

**(Unofficial Translation)**

**Announcement by the Council for Democratic Reform No. 23:  
Examination of Assets**

As it appears that the administration of the country by the Council of Ministers, whose term has been terminated following the democratic reform underway, has led to reasonable suspicions about misconduct for personal gains and for the benefit of others, causing severe damage to the country, an investigation is therefore deemed necessary to examine undertakings as well as projects approved or endorsed by members of the Council of Ministers or by the Council of Ministers to determine whether they were carried out in good faith or not. The Council therefore declares as follows:

1. An Examination Committee be established consisting of the following persons:

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| (1) Mr. Sawat Chotephanich  | Chairperson |
| (2) Auditor-General   | Member      |
| (3) Attorney-General or his/her representative  | Member      |
| (4) Secretary-General of the National Counter Corruption Commission or his/her representative | Member      |
| (5) Secretary-General of the Anti-Money Laundering Office or his/her representative           | Member      |
| (6) Judge Advocate-General or his/her representative  | Member      |
| (7) Governor of the Bank of Thailand or his/her representative                                | Member      |
| (8) Secretary-General of the Securities and Exchange Commission or his/her representative     | Member      |

This Examination Committee shall appoint one secretary and as many assistant secretaries as necessary.

The Office of the Auditor-General of Thailand shall be responsible for administrative tasks of the Examination Committee as well as undertake other duties assigned to it.

2. The Examination Committee shall be authorized to examine undertakings and projects approved or endorsed by cabinet members or the Council of Ministers whose term has been terminated as a result of the democratic reform underway to determine whether they were carried out in good faith or not. Should evidence emerge pointing to suspicions on reasonable grounds that corruption or misconduct took place regarding a particular undertaking or project, and that there exist indications that a person may be involved with that corruption or misconduct, or

be unusually wealthy or whose wealth increased unusually, the Examination Committee shall be authorized to seize or attach, in the interim, the assets concerned of that person, his/her spouse and children who have not yet become *sui juris*.

For the purposes of implementing this Announcement, notwithstanding the authority given in paragraph 1 above, the Examination Committee shall also be given authority under the following laws:

- (1) In compliance with the Organic Law on Anti-Money Laundering Act B.E. 2542 (1999), the Examination Committee shall be given the authority of the Anti-Money Laundering Board and the Transaction Committee,
- (2) In compliance with the Organic law on National Counter Corruption Act B.E. 2542 (1999), the Examination Committee shall be given the authority of the National Counter Corruption Commission,
- (3) In compliance with the Revenue Code, the Examination Committee shall be given the authority of the Revenue Department, particularly regarding seizures, the attachment of assets and foreclosure sales.

In accordance with the aforementioned paragraphs 1 and 2, the Examination Committee may subpoena files and reports from Office of the Auditor-General of Thailand for consideration and use as part of the investigative report of the Committee, in whole or in part, as it deems appropriate. Should there be a case that is the same case as that pending consideration at the National Counter Corruption Commission, the Anti-Money Laundering Board or the Transaction Committee, the Examination Committee shall coordinate with the agency concerned as it deems appropriate.

3. The Examination Committee shall notify the names of persons specified in No. 2 to financial institutions, the Securities Exchange Commission, the Land Department, the Revenue Department, other relevant agencies and the holders of assets or documents connected with the assets of the persons concerned, so as to enable such agencies or holders to provide information about the assets and tax payments, as well as transactions connected to the assets of the persons specified in No. 2, their spouses, and their children who have not yet become *sui juris*, to the Examination Committee within a specified time period and in accordance with the procedures to be determined by the Examination Committee.

In performing its duties under paragraph 1, the Securities Exchange Commission shall have the authority to order securities companies to provide information and document to the Securities Exchange Commission to convey to the Examination Committee.

Any provision under the law preventing the disclosure of information in relation to the procedures under paragraph 1 and 2 shall not be applicable to the provision of information under paragraph 1.

4. Where the person, whose assets are seized or frozen in accordance with No. 2, does not provide information mentioned under No. 3, or does not surrender the seized assets, or move, distribute or transfer the frozen assets, such assets shall be deemed assets which have been unlawfully acquired and assets acquired from being unusually wealthy or whose wealth increased unusually.

Where the agencies or persons mentioned under No. 3 does not take action prescribed by the Examination Committee under No. 3, and if damage occur as a result of not taking such action, the agencies or persons concerned shall be liable for the damage caused.

5. Where the owner of assets which are seized or frozen in accordance with No. 2 successfully proves to the Examination Committee, within the specified period of time set by the Committee, that he/she is the rightful owner of such assets, and such assets have not been acquired by committing an offence nor connected to being unusually wealthy or whose wealth increased unusually, the Committee shall have the power to revoke the seizure or attachment of such assets.

6. Where the Examination Committee decides that a person holding political office or any other person has committed an offence, abused this position or dishonestly exercised his/her duties, or is unusually wealthy, the Committee shall submit a report, evidence, together with its recommendation to the Attorney-General for the latter's further consideration in accordance with the Organic Law on National Counter Corruption B.E. 2542 (1999) and the Organic Law on Criminal Procedures for Persons Holding Political Office B.E. 2542 (1999). The decision of the Examination Committee shall be deemed the decision of the National Counter Corruption Commission.

7. In performing its duties under this Announcement, the Examination Committee shall have the authority to form sub-committees to perform assigned duties.

8. The Examination Committee shall proceed and complete its tasks in accordance with this Announcement within a time period of one year after this Announcement takes effect.

When the aforementioned deadline has been reached and the examination or investigation of any matter is not yet complete, the Examination Committee transfer the pending case to the National Counter Corruption Commission, the Anti-Money Laundering Board and the Office of the Auditor General of Thailand, which shall take further action in accordance with their respective mandates, as the case may be.

Announced on 24 September B.E. 2549 (2006)  
General Sonthi Boonyaratglin  
Leader of the Council for Democratic Reform