

Regulation of the Board of Special Case
Regarding Inquiry Procedures for Key Witness in Special Case
B.E. 2568 (2025)

To enhance the efficiency of investigation and gathering of evidence in criminal cases regarded as special cases under the Special Case Investigation Act, B.E. 2547 (2004) and its amendments, focusing on the acquisition of evidence where no other evidence exists to confirm the offenses of the principal, instigator, or key accessory;

By virtue of the authority under Section 10(4), Section 23, paragraphs one and five, of the Special Case Investigation Act, B.E. 2547 (2004), the Board of Special Case hereby issues the following regulation:

1. This regulation shall be referred to as "Regulation of the Board of Special Case Regarding Inquiry Procedures for Key Witness in Special Case, B.E. 2568 (2025)."

2. This regulation shall come into force from the day following the date of its publication in the Government Gazette.

3. In this regulation,

"Key Witness" means a person who is not accused of committing an offense and whom the special case inquiry official has inquired as a witness in a special case.

4. If any person provides statements, leads, or key information that can be used as evidence in prosecuting another offender who is a key principal, the Director-General of the Department of Special Investigation may order such person to be inquired as a key witness in a special case under this regulation.

5. The person under Clause 4 must meet the following criteria:

(1) Being a person who witnessed events related to the commission of offense in a special case and is not a key principal.

(2) Being a person who has given statements beneficial to the special case inquiry, or provided statements, leads, or key information that can be used as evidence in prosecuting other offenders who are principal, instigator, accessory, or key conspirator.

(3) Being a person who willingly provides statements, leads, or information as stated in (2) and assures that they will testify as a witness in court as stated in their affidavit or statement.

6. The inquiry of a person as a key witness in a special case under this regulation shall only be conducted before the responsible special case inquiry officials reach a case opinion.

7. The consideration of inquiring a person as a key witness in a special case must not result from coercion, deception, or any other unlawful act intended to induce or persuade that person to provide statements or information on the matter under investigation.

8. In the case where the special case inquiry officials deem it appropriate to inquire any person as a key witness, the special case inquiry team shall convene to resolve whether to propose to the Director-General of the Department of Special Investigation for issuance of an order to inquire such person as a key witness in a special case.

For the sake of justice, in cases where it is necessary to select one person from several to be inquired as a key witness, the suitability and necessity of the case, the circumstances and level of involvement in the offense, and the evidence to be gathered from such person that will enhance the effectiveness of law enforcement, shall be taken into account. If necessary, more than one person may be proposed for inquiry as a key witness.

In any special case where a public prosecutor or military prosecutor participates in the inquiry or operation under Section 32 of the Special Case Investigation Act, B.E. 2547 (2004), the approval of that public prosecutor or military prosecutor must be obtained.

9. Subject to Clauses 4 and 8, upon receiving the opinion from the special case inquiry officials, the Director-General of the Department of Special Investigation shall consider the issuance of an order, taking into account the following factors:

(1) If that person is not inquired as a key witness, the existing evidence may be insufficient, and it may not be possible to gather alternative evidence to adequately prosecute another offenders who is a key principal, and

(2) that person must testify as stated in their statement.

10. Once an order has been issued for any person to be a key witness, the special case inquiry officials shall proceed with the inquiry of such key witness without having to notify that person of any charges.

If the Director-General of the Department of Special Investigation deems that there is no reasonable cause to inquire that person as a key witness, the Director-General of the Department of Special Investigation shall notify the head of the special case inquiry team to carry out further proceedings.

The order of the Director-General of the Department of Special Investigation shall be final.

11. The actions under Clause 10 shall require the head of the special case inquiry team to specify the reasons and necessity under Clauses 4, 5, and 9 at the end of the special case investigation report for consideration by the public prosecutor or military prosecutor according to their respective authorities.

If the public prosecutor or military prosecutor issues an order or recommendation on how to proceed with such key witness, the head of the agency or the head of the special case inquiry team, as the case may be, shall consider and carry out such order or recommendation accordingly.

12. If a key witness who has been ordered by the Director-General of the Department of Special Investigation under Clause 4 fails to testify, testifies inconsistently with their statement, or testifies in a manner that is not beneficial to the proceedings or is adverse to the proceedings, the head of the agency or the head of the special case inquiry team, as the case may be, shall consider and take further action against that person.

13. The Director-General of the Department of Special Investigation shall be in charge of this regulation and shall have the authority to issue rules, orders, notifications, or other provisions to ensure the efficient performance of duties by special case inquiry officials under this regulation, and may compile them into a code for ease of operation.

In case of any problems concerning the enforcement or implementation of this regulation, the Director-General of the Department of Special Investigation shall have the authority to interpret and make a final ruling. The ruling of the Director-General of the Department of Special Investigation shall be final.

Given on the 12th Day of March B.E. 2568 (2025)

Phumtham Wechayachai

Deputy Prime Minister

for Prime Minister

Chairman of Board of Special Case