

Rights and liberties protection in criminal cases for an injured person

“An Injured Person”

means the person who suffered damage resulting from the commission of any offence, including other person who has the authorized powers such as representative of a juristic person, legal representative of the minor, etc.



Legal rights of an injured person



1. Rights relating to filing and withdrawing complaints.
2. Rights to privately prosecute and withdraw a criminal charge.
3. Rights relating to filing and withdrawing civil cases in connection with an offence.
4. Rights relating to joint prosecutor with the public prosecutor.
5. Rights relating to compromise in compoundable offences.

6. Rights to file a petition in case of public prosecution, by demanding the accused to pay compensation.

In the event that an injured person has filed a petition under Section 44/1, when the Court of First Instance makes an appointment for hearing of judgment, a summons thereof shall also be sent to an injured person, and in case the Court dismisses a criminal case or partially indemnifies, the rights to appeal the civil petition shall also be notified.



7. Rights not to answer any direct or indirect questions which may incriminate an injured person in the capacity of a witness.
8. Rights to be provided with an interpreter or a sign language interpreter.
9. An injured person who files or co-files the criminal case is the prosecutor or joint-prosecutor with the public prosecutor shall be entitled to lodge an appeal or a *dika* appeal.



10. Rights to check or copy his or her defences at the police interrogation stage or supporting documents of his or her defences when the public prosecutor has filed a case to the Court.
11. Rights to object the provisional release of the alleged offender or the accused.



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Legal rights of an injured person who is a child.



1. In case, an injured person who is a child not exceeding 18 years of age has identified any person, the inquiry officer shall provide the identification of person at an appropriate place for the child and shall prevent the person who is being identified from seeing the child; provided that the psychologist or the social worker, the person as requested by the child and the public prosecutor shall participate in the identification of such person.

2. In a case concerning a sex-related offence, offence against life and body not resulting from affray, offence against liberties, offence of extortion, robbery and gang-robbery under the Criminal Code, offence under the law governing the prevention and suppression of trafficking of women and children, offence under the law governing measures of prevention and suppression of trafficking of women and children, offence under the law governing entertainment places or a case concerning other offences with the punishment of imprisonment requested by an injured person or the witness who is a child not exceeding 18 years of age, interrogation of an injured person or the witness who is a child not exceeding 18 years of age, shall be exclusively conducted by the inquiry officer at an appropriate place for the child and participated by the psychologist or the social worker, the person as requested by the child and the public prosecutor.

Regarding the interrogation of a child, and in the event that a psychologist or a social worker has considered that the interrogation of any child, or any question may cause serious effect to the child's mind, the inquiry officer shall exclusively inquire through the psychologist or the social worker as per issues of questions of the inquiry officer; provided that the child shall be prevented from hearing questions of the inquiry officer; and it is prohibited to ask redundant questions to the child for several times without a proper reason.

