

## **Issuing of Search Warrants and Arrest Warrants Under the Constitution of the Kingdom of Thailand B.E.2540**

The Research on “Issuing of Search Warrants and Arrest Warrants under the Constitution of the Kingdom of Thailand B.E.2540” was aimed at studying attitudes of the related parties and the general public on issuing of search warrants and arrest warrants by the court, learning difficulties in issuing of search warrants and arrest warrants including problems occurred resulting therefrom, and learning guidelines for proper use of discretion of judges in issuing of search warrants and arrest warrants of the Court of Justice, and protection of equal rights and liberties of individuals, and effective prevention and suppression of crimes.

According to the research result on the issue of development of protection of legal rights and liberties of the general public, it was found that the related parties and the majority of the general public had positive attitudes towards the issuing of warrants by the Court of Justice for effective protection of rights and liberties of the general public.

The development of criteria and guidelines for use of discretion of judges in issuing of search warrants and arrest warrants by the Court of Justice should be prescribed with clearer norms on weighing of “reasonable grounds to believe” in issuing of warrants for solving problems of unsystematic use of discretion and weighing of data and evidences presented by applicants for warrants both in cases of searching and arrest during normal time and in the nighttime, and the Court of Justice should develop the process of audit of criteria for use of discretion of judges in issuing of warrants, and should clarify reasons thereof so that the process of issuing of warrants by the court shall be an audit and balance of power in the administration of justice.

Correction of difficulties, for examples, regarding the coordination, the Court of Justice should integrate cooperation with the Royal Thai Police and other related organizations in the administration of justice in training, seminars, giving of knowledge, creating of understanding, and jointly solving problems and difficulties occurred in the process of issuing of warrants, including dissemination of operational guidelines for issuing of warrants for acknowledgment by the related parties in order to reduce difficulties in the process of issuing of warrants, difficulties on the period of time in the process of issuing of search warrants, arrest warrants with the process of issuing of warrants; whereas, the court has spent more time because of increasing steps in the process of issuing of warrants by the court.

Regarding the development of other related legal measures, the Court of Justice should prescribe corrective guidelines in the event that the applicant for a warrant has presented false data and evidence in the process of issuing of warrants, and has prescribed measures for remedy of innocent people who were affected by the unlawful performance of duties of search and arrest by the state authorities.

Moreover, the reporting of results of compliance with warrants can be used as supporting data for use of discretion relating to the reliability of an applicant for warrant in the next filing of petition.