



**Country File**  
**THAILAND**

**Last Updated: 18.11.2012**

<b>Region</b>	Asia and Pacific
<b>Legal System</b>	Civil Law
<b>UNCAT Ratification, Accession (a), or Succession (d)</b>	2 October 2007 (a)
<b>Relevant Laws</b>  <ul style="list-style-type: none"> <li>▪ Stand-Alone Torture Bill (Y/N)</li> </ul>	<p>- Constitution of the Kingdom of Thailand, B.E.2550, 2007 (“Constitution”).</p> <p>- Criminal Procedure Code of Thailand, B.E.2477 as Amended by B.E. 2551, 2008.</p> <p>No</p>
<b>Relevant Articles</b>	
<b>Definition of Torture (General), (Article 1)</b>	None
<b>Prohibition on Torture (Article 1)</b>	Section 32 of the Constitution
<b>Crime of Torture (Article 4)</b> <ul style="list-style-type: none"> <li>▪ Definition</li> <li>▪ Statute of Limitations</li> <li>▪ Penalties</li> <li>▪ Other</li> </ul>	There is not a separate, specific crime of torture in Thai criminal law (see Comments below).
<b>Universal Jurisdiction &amp; Cooperation, (Articles 5, 9)</b>	
<b>Investigations, (Articles 12, 13)</b>	
<b>Remedies and Reparations, (Article 14)</b>	

<b>Exclusion of Evidence (Article 15)</b>	Thailand does not have an explicit law prohibiting the use of statements obtained through torture. The following articles are of general application: Sections 226 and 226/1 of the Criminal Procedure Code.
<b>Legal and Procedural Safeguards (Articles 2, 11, 16)</b>	- Section 7/1 of the Criminal Procedure Code (notification, access to a lawyer, right to be nursed).
<b>Non-Refoulement (Article 3)</b>	
<b>Other</b>	
<b>Comments</b>	<p>- There is not a separate, specific crime of torture in the Thai criminal law. See Criminal Code, B.E.2499 (1956), as amended until the Criminal Code (No.17), B.E. 2547 (2003). <a href="http://www.thailaws.com/">http://www.thailaws.com/</a></p> <p>- Thailand participated in its Universal Periodic Review in October 2011. During the interactive dialogue, the delegation of Thailand said “the Government had been working to include a definition of torture in domestic law.” UN Doc. A/HRC/19/8 at §50.</p> <p>Furthermore, Thailand supported recommendations issued by other States concerning criminalizing torture.</p> <p>See Report of the Working Group on the Universal Periodic Review, Thailand, UN Doc. A/HRC/19/8, (8 December 2011) <i>available at</i> <a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/THSession12.aspx">http://www.ohchr.org/EN/HRBodies/UPR/Pages/THSession12.aspx</a> .</p>
<b>Languages Available</b>	English
<b>Links &amp; Sources</b>	<p>- Constitution of the Kingdom of Thailand, B.E.2550, 2007 <i>available at</i> <a href="http://www.senate.go.th/th_senate/English/constitution2007.pdf">http://www.senate.go.th/th_senate/English/constitution2007.pdf</a></p> <p>- Criminal Procedure Code of Thailand, B.E.2477 as Amended by B.E. 2551, 2008 (website of the Asian Human Rights Commission) <i>available at</i> <a href="http://www.humanrights.asia/countries/thailand/laws/Criminal%20Procedure%20Code%20I.pdf">http://www.humanrights.asia/countries/thailand/laws/Criminal%20Procedure%20Code%20I.pdf</a></p>

## Relevant Articles

### ➤ Constitution of the Kingdom of Thailand, B.E.2550, 2007

#### CHAPTER III- Rights and Liberties of the Thai People

#### Part 3- Personal Rights and Liberties

#### **Section 32**

A person shall enjoy the right and liberty in his or her life and person. A torture, brutal act, or punishment by a cruel or inhumane means shall not be permitted; provided, however, that punishment in execution of a judgment of the Court or as provided by law shall not be deemed the punishment by a cruel or inhumane means under this paragraph.

No arrest or detention of person shall be made except by an order or a warrant of the Court or upon other causes as provided by law.

A search of a person or an act affecting the right and liberty under paragraph one shall not be made unless upon such causes as provided by law.

In the case where there occurs an act affecting the right and liberty under paragraph one, the injured person, the Public Prosecutor or any other person, in the interest of the injured person, has the right to file an application to the Court for an order stopping or revoking such act, and, for this purpose, there may be determined appropriate means or remedies for injury sustained.

### ➤ Criminal Procedure Code of Thailand, B.E.2477 as Amended by B.E. 2551, 2008.

(English version from Asian Human Rights Commission website)

#### **Section 7/1**

An arrested person or an the alleged offender, who is superintended or detained, is entitled to notify or let an authority notify the relatives or the person whom arrested person or the alleged offender to be arrested or the place where one is arrested in the first time, and let the arrested person or the alleged offender to be entitled as follows:

- (1) To meet and talk with the person, who will be lawyer, as personal;
- (2) To let lawyer or person to be trusted enter into hear to inquire oneself in questing;
- (3) To be visited or got in touch with relatives as may be reasonable;
- (4) To be nursed without delay when to be ill;

To let Government official or police official, who over an arrested person or an alleged offender, have the duty to notify an arrested person or an alleged offender to right according to first paragraph in first time.

## **Section 226**

Any material, documentary or oral evidence, likely to prove the guilt or the innocence of the accused, is admissible, provide it is not obtained through any inducement, promise, threat, deception or other unlawful means; such evidence shall be produced in accordance with the provisions of this Code of other laws governing production of evidence.

### **Section 226/1**

In case where it is appearing in Court that any evidence arised [sic] duly but derived by acting in bad faith or derived by means of the data arisen or derived wrongfully, such evidence shall not be admitted by the Court, unless the admission of such evidence will have more useful effect on giving justice than bad effect arisen from an impact on the standard of criminal justice work system or the basic right and liberty of people.

In consideration of admitting an evidence according to the first paragraph the Court shall consider all circumstance of case without thinking of the following factors;

- (1) Proval [sic] value, importance and convincing evidence.
- (2) Circumstances and gravity of offence in case.
- (3) Nature and injury being arisen from the acting in bad faith.
- (4) A person, doing wrongful act being a cause of deriving the evidence, is punished or not and how it is.

[...]