

Thesis Title	Right to be Informed of the Charge of Organic Act on Counter Corruption B.E. 2542 : Study of the Criminal Proceedings against State official
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### ABSTRACT

Investigation into the facts of the National Anti-Corruption Commission (NACC) have special characteristics which are different from the investigation under the Criminal Procedural Code; such cases are different case characteristics, having complex nature of offence committing, difficulties in collecting evidence, the presence of the accused person which is different and damage of the offense committing. Therefore, it causes the investigation of the facts of the NACC to require special measures to ensure the prosecution is going to be effective and achieve their objectives.

Reporting about accusation in investigation of facts of the NACC has different way from the reporting of accusation of investigators according to the Criminal Procedural Code. There is the method of reporting of accusation by registered mail with response, which was inspired by the concept of reporting of accusation in disciplinary investigation of, civil servants, i.e. if the accused person fails to acknowledge allegations by the appointment or if the accused person does not receive the written notice to acknowledge the allegations, the notice of allegations shall be sent to the accused person, by notice by registered mail with response. If time passed for fifteen days from the date of such action, even if the record of charge is not received back, or clarification is not received from the accused person, the law provides that the accused person knows the allegations and does not wish to modify the charge, when the Attorney General will prosecute, the attorney general will arrange the accused person for filing lawsuit. If the attorney general receives the accused person, there will only be reporting of accusation in the level of arresting only, without reporting of allegations and asking for testimony in the fact investigation

of the NACC. Therefore, there is occurring of the problem that the accused person may not be interrogated and charge reporting before which the rights of the accused person and it causes the investigation of the facts of the NACC not to have listening to all parties actually, even if there is such method of reporting of such allegations for the purpose of investigating of the facts which are considered as the special measure. However, the right of the accused person should be protected in the same way as the standard of criminal proceedings generally. However, if there is filing of lawsuit, there should be accused person always, when there is an accused person, there should be reporting of allegations and asking of affidavits of the accused person first, for integrity of investigation of fact and complying with the principles of listening to all parties actually. Moreover, the investigation into the facts of the NACC has received complete fact.

To investigate the facts of the NACC, if NACC is unable to provide the alleged person, to be handed over to the Attorney General to proceed, because the alleged person escapes or NACC cannot provide an alleged person. The Attorney General was unable to carry out criminal charges causing such case to be unable to proceed further. Therefore, the investigation of the facts of the NACC to be waste, and if the accused person escapes, or if NACC is unable to provide the alleged person for a long time until the prescription period expires, damage occurs to justice process. As the proceeding of the NACC has special characteristics which are different from criminal prosecution generally, there should be determination method, without alleged person. It is deemed that the alleged person waived in the defense and denied justice. This method will resolve the litigation of the NACC. In case there is no alleged person for prosecution, which is deemed as a measure corresponding to the case where there is special characteristics, such as cases under the jurisdiction of the NACC.