

**Complaint No. 151/2553: Right in the judicial process – a case of police officers being accused of shooting the complainant’s brother**

The complainant complained that on March 4, 2010, at night time, the complainant’s older brother was shot at his stomach at close range by an officer in an inspection team consisting of police officers from Mae Tuen Provincial Police Station and forest officials at a checkpoint between Huay Khanun village and Si Brae village, Moo (village No.) 7, Omkoi District, Chiang Mai Province, causing serious injury. The complainant had a view that it was an immoderate act and asked the NHRCT to investigate.

The NHRCT considered facts obtained from checking related laws and had a view that as the incident happened at night time, the complainant’s older brother could not see who was the shooter and other persons who travelled together with the complainant’s older brother also did not know and did not see who shot the complainant’s older brother. From Mae Tuen Provincial Police Station’s explanation that police officers only shot into the sky to threaten a group of people who were trying to escape and it was not known who was the shooter, there was no facts and evidence to confirm that the incident of which the complainant’s older brother had been shot was whose act.

Nonetheless, facts also indicate that when inquiry officials knew about the incident of which the complainant’s older brother had been shot and injured, they did not conduct an investigation and just waited until the injured parties came to notify and complain themselves, resulting in the injured parties not having their rights protected according to the Constitution of the Kingdom of Thailand B.E. 2550. Inquiry officials at Mae Tuen Provincial Police Station can then be considered as being negligent which constituted violation of human rights.

The NHRCT therefore proposed measures to solve human rights violation problem in this case to the Royal Thai Police to consider taking actions according to its authority and duties for the case that inquiry officials at Mae Tuen Provincial Police Station did not

investigate the case that the complainant's older brother had been shot and injured, and asked to be informed about results of actions within 60 days after receiving this report.

Office of the NHRCT is required to monitor results of actions by the Royal Thai Police and consider taking actions according to Section 30 and Section 31 of the National Human Rights Commission Act B.E. 2542.