No.0805/ 999

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter’s Note No. 793 dated 28 February 2012 regarding the extradition request of Mrs. Juthamas SIRIWAN and Ms. Jittisopa SIRIWAN, both Thai nationals.

According to the Office of the Attorney-General, as the Central Authority, the Ministry has further the honour to inform the Embassy as follows:

1. Regarding the extradition request for Mrs. Juthamas SIRIWAN, Mrs. Juthamas SIRIWAN’s case has been examined and decided by the Office of the National Anti-Corruption Commission (NACC) that the acts committed by Mrs. Juthamas SIRIWAN formed sufficient grounds for criminal proceedings and thus, criminal case will be filed against Mrs. Juthamas SIRIWAN under Article 6 (Call or accept or agree to accept assets or benefits, in order to do or not to do something under his/her duty) and Article 11 (Wrongful act or omission of his/her duties in order to cause damage to a person or establish a corrupt practice) of the Act on Offences of Employees in Government Organizations or Agencies B.E. 2502 (1959) as well as under Article 12 of the Act on Offences related to the Submission of Bids to Government Agencies B.E. 2542 (1999).

2. Regarding the extradition request for Ms. Jittisopa SIRIWAN, NACC decided that the acts committed by Ms. Jittisopa SIRIWAN in aiding Mrs. Juthamas SIRIWAN formed sufficient grounds for criminal proceedings. Thus, additional evidences are currently being gathered to proceed an action against Ms. Jittisopa SIRIWAN.

3. Consequently, proceedings for the extradition of both Mrs. Juthamas and Ms. Jittisopa SIRIWAN must be postponed for prosecution of the pending cases in Thailand, in accordance with the Extradition Act B.E. 2551 (2008), Article 14 (2) which stipulates that if the execution of the extradition request will affect the prosecution of any pending case or any other ongoing criminal proceedings in Thailand against the person sought, the Central Authority may defer carrying out the extradition request and in accordance with Article 14 (4) which empowers the Central Authority not to proceed with the extradition request if it considers that the request should not proceed for any other reasons or is ineligible under the Extradition Act B.E. 2551 (2008), together with Article 5, paragraph 2, of the Treaty between the Government of the Kingdom of Thailand and the Government of the United States of America relating to Extradition.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Ministry of Foreign Affairs,
Bangkok.

14 December B.E. 2555 (2012)

Embassy of the United States of America,
BANGKOK.