

Case Report No. 1052/2558 on The Rights in Judicial Procedure – case on the suspect of the unrest in the deep south of Thailand was seeking for assistance to access the right under article 21 of the National Security Act B.E. 2551 (year 2008).

Complaint Issue:

The Complainant filed a complaint to the National Human Rights Commission that due to the unrest situation in the deep south provinces of Thailand, many people were arrested, detained and charged. Some didn't aware but were fooled and lured to surrender in exchange with the access to article 21 of the National Security Act B.E. 2551 (year 2008). Therefore, the complainant would like to request the NHRC to advocate the state agencies.

Action taken by the National Human Rights Commission

The National Human Rights Commission had submitted the report (No. 89/2557 dated 1st April 2014) of the finding, policy recommendation and proposed laws amendment on the Martial Laws Act B.B. 2457 (year 1914), Administrative Decree on the State of Emergency B.E. 2548 (year 2005), and the National Security Act B.E. 2551 (year 2008) for the cabinet to consider. The policy recommendation to the Cabinet, Internal Security Operation Command (ISOCX, Office of the Attorney General, Court of Justice and concerned agencies should consider that the entry into such training process under article 21 of the National Security Act B.E. 2551 (year 2008).

There should be a working group to consider that those suspects who are offence on the national security but willing to reverse and agreed to voluntarily participate in the training. So that article 21 can be a tool to resolve the problem and bring about reconciliation accordingly.

View of the National Human Rights Commission

The National Human Rights Commission had considered that the complainant informed the name list of 41 persons who are willing to surrender under article 21 of the National Security Act B.E. 2551 (year 2008) even though there was no clear evidence for the offence. Therefore, it could not be considered whether these 41 persons are eligible to access the rights under article 21 of the National Security Act B.E. 2551 (year 2008) or not.

Nevertheless, NHRC would rent the policy recommendation to the Cabinet and the Internal Security Operation Command (ISOC) Region 4 and other concerned agencies.

Policy Recommendations

Proposed that the Cabinet, the ISOC Region 4 and other concerned agencies to consider in applying article 21 of the National Security Act B.E. 2551 (year 2008) to exercise in other areas other than 4 districts in Songkhla and a district in Pattani province, by scaling down the security law enforcement from the Administrative Decree on the State of Emergency B.E. 548 (year 2005) to the Penal Code and the National Security Act B.E. 2551 (year 2008) in order to create a better understanding.

National Human Rights Commission's resolution

According to various reasons above, the 36th Meeting on Human Rights Protection and Protection Standard of NHRC on 19th October 2015 resolved to submit policy recommendations to the Cabinet in accordance with article 15(3) of the National Human Rights Commission Act B.E. 2542 (year 1999). The NHRC had dedicated the Office of the National Human Rights Commission to facilitate and follow up the response and progress.