

THEMATIC TITLE	PERSONAL WITNESS PROTECTION IN THE CRIMINAL CASE
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ABSTRACT

This thematic is a study on witness protection in criminal cases. Witnesses are an important component in the criminal justice system, since witnesses provide the testimony on the offenses of the defendants. However, there are several impediments associated with the witness testimony process. In certain instances, witnesses can refuse to testify due to fear of retaliation. Witnesses may also change their testimony during the judicial proceeding. In Thailand, the witness protection process does not guarantee safety for witnesses, since the witness hearing must be undertaken in public with the defendants present, as stipulated under Section 172, Paragraph one of the Code of Criminal Procedure. The hearing ensures the defendants of their rights to face the witnesses.

When comparing the witness hearing procedure between that under the Thai laws and the foreign laws, Thai laws provide propagation for all parties. In those instances, the parties involved can see the proceeding and listen to the audio from the judges, lawyers, police officers, as well as witnesses and other related information prior to the witness hearing. Additionally, lawyers would appear in court along with the defendants. Legal frame work in other countries do not mandate that the proceeding must be conducted in the defendants' presence or that the defendants have the rights to face the witnesses. In many instances where the witnesses are involved with organized crimes, the witnesses would be protected for the duration of the criminal process. Witnesses would be offered protection on a case-by-case basis, and are administered by a specialized organization responsible for witness protection. Witnesses would enter into a witness protection

program on a voluntary basis and there are penalties for disclosing information on the protected witnesses. However, since the Thai laws mandate that the defendants has the rights to confront the witnesses, the witness protection process in Thailand, which covers the witnesses and those related to the witnesses, has limited scope and timeframe. In order to ensure that the witnesses are effectively protected according to the Witness Protection Act, B.E. 2546 (2003), the government should ensure that the witnesses are effectively protected by specifying the code of conduct for the protection process, and providing compensation and temporary security protection for the witnesses for the duration of the Judicial proceeding.