

Thesis Title : The Right to Review in The Thai Military Judicial System
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 Degree : Master of Laws (Public Law)
 Academic Year : 2010
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ABSTRACT

The Thai military judicial system is a part of the justice system as defined in the Thai Constitution B.E.2550. Just like any other part of the Thai justice system, the military judicial system is founded upon the principles of fairness, equality and justice.

Also, like other courts, the military courts must arrive at their decisions without bias that is, based upon fairness by military judges who must be able to administer justice without the interference of any interests. Thus, in order to guarantee the impartial nature of the military procedure, the review system must be considered.

From my research, I have found that the military procedures set the review systems under the particular conditions as follows:

1. In times of peace, the process of the military Supreme Court prohibits the right of the appellants to appeal in questions of fact as well as the fundamental rules of the granting leave of the court.

2. In times of war or emergency, the process of military courts and martial-courts absolutely prohibit the right of the appellants to appeal either questions of fact or questions of law.

Upon this basis alone, therefore, it could be implied that some of the ruling and the orders of military judges during times of peace, war and emergence threaten the fundamental principle of the people's process of law and the Thai Constitution including the concepts international human rights laws.

My dissertation may be of particular relevance to supports and efforts of the Thai military judicial system to make more suitable procedures. For ensuring the due process in trials of military procedures, the review systems must be considered and adjusted not only in terms of the human rights considerations but also to gain equal status among other courts as well.

