sections 55 or 56 or 57 stay

the case without passing the order of confiscation of money and property seized as exhibit and the necessary order shall be made in accord with conclusive order and judgment of the relevant court;

(d) shall, regarding the order passed under sub-rule (b) and (c), give back it to the person under investigation or the person whose property has been seized or beneficiary in evidential property, within thirty days from the date of passing the order.

44. The Commission, with respect to money and property seized as exhibit subject to the report on the findings of the Investigation Board and submissions of the Preliminary Scrutiny Board, and if there is the evidence proving that the person whose property has been seized or beneficiary in evidential property has obtained them by giving consideration or due price by any means in good faith:

(a) if all money and property have been transferred and taken possession shall return all such money and property to such person;

(b) if a part of the money has been transferred and taken possession, shall return such a part of the money to such person;

(c) if a part of the property which has been transferred and taken possession is not jointly owned with the person under investigation and is easy to separate, shall return such a part of the property to such person;

(d) if a part of the property which has been transferred and taken possession is jointly owned, and is not easy to separate, shall sell such property by tender. Out of the sales money, the money to which such person should be obtained shall be given to him according to the ownership ratio, and the money of the ownership ratio of the person under investigation shall be confiscated.

45. The Investigation Board shall, when the Commission returns the money and property sized as exhibit under Rules 43 and 44 to the person under investigation or beneficiary in evidential property with Form (6) in the presence of witnesses.

46. The Commission shall:

(a) subscribe the confiscated money under the accounts heading stipulated by the government;

(b) manage the confiscated property in accord with the government's decision.

47. The Commission:

- (a) shall, if it is found out that the person under investigation, person whose property has been seized or beneficiary in evidential property has transferred, eradicated, destroyed or caused to be destroyed the property seized as exhibit relevant to enrichment by corruption or corruption during the investigation period, make no further investigation and pass the order of confiscating of the property;
- (b) shall, if it is found out that the person under investigation, person whose property has been seized or beneficiary in evidential property has transferred, eradicated, destroyed or caused to be destroyed, and if such money and property cannot be exposed and seized, make no further investigation, and pass order to pay the current price of such money and property by the said person. If such person fails to pay the current price of compensation, the relevant government department or organization may be assigned to collect it as the arrears of land revenue;
- (c) may instruct the Investigation Board to take action against the person who violates the provision contained in sub-rules (a) and (b) under Section 58.

Chapter X

Functions and Duties of the Banks and Financial Institutions

48. The relevant banks and financial institutions shall:

- (a) in accord with the order issued by the Commission, permit the Investigation Board or the Inspector to inspect, copy, seize the financial record relevant to investigation as exhibit and seize the money and property obtained by corruption. In permitting as such, if the financial activities and records are kept with cipher making use of electronic technology, the original meaning shall be encrypted;
- (b) regarding the money and property deposited under sub-rule (b) of Rule 19 by the Investigation Board or the Inspector, accept and keep it safe in accord with the directive issued by the Commission;

- (c) regarding the money and property obtained by corruption, not issue or transfer such money and property without the permission of the Commission during the investigation period;
- (d) not destroy, alter or transfer the financial records relevant to the investigation;
- (e) provide assistance when the Investigation Board conducts investigation in to the financial records relevant to the corruption.

49. The Commission may, if it believes that the money and property obtained from committing an offence contained in this Law has been deposited in a foreign bank or entrusted to any person, carry out by taking assistance of the relevant Ministry or the Central Bank or any relevant financial institution, not to cause the transfer of it.

50. The relevant Ministry or the Central Bank or the relevant financial institution shall, in case the Commission has asked for the assistance under Rule 49, provide assistance not to cause transfer of such money and property in accord with the stipulations.

51. If the Commission decides to confiscate such money and property deposited in the foreign bank or entrusted to any person, the relevant Ministry or the Central Bank or the relevant financial institution shall carry out to transfer it to the Commission lawfully.

52. The actual expenses utilized in carrying out under Rule 51 shall be expended from the expenditure of the Commission's office.

Chapter XI

Holding the Commission's Meeting

53. The meeting of the Commission's members shall be held at least four times a month.

54. The Chairman of the Commission shall preside at of the meetings. When the Chairman is unable to attend the meeting, the secretary shall preside.

55. If nine members and above of the Commission attends the meeting, it constitutes a quorum.

56. In making a decision through voting regarding a matter requiring to make a decision, decision shall be made with the majority vote of the members.

57. On the matters making decision by voting in Commission's meetings, the presiding Chairman or the Secretary shall not vote the casting vote shall only be made on equality of votes.

Chapter XII

Performing to Disseminate Knowledge and to Build Capacity

58. The Commission shall give advice in drafting the work programmes and plan drafted by the government departments, government organization and government enterprises for anti-corruption.

59. The Commission may, for the participation of the public in preventive measures of corruption and anti-corruption, carry out the following works:

- (a) giving educative lectures in schools and civil society organizations on anti-corruption,
- (b) organizing, educating, giving lectures, and providing training courses to the staff of the government departments and organizations;
- (c) carrying out to expose the matters of anti-corruption and activities of persons of high integrity in news media and information works;
- (d) releasing news of the corruption for public information;
- (e) giving training and education to promote the honesty of the authorities.

Chapter XIII

Cooperating Internationally

60. The Commission may, for taking action as may be appropriate, but not limited to the following matters cooperate and coordinate with the members of the United Nations Conventions, international conventions, regional organizations and members of international and regional organizations relating to the anti-corruption:

- (a) exchanging news relating to the anti-corruption;
- (b) making arrangements, preparations, management in the anti-corruption and cooperating in accord with the Mutual Assistance in Criminal Matters Law;

- (c) cooperating in training and upgrading technology relating to the anti-corruption;
- (d) cooperating in disseminating knowledge relating to the anti-corruption;
- (e) cooperating in upgrading capacity in accord with the international standards in carrying out the anti-corruption;
- (f) cooperating in research and development works relating to the anti-corruption.

Chapter XIV

Miscellaneous

61. If the person whose property has been seized or who has beneficial interest regarding enrichment by corruption or corruption:

- (a) is able to submit the sufficient evidence such property has been transferred and obtained by giving consideration or due price by any means in good faith, he shall be exempted from taking action with the offence contained in this Law, and is entitled to regain the seized money and property in accord with Sub-rule (a), (b) and (c) of Rule 44;
- (b) if it is exposed that such property has been transferred and obtained with or without consideration or due price by any means without in good faith or is exposed that he submitted fraudulently stating such property has been transferred and obtained by giving consideration or due price by any means, he shall be taken legal action under this Law.

62. The Commission shall, regarding enrichment by corruption or the money and property obtained by corruption, keep the name of the informer confidential, and take measures for necessary protection to the informer, witness, experts and the aggrieved person. Moreover, it may, depending on the magnitude of the offence, carry out to reward monetary award, with the approval of the government, to the following persons:

- (a) informer who informs enrichment by corruption or corruption;
- (b) inspectors and persons who search and arrest extraordinarily for enabling to seize the money and property related to the offence and to arrest person who committed the offence.

63. If there is no precise provision in these rules regarding issuance of search warrant, search, arrest, seizing as exhibit, submitting to the court for prosecution and confiscation for any offence contained in this Law, the provisions contained in the Code of Criminal Procedure shall be applied.

64. No person shall obstruct, prevent or do any act to delay or discourage the investigation or performance of activity in any way under the provisions contained in this Law and Rules. If it is done, legal action shall be taken accordingly.

Sd/ Mya Win

Chairman

The Anti-Corruption Commission

The Republic of the Union of Myanmar
The Anti-Corruption Commission
Order for Investigating, Entering into,
Inspecting, Searching and Seizing
In respect of Money and Property obtained
by Corruption
[Sub-rule (e) of Rule-3]

The Anti-Corruption Commission, having received the reliable information that the person mentioned below has enriched himself illicitly by corruption, issues this Order to the leader of the Investigation Board with particulars:

Name :

Position :

Department :

for enabling to investigate, enter into, inspect, search and seize in respect of money and property obtained by corruption.

1. Person being investigated:

- (a) Name:
- (b) Citizenship Scrutiny Card No; Foreigner Registration Card No;
Nationality;

Passport No; Visa No. :
- (c) Father's Name:
- (d) Address:

2. **Summary of Corruption Case:**

.....
.....

3. The moveable and immovable properties related to corruption shall be seized by "Money and Property Seizure Form (3)" in the presence of two witnesses.

4. If no execution can be done in accord with this Order, it shall be submitted to the Commission why no execution can be done.

5. If execution can be done in accord with this Order, the report on the findings of the investigation, shall, after conducting investigation, be submitted to the Commission immediately.

Chairman
The Anti-Corruption Commission

Date:

The Republic of the Union of Myanmar
The Anti-Corruption Commission
The Order issued to the Banks and Financial Institutions
[Sub-rule (f) of Rule-3]

The Order is issued to the following Bank/ Financial Institution regarding corruption or enrichment by corruption stating that the money and property related to corruption will be searched for and seized as exhibit, that financial records will be inspected and copied, and that search and seizure, if necessary, will be made as exhibit during the investigation period.

1. Name and Address of Person/Organization
under investigation :
2. Name and Address of Person/ Organization from which the money and
property has been seized:
3. Name and Address of the Bank/ Financial Institution to which the order has
been issued:
4. Date of issuance of the order:

Chairman
The Anti-Corruption Commission

Date:

The Republic of the Union of Myanmar
The Anti-Corruption Commission
Money and Property Seizure Form
[Rule-7]

1. Date and Time at which the money and property was seized:
.....

2. Place at which money and property was seized:

3. Person under investigation:
 - (a) Name:
 - (b) Citizenship Scrutiny Card No., Foreigner Registration Card No.,
Citizen, Passport No., Visa No.....
 - (c) Address:

4. Person whose money and property have been seized:
 - (a) Name:
 - (b) Citizenship Scrutiny Card No., Foreigner Registration No., Nationality,
Passport No, Visa No.
.....
 - (c) Address:

5. Seized Money and Property:

Serial No.	Types of Money Property	Price	Location	Particulars	Remark

Signature:

Name :

Person under investigation

Person whose property has
been seized

Signature:

Name:

Investigation Board Leader

6. It is true and authentic that the money and property contained in this Money and Property Seizure Form is seized in our presence, and hereby put our signatures as witnesses.

Witness (1)

Signature:

Name :

Citizenship Scrutiny

Card No.

.....

Address:

.....

Witness (2)

Signature:

Name:

Citizenship Scrutiny

Card No

.....

Address:

.....

Note:

- (1) In mentioning the number of properties, it shall be mentioned not only in figures but also in words.
- (2) In mentioning the number of properties, if the space is not enough, it shall be mentioned in a separate paper, and the person under investigation, person who has been entrusted with money and property or person whose property has been seized, the Investigation Board leader and the witness shall sign on every page.
- (3) The Investigation Board leader shall read out the contents contained in this Form (3) to the person under investigation and person who has been entrusted with money and property, and explain thereof.

The Republic of the Union of Myanmar

The Anti-Corruption Commission

The Bond

[Sub-rule (g) of Rule 3]

1. On,, I U/ Daw,
Citizenship Scrutiny Card No., age ()years, residing at No,
.....street,Ward/ Village,Township
agrees that if this Bond is violated, compensation will be paid as mentioned in this
Bond, and put my signature below entering into this Bond.

2. The following properties owned by me which is / are relevant to enrichment by
corruption or corruption is/are seized at No., Street,
.....Ward/Village, Township.

Serial No.	Types of Property	Price	Location	Particulars	Remark

3. I hereby promise that the seized properties contained in Paragraph 2, during the period such properties have been temporarily entrusted to me, will not be altered the original form, changed, sold, mortgaged, given as gift, relinquished, transferred by any means, hidden, eradicated and transformed or will not be altered its original form or changed aiming to destroy or cause to be destroyed.

4. I hereby promise that the seized property contained in Paragraph 2 will be kept at No, street,.....Ward/Village,,Township, and will not be moved, without the permission of the Commission, to another place.

5. I further promise that necessary maintenance and custody will be made not to cause loss.

6. I acknowledge that in case one of the above promises is violated by me or another person with my abetment, the relevant property will be confiscated under sub-rule 44 (a),and also legal action will be taken against me. Moreover, I acknowledge that I will have to pay kyats, the current price determined under Rule 44 (b) for the lost property.

(Signed)

Person under investigation;
Person whose property has
been seized

In case the person under investigation or person whose property has been seized violates one of the promises contained in this Bond, and does not pay the price as determined, we, the two guarantors hereby guarantee that the price to be paid will be paid in full, individually or jointly.

Guarantor (1)

Guarantor(2)

Signature :

Signature :

Name :

Name :

Citizenship Scrutiny

Citizenship Scrutiny

Card No

Card No

.....

.....

Address :

Address :

.....

.....

This Bond is entered into and put the signature in my presence.

Signature :

Name :

Investigation Board Leader

Note:

- (1) This Bond Form (4) shall, with respect to seized properties, be made only after issuing the Prohibition Form (5) by the Commission.
- (2) On every page mentioned separately as it is not sufficient to mention the seized properties, the person under investigation or person whose property has been seized, the Investigation Board leader and guarantors shall put their signatures.
- (3) The Investigation Board leader shall read out the contents contained in this Form (3) to the person under investigation and person who has been entrusted with money property, and explain thereof.

The Republic of the Union of Myanmar
The Anti-Corruption Commission
The Prohibition Order
[Sub-rule (i) of Rule 3]

The following relevant government department, organization, and person are, with respect to illicit enrichment by corruption, issued the Prohibition Order not to change, transfer, hide, eradicate or transform the money and property obtained by corruption:

1. Name and Address of Person/Organization under investigation:.....
.....
.....
2. Name and Address of Person/Organization of which the property has been seized:
.....
3. Name and Address of Person/Organization to which Prohibition Order has been issued:
.....
4. Prohibition Order has been issued with respect to the following:
 - (b) Amount of money :
 - (c) Price of Property :
 - (d) Type of Property and
Location :
5. Commencing date of Prohibition :

Chairman
The Anti-Corruption Commission

Date :

The Republic of the Union of Myanmar
The Anti-Corruption Commission
Returning the Money and Property Form
[Sub-rule j (2) of Rule 3]

1. Summary of the Order passed by the Commission and Date :
.....
.....
2. Date and Time of Returning the Money and Property:
.....
3. Place where Money and Property have been returned:
.....
4. Person under investigation :
 - (a) Name:
 - (b) Citizenship Scrutiny Card No., Foreigner Registration Card No,
Nationality, Passport No., Visa No. :
.....
 - (c) Address:
.....
.....
5. Person whose property has been seized:
 - (a) Name :
 - (b) Citizenship Scrutiny Card No., Foreigner Registration Card No,
Nationality, Passport No., Visa No. :
.....
 - (c) Address :
.....
.....

6. Money and property that are returned:

Serial No.	Types of Property	Price	Location	Particulars	Remark

Signature :

Name :

Person under investigation

Person whom Money and

Property have been returned

Signature :

Name :

Investigation Board leader.....

Person who has returned

Money and Property :

7. It is time and authentic that the money and property contained in this Returning Money and Property Form is seized in our presence and hereby put our signatures as witnesses.

Witness (1)

Signature :

Name :

Citizenship Scrutiny Card No.

.....

.....

Address :

.....

Witness (2)

Signature :

Name :

Citizenship Scrutiny Card No.

.....

.....

Address :

.....

Note:

- (1) In mentioning the number of properties, it shall be mentioned not only in figures, but also in words.
- (2) In mentioning the number of properties, if the space is not enough, it shall be mentioned in a separate paper, and the person under investigation, or person whose property has been seized, the Investigation Board leader and the witness shall sign on every page.
- (3) The Investigation Board leader shall read out the contents contained in this Form (6) to the person under investigation and person whose property has been seized and explain thereof.

The Republic of the Union of Myanmar
The Anti-Corruption Commission
Dispatching the Declaration
[Rule 38]

To:

Chairman
The Anti-Corruption Commission
Nay Pyi Taw

Subject: Dispatching the List of Family-Owned Money, Property, Liability and Assets

1. Authority:
 - (a) Name:
 - (b) Citizenship Scrutiny Card No., Foreigner Registration No., Nationality, Passport No., Visa No.
 - (c) Position / Duty:
 - (d) Address:
2.
 - (a) Name of Department/ Organization:
 - (b) Address of Department/ Organization:
 - (c) Date of Despatching:
 - (d) Date of Receipt:

(To be filled by the Commission's Office)

3. The list of family-owned money, property, liability and assets which is of co-parcenary led by me/ deceased person is filled in the attached forms and dispatched.

Person who submits Declaration

Date:

- Name of person who submits declaration:
- Current Duty, Position:
- Date of Submitting Declaration:

Immoveable Properties

[Land (to mention the "Type"), Residence, Building]

Serial No.	Types of Property	Location	Particulars	Remark

[signature]

Illustration :

1. **LAND** : It is to be mentioned the points relating to each plot of land differentiating the land such as residential land, farmland, garden land as categorized by the authorities.
2. **RESIDENCE** : It is to be mentioned the residence, and if the garage and barracks have been built in addition to the residence, the residence shall only be mentioned. If there are more than one residence, each residence is required to be mentioned separately.
3. **BUILDING** : Regarding other buildings which are not residence, it is required to mention only the main building. If there are more buildings, each building is required to be mentioned separately.

- Name of person who submits declaration :
- Current Duty, Position :
- Date of Submitting Declaration :

Moveable Properties

[Diamond , Gold, Silver, Precious Stones, Ruby and Jewellery]

Serial No.	Types of Property	Number	Weight/Carat	Remark

[signature]

Illustration :

- **Diamond, gold, silver, precious stones, ruby and jewellery**

For each type of property, it is required to mention the weight. If it is the article made of gold and precious stones such as "diamond", and if known separately, it is required to mention the carat of the diamond, and the weight of the gold. If not known, the net weight shall be mentioned.

- Name of person who submits declaration :
- Current Duty, Position :
- Date of Submitting Declaration :

Moveable Properties

[Savings]

Serial No.	Types of Savings	Price	Location	Remark
1.	Savings at the Post Office			
2.	Savings certificate			
3.	Savings in the Bank			

[signature]

Illustration :

- **Saving** : money in possession for use, deposited money in the bank with current account and life insurance are not required to be mentioned.

- Name of person who submits declaration:
- Current Duty, Position:
- Date of Submitting Declaration:

Moveable Properties

[Business]

Serial No.	Types of Business	Particulars	Capital	Remark

[signature]

Illustration :

1. **Business** : It is the business mainly carried out to obtain income. The private property such as cart, bicycle used for the business is not required to be mentioned. The share subscribed in cooperative society and the job earning salary do not include in this category.
2. If a business has been operating with share in partnership with any other person, the particulars of the business and the amount of money subscribed in such

partnership are required to be mentioned, and that the name and address of such business partner are required to be mentioned in the "Remark" column.

Annex - 5

- Name of person who submits declaration:
- Current Duty, Position:
- Date of Submitting Declaration:

**Moveable Properties
(Automobile)**

Serial No.	Types of Automobile	Number	Particular	Remark

[signature]

Annex -6

- Name of person who submits declaration:
- Current Duty, Position:
- Date of Submitting Declaration:

List of Debit and Credit

Serial No.	Creditor	Type of Debit	Debit/Credit	Remark

[signature]

Illustration :

The change in the amount of debits due to payments of debts in installment is not required to be reported further.

General Remark

- 1.
.....
- 2.
.....
- 3.
.....
.....
.....

Illustration

If there are other remarks to be mentioned further, please write on this page.

The above statements are true and authentic

Signature :

Name :

Citizenship Scrutiny Card No. :

.....

Date :