

Thesis Title	The problems in the use of Restraint on inmates
Author	Bunjerd Junrungsri
Thesis Advisor	Assistance Professor Dr.Thanee Vorapatr
Department	Law
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ABSTRACT

This thesis aims to study the problem concerning legal measures for the treatment of prisoners in connection with the use of restraint instrument prior to the final judgment. The practice in the Correction Act of Thailand has provided for the use of restraint instruments that affected the defendant's rights whose final judgment of guilty has been made by the Court of Justice. In certain cases, the undertaken of officers' duty in prisons may be considered violation of human rights. Therefore, it is necessary to have measures to safeguarding detainees of such action. The study includes the details of the behavior on the use of restraint instruments against a prisoner in Thailand and other countries together with standard and guidelines which have been written in the standard in comparison with the legitimacy and looking for loopholes of Thailand applicable laws so that the loopholes of such practices shall be curtailed and redressed.

This thesis employs the documentary research method by searching the legal provisions, journals, articles and other related documents of Thailand, Japan, England and America countries. Besides, it includes practical information through the interview of officers working in prisons and authorities having the knowledge thereto. The field trips in the prisons are made in order to systematically gather and analyze the information and findings for the final conclusion and recommendations.

It is found from the study that with regard to the use of restrain instruments prior to final judgment, there still are flaws both legal and practical problems because the officers in prisons and administration overseeing the use of restraint instruments still apply the instruments prior to final judgments pending the trials in the Court of First Instance, in the Appeal Court and the Supreme Court. For example, using chains with political man who hasn't prisoners in a capital case is the use of restrains. This excess has violated the rights of a prisoner whereby the

Court has not imposed final judgment of guilt or innocence under the provision of the Constitution of Thailand and the international standard. They shall not be treated as if they were guilty. In considering the laws of Japan, England and America in comparison, the same principles as the international standard are applied. The correction law of Thailand is still given beneficial for the use of discretion by officers. The restraint instruments according to the old law are provided for torture against a prisoner. Moreover, the prisons are not physically secured and strong. Consequently, it always brings about the problems of unnecessary use of restraints and abuse of power in the treatment of prison.

The author is of opinion that the instruments of restraint against a prison prior to final judgment should be used only in case of utmost necessity according to the law and in the limited period of time. However, the prison and the guarding system of prisoners should be in the proper conditions. The treatment of a prisoner should be examined by the external organization for transparency in monitoring the work of officers in prisons. Moreover, the other instruments of restraint which are not persecuted in nature to be used against prison. International standard and guidelines effective for the control that exist in other countries should be applied and prescribed in Thailand's correction legislation.

1) A proposal to improve Including Should the amendment provision in respect of the use of restraints on inmates during appeal or petition for clarity. The Correction Act in 1936

2) Should the amendment to The Correction Act in 1936 , the word "likely"

3) Section 14 subsection (1) and (3) are considered commandment is hinted broadly the Act. Ban the use of restraints for inmates excluded.

(1) A person is a danger to life or their body or someone else.

(3) A person trying to escape of control.

4) Ministry should revise rules by law, restraints closer to the modern international chains such as replacing the ankle strap. And a control system with electronic monitoring should be used against inmates. Especially inmates sentenced before a high penalty rate or inmate with mental symptoms.

5) There should be more provisions in the Correction Act in 1936, section 4 by coined the word "Prisoner during appeal or petition" is mention separately in section 4 (1) a new commandment that "prisoners shall mean the prisoners. Prisoner during appeal or petition and

put in jail " and explain to the practice or the general public to read section 4 provides that any meaningful for reduce the problem of interpreting the law to abuse.

6) To reduce the use of restraints on inmates tools before judgment, corrections should provide "Special control zones" in prisons nationwide except remand prison available for inmates before a final judgment. Which was set up as a separate region and should install close circuit of abuse to watch behavior that follow the rules of prison or not

7) Provide operational staff in prisons especially Pasc and prison guard who have been educate about use of restraints bond type chains with inmates. By attributing the actual laws for knowledge and understanding to use appropriate restraints type chain and fair the intent of the law, and corrections experience, care for the well-being of prisoners that responsibility. The staff working in prisons to treat prisoners with humanitarian principles and respect for the dignity of the human potential of personal freedoms. Don't neglect to subordinate wrongful exploitation.

8) Sould jail and detention have reported the use of chains on prisoners every month; the stated reason for the order or revoked the obvious to gather information for sent to top executives to be checked for accuracy.