

## **Extradition Act, B.E. 2551**

The Extradition Act, B.E. 2551, which came into force on 10 August 2008, repealed and replaced the Extradition Act, B.E. 2472 and applies to all extraditions, subject to the provisions of any extradition treaty between government of Thailand and either the government of any other country or any international agency.

Extraditable offenses are offenses which both the requesting country and Thailand define as a crime punishable by death or by imprisonment of one year or more. Extradition may also be obtained for offenses punishable by less serious offenses if such offenses relate to a more serious offense in respect of which extradition is granted.

Extradition will only be granted if:

1. extradition would not otherwise be contrary to Thai law and the offense is not political or military in nature (political offenses do not include the commission of an act of violence against the King, Queen or the Heir-Apparent or any head of state, government leader or member of a family of any of them or the commission of any crime not defined as a political offense under any applicable extradition treaty),
2. if the country requesting extradition is not party to an extradition treaty with Thailand, such country has stated that it will extradite a criminal to Thailand under similar circumstances and
3. there is no final judgment from a court in the country requesting extradition or in Thailand exonerating the person to be extradited, such person has not already served the punishment for the extraditable offense, amnesty has not been granted to such person for said offense and there is no other preclusion under the laws of the country requesting extradition against the prosecution of such person for said offense.

If the country requesting extradition is party to an extradition treaty with Thailand, an extradition request is to be submitted to the Attorney-General or his assignee. Otherwise, an extradition request is to be submitted through diplomatic channels. If the extradition request is submitted through diplomatic channels, the Ministry of Foreign Affairs will submit such request to the Attorney-General, but only if either the Ministry of Foreign Affairs believes that extradition would not adversely affect relations between the country requesting

extradition and Thailand or the Council of Minister gives its consent. If the extradition request is accompanied by all necessary documentation and is otherwise sufficient, the Attorney-General will notify a Public Prosecutor issue an arrest warrant and, upon the arrest of the person requested to be extradited, commence an action in court; otherwise, the Attorney-General shall notify the country requesting extradition of the deficiencies in the extradition request.

Requests for extradition may be made on documentary evidence without the need for witness testimony.

If a request for extradition of a person is received from more than one country, and the Council of Ministers does not decide which country shall have precedence, the Attorney-General will in its discretion make such determination based on a number of factors, including without limitation, whether the countries requesting extradition have extradition treaties with Thailand, where the relevant offenses were committed, the seriousness of the offenses and the nationality of the person requested to be extradited.

If Thailand makes an extradition request of another country, and the offense for which extradition is requested carries the death penalty under Thai law, but the country from which extradition is requested requires assurances that the death penalty not be applied, such assurances may be given. If such person is extradited and given the death penalty by a court, then the penalty shall be life imprisonment, reduceable only through Royal Amnesty.

The Attorney-General shall be responsible for deciding whether to make an extradition request of another country, and the Public Prosecutor shall be responsible for making said request and prepare the supporting documents and evidence.

Often extradition is an area of law that involves the law of Thailand and the law of the requesting country. A person who is subject to extradition should contact a qualified Thailand lawyer who has experience in the law of the requesting country and the law of Thailand. Persons under extradition to the US should contact qualified attorneys in the criminal extradition law of Thailand and the US and an American law firm in Thailand may be suitable to assist.