

Report No. 129/2559 on right in the judicial process related to right over properties in a case of which a state prosecutor was accused of property misappropriation.

Issue of complaint

A complainant submitted a petition to the National Human Rights Commission of Thailand (NHRCT) requesting it to investigate a case as follows: the complainant was charged with an offence under the Narcotics Act B.E. 2522 (1979) by the accused, arrested and later was detained at Khao Bin Central Prison in Ratchaburi Province as a male peremptory prisoner. Upon being arrested, the complainant's properties were seized by officers, but they did not appear in a list of exhibit properties when his case was tried in court. In addition, officers informed the court that some properties had been given back to the complainant's relatives. This was a false report and an offence where officials were corrupt in their duty.

Actions

The NHRCT took this case into consideration and opined that after Office of the Narcotics Control Board had reported results of its examination of properties being seized from the complainant to inquiry officers in Investigation Group 3, Investigation Division, Narcotics Suppression Bureau. It was established that Secretary of the Narcotics Control Board did not order any examination of the complainant's properties and did not order seizure of four items of his properties that were gold jewelry. However, the inquiry officers seized the properties and did not return all the four items of properties back to the complainant who was their rightful owner. Even if it was not established whether police officials from Narcotics Suppression Bureau had taken the complainant's properties into their possession or not, this action taken by the police officials (inquiry officers) under Narcotics Suppression Bureau not to return all four items of properties back to the complainant or person authorized by the complainant was not abide by the law and official regulations. The complaint in this case is therefore human rights violation. The Royal Thai Police was thus recommended to apply the following measures to solve this problem within 60 days from the day that it received an investigation report from the NHRCT.

Measures for solving the problem of human rights violation

(1) Enjoin inquiry officers to be careful and strict in their performance of duty not to cause human rights violation as in this case again.

(2) Consider taking actions as authorized in the case that inquiry officers under Narcotics Suppression Bureau did not return seized exhibit properties to the complainant, so that the complainant is treated with fairness.

Successes/progress in human rights protection

The Royal Thai Police reported that it had ordered Narcotics Suppression Bureau to investigate the case; if it was found to be defectiveness of any one, actions are to be taken according to the authority. It also sent a document to inform agencies under its affiliation to enjoin related police officials to strictly follow regulations for asking officials to return back things they seized to take care or utilize while the case is going through judicial process.