

# Process of Delivery of a Person in Custody and Affirmation of No Request for Prosecution of the Person in Any Other State

Thai Aircraft landed outside the Kingdom



## 1. Criteria to consider before delivering any person to the Competent Authority

When Thai aircraft landed outside the Kingdom, the aircraft commander may deliver a person to the competent authority of that State under all of these criteria:



### 1.1 Serious Offence

He has reasonable grounds to believe that such person committed on board **a serious offence** pursuant to the Ministerial Regulation issued under Section 30 (2) of Certain Offences against Air Navigation Act B.E. 2558.



### 1.2 Offence against Penal law

The act committed constitutes an **offence against penal law** of that State where the aircraft landed.



### 1.3 Report or Notification

The aircraft commander **reported or notified** the competent authority of that State where the aircraft landed conforming the criteria and means determined by that State.



### 1.4 Contracting State

The State where the Thai aircraft landed is a **Contracting State of Tokyo Convention, 1963**.

## 2. Affirmation of No Request for Prosecution in Other States

When the law of the State where the Thai aircraft landed requires the affirmation that no request for prosecution of the person has been made or will be made, the aircraft commander or the aircraft operator shall make such affirmation in writing.

The affirmation shall be in the form as determined by that State. In the case where the State does not determine the affirmation form, please use the Affirmation Form attached to the Rule on the Delivery of the Person in Custody and the Affirmation of No Request for Prosecution of the Person in Any Other State B.E. 2562.



## 3. Submission of the Affirmation

The aircraft commander or the aircraft operator shall submit the affirmation upon the delivery of the person in restraint to the competent authority of the State in which the aircraft landed.

Also, a copy of the affirmation shall be submitted to the Director General of the Civil Aviation Authority of Thailand (CAAT).