

BHUTAN
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RULES/GENERAL LAWS

General	<p>1. Army Act 1971</p> <p>2. Penal Code (Amendment) Act of Bhutan (2011) http://www.nab.gov.bt/assets/uploads/docs/acts/2014/The_Penal_Code(Amendment)_Act_of_Bhutan_2011eng7th.pdf</p> <p>3. Civil and Criminal Procedure Code (Amendment) 2011 http://www.nab.gov.bt/assets/uploads/docs/acts/2014/The_Civil_and_Criminal_Procedure_Code_(Amendment)_Act_of_Bhutan_2011eng7th.pdf</p> <p>4. Child Care and Protection Act of Bhutan 2011 https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/98256/116846/F269704338/BTN98256.pdf</p> <p>5. Domestic Violence Prevention Act of Bhutan, 2013 https://www.nationalcouncil.bt/assets/uploads/docs/acts/2014/Domestic_Violence_Prevention_Act_of_Bhutan_2013eng10th.pdf</p> <p>Officers and troops under the Commanding Officer's command are thoroughly made aware of the UN rules on sexual exploitation and abuse during pre-deployment training. The zero tolerance on sexual exploitation and abuse and consequences thereof are reminded through the chain of command in the evening roll call parade. Should there be any breach of discipline pertaining to sexual exploitation and abuse by his troops, the Commanding Officer can convene an enquiry into the alleged case. Based on the investigation report, the Commanding Officer has the power to conduct a Summary Court Martial. If the alleged issue is grave in nature, the Commanding Officer can accordingly report to the higher command for further legal action.</p> <p>Military personnel are always on duty as long as they are in the mission area notwithstanding the fact that it is weekends, rest and recreational except when they are on leave.</p>
SEA: military offence?	<p>Section 110 of the Army Act 1971 provides jurisdiction to deal any offence which is not covered by the Army Act but is an offence as per the law of the nation. Since sexual exploitation and abuse is a crime under the Penal Code of Bhutan, it can be tried under section 110 of the Army Act 1971 and thereby it comes under the preview sexual exploitation and abuse.</p>
Powers of the Commanding Officer (CO)	<ol style="list-style-type: none"> 1. The Commanding Officer holds Administrative, Disciplinary and Investigative power; 2. The Commanding Officer is the administrative head of all troops under his/her command and exercises disciplinary powers over them; 3. The Commanding officer can try the accused by Summary Court Martial and can award him punishment up to ninety days or reduction in rank or forfeiture of service for a period not exceeding twelve months. The offences which are grave in nature may be referred for trial by higher judicial forum; and 4. The Commanding Officer can also order investigation into an alleged offence. <p>Promulgation of policies can be done through army headquarter and the Commanding Officer can further enhance such policies by framing SOPs. Violation thereof can be dealt with under summary powers while conducting summary Court Martial (See. 133 of the Army Act).</p>
INVESTIGATION	
Who can investigate?	<p>An officer nominated by the Commanding Officer or the Headquarters can conduct investigation of sexual exploitation and abuse in the field. In pursuant to the nomination, court of Inquiry shall be conducted for the purpose of finding the facts of the case and report submitted to the Commanding Officer or the Headquarters.</p>
National Investigation Officer (NIO)	<p>A legally qualified officer is attached with the contingent as a National Investigation Officer and therefore need not call for other NIO to investigate into allegations.</p>
PROSECUTION	
Referral	<p>The NIO refers the investigation to the National Senior or the Commanding Officer or the officer who has ordered the investigation.</p>
Who can charge?	<p>The Commanding Officer can bring the charges of sexual exploitation and abuse by holding summary Court Martial or by referring the case for trial to higher judicial forum as deemed necessary.</p>
JUSTICE	
Military justice	<p>The Royal Bhutan Army has a well established military justice system. We have a Judge Advocate General Branch which looks after all the legal issues in the armed forces. The JAG Branch in the Royal Bhutan Army has been further enhanced and upgraded into Armed Forces Court of Justice, a military court having the jurisdiction to adjudicate both the civil and criminal cases committed by the armed personnel.</p>
Deployable Court Martial?	<p>In pursuance to Part vii of the Army Act 1971, the Royal Bhutan Army has different Court Martial which can be held in peace as well as during the deployment in the field: Summary Court Martial, General Court Martial, Disciplinary Court Martial and Special General Court Martial.</p>

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