

Investigation Report No. 76/2019

Subject: Civil rights related to individual rights and freedom in the case of dissemination of photographs of a complainant being arrested

Complaint Issues

The National Human Rights Commission of Thailand (NHRCT) has received a complaint in which the complainant alleged that police officers at a provincial police station had photographed the complainant and users of Facebook published the photographs taken by the police and kept under their care during the arrest. This is a violation of the right to privacy and liberties and the rights of the accused.

Actions Taken

NHRCT considers that the action of the police officers at the police station is a human rights violation. Even though there is insufficient evidence to confirm that the complained police officers were the ones who published the photographs, the fact that the complained police officers took the photographs for use in the criminal police file and later some Facebook users released those photographs indicates that the photographs of the complainant were taken and kept by the police. This reflects the problem of supervision and lack of adequate carefulness, causing damage and affecting human rights of the complainant and persons close to the complainant – thus constituting an act of negligence which is a violation of human rights. Therefore, NHRCT has decided to recommend the following appropriate measures or guidelines to prevent or address human rights violations to the Royal Thai Police in accordance with Section 247 (1) of the Constitution of the Kingdom of Thailand B.E. 2560, and Sections 26 (1) and 36 of the Organic Act on the National Human Rights Commission B.E. 2560:

Recommended Appropriate Measures or Approaches to Prevent or Address Human Rights Violations

(1) The Royal Thai Police should investigate and take actions in accordance with relevant laws and regulations concerning the police officers who have committed human rights violation in the case of releasing photographs of the complainant during the making of the criminal record and being handcuffed to the public; and

(2) The Royal Thai Police should instruct police officers to be careful in handing over photographs of arrested people, to ensure that officers or outsiders do not publicize such photographs that may affect the rights to privacy, honor, reputation and family as happened in this complaint.

Achievements/Progress in Human Rights Protection

The Criminal Affairs Division of the Royal Thai Police has informed that it has notified the Provincial Police Region 1 to investigate and take actions in accordance with relevant laws and regulations concerning the officers under its command who violated human rights, and has instructed its officers to be careful in passing on photographs of people arrested and prosecuted, not to let officers or outsiders publish such photographs, which may affect the rights to privacy, honor, reputation and family of people in this way again. Later, Samut Prakan Provincial Police has informed that it has ordered that police station to investigate and take actions in accordance with relevant laws and regulations concerning the police officers under its command who committed human rights violation. It has also instructed local police officers to be careful in forwarding photographs of people arrested and prosecuted, not allowing police officers or outsiders to publish the photographs, which affects people's rights to privacy, honor, reputation and family. Anyone who violates this will be strictly prosecuted in accordance with relevant laws and regulations.