

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

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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 otherwise provides, 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**

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**PART 1  
Requests**

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**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 assistance requested, 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 type of assistance as specified in Article 6 to Article 13 of this Regulation, as the case may be.

In absence of a treaty an mutual assistance in criminal matters 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 specify details of 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 justifying the issuance of a search warrant, the search conduct, or the seizure of the article; the identity and location of the article or the residence of the person having it in possession in details sufficient for locating the article, including the actions to be taken regarding such article.

**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 specify the name, identity and residence of such person or the place which is reasonably believed to be the habitation of such person, including the connection between such person 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 proceedings in Thailand, and such case is subject to the jurisdiction of Thai Court, and also describe, as far as possible, evidence with information sufficient for taking relevant actions, including the name, identity, and residence of the alleged offender against whom the criminal proceedings in Thailand will be initiated.

**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 locating the article.

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**

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**Article 14** Authentication of the documents obtained from the inquiry or the taking of evidence 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 authenticate 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 Custody, Identity, Characteristics and the Condition of the Articles" under Section 25 shall be made in writing, conforming to the "Form IA. 1", attached to this Regulation, and shall be accompanied by an authenticated translation in English.

**CHAPTER 2**  
**SEEKING ASSISTANCE FROM A FOREIGN STATE**  
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**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 assistance requested, including details and other information which may be useful for the execution of the request;
- (3) the purpose and necessity for seeking assistance;
- (4) other details as required for each type of assistance as specified in Article 6 to Article 13 of this Regulation, as the case may be, *mutatis mutandis*.

If there exists no treaty on mutual assistance in criminal matters 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 an authenticated translation in the language of the Requested State or in English.

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

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