

(Translation)

Unofficial Translation*

**THE ESTABLISHMENT OF THE CRIMINAL COURT
FOR CORRUPTION AND MISCONDUCT CASES ACT
B.E.2559**

BHUMIBOL ADULYADEJ, REX.

**Given on the 10th Day of August B.E. 2559;
Being the 71st Year of the Present Reign**

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to establish the Criminal Court for Corruption and Misconduct Cases;

Be it, therefore, enacted by His Majesty the King Bhumibol Adulyadej, with the advice and consent of the National Legislative Assembly, as follows:

Section 1 This Act shall be called the “The Establishment of the Criminal Court for Corruption and Misconduct Cases Act B.E. 2559”.

Section 2 This Act shall come into force as from the date following the date of its publication in the Government Gazette.

Section 3 In this Act:

“Criminal Court for Corruption and Misconduct Cases” means the Central Criminal Court for Corruption and Misconduct Cases and the Regional Criminal Court for Corruption and Misconduct Cases.

“Corruption and Misconduct Cases” means the following cases, regardless of other related charges or offences included therein:

(1) Criminal cases filed to the Court for punishment of public officers in the offence of malfeasance in office or malfeasance in judicial office under the Criminal Code, offence of malfeasance or corruption under other laws or offences in connection with misconduct.

(2) Criminal cases filed to the Court for punishment of public officers or persons who committed an offence of money laundering in connection with offences under (1) or committed an offence under the law governing offences relating to the price proposition to state agencies or

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under the law governing the private investment in state undertaking or other laws with an objective of prevention and suppression of corruption or misconduct.

(3) Criminal cases filed to the Court for punishment of persons who committed an offence of soliciting, accepting, agreeing to accept or giving or offering, agreeing to give property or any other benefits, or commission of an act of violence, threatening to commit an act of violence or using influence to induce or coerce public officers to act, to refrain from action, or to delay any action under the Criminal Code or other laws.

(4) Criminal cases filed to the Court for punishment of public officers or persons according to the laws prescribed as corruption and misconduct cases.

(5) Criminal cases filed to the Court for punishment of persons jointly committed offences with public officers or persons under (1)-(4) no matter whether in the capacity of the principal, instigator, supporter or conspirator.

(6) Cases relating to the willful failure to submit the list of assets and liabilities and supporting documents or willful submission of such lists and documents with false statements or concealment of matters of facts that should have been notified.

(7) Cases of request for assets to be vested in the State due to unusual wealth or unusual increase of assets.

(8) Cases of request for any proceedings prior to litigation or submission of requests under (1)-(7).

Provisions contained in Paragraph 1 shall include:

(1) Cases under the jurisdiction of the Supreme Court's Criminal Division for Holders of Political Positions.

(2) Cases under the jurisdiction of the Juvenile and Family Court under the law governing the juvenile and family court and juvenile and family case procedures.

“Malfeasance” means the malfeasance under the Organic Act on Counter Corruption, the law governing administrative measures on counter corruption or other Organic Acts or laws

“Misconduct” means an act of non-malfeasance, including action or omission on the ground of having titles or duties, which is in breach of the laws, rules, regulations, orders or the Cabinet's resolutions with an aim to supervise the acceptance, storage or spending of State money or property.

“Government Official” means government official, foreign official and official of international organization under the Organic Act on Counter Corruption or the law governing administrative measures on counter corruption, including official under the Criminal Code.

Section 4 The President of the Supreme Court shall be in charge of this Act.

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CHAPTER 1

THE CRIMINAL COURT FOR CORRUPTION AND MISCONDUCT CASES

Section 5 The Central Criminal Court for Corruption and Misconduct Cases shall be established; whereas, the Corruption and Misconduct of the Public Officer Division of the Criminal Court shall be upgraded to the Central Criminal Court for Corruption and Misconduct Cases and the date of official operation thereof shall be announced by the Royal Decree.

The Central Criminal Court for Corruption and Misconduct Cases shall have its jurisdiction over Bangkok, Samut Prakan Province, Samut Sakorn Province, Nakhon Pathom Province and Pathum Thani Province; provided that all corruption cases which have occurred outside the jurisdiction of the Central Criminal Court for Corruption and Misconduct Cases may be filed to the Central Criminal Court for Corruption and Misconduct Cases, thus, under the discretion of the Central Criminal Court for Corruption and Misconduct Cases to refuse the trial of any cases filed.

In case, the Central Criminal Court for Corruption and Misconduct Cases accepted cases which have occurred outside its jurisdiction for trial or received the transfer of corruption cases from the Regional Criminal Court for Corruption and Misconduct Cases or other Courts of First Instance under the provisions of the Criminal Procedure Code, the Central Criminal Court for Corruption and Misconduct Cases shall have powers to conduct any proceedings outside its jurisdiction, as it may think fit.

In case, an offence which is involved with a corruption and misconduct case under this Act occurred outside the Kingdom of Thailand, such case shall be settled at the Central Criminal Court for Corruption and Misconduct Cases; however, in case, the inquiry has been conducted in any locality within the jurisdiction of any Regional Criminal Court for Corruption and Misconduct Cases, such case shall also be settled at such court.

Section 6 The Regional Criminal Court for Corruption and Misconduct Cases shall be established and the date of official operation thereof shall be announced by the Royal Decree specified with the jurisdiction and the location of the Court shall be prescribed in the jurisdiction of such court.

Section 7 The Criminal Court for Corruption and Misconduct Cases shall be empowered to consider and decide corruption cases and cases prescribed by laws to be under the jurisdiction of the Criminal Court for Corruption and Misconduct Cases.

Section 8 Regarding the prosecution for one and the same act for concurrence of offences and, in case, any offence is under the jurisdiction of the Criminal Court for Corruption and Misconduct Cases, the Criminal Court for Corruption and Misconduct Cases shall accept the trial of charges in other offences.

Section 9 Regarding the prosecution for several distinct and different offences in the related offence and, in case, some offences are not under the jurisdiction of the Criminal Court for Corruption and Misconduct Cases, then, the Criminal Court for Corruption and Misconduct Cases may accept the trial of all offences or may refuse the trial of cases of any specific or several offences which are not under the jurisdiction of the Criminal Court for Corruption and Misconduct Cases; whereas, the

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Prosecutor may file it as a separate case to the Court which has its jurisdiction, thus, by taking account of convenience and for the purpose of justice.

Section 10 When the Criminal Court for Corruption and Misconduct Cases is officially opened, other Courts of First Instance shall be prohibited to accept the trial of cases under the jurisdiction of the Criminal Court for Corruption and Misconduct Cases.

Section 11 In case, there is a problem on whichever cases shall be under the jurisdiction of the Criminal Court for Corruption and Misconduct Cases and no matter whether such problem has occurred in the Criminal Court for Corruption and Misconduct Cases or other courts of justice, such court shall suspend the trial of such cases and shall propose such problem to the President of the Appeal Court for adjudication; and the decision of the President of the Appeal Court shall be final.

Section 12 The Criminal Court for Corruption and Misconduct Cases shall be the Court of First Instance under the Charter of the Courts of Justice; and provisions of the Charter of the Courts of Justice shall, *mutatis mutandis*, apply to the Criminal Court for Corruption and Misconduct Cases.

Section 13 In case of necessity, the Criminal Court for Corruption and Misconduct Cases may appoint other Courts of First Instance to conduct any proceedings which are not the adjudication of the dispute of cases. In such case, the Court of First Instance which has been appointed shall apply the procedures of corruption cases under the law governing procedures of corruption cases to the conduct of proceedings in such court.

Section 14 The hearing and judgment of the Criminal Court for Corruption and Misconduct Cases may be conducted in such court or in other Court of First Instance located in the locality of such court. In case of hearing or judgment in other Court of First Instance, the administrative officer of the Criminal Court for Corruption and Misconduct Cases or of such Court of First Instance shall be obliged to provide administrative assistance.

Section 15 The Criminal Court for Corruption and Misconduct Cases shall be empowered to issue criminal warrants and any warrants as provided by the Criminal Procedure Code and the Civil Procedure Code.

CHAPTER 2

JUDGES IN THE CRIMINAL COURT FOR CORRUPTION AND MISCONDUCT CASES

Section 16 In the Criminal Court for Corruption and Misconduct Cases, the Presiding Judge of the Criminal Court for Corruption and Misconduct Cases shall be appointed from a person who used to assume the office of the chief judge; and a judge of the Criminal Court for Corruption and Misconduct Cases shall be appointed from a person who has performed the duties in the office of a judge for not less than ten years.

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Section 17 In the Central Criminal Court for Corruption and Misconduct Cases and the Regional Criminal Court for Corruption and Misconduct Cases, one chief justice and one deputy chief justice shall be appointed; and in case of necessity to the benefits of the authorities, the Judicial Administration Commission under the law governing the administration of courts of justice, with the approval of the President of the Supreme Court may appoint 1-3 deputy chief justice.

Transitory Provisions

Section 18 During the period when the Central Criminal Court for Corruption and Misconduct Cases and the Regional Criminal Court for Corruption and Misconduct Cases are not yet officially opened, the Corruption and Misconduct of the Public Officer Division of the Criminal Court and other Courts of First Instance shall still have the jurisdiction for trial of corruption cases.

Section 19 When the Central Criminal Court for Corruption and Misconduct Cases is officially opened, the Central Criminal Court for Corruption and Misconduct Cases shall be empowered to conduct the trial of pending cases of the Corruption and Misconduct of the Public Officer Division of the Criminal Court; and it shall be regarded that all proceedings conducted by the Corruption and Misconduct of the Public Officer Division of the Criminal Court prior to the date of official operation thereof are also the proceedings conducted by the Central Criminal Court for Corruption and Misconduct Cases.

All pending cases under the power of trial of the Central Criminal Court for Corruption and Misconduct Cases in any Court of First Instance on the date of official operation of the Central Criminal Court for Corruption and Misconduct Cases shall still be under the power of trial of such Court of First Instance until completion.

Section 20 On the date of official operation of the Central Criminal Court for Corruption and Misconduct Cases, judges in the Criminal Court whose powers and duties are in connection with the corruption cases of public officers shall continue performing their duties in the Central Criminal Court for Corruption and Misconduct Cases until there are people who are appointed to assume the office under the Charter of the Courts of Justice.

Section 21 During the period when the Regional Criminal Court for Corruption and Misconduct Cases is not yet officially opened in any locality, the Central Criminal Court for Corruption and Misconduct Cases shall have its jurisdiction in such locality; and the Prosecutor may file charges to other Court of First Instance in the locality of such Regional Criminal Court for Corruption and Misconduct Cases similar to the general prosecution. The Court of First Instance that the Prosecutor has entered a charge shall notify the same to the Central Criminal Court for Corruption and Misconduct Cases. Upon accepting such case, the Central Criminal Court for Corruption and Misconduct Cases shall conduct the preliminary investigation, trial and judgment at the Court of First

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Instance in such locality or shall do so at the Central Criminal Court for Corruption and Misconduct Cases as it may think fit.

Other Court of First Instance under Paragraph 1 shall be empowered to consider the matter and issue orders relating to the charge postponement, warrants of detention and release from custody of the alleged offenders or the accused.

Section 22 All pending cases under the powers of trial of the Regional Criminal Court for Corruption and Misconduct Cases in the Central Criminal Court for Corruption and Misconduct Cases or any Court of First Instance on the date of official operation of the Regional Criminal Court for Corruption and Misconduct Cases, the Central Criminal Court for Corruption and Misconduct Cases or such Court of First Instance shall still have powers of trial of the pending cases until completion.

Counter-Signature:

General Prayut Chan-o-cha

Prime Minister

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Note:- Reason for promulgation of this Act: Whereas, corruption and misconduct has its impacts on social stability and being an obstacle to sustainable national development; moreover, the situations of corruption and misconduct have recently become more severe and caused huge damage to the state property; and according to the serious implementation of the anti-corruption and misconduct policy, as a result, more corruption and misconduct cases have been filed to the Court and it is expedient to establish the Criminal Court for Corruption and Misconduct Cases for more effective administration of justice in corruption and misconduct cases; therefore, it is necessary to enact this Act.

Office of Justice Affairs

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