

THEMATIC TITLE	PROBLEM OF WITNESS PROTECTION UNDER THE LAW ON WITNESS PROTECTION
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ABSTRACT

The objectives of this research are to study the nature of problem, background, concept, theory and legal measure relating to the liability of the driver while drunk and persons involved in the protection of witnesses in criminal cases, by comparatively analyzing measures for witness protection in criminal cases under Thai and foreign laws, in order to indicate approaches to provide the efficient measures for witness protection and to make confidence and trust for a person who is to testify as a witnesses, probably being a way that leads to the successful administration of criminal justice.

This study was found that Thai measures lack clarity and coverage as to be sufficient for efficiently making the trust of a witness in the criminal case. That is to say in many cases, the witnesses are scared or afraid, because of being intimidated and threatened by adherents of the suspects or the accused, resulting in the said persons shying away from testifying as to the witnesses, and ultimately leading to the evidence insufficient for proof of guilt, in turn, the suspects or the accused managing to elude conviction for the alleged offenses. Apart from this, the witness remunerations and necessary expenses, which the witnesses may receive in return of being present to testify, are required to undergo several legal procedures and processes, causing a delay in the witnesses' receipt of the remunerations and necessary expenses. Moreover, money, which the witnesses must advance at first, is also required by the law undergo consideration procedures and

processes, thus, it takes extended periods of times until the witnesses receive reimbursement of the money, which they advanced, being hindrances and obstacles to carrying out of duties as the witnesses, while, some countries have witness protection measures, which are better and more circumspect than those under Thai law, making the witnesses confident and encouraged to testify, in order to prove the guilt of the suspects or the accused.

From analyzing the said problems, the Author finds that there should be approaches to solving them, by establishing measures for witness protection in criminal cases, as to be comprehensive and supportive for witnesses, probably by extending protection for persons who can give consent in witness protection, namely, the witnesses' closely related persons, who may suffer impact from the witnesses' performance of duties, apart from spouse and parents, and cases of witness protection under special measures should be prescribed, allowing the Witness Protection Office to exercise its discretion in deciding cases for granting witness protection. Taking the issue of the witness remunerations and necessary expenses into consideration, the Author finds it is extremely essential that the public sector should provide with the remunerations for witnesses to compensate the actual costs, and the remunerations should be paid immediately after the witnesses completely finish performing their duties.

Witness protection is deemed to be highly important in criminal proceedings. And even though the Witness Protection Office is established under the law on witness protection in criminal cases, the performance of duties of the said agency is required to be responsible for witnesses in many criminal cases, which may be difficult to thoroughly take care of and provide with protection for all the cases. At this issue, if the State amends the law, as to provide with protection measures for witnesses and related persons, having procedures for payment of the remunerations, which are not complicated and slow, it may result in the witnesses feeling more confident in performing their duties or testifying in criminal cases, and, in turn, enabling the criminal proceedings to gather witnesses, evidence and essential information in more timely manners, as well as more efficiently and effectively convict and punish the offenders under the due process of law, which will also lead to confidence and trust in duty performance of the judicial officials.