

**Report No. 153/2559 on right in the judicial process in a case that a complainant claimed that he was not fairly treated by inquiry officers.**

**Issue of complaint**

A complainant submitted a petition to the National Human Rights Commission of Thailand (NHRCT) through the Director of a Juvenile Observation and Protection Centre as in a petition No. 512/ 2558 dated 27<sup>th</sup> October 2015 requesting the Commission to investigate a case of which the complainant claimed that on 11<sup>th</sup> October 2015 at about 4.30 pm, the accused had been arrested the complainant with an arrest warrant issued by Roi Et Provincial Court No. Jor 308/1/2557 dated 6<sup>th</sup> October 2014 and brought to be detained at Doo Yai Police Station in Roi Et Province. The complainant used to be persecuted by that arrest warrant and Roi Et Provincial Court had already adjudged to dismiss the case with black number 4409/2014 and the case with red number 3921/2558. The complainant therefore alleged that actions by the accused were performing their duties with negligence.

**Actions**

The National Human Rights Commission of Thailand (NHRCT) took this petition into consideration and opined that the accused had arrested the complainant and brought him to be detained at Doo Yai Police Station in Roi Et Province according to an arrest warrant no. 308/1/2557 dated 6<sup>th</sup> October 2014 issued by Roi Et Provincial Court. When the arrest took place, mother of the complainant informed the accused that the case that the accused used to arrest the complainant had been dismissed by Roi Et Provincial Court's judgment of the case with black number 4409/2557 and case with red number 3921/2558. More information could be asked from the complainant's lawyer. However, the accused still arrested and brought the complainant to be detained at Doo Yai Police Station in Roi Et Province until the morning of 12<sup>th</sup> October 2015 without checking information and did not permit the complainant to be released on bail. The accused explained that the accused had arrested the complainant because the accused had used the Royal Thai Police's system for checking still outstanding arrest warrants and found information about an arrest warrant on the complainant in the database and thus proceeded to make the arrest according to the arrest warrant. The accused later explained about the facts and had already paid 10,000 Baht compensation money to remedy damages caused by the actions to the complainant. The complainant had no desire to pursue this case against the accused. Although actions taken by the accused were violation of human rights, as the complainant's damages caused by actions of the accused had been corrected and remedied and the complainant had no desire to take the case to court, the case is therefore concluded. However, the accused's use of authority to make an arrest or detain a person who was accused of wrongdoing could be an action that affects human rights. To prevent this kind of incident to happen again, therefore there should be measures to solve human rights violation problem for the Royal Thai Police to implement within 60 days from the day this report is received as follows:

**Measures to solve human rights violation problems**

(1) The database system that contains information about status of the accused according to arrest warrants should be improved to make it correct and updated.

(2) Every police station should be enjoined to cooperate in giving complete facts in case that there is an inquiry letter from Office of the NHRCT, so that the Commission could consider and investigate a complaint in all-round and fair manner.

**Successes/progress in human rights protection**

Roi Et Provincial Police Station reported that it had ordered Doo Yai police inspector to check related facts and came to a conclusion that police officers had done their duties honestly and correctly and the complainant had reached an understanding well with police officers who made the arrest; he did not have any more doubt about the issue and had withdrawn the complaint from the Office of Justice Affairs.