

Forfeiture of Assets

The ONCB has applied the assets forfeiture measure which is aimed to deprive drug traffickers and associates of proceeds of drug trafficking as well as to destroy network of illicit drug business. The assets forfeiture measure is utilized for identifying criminal assets in order to facilitate their confiscation; to use the investigation of suspicious financial activities, to detect previously unknown criminal activities as well as to use financial trials to provide an evidentiary link with key organizers.

After the Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics B.E. 2534 (1991) has been forced, the outcome of the implementation of the law since April 29, 1992 to March 31, 2000 is as follows:

1. There are 1,046 alleged offenders whose assets have been examined by the order of the Property Examination Committee and the Secretary-General, NCB as the case may be. The total value of assets which have been seized or restrained is 1,050.2 million Baht.

2. The 803 alleged offenders have been issued by the Committee that their properties are believed to be the proceeds of drug offence. The value of assets is 781.4 million Baht. The public prosecutor shall make the application to the Court for confiscation orders.

3. The properties which were considered by the court to be the proceeds of drug offence will be devolved on the Narcotics Control Fund. At present, there are 50 cases finally confiscated with the value of 27.7 million Baht.

Problems and Obstacles of Implementation of the Act

1. The confiscation of property is criminal conviction based, thus the offender or defendant who has not been arrested or is discharged according to the final non-prosecution order or according to the judgement given to acquit the defendant, the seizure or restraining of property shall be terminated. Moreover, the conspiracy theory which is aimed to tackle the principal drug traffickers is limited by the burden of proof. The prosecutor rests on the prove beyond a

reasonable doubt which shall directly and indirectly affect to the implementation of assets forfeiture.

2. Recently, the assets forfeiture measure is widely known by many peoples and drug traffickers. Those traffickers try to develop the trade pattern and the means of concealing benefits derived from drug trafficking. It shall be more difficult for the authorities to trace the drug pattern and money trail evermore to identify the financial investigation.

Moreover, the alleged offenders try to make the confession to the court before the public prosecutor files a request of asset forfeiture. Anyhow, the Money Laundering Control Act B.E. 2542 (1999) have been implemented to detect criminal activities through the audit trail.

The Major Case of Assets Examination

On July 8, 1999 ONCB officers of Northern Narcotics Control Office together with officers of PNSB, Criminal Suppression Police and Local Police from Mae Sai District arrested Mr. Chomlong Komsom and his syndicate with 1,178,000 tablets of methamphetamine. They were charged with the offence of illegal possession for sales of the narcotic in Schedule 1 (methamphetamine). From the pre-investigation, Mr. Chomlong has circumstance to sell methamphetamine for a long time.

It was found that these subjects possess the properties of 49 items and the estimated value is 28,877,822 Baht which were the proceeds of drug offence and derived by them beyond their living status.



Some properties of Mr. Chomlong Komsom including cash, houses and gas station.

Statistics of Property Seized during 1992 – 2000

Year	Number of Offenders	Temporarily Seized (Million Baht)	Seized/Restrained		Cancelled	
			Offenders	Value (Million Baht)	Offenders	Value (Million Baht)
1992	4	11	-	-	-	-
1993	38	83	8	11.2	5	0.3
1994	44	115.3	23	79.2	10	4.7
1995	57	139.3	55	117.1	10	7.1
1996	92	107	51	117.4	3	5.9
1997	188	235.7	149	146.9	12	3.6
1998	284	167.6	234	119.9	2	0.1
1999	257	155.7	283	189.7	17	3.6
Jan 1 – March 31, 2000	82	35.6	-	-	-	-
Total	1046	1050.2	803	781.4	59	25.3