

Complaint No. 605/2554: Right in the judicial process and rights and liberties in life and body – a case of narcotic suppression police officers from Nakhon Ratchasima Provincial Police physically assaulted an alleged offender

The complainant complained that narcotic suppression police officers from Nakhon Ratchasima Provincial Police had arrested the complainant on charge according to the Narcotics Act B.E. 2522 (1979). While being in custody, officers in the arrest team forced the complainant to confess and physically assaulted him until he was unconscious. They also made an arrest record that was not factual. The complainant then asked the NHRCT to investigate.

The NHRCT considered facts obtained from checking related laws and had a view that an issue to be investigated was whether or not the complainant had been prosecuted out of spite by narcotic suppression police officers from Nakhon Ratchasima Provincial Police. The case is now in the process of trial by Nakhon Ratchasima Provincial Court. The issue is thus the same as that is being tried in the court and therefore falls in Section 22 of the National Human Rights Commission Act B.E. 2542, being a case that the NHRCT cannot use its authority to investigate and propose remedial measures.

As for another to be considered whether or not the arrest team of police officers physically assaulted the complainant, it is believable from the facts that severe stomach pain and traces of wounds on body of the complainant occurred while he was in custody of the police from the arrest team to inquiry officials, and it is also believable that the cause of these symptoms was physical assault even if there was no witness to confirm that the complainant was physically assaulted by the arrest team when timing was considered together with facts that the complainant was in custody of the arrest team of police officers alone all the time since he had been arrested. Police officers whose duties involved in detaining the complainant who was alleged offender then could not deny that they did not see the illness and traces of wound on body of the complainant. The arrest team of police officers also did not show that traces of bruises and wounds on body of the complainant

had existed before the complainant was arrested. It is therefore believed that the complainant had been physically assaulted by the arrest team of police officers – an act which is violation of the complainant’s right and liberty in life and body.

The NHRCT then passed a resolution to report results of the investigation and measures to solve the problems in this case to the Royal Thai Police to consider taking actions under its authority as follows:

- (1) take actions in the case that police officers physically assaulted the complainant,
- (2) appropriately remedy the complainant for the damages occurred
- (3) come up with measures to control and supervise police officers that when they do their duties to arrest alleged offender and detain arrested person by recognizing importance of procedure and steps in making an arrest and legal methods for finding evidence strictly according to the Criminal Procedure Code and taking into consideration rights, liberties, principle of human rights and human dignity to prevent case like this to happen again.

Office of the NHRCT is required to monitor results of actions taken by the Royal Thai Police within 60 days after receiving this report.

Later the Provincial Police Region 3 sent the NHRCT a letter informing that the Royal Thai Police has assigned the Provincial Police Region 3 to consider taking actions according to the NHRCT’s problem-solving measures. At present, the third problem-solving measure has already been done while the first and second measure are being implemented and any progress or results would be informed to Office of the NHRCT later.