

**(Unofficial Translation)**

**Announcement by the Council for Democratic Reform No. 31:  
Action in Accordance with the Authority and Duties of the National  
Counter Corruption Commission**

Reference is made to Announcement by the Council for Democratic Reform No. 19 dated 22 September B.E. 2549 (2006), stipulating the Organic Law on National Counter Corruption B.E. 2542 (1999) remains in force and appointing the National Counter Corruption Commission, as well as declaring that the Organic Law on the Criminal Procedures for Persons holding Political Positions B.E. 2542 (1999) shall also remain in force. As it appears that the Office of the National Counter Corruption Commission has a great deal of cases pending because of the long absence of members of the National Counter Corruption Commission, it is therefore appropriate to improve its work so as to ensure that it is carried out more efficiently and promptly, the Council for Democratic Reform, therefore, declares as follows:

1. Paragraphs 1 and 2 of Announcement by the Council for Democratic Reform No. 19 dated 22 September B.E. 2549 (2006) shall be repealed and replaced by the following:

“1. The abrogation of the Constitution of the Kingdom of Thailand shall not prejudice the Organic Law on National Counter Corruption B.E. 2542 (1999), which shall continue to remain in force until it is further amended or annulled by law. The National Counter Corruption Commission appointed by the Announcement by the Council for Democratic Reform No. 19 dated 22 September B.E. 2549 (2006), shall be regarded as having been legally selected and appointed in accordance with the Organic Law on National Counter Corruption B.E. 2542 (1999).

2. The abrogation of the Constitution of the Kingdom of Thailand shall not prejudice the Organic Law on the Criminal Procedures for Persons holding Political Positions B.E. 2542 (1999), which shall remain in force until it is further amended or annulled by law.”

2. Members of the National Counter Corruption Commission appointed by Announcement by the Council for Democratic Reform No. 19 dated 22 September B.E. 2549 (2006) shall assume their positions as

of the date of appointment as specified in the abovementioned Announcement. Their terms of office shall be in accordance with the Organic Law on National Counter Corruption B.E. 2542 (1999).

3. Should any person holding political position intentionally fail to submit an account showing particulars of assets and liabilities and supporting documents to the National Counter Corruption Commission within the time period prescribed by the Organic Law on National Counter Corruption B.E. 2542 (1999), Section 34 shall be applied similar to cases where a person intentionally submits a financial statement and supporting documents which are falsified or hides facts which should have been disclosed.

4. In examining changes in assets and liabilities of persons holding political positions, the National Counter Corruption Commission shall have the authority to order to temporarily seize or attach assets which increased irregularly. However, the right of the person holding political position to submit a petition seeking clemency to use such assets, with or without bail or collateral, shall not be curtailed.

When assets are temporarily seized or attached in accordance with the preceding paragraph, the National Counter Corruption Commission shall complete the verification of such assets expeditiously. Should the person holding political position fails to submit evidence proving that the seized or frozen asset had not be acquired irregularly, the National Counter Corruption Commission shall have the authority to seize or attach such assets until the Commission decides that such assets were not acquired irregularly, the time limit of which shall not exceed the period of one year from the date of seizure or attachment of such assets, or until the final verdict has been reached to have the case withdrawn. However, if it can be proven otherwise, such assets shall be returned to the person.

5. In holding fact-finding hearings in accordance with the Organic Law on National Counter Corruption B.E. 2542 (1999), the National Counter Corruption Commission may assign appointed officials to carry out such hearings, to gather evidence, and to prepare reports for submission to the National Counter Corruption Commission, in accordance with the rules and procedures prescribed by the National Counter Corruption Commission.

6. Should the National Counter Corruption Commission deems it appropriate, it may submit charges against state officials, who do not fall within the categories specified under Section 66 for committing offences related to corruption, malfeasance in office or malfeasance in judicial

office in pending cases, to their superior or persons with the authority to appoint and revoke appointment, carry out disciplinary action or any appropriate measure within their prescribed mandate as the case may be, or forward the matter to the inquiring officer to proceed in accordance with the Criminal Code.

7. Decisions by the National Counter Corruption Commission, whether related to the consideration of or the granting of approval, shall be by majority vote.

8. Should any provision of the Organic Law on National Counter Corruption B.E. 2542 (1999) contradict any provision in this Announcement, the provision in this Announcement shall prevail.

Announced on 30 September B.E. 2549 (2006)  
General Sonthi Boonyaratglin  
Leader of the Council for Democratic Reform