



Expat Counsel

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CRIMINAL LAW IN THAILAND

Part XXV: Arrest at Suvarnabhumi airport

What do you do if you're arrested at Suvarnabhumi, Bangkok's main airport? In recent months there have been allegations that tourists have been arrested for shoplifting in duty-free stores, taken to a remote location and forced to pay for their freedom.

Of course, a police officer who arrests you must show identification. As discussed in earlier columns, it is illegal in Thailand to impersonate a police officer. According to a recent Supreme Court of Thailand decision, refusing to go with a police officer who will not identify him or herself does not constitute resisting arrest.

Under Section 79 of the Criminal Code of Thailand someone who is not a police officer may arrest another who has committed a crime in his or her presence. If someone who is not a police officer attempts to arrest you in the airport, though, you should immediately ask another person present to call the police and stay where you are until a uniformed police officer arrives.

You should be particularly careful in situations where the person arresting you appears to be in some uniform, but has no identifying information such as an airport ID, name tag, badge or other typical identification. Uniformed personnel such as customs officials or the military are only authorised to make arrests in connection with offences over which they have jurisdiction. For example, though a customs official could arrest you for smuggling, he or she would not be officially authorised to arrest you for shoplifting at a duty-free shop. Of course, these officials, as members of the public who have witnessed a crime, could arrest you under Section 79, but if this happens you should immediately request a real police presence.

We have been informed by officials at Suvarnabhumi airport that if you are to be arrested at the airport it will be by a uniformed policeman who will always give identification and will escort you to the police office on the second floor of the airport. Thus, if the person arresting you refuses to give identification or allow you to call or communicate with anyone, or tries to take you to some location outside of the airport, you are within your rights in refusing to go with them.

Before going anywhere with a police officer you should immediately make some phone calls. As discussed in earlier columns, you have a right to contact whomever you wish, as soon as you are arrested. For this reason you should always have a mobile phone with you. If you don't have one, you should request the use of the officer's mobile phone or a phone in the location where you are and call family, friends, your embassy, your lawyer, business associates — anybody you can. You should give the people you contact information about the arresting officer, where you are and with what you've been accused.

If you are in police custody, you also have a right to have an interpreter and/or lawyer you appoint present and to have any charges explained to you. Any medical conditions you have must be attended to immediately. ■

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