

Rights and liberties protection in criminal cases for the accused

“The Accused” means the person who is prosecuted to the Court with the charge of commission of offence.



Rights of the accused according to the law.

1. Rights to speedy, consecutive and fair proceedings.
2. Rights to appoint a lawyer to represent him or her in the course of a preliminary examination or trial in the Court of First Instance, as well as in the Court of Appeal and the Supreme Court, and to request the Court to appoint a lawyer free of charge (*pro bono*).
3. Rights to take advice of a lawyer or a person to become his lawyer in private.
4. Rights to inspect any article adduced as evidence and make a copy or take a photograph thereof.



5. Rights to inspect the court's file of preliminary examination or trial and make a copy thereof or request for a certified copy thereof with payment of costs.
6. Rights to inspect or copy the plea he or she has given during the inquiry or the supplementary document thereof.
7. Rights to challenge the judge who conducts the trial of such case.
8. Rights to challenge the prosecutor's withdrawal of the charge.



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- 9. Rights not to be prosecuted twice (double jeopardy).
- 10. Rights not to be cited by the prosecutor as witness.
- 11. Rights to request to the Court for release, in case, the accused is under an unlawful custody.
- 12. Rights to request to the Court for provisional release
- 13. Rights to lodge an appeal or a dika appeal against the Court's order of not granting the provisional release.



- 14. Rights to receive a trial and taking evidence in open court and in the presence of the accused.
- 15. Rights to receive the reading and explanation of the charge.

- 16. Rights to refuse to testify in the Court.
- 17. The accused who is the poor shall be entitled to request for a certified true copy of the judgment free of charge.
- 18. Rights to be provided with an interpreter or a sign language interpreter.

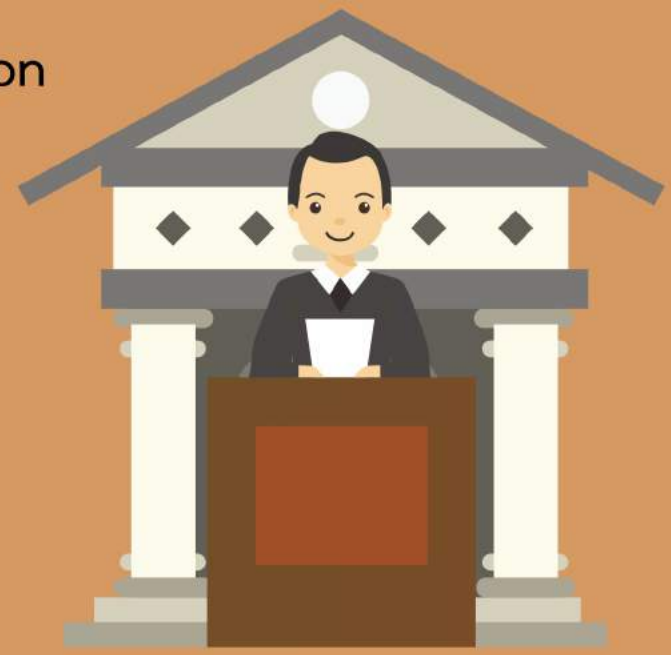


- 19. Rights to lodge an appeal or a dika appeal against the Court's judgment or order.
- 20. A detained or imprisoned accused may hand his petition of appeal or dika appeal to the warden within the period allowed for appeal or dika appeal.
- 21. Rights not to answer any direct or indirect questions which may incriminate the accused in the capacity of a witness.



22. Rights to request the Court to order a stay of execution of imprisonment until the cause of suspension shall be extinct.

23. Rights to file a petition to the King for the royal pardon.



24. The accused who is a pregnant woman and subject to the capital punishment shall be entitled to request for suspension of the capital punishment until a period of 3 years as from the date of birth-giving has been elapsed, and shall be entitled to receive a reduction of capital punishment to life imprisonment.

25. The accused who is imposed with the capital punishment and becoming a person of unsound mind prior to the date of execution shall be entitled to request for suspension of the capital punishment until a period of 1 year as from the date of final judgment has been elapsed, and shall be entitled to receive a reduction of capital punishment to life imprisonment.



26. In case, as per the judgment, the accused who is not under custody and receives punishment of imprisonment or more severe punishment, and may be able to lodge an appeal only when the accused physically presents himself/herself to the competent court official at the time of lodging an appeal.

