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ANALYSIS BRANCH

TO : DEPARTMENT OF STATE

FROM : AmEmbassy BANGKOK

DATE: April 3, 1970

SUBJECT: SPT Legislation on the Powers of Investigation

REF : A. Bangkok's A-297, May 21, 1969
B. Bangkok's 4038, April 3, 1969

The Government delivered to Parliament on April 2 a bill drafted in response to parliamentary sentiment in favor of some separation between the powers of arrest and investigation. On April 2, 1969, the Government had promised parliament to return to it with such a bill within one year, and it felt obligated to hold to the timetable even though parliament is not in session and will not meet until June 20.

The final version of the bill, as presented to parliament, was actually drafted by a committee of SPT parliamentarians, who made significant changes in the Ministry of Interior draft they were given. The bill now provides that the police retain the power of investigation, but that they exercise it under the control of civilian officials, with the Governor being in charge of investigations in each province, the District Officer in each district, and the sub-district officer in each sub-district. The Interior Ministry version, which had passed through the Cabinet and Juridical Council, provided that the police retained the power of investigation, and that persons with grievances against the police investigators could complain to the Governor or District Officer.

Since the Ministry draft gave governors and district officers no operational control over the police in investigatory matters, the SPT believed the right of complaint was meaningless. The Cabinet approved the SPT's redraft on April 1, the day after the party had voted in favor of it.

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Representing as it does an SPT text, the bill should encounter no difficulty when parliament considers it next summer. It will not satisfy the Democrats, who want to remove the powers of investigation from the police altogether and create a separate investigative body in the Ministry of Justice. The bill does, however, meet public concern noted not only by the Democrats but also by other parliamentarians in their electoral campaigning and by provincial and district level officials, in that it provides a check on police power and gives the individual recourse to redress of any grievances. A number of district level officers recently commented to a travelling Embassy Officer that they favored the proposed change in principle, even though they were not looking forward to it, since it will mean considerably more work and they do not anticipate any staff increases to compensate. The bill, it should also be noted, strengthens General Praphat vis-s-vis the police in general and General Prasert Ruchirawong in particular.

The Government has heretofore tended to look upon the drafting of legislation as something within its prerogative, and the fact that in this case it has been willing to allow legislators to legislate is of interest. It clearly kept a close eye on the process. The SPT drafting committee, consisting of ten Representatives and five Senators, presented its draft bill to the party on March 23. Heated discussion followed, with the party splitting into three groups: one favoring the draft, one (led by Deputy Speaker Nom Upramai) favoring the creation of magistrates' courts, and one favoring police retention of the full powers of investigation. No agreement was reached, and it was decided to resume discussion on March 31, when the party voted (72-54, according to the press) in favor of the bill. A Deputy Under Secretary of Interior told the Reporting Officer shortly before the SPT meeting that General Praphat had confirmed to the party that he approved the committee draft and had said he would not agree to anything else. This, presumably, was a pertinent factor in the vote. The Government did, however, approve in principle Nom Upramai's proposal for setting up magistrates' courts, and has agreed to study it. As for the SPT faction favoring the status quo, Prasit Choopinit commented to Embassy Officers that this group consisted of people personally allied to Gen. Prasert, and he thought they were exaggerating the loss of power the bill would bring to the police.

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