

**Regulation of the Attorney General**  
**on Undercover Operation under the Anti-Participation in Transnational Organized Crime**  
**Act B.E. 2556, Section 19,**  
**B.E. 2556**

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Whereas the law on the anti-participation in transnational organized crime authorizes the Attorney General to issue Regulations for every related organization on the criteria and procedures to prepare any document or evidence or take undercover operation for the benefit of an investigation into an offence of participating in transnational organized crime, it is deemed expedient to issue this Regulation.

By virtue of the power conferred by the first paragraph of Section 19, of the Anti-Participation in Transnational Organized Crime Act B.E. 2556, which contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 29, in conjunction with Section 32, Section 33, Section 36, Section 41 and Section 45 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Attorney General hereby issues the Regulation as follows:

**Article 1.** This Regulation is called the “Regulation of the Attorney General on Undercover Operation under the Anti-Participation in Transnational Organized Crime Act B.E. 2556, Section 19, B.E. 2556”.

**Article 2.** This Regulation shall come into force after the date of its publication in the Government Gazette.

**Article 3.** The implementation of this Regulation is directly concerned with safety of life, body, property and living of the family of the person who prepares a document or evidence or conduct undercover operation and also his family; therefore every procedure shall be performed in secret.

The mission under this Regulation shall be strictly performed.

**Article 4.** In this Regulation:  
“Designating authority” means the Attorney General, the Commissioner General of the Royal Thai Police or his designated person, as the case may be.

**Article 5.** The Attorney General shall be in charge of this Regulation and have authority to interpret and adjudicate issues concerning the execution of this Regulation.

**Chapter 1**  
**Assigning**

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**Article 6.** The Attorney General shall designate a public prosecutor at any level to have authority to assign someone to prepare any document or evidence or conduct undercover operation as specified by the Attorney General.

The Commissioner General of the Royal Thai Police shall designate a police officer in any position to have authority to assign someone to prepare any document or evidence or conduct undercover operation as specified by the Commissioner General of the Royal Thai Police.

After assigning a person to prepare such document or evidence or conduct undercover operation as per the first paragraph, the assignor shall report to the designating authority for acknowledgement of the reason, necessity and plan or procedure as well as operation period and other related details.

**Article 7.** In assigning any person to prepare any document or evidence or conduct undercover operation, there must be an investigation into an offence of participating in transnational organized crime and a reasonable ground to believe that information or evidence about the offence of participating in transnational organized crime will be obtained from such operation, including any necessity as follows:

(1) to investigate and arrest an offender or a related person where there is information concerning the offence of participating in transnational organized crime;

(2) other methods in the investigation and the arrest of an offender of participating in transnational organized crime is difficult to be carried out, or may cause danger or damage in such performance;

(3) for the benefit of further arresting a wirepuller in the offence of participating in transnational organized crime.

**Article 8.** The Commissioner General of the Royal Thai Police shall designate a police officer in any position to have authority to assign any person to conduct undercover operation as specified by the Commissioner General of the Royal Thai Police.

## **Chapter 2 Operating**

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**Article 9.** Where it is necessary to assign any organization to prepare a document or evidence for the undercover operation, the designating authority shall issue a letter to that organization for cooperation in preparing such document or evidence.

**Article 10.** The document or evidence prepared under Article 7 or Article 9 shall be used in necessary cases for the benefit of the undercover operation.

**Article 11.** The undercover operator shall cease the operation before the due date of assignment if there is one of the following circumstances:

(1) the assigned objective is achieved;

(2) the necessity or the situation of operation has changed or no longer exists;

(3) the designating authority makes an order to cease the operation and notifies the undercover operator.

**Article 12.** Where the designated operation has been ceased as stated in Article 11, the undercover operator shall report to the designating authority within three days from the ceasing date.

The undercover operator shall hand over the property together with a list of the property or any benefit acquired from or as a result of the operation to the designating authority within the period as specified in the first paragraph. Where unable to hand over, the undercover operator shall quickly inform the designating authority of the reason and necessity in writing.

**Article 13.** The designating authority shall appoint an official to operate as follows:

(1) to coordinate with related organizations for the benefit of controlling and examining the operation as specified in this Regulation;

(2) to compile and prepare a database, classify documents and evidence concerning the assignments and the report as provided in this Regulation for control and examination;

(3) to prepare an annual report having the substance of fact, problem, obstacle, achievement of the operation, and the statistics submitted to the designating authority for the benefit of controlling and examining the operation under this Regulation;

(4) to carry out any other designated operation under this Regulation;

The appointment of an official shall be specified by the designating authority.

**Article 14.** The destruction of document or evidence concerning the operation of this Regulation shall be as specified by the designating authority or the chiefs of the related state organizations.

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