

Abstract

This thesis aims to study the Rome Statute of the International Criminal Court (the Rome Statute), a multilateral treaty establishing the International Criminal Court. It studies the effects which Thailand receives from the entry into force of the Rome Statute by exploring on the preliminary obligations of Thailand as a signatory State. Moreover, it studies the background and difference between the most serious international crimes and common crimes, focuses on the criminal procedure of the most serious international crimes in the Rome Statute comparing with the criminal procedure of the common crimes in the currently applicable criminal procedure code of Thailand and analyzes problems on the appropriateness and restrictions when applying the present Thai law to the proceeding of the most serious international crimes.

From the study, with regard to direct effect, even though Thailand does not have any obligation to implement legislation to be in accordance with the Rome Statute, the implementation of statutes and legal procedure concerning serious crimes is still necessary. This is to help the world community to prevent serious crimes which are considered as *jus cogens* crimes. Serious crimes are different from common crimes so it has to exclude the enforcement of the statute of limitation in order to reduce a chance of offender to escape from liability. In relation to indirect effect, it will appear when the serious crimes fall into the Thai court's jurisdiction. Thailand has to proceed this case as common crime so the legal proceeding may not be in compliance with the intention of the Rome Statute. Moreover, the International Criminal Court is entitled to reconsider this case. Regarding the legal procedure of the most serious international crimes which is the main topic of this thesis, this author opines that it is appropriate to specifically enact the Act on the most serious international crimes and to establish the Supreme Court's Criminal Division for the Most Serious International Crimes. The content of the proposed Act should provide a joint investigation between public prosecutors and inquiry officials from the beginning so as to collect evidence effectively. To prove the ground of action, the court must do the preliminary examination in every case even though the case is

filed by public prosecutor. In addition, judges have to have a skill and play more active role in the inquisition of cases because the most serious international crimes are complex.