



Office of the Constitutional Court



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Press Release 40/2025

Wednesday, 22nd October B.E. 2568 (2025)

Today, the Constitutional Court deliberated an important case of interest as follows.

Whether section 19 paragraph one (2) and (3) and section 21 paragraph two and paragraph three of the Extradition Act, B.E. 2551 (2008), are contrary to or inconsistent with section 26, section 27 paragraph one and paragraph three, and section 29 paragraph two of the Constitution (Case No. 12/2568)

The Court of Appeal submitted the objection raised by the requested person (Mr. SHE Zhijiang) in Black Case No. *Phor Dor (พด)* 1/2567 and Red Case No. 3494/2568, requesting the Constitutional Court to consider and adjudicate pursuant to section 212 of the Constitution whether section 19 and section 21 of the Extradition Act, B.E. 2551 (2008), are contrary to or inconsistent with section 4, section 5, section 25, section 26, section 27, and section 29 of the Constitution.

Ruling of the Constitutional Court

The Court considered that although the requested person is a foreign national, he, under section 4 paragraph one of the Constitution relating to the protection of human dignity, therefore, has the right to request the Constitutional Court to decide pursuant to section 212 of the Constitution. The Court unanimously ruled that:

Issue I

Section 19 paragraph one (2) and (3) of the Extradition Act, B.E. 2551 (2008), is not contrary to or inconsistent with section 26 and section 27 paragraph one and paragraph three of the Constitution.

Issue II

Section 21 paragraph two of the Extradition Act, B.E. 2551 (2008), is not contrary to or inconsistent with section 26, section 27 paragraph one and paragraph three, and section 29, paragraph two of the Constitution.

Issue III

Section 21 paragraph three of the Extradition Act, B.E. 2551 (2008), is not contrary to or inconsistent with section 26 paragraph one and section 27 paragraph one and paragraph three of the Constitution.

Remarks

1. Mr. Sarawut Songsivilai has been graciously appointed as a Justice of the Constitutional Court. However, as he has not yet made a solemn declaration before the King, he did not participate in the deliberation and adjudication of any matters.

2. The Extradition Act, B.E. 2551 (2008)

Section 19. The Court shall issue an order to detain a person for extradition, if upon considering the evidence, it finds that there are the following grounds:

(1) ... ;

(2) there are grounds for admitting the case if the offence is committed in the Kingdom or regarded by the laws to be committed in the Kingdom; and

(3) the offence sought for extradition is extraditable under this Act and in particular, not a political or military offence.

Section 21. After the Court of First Instance issues a release order or a detention order for extradition against a person, the public prosecutor or that person may file an appeal against the order within thirty days from the day the Court reads that order.

When considering the appeal, the Court of Appeal shall examine the objection, particularly the grounds on which the Court issued the order under section 19, by considering whether or not the Court of First Instance issues the order based on sufficient evidence.

The decision of the Court of Appeal shall be final.