

**Notification of the Board of Special Case
on Criterion and Procedure for Requesting and Obtaining the Board of Special Case's
Resolution Accepting a Criminal Case as a Special Case, B.E.2547 (2004)**

By virtue of the provisions in Section 10 (4) and Section 21 paragraph one (2) of the Special Case Investigation Act, B.E.2547 (2004), the Board of Special Case (BSC) hereby stipulates the following criterion.

Clause 1 This criterion is called "Criterion and Procedure for Requesting and Proposing the Board of Special Case for its Resolution Accepting a Criminal Case as a Special Case, B.E.2547 (2004).

Clause 2¹ This criterion shall come into force as from the date of its publication in the Government Gazette.

Clause 3 The chairman of the Board of Special Case shall take charge of the execution of the criterion.

Chapter 1
General Provision

Clause 4 In this criterion,

"Applicant" means the following person who requests the BSC to pass a resolution accepting a criminal case as a special case:

- (1) The BSC's member,
- (2) Injured person according to the Criminal Procedure Code,
- (3) Government authority, public enterprise, or other government agencies.

"Director-General" means the Director-General of the Department of Special Investigation.

"Department" means the Department of Special Investigation.

"Sub-Committee" means the Sub-Committee appointed by the BSC with the authority to consider and propose its opinion to the BSC about the resolution accepting other criminal cases as special cases to be investigated and inquired under the Special Case Investigation Act, B.E.2547 (2004).

"Member" means the member of the Board of Special Case.

¹ The Government Gazette, Vol. 121/Part Special 95 Ngor/Page 54/31 August 2004.

Chapter 2

Request

Clause 5 The request for the BSC's resolution accepting a criminal case as a special case shall contain at least the following details.

- (1) Name and address of the applicant
- (2) Nature and circumstances of the offence commission including the evidence or reference to the evidence
- (3) Damage suffered (if any)
- (4) Name of the offender (if known)
- (5) Reasons for submitting the request
- (6) Has the complaint, denunciation, request, or charge ever been filed? What is the outcome?
- (7) Signature of the applicant

Clause 6 The request and its supporting documents must be written in Thai or translated to Thai with certification.

Chapter 3

Response to the Request

Clause 7 The applicant shall submit a request to the Department. Except in the case that the Member is the applicant, Clause 12 shall be applied.

In case the request in paragraph one has the following nature, the Department may have an order rejecting the request:

- (1) It is a compoundable criminal case and the injured person has not made a complaint, according to the regulation, to the inquiry official or the administrative official or police official.
- (2) It is the same case being examined either under the Organic Act on Anti-Corruption or under the Executive Measures in Anti-Corruption Act, or it is the case under consideration by the public prosecution or the court and the case is not final but requires the public prosecutor's order or the legal proceedings, as the case may be².

² Clause 7, paragraph two amended by the BSC's Notification (No.3) B.E.2559 on Criterion and Procedure for Requesting and Obtaining the BSC's Resolution Accepting a Criminal Case as a Special Case, B.E.2547 (2004).

By the order rejecting the request subject to paragraph two, the Department shall comply *mutatis mutandis* with Clause 11. However, the rejection order to consider the request under (1) will not preclude the injured person from resubmitting the request after subsequently making the complaint under the regulation.³

Clause 8 After obtaining the request in Clause 6, the Department shall submit the request to the Sub-Committee and the Chairman of the Sub-Committee shall hold the meeting for urgently considering the request.

Before submitting the request to the Sub-Committee pursuant to paragraph one, if the Director-General or the authorized person deems the information or fact unclear, the Director-General or the authorized person may order the fact-finding investigation.

The BSC shall appoint one Sub-Committee or more with the DSI's Deputy Director-General as the Chairman. Its member comprises: up to four persons who are the representatives from the Office of Attorney General, the Royal Thai Police and other related government agencies or organizations; up to four persons who are the heads of agencies responsible for investigations and inquiries into special cases under supervision of the Chairman; the DSI's division head responsible for work relating to the Board of Special Case; and the special case inquiry official– senior professional level (8) from the DSI's bureaus directed by the Chairman is the member and the secretary and can also have the assistant secretary⁴.

Clause 9 The Sub-Committee shall urgently consider the request and propose opinions to support its consideration whether the BSC should have a resolution accepting that criminal case as a special case. The Director-General shall put this matter on the BSC's meeting agenda for consideration.

Clause 10 The meeting of the Sub-Committee shall be attended by its members no less than a half of its existing members.

The resolution of the Sub-Committee meeting shall be made by the majority vote. One member shall have one vote. If the votes for both sides are equal, the Chairman shall vote and his/her vote is final.

Clause 11 After the BSC passes the resolution, the Director-General shall notify the applicant thereof in written within 7 working days as from the date of the BSC's resolution.

³ Clause 7, paragraph three added by the BSC's Notification (No.3) B.E.2559 (2016) on Criterion and Procedure for Requesting and Obtaining the BSC's Resolution Accepting a Criminal Case as a Special Case, B.E.2547 (2004)

⁴ Clause 8, paragraph three amended by the BSC's Notification (No.2) B.E.2556 (2013) on Criterion and Procedure for Requesting and Obtaining the BSC's Resolution Accepting a Criminal Case as a Special Case, B.E.2547 (2004)

Clause 12 In case the Member is the applicant, the Member shall submit the request to or notify the Director-General thereof at least 3 working days before the date of the BSC's meeting, and the Director-General shall put the matter on the agenda for consideration by the BSC's meeting. Except for urgent cases or important matters which may affect the Department's operations, the Member may propose those matters for consideration on the date of the BSC's meeting.

Clause 13 In case the BSC had its resolution not accepting the case to be the special case, the applicant is not debarred from resubmitting the request if the applicant can prove that there is more ground or fact reasonable to review the previous resolution.

Clause 14 In case of doubt if the applicant is eligible to submit the request, the Director-General shall be the arbiter.

Announced on the 20th day of August B.E. 2547 (2004)

Wisanu Krua-Ngarm

Deputy Prime Minister

For the Prime Minister

Chairman of the Board of Special Case