

Thesis Title	Remand: The Study of the Right of Prisoner about Remand Penal Institution
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### ABSTRACT

Nowadays, there are numerous arrested offenders, committing by different motive namely family problem, lack of economics or social opportunity, negligence or violence victimization, and it tends to be additionally increased. In evidence collection, necessity of detention is rarely considered by criminal justice organizations, and provisional release is always concentrated on security leading to very high price. As a result, most of offenders are not released or bailed and consequently confined as remand prisoner that is classified into three types

1. Remand Prisoner in inquiry (Police and Public Prosecution)
2. Remand Prisoner in preliminary hearing or trial (Court of first instance) and
3. Remand Prison in Appeal and Dika (Appeal Court and Dika Court)

All of three aforesaid are not deemed as convicts under Presumption of Innocence, Procedural Subject and Standard Minimum Rules for The Treatment of Prisoners. That is to say as long as judgement is not final, offender shall be presumed as innocence and not treated as offender. Moreover, in Thai law, remand penal institution is provided under section 11 of Corrections Act B.E. 2479 that “Prisoner and Remand Prisoner shall be separately confined from convict as much as possible” as well as section 89/1 of Criminal Procedure Code also provided :

“In the case of necessity during an inquiry or trial, either upon application of the inquirer, public prosecutor, prison governor or official bearing the duty to enforce a warrant of imprisonment of the accused or defendant or proprio motu, the court may, by order, rule that such detention is to be carried in any place, other than a prison, as applied for by the mentioned person or as deemed appropriate by the court; prescribed that the detainee must be under the care of the applicant or official designated by the court. In this respect, the court may fix a period of time for such detention as deemed appropriate

The place under paragraph 1 shall not be a police station or a place employed by an inquirer for restraining his accused. In this respect, the types of such place shall be determined by the ministerial regulation wherein the means of custody and the measures against any possible abscondence or injury must be indicated.”

However, in Thai practice, prisoners shall generally be detained or confined in prison. Due to insufficient budgetary problem, both prison and penal institution could not be expanded and correction officers are not available enough. That is why remand prisoners shall be confined with convicts under restricted rule, regulation and policy of Department. In other words, they shall be treated similarly as convicts affecting public and social damage.

As mentioned above, for efficient and effective theory and practice, the right of remand prisoner about their penal institution and the impact of non-solitary confinement shall be deeply studied for clear provisional revision about remand prison, bailng and fundamental right and liberty.