

**MUTUAL ASSISTANCE IN
CRIMINAL MATTERS**

**THE ACT
ON
MUTUAL ASSISTANCE IN CRIMINAL
MATTERS
B.E. 2535 (1992)***

**BHUMIBOL ADULYADEJ, REX.
Given on the 31st Day of March B.E. 2535
(1992)
Being the 47th Year of the Present Reign**

His Majesty King BhumibolAdulyadej is
graciously pleased to proclaim that:

Whereas it is appropriate to have a law
on mutual assistance in criminal matters;

Be it, therefore, enacted by the King, by
and with the advice and consent of the National
Legislative Assembly acting as the Legislative
Parliament, as follows:

Section 1 This Act shall be called "the
Act on Mutual Assistance in Criminal Matters
B.E. 2535 (1992)".

*Unofficial Translation

Section 2¹This Act shall come into force after ninety days upon its publication in the Government Gazette.

Section 3 This Act shall replace all other laws, regulations, rules, decrees, and any other announcements already provided for in or inconsistent with this Act.

Section 4 In this Act:

Assistance means assistance regarding investigation, inquiry, prosecution, forfeiture of property and other proceedings relating to criminal matters;

Requesting State means the state seeking assistance from the Requested State;

Requested State means the state receiving the request seeking assistance from the Requesting State;

Central Authority means the person having authority and function to be the coordinator in providing assistance to a foreign state or in seeking assistance from a foreign state under this Act;

¹ Published in the Government Gazette, Vol. 109, Part 40, Page 27, dated 7th April B.E. 2535 (1992).

Competent Authority means the official having authority and function in rendering assistance to a foreign state in response to a request sent to him from the Central Authority under this Act.

Section 5²The Prime Minister and the Attorney General shall take charge under this Act. The Prime Minister shall have the power to issue Ministerial Regulations and the Attorney General shall have the power to issue regulations or notifications for compliance with this Act, provided that such issuances are in connection with their respective powers and duties.

Such Ministerial Regulations, regulations or notifications shall come into force upon their publication in the Government Gazette.

CHAPTER 1 CENTRAL AUTHORITY

Section 6 The Central Authority shall be the Attorney General or the person designated by him.

² Section 5 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

Section 7 The Central Authority shall have the following authority and functions:

(1) To receive the request seeking assistance from the Requesting State and transmit it to the Competent Authority;

(2) To receive the request seeking assistance presented by the agency of the Royal Thai Government and deliver it to the Requested State;

(3) To consider and determine whether to provide or seek assistance;

(4) To follow and expedite the performance of the Competent Authority in providing assistance to a foreign state for the purpose of expeditious conclusion;

(5) To issue regulations or announcements for the implementation of this Act;

(6) To carry out any other acts necessary for the success of providing or seeking assistance under this Act.

Section 8 There shall exist a board comprising of representatives from the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Justice, the Office of the Attorney General, as well as not more than four of other distinguished persons designated by the Prime Minister and one public

prosecutor designated by the Board as its Secretary. The Board shall provide opinion to assist the Central Authority in consideration and determination of providing assistance to, or seeking assistance from foreign states where such matter may affect national sovereignty or security, crucial public interests, international relation, or relate to a political or military offence.

When assistance is sought under Section 10 or Section 36 and the process under Section 11 has already been completed, the Central Authority shall promptly refer the matter to the Board for its opinion unless the Board has resolution otherwise.

If there is a dissent between the opinion of the Board and the determination of the Central Authority, the latter shall refer the case to the Prime Minister for his ruling in accordance with Section 11 paragraph 5 or Section 38 paragraph 2 as the case may be.

CHAPTER 2 PROVIDING OF AND SEEKING FOR ASSISTANCE

PART 1 General Provisions

Section 9 Assistance to a foreign state shall be subject to the following conditions:

(1) Assistance may be provided even if there exists no mutual assistance treaty between Thailand and the Requesting State, providing that such state commits to assist Thailand under the similar manner when requested;

(2) The act on which the request is based must be an offence punishable under Thai laws unless when Thailand and the Requesting State have a mutual assistance treaty between them and the treaty otherwise specifies, providing, however, that assistance must be conformed to the provisions of this Act;

(3) A request may be refused if it affects national sovereignty or security, or other crucial public interests of Thailand, or relates to a political offence;

(4) Assistance shall not be related to a military offence.

Section 10 The state having a mutual assistance treaty with Thailand shall submit its request for assistance directly to the Central Authority. The state having no such treaty shall submit its request through a diplomatic channel.

A request for assistance shall be made in conformity with the forms, regulations, means and conditions set by the Central Authority.

Section 11 Upon the receipt of the request for assistance from a foreign state, the Central Authority shall consider and determine whether such request is eligible for assistance under this Act, has gone through the correct procedure, and is accompanied by all appropriate supporting documents.

If such request is eligible for assistance, has gone through the correct procedure, and is accompanied by all appropriate supporting documents, the Central Authority shall transmit it to the Competent Authority for further actions.

If such request is not eligible for assistance or assistance is subject to some essential conditions, or if it has not been correctly processed or is not accompanied by all appropriate supporting documents, the Central Authority shall inform the Requesting State of the refusal and its reasons or shall indicate to the Requesting State the essential conditions or the causes of being unable to execute the request.

If the Central Authority is of the view that the execution of a request may interfere with the investigation, inquiry, prosecution, or other

criminal proceedings pending in Thailand, he may postpone the execution of the said request or may execute it under certain conditions and notify the Requesting State accordingly.

A determination of the Central Authority with regard to assistance shall be final, unless the Prime Minister otherwise alters.

Section 12³ The Central Authority shall transmit the request for assistance from a foreign state to the following Competent Authority for further execution:

(1) A request for taking statement of persons or providing documents or items of evidence which is out-of-court execution; a request for delivery of documents; a request for the search; a request for locating a person; and a request for freezing or seizure of documents or articles for the purpose of gathering of evidence shall be transmitted to the Commissioner General of the Royal Thai Police, the Director General of the Department of Special Investigation, the Secretary General of the Public Sector Anti-Corruption Commission or the Secretary General of the National Anti-Corruption Commission.

³ Section 12 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

(2) A request for questioning of witnesses, documentary evidence or physical evidence which is conducted in court; a request for freezing or seizure of property for the purpose of forfeiture of property or demand for payment in lieu of forfeiture of property against any person; and a request for freezing, seizure or forfeiture of property or demand for payment in lieu of forfeiture of property as per a judgment or an order of courts in a foreign state shall be transmitted to the Public Prosecutor.

(3) A request for transfer or receipt of transfer of a person under custody to assist proceedings at the stage concerning the authorities or at the trial stage shall be transmitted to the Director General of the Department of Corrections.

(4) A request for initiating criminal proceedings shall be transmitted to the Commissioner General of the Royal Thai Police, the Director General of the Department of Special Investigation or the Public Prosecutor.

Where it is deemed appropriate, the Central Authority may transmit the request for assistance from a foreign state to the officials or the authorities in accordance with other laws for further execution in relation to the request mentioned in first paragraph.

Section 13 Upon the receipt of the request for assistance from the Central Authority, the Competent Authority shall execute such request and, after completion, submit a report together with all documents and articles concerned to the Central Authority.

In case of impediment or impossibility to execute the request, the Competent Authority shall report to the Central Authority the causes thereof.

Section 14 When the Competent Authority has executed a request and reported the result of such execution to the Central Authority, the Central Authority shall deliver all documents and articles concerned to the Requesting State.

Section 14/1⁴In case where coordination is made by a foreign state asking for provision of data relating to the commission of an offence, or data relating to any property for the purpose of investigation, inquiry, prosecution or judicial proceedings, if the Central Authority considers that such data may be provided under this Act, including the fact that it is a case of necessity, urgency, and with a reasonable grounds, the Central Authority may deliver such data in accordance with the criteria, methods and

⁴ Section 14/1 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

conditions as prescribed by the Central Authority, provided that such foreign state shows that the assistance will be provided in a similar manner. The provisions relating to the provision of assistance upon request shall apply *mutatis mutandis* to the data which is to be delivered under this Section.

PART 2

Inquiry and Producing Evidence

Section 15 Upon the receipt of the request for assistance from a foreign state in taking statement of persons or gathering evidence located in Thailand at the stage of inquiry, the Competent Authority shall direct an inquiry official to execute such request.

The inquiry official shall have the power to take statement of persons or to gather evidence as requested under paragraph one and, if necessary, to search and seize any documents or articles in accordance with rules, means, and conditions set forth in the Criminal Procedure Code.

When the inquiry official has finished taking statement of persons or gathering evidence,

he shall report and deliver all evidence derived therefrom to the Competent Authority.

Section 16 If the mutual assistance treaty between Thailand and the Requesting State requires a document to be authenticated, the Competent Authority shall have the power to instruct the person in charge of keeping the said documents to attest it in accordance with the forms and means specified in the treaty or as defined by the Central Authority.

Section 17⁵ Upon the receipt of the request for assistance from a foreign state to take evidence in Thai Court, the Competent Authority shall notify the Public Prosecutor to execute such request.

The Public Prosecutor shall have the power to file a petition to the Court that has jurisdiction over the location where a person who will be a witness or a person who takes possession of or keeps documentary or physical evidence has domicile or address within the jurisdiction of the Court to take such evidence; and the Court shall have the power to conduct witness testimonial

⁵ Section 17 Paragraph 3 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

proceedings in accordance with the provisions in the Criminal Procedure Code.

Once the taking of evidence is complete, the Court shall send the witness testimony as well as other evidence in the case file to the Public Prosecutor who is the petitioner to be forwarded to the Competent Authority for further execution.

PART 3

Provision of Documents and Information in the Possession of Government Agencies

Section 18 Upon the receipt of the request for assistance from a foreign state to provide documents or information in the possession of the agencies of the Royal Thai Government, the Central Authority shall transmit the request to the agency having such documents or information in its possession, and the said agency shall submit the said documents or information to the Central Authority.

Section 19 If the documents or information sought under Section 18 should not be publicly disclosed, and the agency possessing such documents or information considers that it is impossible to disclose, or the said documents or information should not be disclosed or may be disclosed under certain conditions, the said agency shall inform the Central Authority of the causes thereof or the conditions for the disclosure of such documents or information.

Section 20 In providing documents according to the request for assistance from a foreign state under this part, the official in charge of keeping such documents shall attest them, in accordance with the forms and means set by the Central Authority unless the treaty specifies otherwise, in which the provisions of the treaty shall apply.

PART 4

Serving Documents

Section 21 Upon the receipt of the request for assistance from a foreign state to serve legal document, the Competent Authority shall

execute such request and report the result thereof to the Central Authority.

If the legal document to be served under the request calls for the appearance of a person before an official or the Court in the Requesting State, the Competent Authority shall serve the said document upon the recipient for a reasonable time prior to the scheduled appearance.

The result of serving documents shall be reported in accordance with the forms and means set by the Central Authority unless the treaty specifies otherwise, in which the provisions of the treaty shall apply.

Section 22 The provisions regarding penalty in case of non-compliance with the order of the official or of the Court shall not be applied to the person served with a legal document calling for his appearance before the official or the Court in the Requesting State, if he is not a national of such state.

PART 5

Search, Freezing or Seizure⁶

⁶ Part 5 Search, Freezing or Seizure, Section 23 through Section 25 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

Section 23⁷Upon receipt of a request for assistance from a foreign state to search, freeze, seize and deliver an article for the benefit of gathering of evidence, in case where there are grounds to issue a search warrant or an order for freezing or seizure of the article according to the laws, the Competent Authority may request the Court to issue a search warrant or an order for freezing or seizure of such article.

Section 24⁸The provisions in the Criminal Procedure Code shall *mutatis mutandis* apply to the issuance of a search warrant or an order for freezing or seizure and the search, freezing or seizure under this Part; and such actions may be undertaken even though the commission of offences causing the search, freezing or seizure did not occur in the Kingdom.

Section 25⁹The Competent Authority who conducts the search, freezing or seizure of an

⁷ Section 23 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

⁸ Section 24 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

⁹ Section 25 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

article in response to the request for assistance shall make a written document certifying of the maintenance, appearance, character and completeness of conditions of such article, and shall deliver the article searched, frozen, or seized together with such certificate thereof to the Central Authority for further execution.

Such certificate shall be made in accordance with the forms and methods prescribed by the Central Authority.

PART 6

Transferring of Person in Custody to Assist Proceedings at the Stage Concerning the Authorities or at the Trial Stage¹⁰

Section 26¹¹ Upon receipt of a request for assistance from a foreign state to transfer a person in custody in Thailand to testify as a witness in court or to assist the authority in the investigation

¹⁰Part 6 Transferring of Person in Custody to Assist Proceedings at the Stage Concerning the Authorities or at the Trial Stage as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

¹¹ Section 26 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

and inquiry as a witness in the Requesting State or to request a transfer of a person in custody in the Requesting State to provide assistance in the same manner in Thailand, if the Central Authority considers that such transfer is necessary and the said person in custody consents thereto, the Central Authority shall notify the Competent Authority to transfer the said person to the Requesting State or to receive the said person from the Requesting State into Thailand.

The transfer, receipt and custody of a person under Paragraph 1 shall be in accordance with the criteria, methods and conditions prescribed in the Ministerial Regulations.

Section 27¹²The period, during which a person is transferred to assist the proceedings at the stage concerning the authorities or at the trial stage in a foreign state and under the custody of the Requesting State, shall be deemed as the period of such person's custody in Thailand.

Section 28¹³The Competent Authority shall have power to keep the person transferred

¹² Section 27 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

¹³ Section 28 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

from a foreign state in custody to assist the proceedings at the stage concerning the authorities or at the trial stage throughout the period of the said person's presence in Thailand. When such person has completely assisted the proceedings at the stage concerning the authorities or at the trial stage, the Competent Authority shall notify the Central Authority accordingly.

Section 29 Upon the receipt of the report from the Competent Authority under Section 28, the Central Authority shall promptly return the transferred person to the Requesting State.

Section 29/1¹⁴ Upon receipt of a request for assistance from a foreign state to allow the person in custody in the Requesting State or in a third country to travel through Thailand to assist the proceedings at the stage concerning the authorities or at the trial stage in the Requesting State and the Central Authority considers that the assistance may be provided, the Central Authority shall notify the Competent Authority to facilitate the travelling of such person.

The person under Paragraph 1 shall travel through Thailand within a period prescribed

¹⁴ Section 29/1 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

by the Central Authority. When such time limit has elapsed, in case such person failed to travel to the Requesting State or a third country, the Central Authority shall have power to order such person to return to the country from which such person has initially travelled.

The Requesting State shall incur responsibility of keeping the person under Paragraph 1 in custody during travelling through Thailand, unless otherwise agreed by the Requesting State and the Central Authority.

PART 7

Locating Persons

Section 30 Upon the receipt of the request for assistance from a foreign state to locate a person believed to be in Thailand and required by the Requesting State for the purpose of investigation, inquiry, prosecution or other criminal proceedings, the Competent Authority shall proceed to locate the said person and inform the result thereof to the Central Authority.

PART 8

Initiating Proceedings upon Request

Section 31 Upon the receipt of the request for assistance from a foreign state which is competent to initiate criminal proceedings but wishes the same to be initiated in Thailand, the Central Authority, if the case is subject to the jurisdiction of the Thai Court, shall consider whether it is appropriate to initiate the criminal proceedings as requested. If so, he shall direct the Competent Authority to proceed in accordance with the provisions in the Criminal Procedure Code and shall direct the said Competent Authority to report to him the result thereof.

PART 9
Freezing, Seizure or Forfeiture of Property and Compulsory Payment in Lieu of Forfeiture of Property¹⁵

Section 32¹⁶ Upon the receipt of the request for assistance from a foreign state to freeze

¹⁵ Part 9 Freezing, Seizure or Forfeiture of Property and Compulsory Payment in Lieu of Forfeiture of Property, Section 32 through Section 35 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

or seize any property as per an order of freezing or seizure of property issued by the Competent Authority of the Requesting State for the benefit of forfeiture of property or compelling any person to make payment in lieu of forfeiture of property; and in case where the court in the foreign state has not yet issued its judgment or order to freeze or seize such property, the Competent Authority shall file an application to the court that such property is located in its jurisdiction, or to the court that the person who has ownership in such property has domicile in its jurisdiction, or to the court that such person who may have to make payment in lieu of forfeiture of property has domicile in its jurisdiction, or to the court that such person was found within its jurisdiction, as the case may be, to issue its order to freeze or seize such property. In such case, if the Competent Authority is entitled to file an application to at least two courts, the Competent Authority may file an application to one of any of those courts.

The Court shall urgently consider the application under Paragraph 1. In case where the statement of the Competent Authority or the evidence adduced by the Competent Authority or

¹⁶ Section 32 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

the evidence summoned and taken by the Court hereunder is satisfactory as follows, the Court may issue its order to freeze or seize such property:

(1) Such property may be frozen, seized or forfeited; or such person may be compelled to make payment in lieu of forfeiture of property under the Thai laws;

(2) Such property may be forfeited or executed to compel any person to make payment in lieu of forfeiture of property as per the judgment of a court in the foreign state; and

(3) There is reasonable grounds to believe that such property may be disposed of, distributed, transferred, concealed, or hidden, and thus prevented from being forfeited or compelled to make payment in lieu of forfeiture of property, or that such property may be rendered useless or devalued, and thus possibly causing the forfeiture of such property or demand for payment in lieu of forfeiture of property to be invalid.

In case where the Court has issued its order to dismiss the application, such order shall be final. However, the Court's order to freeze or seize the property may be appealed to the Appeal Court; and the judgment or order of the Appeal Court shall be final.

The real owner of property who is subject to the Court's freezing or seizure order under Paragraph 2 may promptly file an application with the Court to cancel such order. In case where it appears to the Court that such person did not connive at the action which caused the foreign state to make the request under Paragraph 1 or did not take action which is considered as a cause under Paragraph 2, the Court shall cancel such order. Such order of the Court shall be final. However, the Court's order to dismiss the application of the real owner may be appealed to the Appeal Court; and the judgment or order of the Appeal Court shall be final.

The fact that the Court issues its order to dismiss the application or cancel the freezing or seizure order issued as per the application shall not deprive the Competent Authority of their rights to resubmit an application asking the Court to issue a freezing or seizure order against such property, if there is new significant evidence which might cause the Court to issue a freezing or seizure order against such property.

Section 33¹⁷ Upon the receipt of the request for assistance from a foreign state to freeze or seize any property as per an order prior to an issuance of a judgment of the foreign court, or to forfeit the property or to compel any person to make payment in lieu of forfeiture of property as per the foreign judgment or order which is not yet final, the Competent Authority shall file an application to the Court that such property is located in its jurisdiction, or to the court that the person who has the ownership or possession of such property has domicile in its jurisdiction, or to the court that such person who has to make payment in lieu of forfeiture of property has domiciled in its jurisdiction, or to the court that such person was found within its jurisdiction, as the case may be, to issue its order to freeze or seize such property or the property of such person. In such case, if the Competent Authority is entitled to file an application to at least two courts, the Competent Authority may file an application to one of any of those courts.

The Court shall urgently consider the application under Paragraph 1. In case where the statement of the Competent Authority or the

¹⁷ Section 33 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

evidence adduced by the Competent Authority or the evidence taken by the Court hereunder is satisfactory as follows, the Court may issue its order to freeze or seize such property or the property of such person:

(1) Such property may be frozen, seized or forfeited; or such person may be compelled to make payment in lieu of forfeiture of property under the Thai laws;

(2) The foreign court has jurisdiction to adjudicate the case in which such judgment or order is issued; and

(3) There is reasonable grounds to believe that such property may be disposed of, distributed, transferred, concealed or hidden thus preventing the enforcement of a judgment or an order of the foreign court or that such property may be rendered useless or devalued, thus possibly causing the enforcement of a judgment or an order of a court in the foreign state to be invalid.

If the Court issues an order to dismiss the application, such order shall be final. However, the Court's order to freeze or seize the property may be appealed to the Appeal Court; and the judgment or order of the Appeal Court shall be final.

The real owner of property who is subject to the Court's freezing or seizure order or the person whose property is frozen or seized under Paragraph 2 may promptly file an application with the Court to cancel such order. In case where it appears to the Court that such person did not connive at the action which caused the foreign state to make the request under Paragraph 1 or did not take action which is considered as a cause under Paragraph 2, the Court shall cancel such order; such order of the Court shall be final. However, the Court's order to dismiss the application of the real owner or the person whose property is frozen or seized may be appealed to the Appeal Court; the judgment or order of the Appeal Court shall be final.

The fact that the Court issues an order to dismiss the application or cancels freezing or seizure order issued as per the application shall not deprive the Competent Authority of their rights to resubmit an application to the Court to issue a freezing or seizure order against such property or the property of such person, if there is new significant evidence which might cause the Court to issue a freezing or seizure order against such property or the property of such person.

Section 34¹⁸ Upon the receipt of the request for assistance from a foreign state to forfeit the property or to compel any person to make payment in lieu of forfeiture of property as per the final judgment or order of the foreign court, the Competent Authority shall file an application to the Court that such property was located in its jurisdiction, or to the court that the person who has the ownership or possession of such property has domicile in its jurisdiction, or to the court that such person who has to make payment in lieu of forfeiture of property has domicile in its jurisdiction, or to the court that such person was found within its jurisdiction, as the case may be, to issue its judgment to forfeit such property or to demand such person to make payment in lieu of forfeiture of the property as per the final judgment or order of a court in the foreign state. In such case, if the Competent Authority is entitled to file an application to at least two courts, the Competent Authority may file an application to one of any of those courts.

Regarding the execution under Paragraph 1, if necessary, the Competent Authority may

¹⁸ Section 34 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

conduct an inquiry or assign any inquiry official to conduct an inquiry on his/her behalf.

Upon the receipt of an application, the Court shall issue a summons to the Competent Authority and all related parties to appear before the Court. Once such persons are heard, if it is satisfied as follows, the Court shall render a judgment to forfeit the property or to compel such person to make payment in lieu of forfeiture of the property as provided in the final judgment or order of such foreign court, as deemed appropriate.

(1) Such property may be forfeited; or such person may be compelled to make payment in lieu of forfeiture of property under the Thai laws; and

(2) The foreign court has jurisdiction to adjudicate the case in which such judgment or order is issued.

In case where it appears that, in the adjudication of such case, the foreign court did not give an opportunity to the accused, the alleged offender, or the real owner of property to assert a defence or to prove his/her rights; or such case proceedings are contrary to the general principle of the procedure laws, the Court shall dismiss such application.

Section 35¹⁹ Regarding the freezing, seizure or forfeiture of property and compel for payment in lieu of forfeiture of the property in accordance with the provisions contained in this Part, the Court may render its judgment or order even though the commission of an offence causing the freezing, seizure or forfeiture of the property or the demand of payment in lieu of forfeiture of such property has not occurred in the Kingdom. The Court shall render a judgment to forfeit the property or compel to make payment in lieu of forfeiture of the property even though the offender is deceased, in case where it appears to the Court that the judgment or order of a court of the foreign state has been final before such person is dead.

Section 35/1²⁰ Regarding the inquiry, filing of an application, consideration, judgment, appeal and issuance of orders relating to the freezing, seizure or forfeiture of the property and demand for payment in lieu of forfeiture of the property as prescribed in the judgment, the provisions of the Criminal Procedure Code and the Criminal Code

¹⁹ Section 35 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

²⁰ Section 35/1 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

governing forfeiture of the property shall be applied *mutatis mutandis*.

Section 35/2²¹ The property which is to be forfeited and money which is to be paid in lieu of forfeiture of the property upon the Court's judgment under this Part shall devolve to the State; but the Court may render a judgment issuing that such property shall not be used or shall be destroyed. Except when it is otherwise prescribed by the bilateral treaty between Thailand and the Requesting State, the provisions prescribed in such treaty shall prevail. However, the management of such property or money is prohibited if it is contrary to public order or good morals.

In case where the forfeited property or money to be paid in lieu of forfeiture of the property upon the Court's judgment must be returned to the Requesting State as prescribed in the treaty under Paragraph 1, the Central Authority shall file an application asking the Court to issue an order to submit such property or money to the Central Authority to return to the Requesting State.

²¹ Section 35/2 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

The forfeited property or money to be paid in lieu of forfeiture of the property upon the Court's judgment which must be returned to the Requesting State, after deduction of expenses spent by Thailand on execution relating to the forfeiture or demand of payment in lieu of forfeiture of the property and necessary expenses for the return of such property or money to the Requesting State, shall be returned to the Requesting State by the Central Authority. Unless otherwise prescribed by the treaty under Paragraph 1, the provisions prescribed in the treaty shall prevail.

Fruits of the property or money under Paragraph 2 which have occurred during the period when such property or money has not yet been returned to the Requesting State shall devolve to the State.

PART 10

Seeking Assistance

Section 36 An agency wishing to seek assistance from a foreign state shall present the matter to the Central Authority.

Section 36/1²² In case where Thailand requests for assistance in the offence which is the cause of action leading to such request for an assistance and such offence punishable by death according to the Thai law but the punishment for such offence is not to the extent of death penalty according to the law of the Requested State; and it is necessary for the Government to give assurances of non-execution, a negotiation to give such assurances may be carried out. In this respect, if the Court imposes a death sentence, the government shall proceed in accordance with the provisions of law to execute the judgment by means of life imprisonment in lieu of death sentence. The commutation of sentence shall not be granted to such person on whatever grounds except for the royal pardon.

Section 37 A request for assistance from a foreign state and all documents to be sent therewith shall be made in accordance with forms, rules, means, and conditions set by the Central Authority.

Section 38 The Central Authority shall consider whether it is appropriate to request

²² Section 36/1 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

assistance from a foreign state, taking into account of regulations, details, facts and supporting documents, and shall then notify the requesting agency of his determination.

The determination of the Central Authority with regard to the request for assistance shall be final unless the Prime Minister directs otherwise.

Section 39 The requesting agency shall comply with the commitment of Thailand towards the Requested State regarding the use of information or evidence for the purposes specified in the request.

The requesting agency shall also comply with the commitment of Thailand towards the Requested State regarding the confidentiality of the requested information or evidence unless such information or evidence is necessary for a public trial of the case arising from the investigation, inquiry, prosecution or other criminal proceedings in connection with the criminal case specified in the request.

Section 40 A person coming to Thailand for the purpose of giving statement or testimony in accordance with this Act shall not be served with summons for any case against him, be detained, or

be subject to any other restriction of personal liberty by reason of any acts which preceded his departure from the Requested State.

The rights in paragraph 1 shall cease when the person, having had the opportunity to leave Thailand within fifteen days after notification from the agency that his presence was no longer required, nonetheless continues staying in Thailand, or voluntarily makes a return after having left Thailand.

Section 41²³ Regarding the admissibility of evidence obtained from a foreign state, the provisions of the Criminal Procedure Code shall be applied *mutatis mutandis*.

CHAPTER 3 COSTS

Section 42 All costs related to the provisions of assistance to a foreign state and the request for assistance from a foreign state shall be governed by rules, means, and conditions set forth in the Ministerial Regulations.

²³ Section 41 as amended by the Act on Mutual Assistance in Criminal Matters (No.2) B.E. 2559 (2016).

Counter-signature
AnandPanyarachun
Prime Minister

Remarks:The reason for the proclamation of this Act is that, as crimes presently are committed jointly as a network throughout many states' territories and the criminal justice administration of each state cannot decisively prevent and suppress them solely, prevention and suppression of such crimes need mutual assistance. Accordingly, it is appropriate to specify measures regarding provision and receipt of mutual assistance in criminal matters for the benefit of aforementioned crime prevention and suppression. It is thus necessary to enact this Act.

THE ACT ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS (NO.2) B.E. 2559 (2016)²⁴

Remarks: The reason for the proclamation of this Act is that, as the Attorney General being the Central Authority in accordance to the law on mutual assistance in criminal matters plays a role and is vested with power and duties which are important under such law, it is appropriate to empower the Attorney General to take charge under this Act in connection with his/her respective power and duties. Also, some provisions in the law on mutual assistance in criminal matters are still inconsistent with current mutual assistance in criminal matters, i.e. the Central Authority is unable to deliver the request for assistance from a foreign state to the official or the Authority according to other laws for execution relating to the request for assistance, and the Central Authority has no authority to provide data relating to the commission of offences or property to a foreign state for the purpose of investigation, inquiry, prosecution, or judicial proceedings without a request from such foreign state, thus resulting in a limitation on the provision of mutual assistance. These cause the mutual assistance limited. The current procedures of search or seizure of property for the benefit of gathering of evidence and for the ultimate goal of forfeiture of property cannot prevent removal of proceeds of crimes. Moreover, the stipulation on the negotiation for assurance of the non-execution of death sentence is deemed as the mechanism in requesting for assistance in an offence which is the cause of action leading to such request and punishable by death according to Thai laws but the punishment for such offence is not to the extent of

²⁴ Published in the Government Gazette, Vol. 133, Part 33 A, Page 1, dated 21st April B.E. 2559 (2016)

death penalty according to the law of the Requested State. Transfer of a person in custody also does not cover transfer of a person in custody for the purpose of assisting the proceedings at the stage concerning the authority. Forfeiture and seizure of property, still, do not cover compulsory payment in lieu of forfeiture of property as per the judgment or the order issued by the foreign court. Accordingly, it is appropriate to amend and add the aforementioned provisions to enhance efficiency of mutual assistance in criminal matters. It is thus necessary to enact this Act.

MINISTERIAL REGULATION

B.E. 2537 (1994)

**Issued under the Act on Mutual Assistance in
Criminal Matters**

B.E. 2535 (1992)

By virtue of the powers conferred by Section 5 and Section 26 paragraph two of the Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992), the Prime Minister hereby issues this Ministerial Regulation as follows:

CHAPTER 1

**TRANSFERRING OF PERSONS IN
CUSTODY IN THAILAND**

TO TESTIFY IN THE REQUESTING STATE

Article 1 When the Central Authority receives the request from a foreign state for assistance in transferring a person kept in custody in Thailand to testify in the Requesting State:

(1) If the Central Authority or the Prime Minister, as the case maybe, gives a final decision that the execution of the request is necessary and such request is eligible for providing assistance, as

well as is processed in accordance with regulation provided by law and is accompanied by all appropriate and accurate supporting documents required by relevant regulations, when there is no ground to postpone or cease such execution, the Central Authority shall notify such decision and shall transmit the request together with all accompanied documents to the following authorities to inquire for the consent of the person kept in custody.

(a) If such person is kept in custody under supervision of the Department of Corrections, the request shall be transmitted to the Director-General of the Department of Corrections for execution.

(b) If such person is kept in custody under supervision of other authority, the request shall be transmitted to the Director-General of the Department of Corrections for notifying the Head of such authority, who shall carry on further execution and shall report the result thereof to the Director-General of the Department of Corrections.

The inquiry shall be made using the "Form CA 1" attached to this Ministerial Regulation.

In transmitting the request and related documents according to Article (1), the Central

Authority shall clearly and accurately clarify all relevant fact, as well as the rights and duties of the person kept in custody according to the law, treaty, or commitment made towards Thailand by the Requesting State.

(2) If the Central Authority or the Prime Minister gives the final decision that the execution of the request is unnecessary, or the request is not eligible for providing assistance, or the assistance may be granted but subject to some required conditions, or the request is not processed in accordance with the procedure regulated by law or is not accompanied by accurate and appropriate supporting documents, or there is any reason that the execution of request must be postponed or ceased, the Central Authority shall inform the Requesting State of the refusal of assistance with the reason thereof, or the necessary condition required for granting the assistance, or the impediment.

Article 2 When the person kept in custody gives a consent to be transferred to testify in the Requesting State but thereafter desires to revoke such consent, he may submit his revocation in writing, prior to his departure from Thailand, to the Director-General of the Department of Corrections or the Head of other authority in

charge of his custody, as the case may be. If the revocation is made towards the Head of other authority, such Head of other authority shall promptly inform the matters to the Director-General of the Department of Corrections.

If there is any expense arising from the transferring process prior to the revocation of consent under paragraph one and thus Thailand or the Competent Authority is bound to be responsible for, then the person who revokes his consent shall be responsible for such expense.

Article 3 The Director-General of the Department of Corrections shall expeditiously notify the result of the inquiry for consent as stated in Article 1 (1), and shall return the request together with the “Inquiry Form For Consent” and all relevant documents to the Central Authority.

In case where the person kept in custody gives his consent to be transferred for testimonial purposes but revokes his consent thereafter pursuant to Article 2 paragraph one, the Director-General of the Department of Corrections shall promptly inform the Central Authority thereof.

Article 4 Upon the receipt of a notification pursuant to Article 3, the Central Authority shall proceed as follows:

(1) If the person kept in custody gives no consent or revokes the consent to be transferred, the Central Authority shall notify the Requesting State of the refusal of assistance together with the reason thereof;

(2) If the person kept in custody gives a consent to be transferred for testimonial purpose, the Central Authority shall notify the Requesting State of the acceptance to provide assistance, as well as notify and transmit to the Director-General of the Department of Corrections of the request, Inquiry Form for Consent, and all relevant documents for transferring the said person to the Requesting State.

Article 5 Upon the receipt of a notification from the Central Authority for transferring a person kept in custody to testify in the Requesting State, the Director-General of the Department of Corrections shall proceed as follows:

(1) If the person is kept in custody under supervision of the Department of Corrections, the Director-General of the Department of Corrections shall transfer such person to the Requesting State.

(2) If the person is kept in custody under supervision of other authority, the Director-General of the Department of Corrections shall

notify the Heads of the said authority to transfer such person to the Department of Corrections for further proceeding.

Article 6 While the Director-General of the Department of Corrections or the Head of other authority in which the person who gives a consent to testify in a foreign state being kept in custody, as the case maybe, still proceeds with procedure according to Article 5, if such person revokes his consent pursuant to Article 2 paragraph one prior to his departure from Thailand, the Director-General of the Department of Corrections shall promptly inform the Central Authority, who shall then inform the Requesting State of the refusal to provide assistance together with reason thereof.

Article 7 Upon the receipt of a notification from the Requesting State to return the person transferred to testify in the Requesting State pursuant to Article 5 to Thailand, the Central Authority shall notify the Director-General of the Department of Corrections to arrange the admission of the transferred person.

If the said person is kept in custody under supervision of the other authority according to Article 5 (2), the Director-General of the

Department of Corrections shall transfer that person to the said other authority after admitting him from the Requesting State.

Article 8 Regarding the transfer or return of the transferred person according to Article 5 or 7, the Central Authority shall coordinate with the Requesting State, the Director-General of the Department of Corrections, or the Heads of other Competent Authority in order to arrange the transfer, place, travel document, period of time, officer in charge or any necessary fact required for the transfer or return of the said person according to Article 5 or 7.

After the execution of transfer or return of the person kept in custody pursuant to Article 5 or 7, the Director-General of the Department of Corrections shall expeditiously inform the Central Authority.

CHAPTER 2
ADMISSION OF PERSONS KEPT IN
CUSTODY
IN THE REQUESTING STATE TO TESTIFY
IN THAILAND

Article 9 Upon the receipt of a request from a foreign state for assistance in transferring a person kept in custody in the Requesting State to testify in Thailand,

(1) If the Central Authority or the Prime Minister gives a final decision that the execution of the request is necessary and such request is eligible for providing assistance, as well as is processed in accordance with regulation provided by law and is accompanied by all appropriate and accurate supporting documents required, the Central Authority shall proceed as follows :

(a) inform the Requesting State of the acceptance to provide assistance;

(b) notify the Director-General of the Department of Corrections to admit such person; and

(c) notify the Executive Director of the Office of Criminal Litigation to advise the competent public prosecutor to conduct the testimony.

(2) If the Central Authority or the Prime Minister has the final determination that the request is unnecessary or is not eligible for providing assistance, or the assistance may be granted but subject to some required conditions, or the request is not processed in accordance with

procedure regulated by law or is not accompanied by accurate and appropriate supporting documents, the Central Authority shall inform the Requesting State of the refusal of assistance together with reasons thereof, or the necessary condition required for granting the assistance, or impediment.

Article 10 In admitting the person to testify in Thailand pursuant to Article 9, the Director-General of the Department of Corrections shall have the power to detain that person in prison or detention place of the Department. However, if the said person is a juvenile, he shall be transferred to the Juvenile Observation Center pursuant to the Act on Setting up of the Juvenile and Family Court and the Procedure.

In the presence of a special circumstance that the detention under paragraph one is inappropriate or a treaty otherwise specifically provided, or if the Requesting State requests to agree otherwise, the Central Authority may notify the Director-General of the Department of Corrections of the matter in order to transfer such person to be detained in a more appropriate place.

Article 11 When the person kept in custody completes his testimony, the public

prosecutor in charge thereof shall expeditiously inform the Executive Director of the Office of Criminal Litigation, the Director-General of the Department of Corrections, and the Central Authority to arrange the return of that person.

If it is necessary to return the said person to the Requesting State prior to the completion of his testimony, the Central Authority shall notify the Director-General of the Department of Corrections to promptly arrange the return.

Article 12 The admission of person kept in custody in the Requesting State to testify in Thailand and the return of such person shall be governed by Article 8, *mutatis mutandis*.

CHAPTER 3 MISCELLANEOUS

Article 13 For the purpose to implement this Ministerial Regulation, the Director-General of the Department of Corrections or the Heads of

other Competent Authority shall have authority to regulate the procedure related to the transfer or admission of the person kept in custody and all other matters concerned thereto.

The Central Authority shall be informed of those regulations in paragraph one.

Article 14 For the purpose of expeditious and effective transfer or admission of persons kept in custody pursuant to Article 26 of the Act on Mutual Assistance in Criminal Matters, other authorities involved shall assist the Director-General of the Department of Corrections or the Heads of the authorities in charge of the said transfer or admission.

Article 15 If there exists any problem as regards the implementation of this Ministerial Regulation, the Director-General of the Department of Corrections or the Heads of other authorities involved shall inform the Central Authority who shall resolve the problem and then report the result thereof to the Prime Minister.

Issued on the 8th day of February,
B.E. 2537 (1994)

(Mr. ChuanLeekpai)
Prime Minister

Remark : This Ministerial Regulation is issued due to the consideration that section 26 paragraph two of the Act on Mutual Assistance in Criminal Matters B.E. 2535 (1 9 9 2) requires the issuance of Ministerial Regulation to regulate the rules, Means, and conditions for the transfer or admission of the person kept in custody to testify in a foreign state or Thailand.

**Inquiry Form for Consent of Persons Kept in Custody in Thailand
to be Transferred to Testify in the Requesting State**

Declare at
Date

1. I (Mr./Mrs./Ms.), aged
presently kept in custody at under the offence of
I am still kept in custody for the remaining period of ...year(s).....month(s).....day(s).

I have been inquired by (name).....official position
of, that (Requesting State).....requested
Thailand to transfer me to testify in (country).....in (case)
....., and when I complete my function, the Requesting
State shall return me to Thailand, I have also been informed of the relevant and accurate facts,
rights and duties pursuant to the laws, treaty, or the Requesting State's commitments to Thailand
on the matters.

I (consent or do not consent)to be transferred to
....., hence undersign/finger-print in the presence of witnesses.

(Signature or fingerprint)Person kept in custody

(signature) Witness

(signature) Witness

2. I (Mr./Mrs./Ms.), aged
address telephone
a guardian and related to the above-named person in custody as
(consent or do not consent)to allow the said person to be transferred to
(country).....hence undersign/finger-print in the persence of witnesses.

(Signature or fingerprint)Guardian

(signature) Witness

(signature) Witness

3. I (Mr./Mrs./Ms.), official position of, (office).....has inquired for the consent of (name of the person kept in custody)with the reply of (consent or not consent)....., including the consent of his/her guardian with the reply of (consent or not consent)to allow the said person to be transferred to.....hence have those persons signed/ fingerprinted in the above mentioned paragraph 1 and 2 in the presence of witnesses.

(signature)Inquirer and Recorder

- Remark :**
- (1) Paragraph 2 shall be filled particularly in case that the person who gives the consent in accordance with Article 1 is a juvenile kept in custody
 - (2) Undesired words or phrases shall be crossed out

MINISTERIAL REGULATION
No. 2 B.E. 2537 (1994)
issued under the Act on Mutual Assistance in
Criminal Matters
B.E. 2535 (1992)

By virtue of section 5 and 42 of the Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992), the Prime Minister hereby issues this Ministerial Regulation as follows :

Article 1 All costs related to providing assistance to a foreign state shall be managed as follows :-

(1) If there is a mutual assistance treaty between Thailand and the Requesting State and the treaty specifies the cost issue, it shall be managed as stated in the treaty.

(2) If the Requesting State intends or agrees to bear the cost, such cost shall be borne by that state.

(3) If the cost, which the Requesting State shall bear according to the treaty or intention or agreement as stated in paragraph (1) or (2), as the case maybe, does not include all costs, the outstanding amount shall be paid from the budget

of the authority in charge of the process in Section 12.

Article 2 All costs related to seeking assistance from a foreign state, which shall be borne by Thailand, shall be paid from the budget of the agency seeking assistance, in section 36, and subject to the amount informed to that agency by the Central Authority.

Issued on the 8th day of February, B.E. 2537
(1994)

(Mr. ChuanLeekpai)
Prime Minister

Remark : This Ministerial Regulation is issued due to the consideration that section 42 of the Act on Mutual Assistance in Criminal Matter B.E. 2535 (1992) requires the issuance of Ministerial Regulation to regulate the rules, means, and conditions regarding the costs of providing assistance to or seeking assistance from a foreign state.

**REGULATION OF THE CENTRAL
AUTHORITY
ON PROVIDING AND SEEKING
ASSISTANCE UNDER
THE ACT ON MUTUAL ASSISTANCE IN
CRIMINAL MATTERS
B.E. 2537 (1994)**

By virtue of the power conferred by section 7 (5), section 10 paragraph two, section 16, section 20, section 21 paragraph three, section 25 paragraph two, and section 37 of the Act on Mutual Assistance in Criminal Matters B.E. 2535 (1992), the Central Authority hereby declares the Regulation as follows :

Article 1 This Regulation shall be called the Regulation of the Central Authority on Providing and Seeking Assistance under the Act on Mutual Assistance in Criminal Matters B.E. 2537 (1994).

Article 2 This Regulation shall come into force on the day after its publication in the Government Gazette.

Article 3 The providing and seeking of assistance under the Act on Mutual Assistance in Criminal Matters shall be proceeded in accordance with this Regulation, unless a treaty specifies

otherwise in which case the provisions of the treaty shall prevail.

Article 4 If there are problems regarding compliance with this Regulation, the state agency which provides assistance to or seeks assistance from a foreign state shall notify the Central Authority for consideration of resolving the problems and the Central Authority shall report the result thereof to the Prime Minister.

CHAPTER 1

PROVIDING ASSISTANCE TO A FOREIGN STATE

PART 1

Requests

Article 5 A request from a foreign state for assistance of Thailand under the Act on Mutual Assistance in Criminal Matters B.E. 2537 (1994) shall contain, at a minimum, the following details:

- (1) the name of the authorities of the Requesting State which seeks assistance;
- (2) the matter of the request, including details and other information which may be useful for the execution of the request;

(3) the purpose of and necessity for seeking assistance;

(4) such other details as required for each category of the requests as specified in Article 6 to Article 13 of this Regulation, as the case may be.

If there is no mutual assistance treaty between Thailand and the Requesting State, the Requesting State shall commit to provide assistance to Thailand in similar manner when so requested.

The request together with supporting documents, if made in a language other than Thai or English, shall be accompanied by the authenticated Thai or English translation.

Article 6 A request for assistance in conducting an inquiry or taking evidence shall specify the name and habitation of the witness or the person who has in possession the articles or documents required for use as evidence, together with a list of questions for interrogation sought. In case of a request for taking evidence in Thai Court, a copy of the indictment shall also be attached.

Article 7 A request for assistance in the production and provision of documents or information in the possession of the state agency shall describe such documents or information and

the name of the agency having them in possession, including the purpose for which the said documents or information will be used.

Article 8 A request for assistance in serving legal documents shall be accompanied by such documents and shall clearly stipulate the name and habitation of the person upon whom the documents will be served.

Article 9 A request for assistance in searching and seizing an article shall describe facts or evidence for issuing a search warrant for, conducting the search of, or carrying out the seizure of the article, and the identity and location of the article or the habitation of the person having it in possession in details sufficient for being acted upon, including the purpose for which the said article will be used.

Article 10 A request for assistance in transferring a person kept in custody for testimonial purposes shall be made in the following manner :

(1) A request for transferring of a person kept in custody in Thailand to testify as a witness in the Requesting State shall specify the name of such person, place of custody, the facts of the case presently on trial in the Requesting State and the

issues for his testimony, including his rights and duties under the laws, the treaties, or commitments of the Requesting State towards Thailand;

(2) A request for transferring a person kept in custody in the Requesting State to testify as a witness in Thailand shall specify the name of such person and be accompanied by the documents evidencing his consent for giving testimony as a witness in Thailand, including the facts related to the remaining period of custody, the case presently on trial in Thailand and a list of questions which the public prosecutor in charge of the testimony is to examine.

Article 11 A request for assistance in locating a person shall state the name, identity and residence or the place which is reasonably believed to be the habitation of such person, including the connection between him and the investigation, inquiry, prosecution or any other proceedings relating to criminal matters in the Requesting State.

Article 12 A request for assistance in initiating criminal proceedings shall indicate evidence that the Requesting State is competent to

initiate criminal proceedings with respect to the case in its territory but wishes to initiate such case which is subject to the jurisdiction of Thai Court in Thailand, and describe evidence with information sufficient for being acted upon, including the name, identity, and habitation of the alleged offender against whom the criminal proceedings in Thailand will be initiated, as far as possible.

Article 13 A request for assistance in forfeiting or seizing property shall provide the description of the property and its location or the habitation of the person having it in possession, in detail sufficient for being acted upon.

In case of the request for forfeiting the property, it shall be accompanied by the original or the authenticated copy of the final judgment of the Court of the Requesting State forfeiting such property. In case of the request for seizing the property, it shall be accompanied by the original or authenticated copy of the order of the Court of the Requesting State seizing such property before the Court makes a judgment or a final judgment of its forfeiture.

PART 2

Execution of the Request

Article 14 Authentication of the documents obtained from the inquiry or the taking of testimony under Section 16 and authentication of the documents produced or provided in response to a request for assistance from a foreign state under Section 20 shall be made in writing, conforming to the Certificate of Authentication of Document or Form CD. 1 attached to this Regulation, and shall be accompanied by an authenticated translation in English; however, if the document to be provided to the Requesting State is a copy one, then, the official in charge of keeping such document shall attest each page of such document in English, sign his name and state his position.

Article 15 Report of the result of the service of legal documents under Section 21 shall be made in writing, conforming to the "Report on the Service of Legal Documents" or "Form SD. 1 " attached to this Regulation, and shall be accompanied by an authenticated translation in English.

Article 16 Certificate of the continuity of custody of the articles, the description of their identity and the integrity of their condition under Section 25 shall be made in writing, conforming to the “Certificate of Custody, Identity, Description and Integrity of the Condition of the Articles” or "Form IA. 1" attached to this Regulation, and shall be accompanied by an authenticated translation in English.

CHAPTER 2

SEEKING FOR ASSISTANCE FROM A FOREIGN STATE

Article 17 A request for assistance from a foreign state shall contain, at a minimum, the following details :

(1) the name of the agency seeking assistance from a foreign state;

(2) the matters of the request including details and other information which may be useful for the execution of the request;

(3) the purpose and necessity for seeking assistance;

(4) such other details as required for each category of the requests as specified in Article 6 to Article 13 of this Regulation, as the case may be, *mutatis mutandis*.

If there exists no mutual assistance treaty between Thailand and the Requested State, Thailand shall commit to provide assistance to the Requested State in similar manner when so requested.

Such a request together with supporting documents shall be accompanied by the authenticated translation in the language of the Requested State or in English.

Declared on the 19th day of January, B.E.
2537 (1994)

(signature) OpharsArunin
(Mr. OpharsArunin)
Attorney General
In the capacity of Central Authority

(ครุฑ)

(Garuda)

ร.อ. ๑

CD. 1

หนังสือรับรองความถูกต้องแท้จริงของเอกสาร

Certificate of Authentication of Documents

ข้าพเจ้า ซึ่งได้ลงลายมือชื่อไว้ท้ายหนังสือนี้ ในฐานะเจ้าหน้าที่ผู้มีหน้าที่เก็บรักษาเอกสาร (ระบุ

I, the undersigned, in my capacity as the keeper of (specify the documents or list เอกสารหรือจัดทำบัญชีเอกสารแนบท้าย).....
the documents in the schedule hereto attached).....

ขอรับรองว่า เอกสารดังกล่าวข้างต้นที่แนบมาพร้อมกับหนังสือนี้เป็นต้นฉบับ หรือสำเนาที่ถูกต้องแท้จริง
do hereby certify that the above mentioned documents hereto attached are originals or true
ตรงกับต้นฉบับหรือคู่ฉบับซึ่งเก็บรักษาไว้ที่.....

and correct copies of the originals or duplicates kept at

ประเทศ.....

Country

ให้ไว้ ณ วันที่..... พ.ศ.

Given on B.E.

(ลายมือชื่อ).....

(Signature)

(พิมพ์ชื่อเต็ม)

(Full name)

(ตำแหน่ง)

(Position)

หมายเหตุ ให้ขีดฆ่าคำหรือข้อความที่ไม่ต้องการออก

Remarks Delete where inapplicable

บัญชีเอกสารท้ายแบบ รอ. ๑
Schedule attached to form CD. 1

-
1.
 2.
 3.
 4.
 5.
 6.
 7.
 8.
 9.
 10.

(ลายมือชื่อ).....

(Signature)

(พิมพ์ชื่อเต็ม)

(Full name)

(ตำแหน่ง)

(Position)

(ครุฑ)
(Garuda)

หนังสือแจ้งผลการดำเนินการส่งเอกสารทางกฎหมาย
Report on Service of Legal Documents

ข้าพเจ้า ซึ่งได้ลงลายมือชื่อไว้ท้ายหนังสือนี้ ในฐานะเจ้าหน้าที่ผู้มีอำนาจ ได้จัดส่งเอกสาร
I, the undersigned, in my capacity as the competent authority, had already served
(ระบุเอกสารหรือจัดทำบัญชีเอกสารแนบท้าย).....
(specify the documents or list the documents in the schedule hereto attached)

ตามคำร้องขอของ (ระบุชื่อหน่วยงาน).....
at the request of (name of agency)

ประเทศ.....ให้แก่ (ระบุชื่อและที่อยู่ของผู้รับ).....
Country on (specify the name of the person served and his address)

หมายเลขโทรศัพท์ (ของผู้รับ) หมายเลขโทรสาร (ของผู้รับ).....
Telephone (of the person served) Facsimile (of the person served)

เมื่อวันที่.....เดือน.....ปี.....แล้ว
on date month year

ผลปรากฏว่า ให้ระบุว่าส่งได้หรือส่งไม่ได้ ในกรณีที่ส่งไม่ได้ให้ระบุเหตุผล).....
The result is that the service was (accomplished or not accomplished; if not accomplished, please
specify the reason or cause thereof).

(ลายมือชื่อ).....
(Signature)

(พิมพ์ชื่อเต็ม)

(Full name)

เจ้าหน้าที่ผู้มีอำนาจ
Competent Authority

(วัน เดือน ปี)

(date, month, year)

บัญชีเอกสารท้ายแบบ สอ. ๑
Schedule attached to form SD. 1

-
1.
 2.
 3.
 4.
 5.
 6.
 7.
 8.
 9.
 10.

(ลายมือชื่อ).....

(Signature)

(พิมพ์ชื่อเต็ม)

(Full name)

เจ้าหน้าที่ผู้มีอำนาจ

Competent Authority

(ครุฑ)

รศ. ๑

(Garuda)

IA. 1

หนังสือรับรองการเก็บรักษา รูปพรรณ ลักษณะ และความบริบูรณ์แห่งสภาพของสิ่งของ

Certificate of Custody, Identity, Description and

Integrity of the Condition of the Articles

ข้าพเจ้า ซึ่งได้ลงลายมือชื่อไว้ท้ายหนังสือนี้ ในฐานะเจ้าหน้าที่ผู้มีอำนาจ ขอรับรองว่า ข้าพเจ้า

I, the undersigned, in my capacity as the competent authority, do hereby certify that I
ได้ดำเนินการให้มีการค้นและยึดสิ่งของตามคำร้องขอของ

had exercised the power to conduct the search and seizure of articles at the request of
(ระบุชื่อหน่วยงาน).....ประเทศ.....
(name of agency) Country

และได้เก็บรักษาสิ่งของนั้นไว้ ซึ่งมีรูปพรรณ ลักษณะ และความบริบูรณ์แห่งสภาพของสิ่งของ ตามบันทึก
รายละเอียดแห่งการค้นและบัญชีรายละเอียดสิ่งของที่ค้นได้ที่แนบมาพร้อมกับหนังสือนี้

and have custody of the articles which have the identity, description and integrity of the condition
in accordance with the note of the particulars of the search and the detailed inventory of the
articles found in the course of the search hereto attached.

ข้าพเจ้าขอส่งมอบสิ่งของดังกล่าวข้างต้นให้แก่ผู้ประสานงานกลางพร้อมกับหนังสือนี้ ตามมาตรา
๒๕ ในสภาพเช่นเดียวกันกับที่ข้าพเจ้าได้รับมาจากการค้นและยึด หรือในสภาพที่เปลี่ยนไปในระหว่างที่
สิ่งของอยู่ในความครอบครองของข้าพเจ้า โดยมีรายละเอียดการเปลี่ยนสภาพตามบันทึกคำชี้แจงแนบท้าย

I do hereby relinquish the above mentioned articles together with this certificate to the
Central Authority in accordance with section 25 in the same condition as when I received them
or in the different condition which was changed while in my custody as described in details in
the Note hereto attached.

ให้ไว้ ณ วันที่.....พ.ศ.

Given on B.E.

(ลายมือชื่อ).....

(Signature)

(พิมพ์ชื่อเต็ม)

(Full name)

เจ้าหน้าที่ผู้มีอำนาจ

Competent Authority

บันทึกคำชี้แจงเกี่ยวกับการเปลี่ยนแปลงสภาพ

ของสิ่งของที่ยึดได้ท้ายแบบ รส. ๑

Note on the change in condition of the articles seized
as attached to form IA. 1

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(ลายมือชื่อ)
(Signature)

(พิมพ์ชื่อเต็ม)
(Full name)
เจ้าหน้าที่ผู้มีอำนาจ
Competent Authority