

**Complaint No.170/2554: Rights in judicial process – A case of police officers from Pak Chong Police Station not prosecuting a case of which the complainant was consigned to custody**

Mr. Somchai or Narubordinthara Phuphakdi complained to the NHRCT that on 1<sup>st</sup> October 2008, Pak Chong Police Station sent a letter to Nakhon Ratchasima Province Central Prison, asking to consign the complainant to custody on charge of unlawful use of other person's electronic card. Until now there has been no progress in this case of which the complainant was consigned to custody. The complainant thus petitioned the NHRCT to conduct investigation.

The NHRCT considered facts obtained from an investigation and related laws, and saw that referring to the complaint, actions taken by inquiry officials at Pak Chong Police Station were inappropriately delayed. Altogether investigation in this case took three years and four months since the date that consignment to custody was requested. If the inquiry officials sent a file of case investigation to state prosecutors of Nakhon Ratchasima Province since a fact was established that in the final judgment, the complainant had been sentenced to imprisonment without waiting until the complainant was free from punishment for that case, there would not be a problem where the complainant could not be brought to court for prosecution in the case that he was consigned to custody as happened. These inquiry officials' slow actions created unfairness and were violation of the right to access judicial process against the complainant who had right to receive quick investigation and prosecution as recognized and protected by Section 40 of the Constitution of Kingdom of Thailand B.E. 2550.

The NHRCT considered this case and resolved to report results of investigation and propose measures to solve the problem of human right violation to the National Police Office to consider taking actions towards the inquiry officials involved in the delayed case mentioned above, including notes about date and time recorded in an investigation report of Pak Chong Police Station for Criminal Case No. 143/2551 dated 30<sup>th</sup> January 2012 which indicated that the incident occurred during March 9-27, 2008, conflicting to the date of complaint or incrimination on 1<sup>st</sup> March 2008. Office of the NHRCT was also required to follow up results of this action within 60 days from the date that it received this report.