

Criminal Court for Corruption Cases to Kick Off in October

The Act on Establishment of the Criminal Court for Corruption Cases B.E. 2559 (2016) (“the Corruption Court Act”) was published in the Royal Gazette on 16th August 2016 and it has come into force on and from 17th August 2016. The Criminal Court for Corruption Cases (“the Corruption Court”) will begin hearing cases on 3rd October 2016. The establishment of the Corruption Court aims to expedited court procedures and convictions for state official and people in the private sector who are accused of corruption.

The Corruption Court is an upgrade of the existing Criminal Court’s Corruption Cases Division. Under the Corruption Court Act, the substantive jurisdiction of the Corruption Court is to hear cases against officials who are alleged of corruption, e.g. abuse of power, malfeasance, money laundering, bribery, bid rigging, demanding kickbacks, etc. The Corruption Court also has jurisdiction to hear cases of officials submitting false asset declarations, concealing wealth and amassing disproportionate assets.

Not only the cases against the state official but also the cases against people in the private sector who are alleged of corruption can be brought to the Corruption Court, e.g. a case against a person in private sector who gives or offers bribe to an official to persuade the official to do or not to do things under his power.

Under the Corruption Court Act, despite the fact that cases to-be-brought to this Court are criminal cases, an inquisitorial procedure will be used instead of the adversarial system used in the Criminal Court. In the inquisitorial procedure, judges and court staff are actively involved in investigating cases and suspects, unlike the adversarial system where the judgment is based heavily on advocacy by each party with a relatively passive judges acting as umpire.

The Corruption Court Act also prescribes that the period of time when the suspects evade trial will not be counted towards the statute of limitation. Moreover, if suspects are released on bail during trial and attempt to flee, they will face up to an additional six months’ imprisonment or THB10,000 fine or both. These are to plug loopholes in existing law, such as the problem faced when suspects escape prosecution by fleeing after being temporarily released during police investigation, said Mr. Suebpong Sripongkul, spokesman of the Court of Justice.

Under the Corruption Court Act, the Central Corruption Court will have jurisdiction in Bangkok, Samut Prakan, Samut Sakhon, Nakhon Pathom, Nonthaburi and Pathum Thani while Regional Corruption Courts will also be established in nine regions across the country.

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