

Case Report No. 1189/2558 on the request to forward the issue and opinion to the Constitutional Court – case on the 25th Announcement of the Council for Democratic Reform (CDR) on the administration of criminal justice that affected human rights and caused the problem concerning the legality in accordance with the Constitution B.E. 2550 in article 26, 28, 39 and 40.

Complaint issue:

The Complainant had filed the complaint to the National Human Rights Commission with No, 196/2554 on 11th November 2011 requesting the National Human Rights Commission to bring up the issue together with opinion to Constitutional Court regarding the Announcement of the Reform Committee ... No. 25 on the administration of Criminal Justice by forcing the suspects to make their finger-prints in criminal charged by the order of the officers which affect human rights and causing problem concerning legality under the Constitutional B.E. 2550 (year 2007).

NHRC Consideration on the Complaint

The National Human Rights Commission (NHRC) had considered after gathered information and evidence as already mentioned that NHRC would submit the policy recommendation and proposed law amendment to the Cabinet on the authority of the officers to force the suspects of criminal cases for finger-print. This is to clarify the legality and ensure that it is not a violation of Human Rights.

View of the National Human Rights Commission:

The National Human Rights Commission had considered the case and shared the view of the Sub Commission on Human Rights and Human Rights Protection Standard on the case of bringing up the issue and to submit opinion to the Constitutional Court. NHRC cannot submit any matter to the Constitutional Court since there is no legal provision giving the mandate to the NHRC to propose or bring the case to any courts.

The National Human Rights Commission's resolution

Base on the reasons mentioned above, the NHRC Meeting of 39/2558 (2015) on 9th November 2015 resolved to cease investigation of the case. Regarding the NHRC mandate to bring up the issue and submit opinion to the Constitutional Court.

But NHRC agreed to submit policy recommendation to the Cabinet, Ministry of Education, Ministry of Interior, and the Ministry of Foreign Affairs. NHRC also delicate the Office of the National Human Rights Commission to facilitate the follow up on this matter. However, the NHRC viewed that there is a need to forward policy recommendation and proposed law amendment to the Cabinet on the authority of the officers in the criminal justice procedure to force the suspects for the finger-print. So that to clarify on the legality and ensure not to violate such Human Rights.