

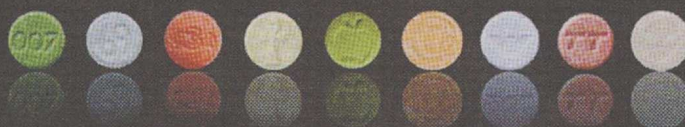
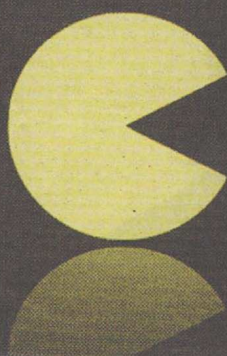


Expats Counsel

By James Finch and Nilobon Tangprasit

CRIMINAL LAW IN THAILAND

Part LXXV: Drugs — who's in charge?



Which government agencies in Thailand are in charge of drug enforcement? Last time we mentioned that there's a special government agency, the Narcotics Control Board (NCB), that's in charge of coordinating government enforcement and policy with respect to drugs. But what agencies are involved and what powers do they have? Here is a list of all the drug enforcement powers of the Thai government. It is taken from Section 14 of the Narcotics Control Act.

5. To conduct legal searches.
6. To question alleged drug offenders. Who has these powers? The secretary-general of the NCB can designate individual government officials on the following list:
 - Police officers.
 - Government soldiers.
 - NCB officials.
 - Provincial vice-governors, provincial governors, district officers and assistant district officers.
 - Government agencies such as the Customs Department and the Excise Department.

When so designated, they are called "competent officials" under the act. Police officials who are deputy commanders and above, if designated by the secretary-general, have the above powers but they have the additional power to send letters of inquiry or summon any person to give a statement or evidence in connection with a drug investigation. In addition to competent officials, all police and many other government officers are allowed to investigate

and make arrests for drug offences under the Thai Criminal Procedure Code. You can see that a broad range of government officials are empowered in the field of drug enforcement, including the police, the military, provincial officials and customs. In addition to these officials, anyone requested by these officials to assist in the exercise of the above powers may do so, as long as the official requesting the assistance is present when the assistance takes place. Let's look at an example of how this works in terms of government power. Say a tax assessor goes to a restaurant to check the books for tax compliance. The place looks like a drug den and she suspects they are selling drugs in a closed back room, because shady-looking customers are going in and out of there. It is locked and the owner lets them in with a key. Can she demand entrance to the room and search for illegal drugs? No, she can't, because she's not a competent official. Likewise, though Section 79 of the Criminal Procedure Code allows private citizens to make "citizen's arrests" in certain

cases specified in section 82 of the same code, drug offences are not listed in section 82. So the proper course of action for the tax assessor would be to call the police or any other official on the above lists, report her suspicion and ask them to investigate. Let's say, with the same example, that it is a police officer who is having lunch at the restaurant and he sees the same thing - shady characters being let into a locked back room. Can he demand to be let into the room, or break in and search for drugs? Next time we'll talk more about the powers of government officials to search and arrest for illegal drugs. ■

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