

Results of Investigation Report No. 96/2560

Right in the Justice System in the Case of a Claim about Abuse of Duty by a Police Officer from a Provincial Police Station

Issue of Complaint

The National Human Rights Commission of Thailand (NHRCT) received a petition requesting an examination of a case which claimed that the accused no.1 had entered an area in front of his house without consent and reasonable ground to request to check the complainant's urine with impolite manner, screaming at and threatening the complainant. Because of fear and in order to show his innocence, the complainant then agreed to have his urine checked and the result showed no detection of any narcotic substance. The complainant then filed a complaint about this action with the accused no.2, but the accused no.2 accepted only some issues of the complaint and did not accept the complaint on the issues of trespassing and abuse of duty by the accused no. 1.

Actions taken

NHRCT took this case into consideration and saw that for the issue of entering an area in front of the complainant's house which is his legal dwelling without consent and a court's order or warrant and the issue that the complainant had claimed that the accused no. 2 did not completely recorded his complaint, there was no action or negligence of action that violated human rights of the complainant. The case should therefore be terminated. As for the issue that the accused no.1 had travelled to check for narcotic substance in urine, using authority according to Section 58/1, Paragraph 1, of the Narcotics Act B.E. 2522 (1979), only because the police had received a petition letter from a person who used the name of a 'well-wisher' reporting that teenagers had assembled in the complainant's house to take narcotic drug. It did not appear that the accused no.1 had conducted additional investigation to see whether there was reasonable ground to believe that facts were as the complaint they had received. It was still not considered to be a case with necessity and reasonable ground to believe that any person had taken narcotic drug which was a condition to use authority to check or test for narcotic substance in body of a suspected person. This kind of action could lead to a human rights violation action.

Recommendations

Appropriate measures or guidelines for preventing or correcting the problem of human rights violation according to Section 247 (1) of the Constitution of the Kingdom of Thailand B.E. 2560 (2017) and Section 26 (1) of the National Human Rights Commission Act B.E. 2560 (2017) were recommending the Royal Thai Police to enjoin police officers who use their discretion to request for urine test of any suspected person whether he or she engages with any narcotic drug to function strictly according to the rules as related law has provided authority.

Successes / progress in human rights protection

The Royal Thai Police had issued a letter enjoining police officers who use their discretion to check urine of any person suspected to be involved with any narcotic drug to function strictly according to the rules as related law has provided authority.