



The opinions of human rights organizations on the criminal proceedings

Re: The case of Mr. Suriyan Sucharitpolwong and Pol Maj Prakrom Warunprapa

On 16 October 2015, despite reports that Mr. Suriyan Sucharitpolwong was arrested and taken from his residence, the Commander of the Crime Suppression Division denied that Mr. Suriyan was deprived of liberty. Later on 21 October 2015, the police and military officials have brought Mr. Suriyan Sucharitpolwong, Pol Maj Prakrom Warunprapa and Mr. Jirawong Watthanathewasilp to ask for them to be remanded in custody by the Bangkok Military Court. All of them were later brought to the detention at the temporary remand facility on Nakhon Chai Sri Road.

The Corrections Department released a press statement on 24 October 2015 stating that while being held in custody, Pol Maj Prakrom Warunprapa, Inspector of Subdivision 1, the Technology Crime Suppression Division (TCSD) was found dead by hanging himself in the holding cell. In (3) of the statement, it says that “The death of the detainee in this case took place while in official custody. Therefore, it warrants a post-mortem autopsy according to the Criminal Procedure and the transfer of the body for examination at the Institute of Forensic Medicine, the Royal Thai Police and for further proceeding according to the law.”

Nevertheless, on 25 October 2015, his relatives contacted and attempted to retrieve his body from the Institute of Forensic Medicine only to find that his body had not been brought there. On 26 October 2015, the Minister of Justice told the press that the police, public prosecutor, forensic medical doctor and administrative official have already conducted the autopsy of the body of Pol Maj Prakrom Warunprapa according to the law and his relatives had retrieved the body from the Corrections Department hospital, and there was no need for the examination at the Institute of Forensic Medicine.

The undersigned human rights organizations have the following opinions to make toward the criminal proceeding from the arrest of Mr. Suriyan and others until the death of Pol Maj Prakrom as follows;

1. The holding in custody of Mr. Suriyan from 16-21 October 2015 in an undisclosed detention facility and that the authority had earlier denied reports of his detention have put him beyond legal protection and effectively made him a victim of enforced disappearance as per Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (CED) with which Thailand is obliged to comply, after signing the Convention, albeit not ratifying it.
2. The facts that the three suspects were held in custody in the temporary remand facility on Nakhon Chai Sri Road located in a military barrack and that they were subjected to solitary confinement in a windowless holding cell with the only access through the door constitute an act of cruel, inhuman or degrading treatment as per Article 16 of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) to which Thailand is a state party and has to comply with. In addition, by holding in custody a person in a place not publicly accessible such as in the military barrack, it is likely to bring about other forms of human rights

violations including torture and when such an act occurs, it makes it difficult for effective investigation to be carried out.

3. The death of Pol Maj Prakrom has to be treated as a death in official custody and it warrants the procedure as provided for in Section 150 of the Criminal Procedure Code whereby an inquiry official and public prosecutor have to conduct an autopsy and the public prosecutor has ask the Court to conduct a post mortem inquest to determine who the deceased was, where he died, when, and the causes and the circumstances around the death. Practically, the Corrections Department hospital is required to transfer the body to the Institute of Forensic Medicine and proceed with the procedure as explained in the statement released by the Corrections Department. It turned out that none of such procedure had been followed. Even though the authorities claimed the autopsy had been conducted in the Corrections Department hospital, but it had probably been done so without the presence of his no relatives.

Section 150 requires that the relatives are informed sufficiently prior to the conducting of the autopsy. Thus, the reported process to determine the causes of death of Pol Maj Prakrom still keeps people baffled and ushered the whole society into the climate of fear that a person could be fatally harmed by extrajudicial powers even though the person was being remanded in custody to prove his culpability through a criminal proceeding.

4. According to Article 14 of the International Covenant on Civil and Political Rights (ICCPR) regarding the right to be presumed innocent, the three suspects have to be treated as innocent until they are convicted by the Court which has reached its final verdict. The persons cannot be treated as if they were guilty.

The undersigned human rights organizations demand the following;

1. Shut down the temporary remand facility on Nakhon Chai Sri Road and transfer any persons being held in custody there to a normal prison. The holding in custody of a civilian in an area under military control has led to a lack of transparency and undermined a guarantee of the rights of the detainees and it might lead to violation of other human rights. Such a practice may constitute an act of arbitrary and unlawful detention and a breach of international human rights obligation, particularly Article 9 of the ICCPR which prohibits arbitrary detention without the safeguard of rights and Article 10 regarding the treatment of a person deprived of liberty with humanity and with respect for the inherent dignity of the human person.

2. Detail of the results and process of autopsy of the body of Pol Maj Prakrom must be disclosed to public and the post mortem inquest warranted for as per Section 150 of the Criminal Procedure Code must be conducted to uphold the interest of justice, the rule of law and to make it accountable for society in order to quell any climate of fear.

With respect to rights and liberties

Thai Lawyers for Human Rights (TLHR)

Union for Civil Liberties (UCL)

Human Rights Lawyers Association (HRLA)

ENLAW Foundation

Cross Cultural Foundation (CrCF)

Community Resource Center