

**The Complaint No. 305/2556: Rights and Liberty of person and Rights in Judicial Process, Case of Allegation against Police Officers in charge of arrest, Warin Chamrab Police Station committing unlawful acts with cause of damages;**

A Complainant lodge a Complaint to the National Human Rights Commission of Thailand (NHRCT) with expression that on the date of 25<sup>th</sup> March 2013, at 11.00 p.m., police officers from the Warin Chamrab Police Station had come to search his dwelling, located at address No. 130, Non Pueng Sub-district, Warin Chamrab District, Ubolratchatani Province of Complainant No.2 whom is Complainant No.1's mother, without presentation of any search warrant unless identity cards of officers of the Office of the Narcotics Control Board (ONCB) only to Complainant No.2 before entering for search. The results of search expressed by police officers, amphetamine and ICE found with a firearm in type of .32 and ammunition. Complainant No.2 was then informed to make a call to Complainant No.1 to ask him go to see police officers at a scene of action. Once Complainant No.1 arrived, he handed over a handbag to police officers to do searching and then within a handbag, firearm in type of 9 mm. and ammunition were found. Complainant No.1 then was put under custody of police officers and interrogated at Warin Chamrab Police Station without presentation of arrest warrant and copy of record of arrest beforehand. He was also not informed his rights to meet or consult a lawyer or legal representative or even allowed his legal representative to hear testimonial given under interrogation. This should be considered as unlawful act. Inquiry officials later on notified a charge to Complainant No.1 and Complainant No.2 that "taking cooperation to possess the narcotic drugs, type 1, for illicit trade" and then did a press release on arrest of Complainant No.1. This created more wide misunderstandings and treated Complainant No.1 in similar with an offender and certainly caused bad reputation for a Complainant and family, therefore a Complaint was lodged to the NHRCT for investigation.

The National Human Rights Commission of Thailand (NHRCT) has acquired and considered the facts gained from examination of relevant laws and opined that ground of a Complaint being considered when a Complainant claimed that the carrying-on of duties on arrest of police officers would be infringement of rights and liberty of person and rights in judicial process guaranteed under Constitution of the Kingdom of Thailand, B.E. 2550 (2007), Article 32, Article 33 and Article 40(7). Thus a Complainant shall exercise his rights under

provisions in the Constitution to be defenses and pleas in front of a public attorney of Ubolratchatani Province, in accordance with Section 28 of Constitution of the Kingdom of Thailand, B.E. 2550 (2007) supplementing with points considered as material issues of the Case under litigation initiated by a public attorney to the Court of Justice. This Case anyhow is fallen into Section 22 of the National Human Rights Commission Act, B.E. 2542 (1999). The NHRCT thereupon deems expedient to leave the Case neither exercise of their investigation power nor proposes measures solving such problems.

For a material issue of setting-up of a press release on arrest of Complainant No.1 with narcotic drugs, firearms and ammunitions as exhibits which the Complainant opined that it treated the Complainant in similarity with an offender and certainly caused bad reputation for the Complainant and family. It shall be considered as infringement of human rights under Constitution of the Kingdom of Thailand, B.E. 2550 (2007). The NHRCT, upon discretion, opines that facts found under the Complaint would be under a same material issue of another complaint issued with a Report of Consideration of a Complaint, with the proposing of policy recommendations or suggestions with legal improvement, Report of Consideration No.244/2556, on Rights in Judicial Process and Rights of Persons in Honor and Reputation. A Case of taking an alleged in Criminal Case to identify scene of the crime supplementing with a confession and a press release, dated 27<sup>th</sup> March 2013 which the NHRCT had ever granted their decision that for taking of an alleged in Criminal to present in front of the Media without the closure of his identity, either in physical identification, name and surname, address or personal bio data of alleged, with the nature of obloquy and defamation affecting to his reputation, honor and human dignity shall be considered as actions infringing human rights under Constitution of the Kingdom of Thailand, B.E. 2550 (2007), Article 35, Article 39 and Article 40. The NHRCT also submitted the recommendations to the Royal Thai Police and relevant agencies for their reiteration and firm insisting to their affiliated line agencies to strictly act in pursuance of laws, regulations and orders of them pertaining to setting-up of press release, giving of information and interviews, delivering of press kit and photos to the Media and organizing public relations activities. These would help to mitigate or prevent human rights violation caused by the setting-up of press release.

The NHRCT deems expedient to re-submit policy recommendations to Warin Chamrab Police Station and the Royal Thai Police that the NHRCT had ever suggested to the Royal Thai Police and relevant agencies for their reiteration and firm insisting to their all affiliated line agencies, to strictly act in pursuance of laws, regulations and orders of them pertaining to setting-up of press release, giving of information and interviews, delivering of press kit and photos to the Media and organizing public relations activities for the refrain of human rights violation, likewise in a Case.

The NHRCT would like to have more updates on its progress with implementation later on.