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KEY WORD : DISCLOSURE/DEFENDANT

NARUMOL SIRIWANICH : DISCLOSURE BY THE DEFENDANT : A COMPARATIVE STUDY. THESIS ADVISOR : DR.KITTIPONG KITTAYARAK, ASSO.PROF.PAITOON KONGSOMBOON, 150 PP. ISBN 974-581-594-2

This thesis aimed at studying the disclosure by the defendant in criminal process, on the basis of common law system countries such as the United State and England, for applying to the Thai criminal procedure.

The study found that the propose of a criminal trial is, among other things, to seek the truth and justice, so both parties in criminal process should have adequate time preparing for trial. The common law system countries, who has his criminal process in accusatorial or adversary system, enjoy pre-trial discovery process to disclose defendant's evidence. The process entails defendant's duty to give advance notice of his defense before trial, include the disclosure and inspection evidence before trial under the rule of voluntary exchange by mutual parties. This process has been proved that the public interest to prevent surprise defense or surprise evidence at trial is preponderant to destroy ambush defense or evidence.

It was further found that discovery process of the defendant, if properly applied, does not abolish his right to remain silent and the privilege against self-incrimination. A comparative study in respect of both the criminal process and the protective of defendant's right found that, if properly employed, Thai criminal procedure should adapt the process of disclosure and inspection of evidence before trial to its process. However, under these limitations; first, full discovery by defendant and prosecutor should be used, and second, the prosecutor must compulsory disclose favor evidence to the defendant.