

Complaint No. 306/2555: Right in the judicial process – a case of a prisoner in Rayong Central Prison claiming that he was physically assaulted by beating unfairly by a special task force of the Department of Correction

A prisoner complained to the NHRCT that on 22nd June 2012, officials from several agencies conducted a search within Rayong Central Prison and during this search, the Department of Correction's special task force physically assaulted the complainant unfairly by beating. The NHRCT was then asked to investigate.

Facts were heard that on June 22, 2012, Rayong Central Prison was subjected to a thorough search by surprise by a special task force of the Department of Correction and officials from several other agencies. During this search, prisoners were physically assaulted with evidence in form of photographs showing body of the complainant with traces of the assault. The complainant assigned his relatives to complain to inquiry officials at Ban Khai Provincial Police Station in Rayong Province which accepted the complaint as criminal case No. 509/2555 and 510/2555. Later the complainant submitted a letter expressing his wish to terminate the complaint. In investigating this complaint, Office of the NHRCT sent a letter asking for facts from the Department of Correction and sent another letter asking for cooperation from Ministry of Justice to stress to the Department of Correction to provide facts. However, the Department of Correction never provided explanation about this case. The NHRCT therefore made consideration from facts gathered from the investigation.

The NHRCT considered facts from investigation and saw that as the Department of Correction and Ministry of Justice did not provide facts according to Section 32 (1) of the National Human Rights Commission Act B.E. 2542 for success in the investigation of human rights violation truly according to objectives and intention of the law, it shows that the Department of Correction and Ministry of Justice surrendered their rights to give explanation or did not wish have any argument. Even if the complainant submitted a letter expressing his wish to withdraw his complaint, when photographic evidence of the complainant was taken into consideration, they show wounds and bruises around bottoms and back of four

prisoners. It is believable that officials of the Department of Correction's special task force did physically assault prisoners, and consequently violated prisoners' rights to life and body. Therefore in order to protect rights of prisoners, the NHRCT came up with measures to prevent and solve human right violation problem as such and informed the Department of Correction to take actions according to its authority and duties in this case of which officials of the Department of Correction violated human rights of prisoners, and inform Ministry of Justice to consider setting measures and reiterate to the Department of Correction to cooperate with the National Human Rights Commission to perform its duty to investigate violation of human rights by giving facts and evidence as requested by the NHRCT. Results of actions are to be reported to the NHRCT within 60 days after receiving this report.

Ministry of Justice sent a letter reporting its actions that it had set up measures to give cooperation to the NHRCT to do its duty to investigate violation of human rights, reiterating to the Department of Correction to provide facts and evidence as requested by the NHRCT correctly, completely and quickly in all cases. The Department of Correction, on the other hand, did not report results of its actions at all. When the Department of Correction did not report results of its actions in the set timeframe, the NHRCT therefore must take action according to Section 30 of the National Human Rights Commission Act B.E. 2542 by sending a letter to the Prime Minister to order the Department of Correction to take actions according to the NHRCT's proposed measures as mentioned above.