

The Criminal Procedure Code Amendment Act (No. 20), B.E. 2542 (1999)

BHUMIBOL ADULYADEJ, REX.

Given on the 4th September B.E. 2542 (1999)

Being the fifty fourth year of the present Reign

Section 1

This Act shall called "The Criminal Procedure Code Amendment Act (No. 20), B.E.2542"

Section 2

This Act shall come into force on and from the date following the date of its publication in the Government Gazette.

Section 3

These provisions shall be added to be Section 133 bis and Section 173 ter of the Criminal Procedure Code.

"Section 133 bis

If a child not over fifteen years of age is needed to give a statement as a witness, the inquiry official shall take the statement of the child in a room specifically arranged for this purpose. The inquiry shall be done in secrecy and separate from other adults. A psychologist, social worker, or another person whom the child requests to be present at the inquiry, shall participate in the inquiry. Such inquiry shall be recorded on video and audio tape to be use as evidence.

If the prosecutor believes that it is appropriate, the prosecutor may participate in the process of statement taking of such child.

Section 172 ter

If the witness in a case is a child not over fifteen years of age, and the judge thinks it is appropriate, the judge may arrange for the witness to sit in another apart from the trial room. The judge and all parties in the case may examine, cross-examine, or re-examine the child witness through a psychologist or social worker. The sight and sound of the examination and testimony of the witness shall be televised to the trial room through a video link."

Section 4

The provisions in Section 237 bis of the Criminal Procedure Code as amended by the Criminal Procedure Amendment Act (No. 15), B.E. 2527 shall be repealed and the following provisions shall be replaced:

"Section 273 bis

Before a criminal case shall be indicted in a court, if there is a reasonable ground to believe that the witness, who must be brought to give testimony in the future, has to travel out of the Kingdom, has no definite residence, or lives far away from the trial court, or there may be any other conditions which may cause difficulties in bringing the witness to testify in the future, the public prosecutor, by himself or by receiving the application from the victim or inquiry official, may file an application, specifying all the acts allegedly committed by the offender, to the court in order that the court shall issue the order to examine such witness forthwith.

When the court received such application, the court shall examine such witness immediately. In the process, the offender may cross-examine or appoint the counsel to cross-examine such witness. In the case that such offender is charged and if the offender is indicted on the charged offence, the offender shall have the

right to request a counsel to be appointed by the court under Section 173, before the witness give the testimony, the court shall ask the offender whether the offender has a counsel. In the case that the offender has no counsel and require one, if the court can appoint a counsel in due time, the court shall appoint a counsel for the offender and proceed immediately with the testimonial process. If the court cannot appoint a counsel in due time or the offender cannot appoint a counsel, the court shall examine such witness on behalf of the offender.

The witness record of the testimony of the said witness shall be read to the witness by the court.

If the offender is indicted later with the offence in the case, the said deposited testimony shall be admissible as evidence in the trial of the case.

In case that offender, perceiving that when he will be indicted in the future, any person, whose testimony is needed as the offender's witness, shall travel out of the Kingdom, has no definite residence, or lives far away from the trial court, or there may be another conditions which may cause difficulties in bringing the witness to testify in the future, the offender may file an application requesting the court to issue an order to immediately examine such witness.

If the judge thinks it is appropriate, the judge may be order the witness to be examined. The judge shall notify the concerned inquiry official and public prosecutor of such order. In the examination, the prosecutor has the right to cross-examine such witness, and the provisions of the third and fourth paragraph shall apply.

In the case that the witness is a child not over fifteen years of age, in the examination of such child witness the provision of Section 172 ter. shall apply *mutatis mutandis*."

Countersigned by
Mr.Chuan Leekpai
Prime Minister

Published in Government Gazette Vol. 116 Book 81 Kor (legal) on September 14, 1999.

Disclaimer

This translation is intended to help Thais or foreigners to understand Thailand laws and regulations only, not to use as references, because it is only the original Thai version of legislation that carries legal effect. www.ThaiLaws.com, therefore, shall not be held responsible in any way for any damage or otherwise the user may incur as a result of or in connection with any use of this publication for any purposes. It's the responsibility of the user to obtain the correct meaning or interpretation of this publication or any part thereof from Thai version or by making a formal request to the appropriate or related authorities.