

Thesis Title of : The Independence of Public Prosecutors in  
Prosecuting Holders of Political Position

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## ABSTRACT

The objective and scope of this thesis are to study the problems of an independence of public prosecutors in prosecuting holders of political position by means of studying in comparison, firstly, with an independence of the independent organizations and other organizations under the Constitution and secondly, with other organizations in other countries which have authorities to prosecute holders of political position which were concluded by studying and making an analysis from all documents related to organizations, processes of inquisition and the prosecution of holders of political positions including the independence of these organizations.

From the research, it is found that the Office of the Attorney General is under the superior command line of the Minister of Ministry of Justice and the Prime Minister. It follows that with its existing command power and control, the government can interfere with the public prosecutors in prosecuting holders of political position. In this context, the public prosecutors' function to prosecute holders of political position is not independent from the government. To this extent, the Constitution and other laws should contain the provision stipulating the independence of the public prosecutor organizations. Furthermore, the question of what patterns of those having duty either as the public prosecutors or similar to the public prosecutors to

prosecute holders of political position should be can be answered from the analysis study of the pattern in each country which reveals both strength and weakness in different aspects.

For the suggestions on an amendment to the existing system in order for the public prosecutors to be genuinely independent, the Constitution and other law should be amended to contain provisions providing the Office of the Attorney General to be an independent organization. Furthermore, the prosecution proceeding, personnel administration, fiscal budget and other matters should be independent. For example, the law should not provide that the members of the Public Prosecutor Commission shall be appointed from the Cabinet; on the proposal of the fiscal budget by the Office of the Attorney General to the Cabinet, the Cabinet may only make its opinion on the fiscal budget allocation or the persons, as the plaintiff, who prosecute holders of political positions should come from the public prosecutors holding office in the Office of the Attorney General as it has more advantages or strength than other patterns.

