

Annex 1 [Note verbale reference: CU 2023/225/DTA/CEB/CSS]

“Links between corruption and other forms of crime”

States parties are invited to provide relevant information in line with paragraph 22 of resolution 9/1¹, in which the Conference:

*Encourage[d] States parties to further explore and enhance their knowledge of the **links between corruption and other forms of crime, in particular organized crime and economic crime, including money-laundering, including during times of emergencies and crisis response and recovery**, to better strengthen integrity, transparency and accountability, and invite[d] the secretariat, within existing resources, to compile a report in this regard on the voluntary information provided by States parties and submit it to the Conference at its tenth session [emphasis added].*

States parties may wish to take a broad view of “other forms of crime” when responding to this questionnaire, which may include all forms of organized crime and economic crime, as well as other crime, among others.

Contact Information

Please provide contact details for potential follow-up questions. Contact details will be treated confidentially.

Country : Thailand

Government Agency: Office of the National Anti-Corruption Commission (NACC)

Department: Bureau of International Affairs and Corruption Investigation

[REDACTED]

¹ In July 2022, the secretariat sent out note verbale CU 2022/264(A)/DTA/CEB/CSS inviting States parties to provide information on good practices and challenges concerning international cooperation to further prevent, identify, investigate and prosecute corruption during times of emergencies and crisis response and recovery, in line with paragraphs 22 and 23 of resolution 9/1 entitled “Sharm el-Sheikh declaration on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response and recovery”. As at 11 October 2022, the secretariat had received responses from 23 States parties, which were analysed in a note prepared by the secretariat, entitled “Best practices and challenges concerning international cooperation in combating corruption during times of emergencies and crisis response and recovery, and efforts to further explore and enhance knowledge of the links between corruption and other forms of crime” [CAC/COSP/EG.1/2022/CRP.1]. Responses were received from the following States parties: Australia, Bahrain, Belarus, Brazil, Bulgaria, Chad, Chile, Egypt, El Salvador, European Union, France, Georgia, Italy, Mexico, [Republic of Moldova](#), Myanmar, Panama, Portugal, [Republic of Moldova](#), Romania, Saudi Arabia, Spain, Türkiye and the United States of America.

Questionnaire

Corruption may contribute to impunity for other types of crime by providing the leverage to facilitate and execute them, and to make them invisible, and often exacerbates those crimes through the involvement of powerful elites and individuals. Corrupt behaviour (such as violating duties, accepting or transferring bribes, and facilitating transactions, as well as ignoring or failing to follow-up on information that a crime may be taking place) may serve an enabler of other crimes by allowing for the enrichment of criminals and incentivizing individuals in the public and private sector to facilitate their operation. Other crimes can therefore flourish and in turn provide a basis for a wide range of corrupt behaviour.

This questionnaire is structured into two parts: Part 1 considers steps taken to understand the links between corruption and other forms of crime, while Part 2 focuses on the measures aimed at responding to corruption linked with other forms of crime.

I. Understanding the links between corruption and other forms of crime

1. Has your country undertaken any analyses or assessments to better understand the interlinkages between corruption and other forms of crime, including typologies of crime and how corruption may be used to facilitate and enable organized crime, economic and other crime, and vice versa?

Ans. YES

- a. If **YES**, was such analysis carried out through formal risk assessments or other methods? Please describe.

One example of the formal risk assessment of interlinkages between corruption and other possible crimes is that, in 2020, the Office of the National Anti-Corruption Commission (NACC) published a report to identify and analyze corruption risks in crisis situation. It comprises policy recommendations and possible solutions to the government agencies during the possible crises in the future. Such recommendations include the revision of the existing laws and regulations as well as implementing new practices to administer emergency situations, especially in relation to donation and recovery funds for those affected by the crises, and the encouragement in the use of existing reporting mechanisms along with the promotion of citizen and media participation to improve transparency in procurement process. Moreover, protection of whistleblowers and witnesses should be prioritized as the NACC has been actively cooperating with our citizens' network from our public engagement project. We launched a project called "Corruption Risk Mapping", which allows citizens to report red flags for corruption in their areas as well as collaborating with them during investigation phases.

2. Please list the main typologies of other crime that have interlinkages with corruption in your country.

- ✓ Drug trafficking
- ✓ Money-laundering
- ✓ Human trafficking
- ✓ Migrant smuggling
- ✓ Firearms trafficking

- ✓ Crimes that affect the environment
- ✓ Trafficking in cultural property
- ✓ Cybercrime
- ✓ Other forms of economic crime, organized crime or other crime with links to corruption

3. Please provide examples of corruption linked to these other crimes.

Please elaborate if you have or had any cases of the following in your country:

A. Corruption as an enabler of crime

a. Cases of public officials abusing their office to facilitate criminal activity or to protect certain criminal individuals and entities – or to gain support from them – for example, by providing funding or protection or to gain and control public resources?

Ans. The example of cases prosecuted in which the NACC initiated the prosecution by itself under the duty and power stated in the Organic Act on Anti-Corruption are as follows:

- The accusation against the former Minister of Information and Communications Technology (ICT) along with 3 accomplices, of acting improperly to the detriment of the state, in the case of approving the amendment to the concession contract.
- The accusation against the former Prime Minister, in the case of a breach of official duty by lending money from the state-owned bank to the government of the foreign country
- The accusation against a former consultant in tax development at the Revenue Department, together with 5 accomplices, in the case of responding to a consultation for individuals to not pay taxes from the purchase of shares in company.
- *etc.*

b. Cases of corruption being used to facilitate other types of crime, such as trafficking in persons, illicit trade or t smuggling of drugs across borders? For example, have any cases involved the following:

- ✓ the issuance of permits

Ans. Recently in May 2023, a team of police (Counter Corruption Division), together with the Office of the National Anti-Corruption Commission (NACC), Office of the Public Sector Anti-Corruption Commission (PACC), and Anti-Money Laundering Office (AMLO), arrested the district chief of a district in the northern province of Thailand on charges of malfeasance in office and demanding or receiving bribes in exchange for an operation permit. However, please be noted that the case is now in the process of gathering of evidence and preparing of a probe report which will be submitted to the NACC for further legal proceedings.

- c. Cases of corruption in public procurement to advance the interests of public officials and their associates? Cases of officials giving preferred access to contracts and tenders to their associates in cases involving other crimes?

Ans. The example of cases prosecuted in which the NACC initiated the prosecution by itself under the duty and power stated in the Organic Act on Anti-Corruption are as follows:

- The accusation against the former Prime Minister with accomplices for committing offenses against the Offences of Officials in State Organizations or Agencies Act (1959)

- The accusation a former clerical officer Municipality Office in the western province of Thailand, on not delivering documents regarding the bidding announcement of the contract to improve the drainage of a national highway in the province Municipality

- *etc.*

- d. Cases of the protection of victims of crime and corruption being impeded by corruption involving public officials or persons in the private sector?

Ans. In this regard, the case of the allegation against the President of the Sub-district Administrative Organization, et.al that required the specifications of the futsal field construction project to benefit some bidders shall be raised as an example. Recently, the NACC Office has conducted a field investigation and collected evidence and it was found that there were instances of insecurity and the persecution against the person seeking protection. The NACC, therefore, passed a resolution to provide the following protection and assistance for the person seeking protection:

(1) Protection and assistance according to general measures by requesting the Witness Protection Office, Department of Rights and Liberties Protection, Ministry of Justice, to carry out safety protection.

(2) Measures to protect the witness's performance of duties by requesting cooperation from the provincial governor to supervise and direct the accused, as the supervisor, to strictly treat the person seeking for protection and other subordinates under the laws, rules, regulations, ordinances, announcements, or orders of the government and ethics towards subordinates or provide other protection measures as deemed appropriate.

B. Corruption and crime linked to political patronage

- a. Criminal individuals and entities attempting to use corruption to obtain access to political leadership or to gain power and influence, such as through:

✓ political party financing

Ans. Even though the political party financing is the right of individual to do so, Office of the NACC recently raised awareness individuals and business entities to comply with provisions in the Organic Act on the Political Parties (2017) which prescribes that the legal limit of the fund loaned to the political parties shall not exceed 10 million baht per year. The legislative intent is that the receiving of this high amount of funds could lead to the opportunity by which the donors may instruct or dominate those political parties, as their recipients, to abuse their political or executive powers in determining policies which are beneficial to the specific donors. That is to say, political contributions can induce a person holding a political position to wrongfully perform his duty. Although Thai laws do not prohibit a juristic person from making political contributions, the juristic person is advised to get acquainted to Thai laws concerning rules on political contributions, e.g. the Organic Act on Political Parties aforementioned as it

prescribes restrictions for the political party on acceptance of political contributions (value of contributions received and criteria of juristic persons from which the political parties may accept political contributions.

- b. Cases of crime and corruption being used to attempt to influence or disrupt elections?

Ans. In the recent Thailand's general election, each political party has continued to promote their policies in major areas such as economy, social welfare and social development, education, labor *etc.* One of the policies that has been debated on the most is the populist policy that political parties often use to attract voters. With the populist policy, political parties promise to give something to people without any conditions. By doing so they are criticized for disregarding the country's monetary discipline and funds necessary for the country's development. The source of huge funding for the populist policy is expected to come from outside of the government's budget.

Under Section 57 of the Organic Law on Political Parties, every political party is required under to submit to the Election Commission (EC) the details of their proposed policies so that the EC can inspect the budgetary requirements and determine policy worthiness, consequences and risks. In this regard, the EC will judge these policies when deciding whether or not they are aimed at misleading voters to boost the popularity of parties or candidates, an offence that could lead to a party's dissolution. In addition, after analysing party policy reports submitted to the EC, the NACC found that several of them failed to provide explicit details on how proposed policies could be implemented in the future.

- c. Cases of criminal involvement, including through the use of corruption, to attempt to influence appointments of public officials to build dependency?

Ans. As for example, Section 157 of the Penal Code of Thailand provides that whoever, being an official, wrongfully exercises or does not exercise any of his functions to the injury of any person, or dishonestly exercises or omits to exercise any of his functions, shall be punished with imprisonment of one to ten years or fined of two thousand to twenty thousand Baht, or both.

In the case of appointing the Bank of Thailand Board Selection Committee, the accusation was against the former Minister of Finance which the NACC initiated the prosecution by itself under the duty and power stated in the Organic Act on Anti-Corruption. According to the judgement, the defendant was found guilty under section 157 of the Penal Code. Upon consideration of the circumstances of the case, the defendant ordered the appointment of the selection committee, even though the selection committee had already selected directors of the Bank of Thailand. Later, the order to appoint the selection committee, and the Bank of Thailand Board, both of which had been appointed already, was revoked. Hence, the offense did not cause much damage, and since it appeared that the defendant had never previously been sentence to imprisonment, the imprisonment was suspended for 1 year.

C. Corruption to make organized and other crime invisible

- a. Cases of criminals and their associates using proceeds of crime and corruption for personal enrichment and to conceal the origin of the crimes and for money-laundering? In particular, cases of concealment of ownership being used to facilitate corruption and other forms of crime?

Ans. One of the cases would be raised as an example in this regard. In August 2022, the Criminal Court for Corruption and Misconduct Cases has ordered the confiscation of 136-million-baht worth of assets from a former deputy commissioner of Provincial Police Region Office in Thailand after he was found to be unusually wealthy by the National Anti-Corruption Commission (NACC), the investigation of which found sufficient grounds to accuse him of being unusual wealthy while serving as deputy commissioner of Provincial Police Region Office. In this regard, the NACC sent its investigation report to the Office of the Attorney General (OAG), which forwarded the case to the Criminal Court for Corruption and Misconduct Cases respectively.

The court found the former police guilty as charged and ordered him and his wife and daughter, who held assets acquired by this former police but registered in their names, to hand over ownership documents for assets worth 136 million baht approximately the Finance Ministry for confiscation.

- b. Cases of corruption being used to impede investigations, prosecutions and adjudications of organized and other crime, such as through bribery or allocation of political and other favors to law enforcement and judicial officers? Are there cases of corruption linked to organized and other crime not being pursued by the authorities ('blind eye')?

Ans. As of now, there has been still no cases of corruption being used to impede investigations, prosecutions and adjudications of organized and other crime. However, Section 177 of the Organic Act on Anti-Corruption (2018), which has come into effect since 2018, provides that any person obstructs the justice under this Organic Act or the related anti-corruption law in the investigation or conduct of inquiry, prosecution or case proceeding to cause disorder, if the act is one of the following acts, such person shall be liable to imprisonment of not exceeding ten years, or to a fine not exceeding two hundred thousand Baht or to both.

(1) Giving, offering, or promising to give any property or benefit to an injured person or witness to induce such person not to meet an official with duties and powers relating to anti-corruption enforcement, investigator, public prosecutor or not to go to the Court to provide facts or testimony or to provide false facts or testimony, or not to provide facts or testimony in the proceeding against an offender;

(2) Using force to intimidate or to threaten, to coerce or deceive, or perform an illegitimate act to prevent an injured person or witness from going to meet a competent official who has the duties and powers relating to anti-corruption enforcement, an investigator, public prosecutor or from not going to the Court to provide facts or testimony or to provide false facts or testimony, or to not provide facts or testimony in proceeding against an offender;

(3) Damaging, destroying or causing loss or rendering useless, taking away, amending, transforming, concealing or hiding any document, or evidence or forging, making or using any false document or evidence in the proceeding against an offender;

(4) Using force, intimidating, threatening, coercing or conducting any other illegitimate act against an official with the duties and powers relating to anti-corruption, enforcement judicial officials, public prosecutors, or investigators to

induce to wrongfully perform, not perform or delay the performance of any duty in his or her office.

If a public official is the offender under paragraph one, such public official shall be liable to two times of the prescribed penalty.

4. Has your country collected data or statistics to track and/or analyze trends related to the links between corruption and the types of crime outlined in Question 2 above?

Ans. YES

- a. Are these data analysed and used systematically, such as in prevention and investigations or prosecutions?

Ans. YES

- b. Please describe any methodologies used for strengthening measurement and terminological clarity, and achieving a deeper understanding of the different contexts (e.g. in times of peace or in emergencies or conflict situations) and sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement), as well as any corruption or organized crime threat assessments that take into account the interlinkages between corruption and other forms of crime.

Ans. One of the methodologies used for strengthening measurement and corruption assessments in the preventive or the law enforcement approach is the establishment of the Corruption Deterrence Center (CDC) in January 2022. It has been set up with the aim to monitor and assess the circumstances that may give rise to corruption in order to effectively deter and reduce corrupt practices in accordance with Article 35 of the Organic Act on Anti-Corruption (2018). The purpose of this center is to develop a system for corruption risk analysis and assessment with the integration of data from all the sectors. Accurate data can be used to deter and solve corruption problems systematically and achieve close integration in all dimensions, including data transmission, data analysis and rapid joint operation with all relevant sectors when information indicative of corruption is uncovered. This is to build confidence in an effective corruption deterrence system, which will lead to the cooperation and concerted anti-corruption efforts on a large scale.

The main duties and powers of the CDC are to collect whistleblowing information and news about corruption or incidents that may imply corruption from various channels of the NACC Office, government agencies, the private sector, civil network, social media and mass media, both domestically and internationally. Importantly, the center also monitors, analyses and assesses the situation promptly when an incident that may lead to corruption or implies that there may be corruption occurred, and propose recommendations for preventive actions to deter and resolve issues to the NACC Secretary-General to consider directing or assigning relevant NACC Bureaus for further undertaking. The statistics of the number of cases coming to the CDC has been collected and sorted by the authority areas i.e. the NACC Regional Office 1-9 in each specific month. The number of cases is also sorted by the origin of cases coming into the center, such as the mass media/ social media/ NACC Network/ the surveillance report, etc. Such statistics is also sorted by types of cases coming into the CDC. To illustrate, as of the year 2022, the type of cases which submitted to the CDC in the highest number is those arising in the procurement/utilities, followed by the malfeasance in office, the natural resources, the influence peddling, and the unusual wealth, respectively.

5. Has your country collected data or statistics to track and/or analyse trends concerning international cooperation in this regard?

Ans. YES. Office of the NACC, Bureau of International Affairs and Corruption Investigation, has collected the data of the corruption cases in which documents and other relevant evidence are obtained through international cooperation both in the formal (Mutual Legal Assistance in Criminal Matters: MLA) channel and in the informal (agency-to-agency request) channel.

- a. Please elaborate and share any findings with regard to the good practices and challenges in international cooperation with regard to countering corruption as it relates to other forms of crime

Thailand Anti-Corruption Coordination Center (TACC) was set up for the purpose of facilitating and coordinating international requests for assistance relating to cross-border investigation of corruption and asset recovery. Since its establishment in 2009, the center has provided assistance (mainly in the form of informal assistance) to domestic and foreign counterparts in three key areas:

1. Supporting international investigation

- Obtaining/verifying information or intelligence to support corruption investigation;
- Locating persons of interest (i.e. suspects, witnesses, fugitives)
- Conducting non-intrusive surveillance of persons and properties of interest;
- Obtaining information from cooperating witnesses/persons

2. Providing Legal Advice

- Provide legal advice and interpretation of relevant Thai laws to foreign counterparts (i.e. Thai criminal code, criminal procedural code, corruption-related law);
- Recommend the most appropriate and efficient legal strategies and procedures when requesting for law enforcement assistance in Thailand

3. Facilitating/Coordinating International Requests for Assistance Relating to Corruption Cases

- Play a facilitating/coordinating role in ensuring international requests for assistance relating to corruption cases are being delivered to and acted upon by domestic agencies.

6. Has your country taken any steps at national, regional or local levels to better understand and study the linkages between corruption and other crimes, such as criminological research, training or awareness raising?

Ans. YES

- a. If **YES**, please elaborate, providing examples.

(Please refer to the answer of No. 9 regarding measures aimed at responding to corruption linked with other forms of crime)

7. Which aspects of corruption as it relates to other forms of crime do you consider require further research, and what are the gaps in knowledge or understanding that, if addressed, could facilitate countering these crimes?

Ans. As corruption is the commission which can support other types of crime, it is important to understand how corruption commission could arise to facilitate the trafficking of people, drugs, endangered species and arms, environment crimes, border crossings, locations of illicit activity, police or customs officials paid off, illicit funds, etc.

II. Measures aimed at responding to corruption linked with other forms of crime

8. Has your government adopted or utilized any measures at national, regional or local levels aimed at **preventing** corruption linked with other forms of crime?

Ans. YES

According to Section 32 of the Organic Act on Anti-Corruption B.E. 2561 (2018), the NACC shall have the duties and power to propose measures, opinion, and recommendation to the Cabinet, Parliament, Courts of Justice, independent agencies, or public prosecution organ in the following matters:

- (1) Improve the performance of government service or formulating action plans or projects of government agencies, state enterprises or other state agencies in an endeavour to combat corruption and the commission of an offences of malfeasance in office or in judicial office;
- (2) Provide efficient measures and mechanisms to strictly prevent and eradicate corruption and misconducts in both the public and private sectors;
- (3) Propose the amendment of laws, statutes, regulations, ordinance, or any measures which may be a channel for corruption or misconduct or which may render state official incapable of performing duty for the interest of the state.

In the development of a measure, an opinion, and a recommendation under paragraph one, the NACC may conduct public consultation in the matters that affect public interest in accordance with the criteria and procedures as prescribed by the NACC. Upon receipt of a measure, an opinion, and a recommendation of the NACC, in case the agency under paragraph one is unable to implement, such agency shall notify the NACC of the problem and obstacle no later than ninety days as from the date of receiving notification from the NACC.

a. If **YES**, please elaborate. *Measures may include:*

- ✓ safeguards in specific sectors (e.g. law enforcement, border crossing, immigration, intelligence and security, procurement, local officials)
- Proposed measures to prevent corruption in VAT refund
- Proposed measures to prevent and suppress corruption in budget allocation in the basic education management of Ministry of Education
- Proposed measures in the price reference of modified vehicles for Ministry of Financ
 - ✓ development of targeted strategies, policies, action plans at national or sectoral level specifically addressing the links between corruption and other crime
- Recommendations on the integration and implementation of prevention of risks in the policy corruption
 - ✓ establishment of dedicated institutional frameworks
- The country's legal and policy framework for the prevention of corruption includes provisions in the 2017 Constitution, the Organic Act on Anti-Corruption and the 20-year National Strategy (2018–2037) In this regard, the National Anti-Corruption Strategy comprises six different substrategies, each addressing a priority area in the fight against corruption. The Strategy is implemented at the national level across the governmental and nongovernmental sectors. Accordingly, the NACC has established six subcommittees responsible for mobilizing each substrategy and setting up monitoring and evaluation mechanisms. At the government level, implementation is ensured through a three-tier mechanism at the policy, national and operational levels by the National Anti-Corruption Committee, the National Anti-Corruption Centre and anticorruption

operation centres established in all ministries or their equivalent. The latter coordinate, direct and monitor the implementing agencies' performance in line with government policy and report to the NACC and the National Anti-Corruption Coordination Centre for presentation to the National Anti-Corruption Committee and the Cabinet. The Integrated Anti-Corruption and Malfeasance Plan has been established to act as a framework for integrated actions among government agencies to prevent and suppress corruption in accordance with the aforementioned Strategy.

- ✓ specific rules, codes of conduct, or standards of transparency and integrity for public officials who are most exposed to the risk of being involved in crime and corruption
- Conducting of the Integrity and Transparency Assessment (ITA) in the fiscal year of 2022
 - ✓ systems for the disclosure of assets and private interests
- Pursuant to the Organic Act on Anti-Corruption B.E. 2561 (2018), a public official has a duty to disclose his financial information to the NACC. The high-ranking public officials and the positions listed under the NACC Notification on the List of Public Officials to Submit the Account of Assets and Liabilities under Section 103 (2018) are obliged to submit the account declaring assets and liabilities of theirs, of their spouses, and of their children not yet becoming sui juris to the NACC upon taking and vacating office. Officials holding certain positions, such as judges and prosecutors, may also be obliged to submit every 3 years while in office. Furthermore, a political position holder is obliged to declare the list of assets and liabilities, including those are of himself, of spouses, and of all children who have not yet become sui juris. Such account must be submitted upon taking and vacating office.
 - ✓ control mechanisms, such as internal approval systems to avoid having one-to-one meetings
- Recommendations on the improvement of the efficiency in the supervision of internal audit of the private entities
 - ✓ controls on issuances of visas, work permits, firearms licenses
- Proposed measures to solve problems in the issuance of approval in petrol station operation of Suvarnabhumi International Airport
- Recommendations on the frequency assignment of the National Broadcasting and Telecommunications Commission (NBTC)
 - ✓ the use of information and communication technology (ICT) based tools to prevent (or detect) such crimes
- According to the National Anti-Corruption Strategy, ICT has been introduced to improve timeliness and efficiency of the international cooperation in corruption cases. Recently, Office of the NACC has engaged to many useful informal cooperation via various channel such as a phone call, an official email, a video conference to identify appropriate counterpart, to understand the availability in the counterpart's jurisdiction, to be clarified in either legal or technical requirements for the future formal mutual legal assistance, or to transmit any information that is not subject to the confidentiality, *etc.*
 - ✓ awareness raising and prevention measures for public officials that are vulnerable to corruption and other forms of crime
- Promoting of good governance in public sectors, especially in the local administrative organization in the fiscal year of 2022

9. Has your government adopted or utilized any measures aimed at **detecting, investigating and prosecuting** corruption linked with other forms of crime?

Ans. YES

- a. If YES, please elaborate. *Measures may include:*

✓ legislation criminalizing all forms of corruption related to other types of crime

Depending on the public official suspected of having committed corruption offences, the NACC investigate the case and forward the case to the Office of the Attorney-General for prosecution, where it is dealt with by the Special Division on Corruption Cases. It is in accordance with Section 28 of the Organic Act on Anti-Corruption (2018) which prescribes that the NACC has duties and powers to conduct an inquiry and prepare opinion/decide in case there is an allegation that a person holding a political position, a judge of the Constitutional Court, a person holding a position in an independent agency, or the state official, as the case may be, is involved in circumstances of unusual wealth, corruption, or deliberate performance of duties or exercise of powers in contrary to the provisions of the Constitution or laws, or serious violation of or failure to comply with the ethical standards. Furthermore, the NACC also conducts the inquiry in order to take legal action in other offences provided the Organic Act, or those prescribed by the law to be under the duties and powers of the NACC, for example, bribery of national public official, bribery of foreign public official and officials of public international organizations, embezzlement, trading in influence, abuse of function, obstruction of justice, etc.

In case those corruption-related offences have a link to other forms of crime Thailand is in compliance with Article 48 of the UNCAC by taking measures to enhance and establish channels of communication between the competent authorities, e.g. Office of the Attorney General, Anti-Money Laundering Office, Royal Thai Police, Office of Public Sector Anti-Corruption Commission, Department of Special Investigation, etc. to facilitate the exchange of information concerning all aspects of the offences linking with other criminal activities.

✓ legislation providing for the liability of legal persons for their role in corruption linked to other forms of crime

Not only is the criminal liability of legal persons established for money-laundering offences and specific offences under the Act on Offences Relating to the Submission of Bids to State Agencies (1999), the Organic Act on Anti-Corruption (2018) also establishes the criminal liability of legal persons for participation in bribery given, offered to give, promised to give to public officials, foreign public officials, officials of public organizations. Moreover, in case the offender is a person associated with any legal person and the action was taken for the benefit of such legal person, the legal person shall be deemed to have committed the offence of bribery in case it does not have in place appropriate internal control measures to prevent the commission of bribery. In this regard, it shall be liable to a fine of one to two times of the damages caused or benefits received.

✓ measures to identify beneficial owners of legal persons

The Anti-Money Laundering Office (AMLO) is drafting the Beneficial Ownership Information Bill. The objective of the Bill is to systematically collect beneficial ownership information of legal persons and legal arrangements in a central data center, the Anti-Money Laundering Office. In this connection, the Secretary General of the Anti-Money Laundering Board will be a registrar who keeps and makes use of the information. The relevant agencies will be able to check the beneficial ownership and

transparency of legal persons and legal arrangements and use it as a tool for front entities investigation. It would be beneficial for combating money laundering and the financing of terrorism and proliferations as well as tax avoidance and corruption.

At present, the draft bill on beneficial ownership information is in the process of revision concerning its principles and significances. the AMLO, in close consultation with other competent agencies, such as Department of Business Development, the Comptroller General's Department, the Revenue Department, and Office of the NACC, are revising this draft B.O. Act with a view to implementing the international standards: FATF, OECD, and UNCAC. In this regard, provisional principles included in the act are the definitions of beneficial ownership, obliged persons, and registrar, beneficial owners of obliged persons, representatives of each obliged person that have duty to submit beneficial information, agencies having duty to obtain beneficial information from each obliged person before further submitting to a registrar; procedures and requirement of submission, verification and update of beneficial information, etc.

✓ specialized investigative techniques

At present, the Department of Special Investigation (DSI) of the Ministry of Justice can use electronic surveillance and undercover operations when dealing with special cases, pursuant to Sections 23-27 of the Special Investigation Act (2004). Furthermore, Thailand, by NACC, has recently drafted the amendment of the Organic Act on Anti-Corruption 2018 to allow the special investigative techniques in the access of documents or any other kinds of information transmitted through posts, telegraphs, telephones, computers, telecommunication devices, electronic Medias, other forms of surveillance and undercover operations.

✓ strengthened institutional frameworks, including the establishment of dedicated bodies (such as those mandated to identify links between corruption and other crime), task forces or coordination mechanisms between authorities responsible for corruption and other crime

The NACC is the national, central bureau in fostering collaboration with domestic in the anti-corruption efforts The NACC has continuously enhanced its relationships with counterparts, including Ministry of Foreign Affairs (MFA), Office of the Attorney General (OAG), Anti-Money Laundering Office (AMLO), Royal Thai Police, MOJ, etc. Recently in December 2022, the NACC and the Police signed the MOU on electronic data integration of corruption case. As a result of the implementation to our national anti-corruption strategy, the NACC made a policy for its Office to develop the data integration system with a view to increasing efficiency and effectiveness in recording cases information and database and applying and utilising as per duties and powers, thereby elevating performances between the two authorities. Regarding a FIU, the AMLO has a mechanism to jointly investigate and gather evidence in close coordination with the NACC. Especially, a case relating to accepting bribes from foreign companies, which the NACC shall refer to the AMLO to investigate financial routes both domestically and internationally through the Egmont Group. Currently, the AMLO is drafting a five-year Anti-Corruption and Misconduct Action Plan (2023-2027), which requires all agencies to take part in defining plans, projects and activities to help driving prevention of corruption and misconduct within the organisations.

✓ capacity-building, including targeted training and peer-learning for relevant authorities

Recognising the importance of capacity building and training, the NACC signed the letter of agreement with the UNODC Regional Office for Southeast Asia and the Pacific. This marks a closer cooperation between two agencies to jointly develop more

effective and tailored anti-corruption training in response to new and emerging challenges.

As criminals are increasingly employing digital technologies to commit crime, another example of the capacity-building for relevant authorities is that, in 2021, UNODC and the Office of the Attorney General of Thailand (OAG) launched the workshops to train Thailand's public prosecutors on digital evidence to increase understanding of digital evidence for prosecution and trial as well as to enhance skills in using digital evidence in trial proceedings. In this connection, experts from the FBI, INTERPOL, META, Operation Underground Railroad (O.U.R.) and UNODC's Global Initiative on Handling Electronic Evidence shared good practices and tools on digital evidence.

Another example of the capacity building under support of UNODC and Ministry of Justice of Korea in 2023 is the lecture on "Addressing the Links between Corruption & Transnational Organized Crime" (TOC) at the Royal Thai Police Cadet Academy (RPCA). The content covered relationship between corruption and Transnational Organized Crime, as well as the linkages to UNCAC, UNTOC and relevant Thai legislation. The lecture also referred to collaboration between UNODC and INTERPOL under TOC and corruption and case examples on police and transnational organized crime.

✓ measures to enable the identification, confiscation, tracing or seizure (and, where relevant, return) of assets that are proceeds of corruption-related crimes

To identify proceeds of corruption-related crimes, Section 34 of the Organic Act on Anti-Corruption (OAAC) (2018) provides that, in the performance of duties, the NACC have the power to hire consultant or expert in the search of information relating to assets or liabilities, and the proceedings of asset recovery in a foreign jurisdiction. Such hiring shall be in accordance with the regulations as prescribed by the NACC.

Moreover, Section 83 of the OAAOrC (2018) provides that, in filing a case to the Supreme Court's Criminal Division for Persons Holding the Political Positions, if the alleged culprit or the person participating in the commission of offence has used or acquired property in an unlawful manner as a result of the commission of corruption, or deliberately performed duties or exercised powers in contrary to the provisions of the Constitution or laws, the Attorney General or the NACC, as the case may be, may file a motion to the Supreme Court's Criminal Division for Persons Holding the Political Positions for the confiscation of the following properties, unless it is the property of another person who has no connivance with the commission of the offence:

- (1) Property which any person used or had in his or her possession for using in the commission of the offence;
- (2) Property or interest that can be calculated into monetary value, which has been given, requested to give or pledged to give to the alleged culprit by any person in an unlawful manner
- (3) Property or interest that can be calculated into monetary value which a person has obtained from the commission of or from his involvement as an instigator, an aider and abettor or a publisher or announcer in order for another person to commit the offence;
- (4) Property or interest that can be calculated into monetary value which a person has obtained from a disposal, distribution or transfer in any manner of the property or interest under (1) or (3).
- (5) Fruits or any other interests occurring from the property or interest under (1), (3) or (5)

For the purpose of submission of a motion to the Supreme Court's Criminal Division for Persons Holding the Political Positions for the confiscation under Section 83, Section 84 of the OAAC provides that the NACC may undertake a calculation of value of the property at the time of the acquisition of such property by the alleged culprit

or the value of the property at the time that the NACC has passed a resolution that the alleged culprit commits an offence, depending upon whichever value is higher at that time, and may file a motion to the Supreme Court's Criminal Division for Persons Holding the Political Positions for issuance of order to make monetary payment or confiscate any other property of the same value of the alleged culprit in lieu.

In case of the Supreme Court's Criminal Division for Persons Holding the Political Positions issues order for the confiscation of the property obtained from the commission of offence, even where a final judgment has not been rendered, the Secretary-General shall have the power to retain and manage such property until the final judgment is rendered, or the Supreme Court's Criminal Division for Persons Holding the Political Positions has ordered otherwise

✓ measures aimed at encouraging the protection or participation of actors outside the public sector, including:

✓ reporting mechanisms, legal protections and incentives aimed at encouraging persons to report corruption and other crimes

✓ measures to protect victims, witnesses, and cooperating offenders

✓ measures aimed at ensuring the investigation and prosecution of acts of violence committed against journalists and civil society actors whose professional activity relates to corruption linked with other crimes

According to Section 131 of the OAAC (2018), the whistleblower shall be provided with the same protection and assistance measures as the witness and the injured person as follows:

1. In case the safety of the person seeking protection is endangered:

the NACC may consider providing protection and assistance (paragraph 1).

2. In case of the occurrence of damage: the NACC may consider providing necessary and appropriate compensation (paragraph 3).

3. In case the person seeking protection is a state official: the NACC may propose to the Cabinet for special consideration of promotion of salary and position for such person (paragraph 4).

The submission of a request for protection, procedures and termination of protection, and related expenses are stipulated in the NACC Regulation on Witness Protection B.E. 2562.

In case the NACC has raised the case as they deem appropriate or has passed a resolution to provide protection and assistance

1. General Measures: provision of safe accommodation as requested, concealment of name, family name, or any other information which may be used to identify the person, and checking the well-being of a person or inspection of the place of residence.

Moreover, the NACC may issue a letter requesting other agencies to provide protection such as the Witness Protection Office, Rights and Liberties Protection Department, Ministry of Justice.

2. Special Measures: in an important case or a case in the public interest, the Witness Protection Act B.E. 2546 shall apply mutatis mutandis by virtue of Section 131, the whistleblower may be provided with special measures protection such as relocating or providing suitable accommodation, providing a reasonable allowance, changing a person's name, family name, and information which can be used to identify the person, assisting a person in obtaining employment or assisting a witness in becoming suitably self-sustaining, assisting a person in claiming an entitlement, and providing security officers.

The above-mentioned measures must be consented by the whistleblower.

In case the NACC has not passed a resolution to provide the protection or in the case where the whistleblower does not give consent to such protection, the

NACC may specify other protections as they deem appropriate to reduce any unsafe cause such as a provision of red cabinet service or coordination with local police for monitoring and inspection.

10. Has your government adopted or utilized any measures aimed at facilitating **international cooperation** and the rapid exchange of information for cases that have interlinkages between corruption and other forms of crime? **YES/NO**.

Ans. YES

a. If **YES**, please elaborate. *Measures may include:*

- ✓ the implementation of mutual legal assistance through digital means
- ✓ measures aimed at enhancing the efficiency of extradition mechanisms
- ✓ the use of electronic communication channels or networks
- ✓ the use of ~~joint or~~ parallel investigations or the bilateral sharing of capacity and expertise on investigating and prosecuting corruption offences linked with other forms of crime
- ✓ cooperation with other countries or multilateral, international or regional bodies to address corruption linked with other forms of crime
- ✓ accession to bilateral, regional or multilateral treaties and agreements.

The digital means can facilitate international cooperation since we could communicate via electronic methods at the beginning steps to make sure that the official correspondence in each cooperation matter would be transmitted to the agency/division responsible in the specific aspect. Furthermore, the electronic methods, especially the official email correspondence, is one of the efficient ways to keep the other party updated on the progress of each cooperative matter.

According to the National Anti-Corruption Strategy, electronic communication channels or networks have been introduced to improve timeliness and efficiency of the international cooperation in corruption cases. Recently, Office of the NACC has engaged to many useful informal cooperation via various channel such as a phone call, an official email, a video conference to identify appropriate counterpart, to understand the availability in the counterpart's jurisdiction, to be clarified in either legal or technical requirements for the future formal mutual legal assistance, or to transmit any information that is not subject to the confidentiality, *etc.*