

Internal Security Act, B.E. 2551 (2008)

Translation

BHUMIBOL ADULYADEJ, REX;

Given on the 19th Day of February 2008

Being the 63rd Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have an Act on Internal Security

This Act contains provisions which impose restrictions on the rights and liberties of the people as allowable under Section 29 and Section 31 along with Section 32, 33, 34, 36, 41, and 43 of the Constitution of the Kingdom of Thailand by virtue of the provisions of the law.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly as follows.

Section 1

This Act is called "the Internal Security Act, B.E.2551 (2008)"

Section 2

This Act comes into force on the day following its announcement in the Government Gazette.

Section 3

In this Act

'the maintenance of internal security' means operations to prevent, control, resolve, and restore any situation which is or may be a threat arising from persons or groups of persons creating disorder, destruction, or loss of life, limb, or property of the people or the state, in order to restore normalcy for the sake of the peace and order of the people, or the security of the nation.

'the Board' means the Internal Security Operations Board

'the Director' means the Director of the Internal Security Operations Command

'government agency' means an office of government, state enterprise, public organization, local government body, or other government body but excluding the courts and independent organizations under the Constitution.

'state official' means a government servant, officer, or employee of a government agency

'competent officer' means a person appointed by the Director of Internal Security to carry out duties under this Act

'province' includes Bangkok

'provincial governor' includes the governor of Bangkok

Section 4

The Prime Minister shall have charge and control of the execution of this Act.

Chapter 1**The Internal Security Operations Command**

Section 5

There shall be an Internal Security Operations Command, known in short as ISOC, within the Prime Minister's Office with power and responsibility for the maintenance of internal security.

ISOC shall have the status of a special government agency under the direct command of the Prime Minister. The administration, management, structure and division of work, the powers of units, and manpower level shall be determined by the Cabinet.

The Prime Minister in his status as head of government shall be the Director of Internal Security, known in short as DISOC, with command over government servants, officers and employees in ISOC, and with responsibility for the official operations of ISOC. The Commander-in-Chief of the Army shall be Deputy Director of Internal Security.

The Director may appoint an Assistant Director from among government servants affiliated to ISOC or other state officials as appropriate with due regard to the structure and division of work within ISOC.

The Chief of Staff of the Army shall be the Secretary of ISOC with the duty to take responsibility for the direction and activity of ISOC.

The Deputy Director, Assistant Director, and Secretary of ISOC have power to command government servants, officers and employees in ISOC as deputies of the Director, and have other powers and duties as assigned by the Director.

The Director shall have power to undertake juristic acts, prosecute or defend lawsuits, and perform any actions in connection with lawsuits which are related to the duty of the Internal Security Operations Command, acting in the name of the Prime Minister's Office.

In execution of duty and exercise of power under this Act, the Director may assign his power in writing to the Deputy Director to execute the power on his behalf.

Section 6

ISOC shall be a government agency according to the law on budget procedures and the law on government finance.

Section 7

ISOC shall have powers and duties as follows:

- (1) to monitor, investigate, and evaluate situations which may give rise to a threat to internal security, and report to the Cabinet for consideration on further action;
- (2) to direct the maintenance of internal security, pursuant to which ISOC shall have the power and duty to propose a plan and directions for operation and implementation for the Cabinet to consider and approve, and when the Cabinet has given approval, government agencies shall follow this plan and directions;
- (3) to direct, coordinate, and support the activity of government agencies in operations related to implementation under (2), pursuant to which the Cabinet may also assign ISOC the power to oversee implementation by government agencies as determined by Cabinet;
- (4) to encourage people to be aware of their duty in upholding nation, religion, and king; to build love and unity among people in the nation; as well as to promote popular participation in preventing and overcoming various problems which affect internal security and the peace and order of society;
- (5) to undertake other operations according to legislation or as assigned by the Cabinet, National Security Council, or Prime Minister.

Section 8

Beside the transfer of government duties under the Act on the Organization of State Administration, the Director may assign the powers and duties of the Director under this

Act to the director of a Regional ISOC, the director of a Provincial ISOC, or the director of a center or head of an agency otherwise named.

Section 9

To facilitate operations within the power of ISOC under this Act, a government agency shall, at the request of the Director of ISOC, send state officials to serve at ISOC; and a central personnel organization or any other body which has power and duty similar to that government agency shall provide the government agency that has sent state officials to serve at ISOC with replacement staff as required, but not exceeding the number sent.

Section 10

There shall be an Internal Security Operations Board composed of the Prime Minister or a Deputy Prime Minister assigned by the Prime Minister as Chairman; Minister of Defense and Minister of Interior as Deputy Chairmen; Minister of Justice, Minister of Information and Communications Technology, Permanent Secretary for Defense, Permanent Secretary for Foreign Affairs, Permanent Secretary for Interior, Attorney-General, Director-General of the National Security Council, Director of the National Intelligence Agency, Director of the Budget Bureau,, Secretary of the Civil Service Commission, Secretary of the Public Sector Development Commission, Supreme Commander, Commander-in-Chief of the Royal Thai Army, Commander-in-Chief of the Royal Thai Navy, Commander-in-Chief of the Royal Thai Air Force, Commissioner-General of the Royal Thai Police, Comptroller-General, and Director of the Department of Special Investigations, as members; the Secretary of ISOC as member and secretary; and no more than two government servants within ISOC appointed by the Director as assistant secretaries.

The Board shall have the power to oversee, offer consultation, and make proposals to ISOC on operations within the power of ISOC, including the following powers and responsibilities:

- (1) to prescribe procedures for the direction and coordination of government agencies related to the maintenance of internal security;
- (2) to prescribe procedures for the activity of ISOC, Regional ISOCs, and Provincial ISOCs;
- (3) to issue regulations concerning budget, financing, properties, and the management of the assets of ISOC;
- (4) to appoint an ISOC advisory council with due regard to participation by various segments of the population, consisting at the minimum of people with expertise or experience in political science, public administration, jurisprudence, science and technology, maintenance of people's rights and freedoms, peaceful resolution of problems, maintenance of state security, and public media, with the duty to propose solutions to problems or prevention of threats that arise and to give advice as sought by the Board;
- (5) to appoint committees or working groups to exercise duty as assigned;
- (6) to undertake other duties as laid down in this Act or other laws.

Section 11

When there is necessity for the sake of internal security within the territory of any army region, the Board on the proposal of the Director may pass a resolution for the regional army to establish a Regional Internal Security Operations Command, known in short as a Regional ISOC.

A Regional ISOC shall report directly to ISOC; the Commander of the Regional Army shall be the Regional Director of Internal Security with duty and responsibility to support the maintenance of internal security within the territory of responsibility of the regional army, as the Director assigns.

To facilitate the work of a Regional ISOC, the Director has the power to appoint government servants, officers and employees of the regional army, together with government servants, officers and employees of government agencies within the territory, to work regularly or temporarily in a Regional ISOC, as proposed by the director of a Regional ISOC.

The director of a Regional ISOC shall have command over government servants, officers, and employees who have been ordered to work within the Regional ISOC, and shall take responsibility for the implementation of the work of the Regional ISOC.

The structure, division of work, staffing, and management of working units within a Regional ISOC shall be determined by the Director following proposals by the director of the Regional ISOC.

ISOC and the regional army shall study how to provide support with personnel, budget, and resources for the operations of a Regional ISOC on the request of the Director of Regional Security, with the provisions of Section 9 applying to the Regional ISOC, *mutatis mutandis*.

Section 12

To facilitate participation in overcoming problems or protecting against threats that arise, the director of a Regional ISOC may establish a Regional ISOC advisory board consisting of a chairman and no more than 50 members, appointed from among persons accepted and trusted by the people in all parts of the territory with duty to propose solutions for problems or for prevention of threats that arise, and to give consultation as requested by the director of the Regional ISOC

Section 13

To facilitate the support, assistance, and execution of duty of the director of a Regional ISOC under Section 11, the director of a Regional ISOC with the approval of the Minister of Interior and the Director may establish a Provincial Internal Security Operations Command, known in short as a Provincial ISOC, in any province within the territory of the regional army as a unit reporting directly to the Regional ISOC, with duties and responsibilities to support the maintenance of internal security in an area of responsibility within that province as assigned by the Director. The Provincial Governor shall be the Provincial Director of Internal Security, with power of command over government servants, officers and employees, and responsibility for the operations of the Provincial ISOC.

The structure, division of work, staffing, and administration of working units within a Provincial ISOC shall be as determined by the Director.

ISOC and the province shall study how to provide support with personnel, budget, and resources for the operations of a Provincial ISOC on the request of the director of a Provincial ISOC, with the provisions of Section 9 applying to the Provincial ISOC, *mutatis mutandis*.

Section 14

To promote participation in overcoming problems or guarding against threats that arise, the director of a Provincial ISOC may establish an advisory board consisting of a chairman and no more than 30 members, appointed from among persons accepted and trusted by the population in all parts of the territory, with duty to propose solutions for problems or for prevention of threats that arise, and to give consultation as requested by the director of the Provincial ISOC.

Chapter 2

Duties of maintaining internal security

Section 15

In the event of an occurrence which affects internal security but which does not yet require the declaration of a state of emergency under the Act on Public Administration in an

Emergency Situation, in which the occurrence has a tendency to persist for a long time, and falls under the power and responsibility for solving problems of several government agencies, the Cabinet shall pass a resolution to have ISOC take responsibility for prevention, suppression, and eradication or mitigation of this occurrence which affects internal security, within an assigned area and time-period, and shall make a general announcement of this fact.

In the event that the occurrence in paragraph 1 subsides or can be overcome within the powers of the government agencies which have normal responsibility, the Prime Minister shall declare that the powers of ISOC as assigned under paragraph 1 lapse, and the Prime Minister shall promptly report the outcome to the House of Representatives and Senate.

Section 16

In implementation under Section 15, ISOC shall also have powers and duties as follows:

- (1) to prevent, suppress, eradicate, and overcome or mitigate the occurrence that affects internal security as assigned under Section 15;
- (2) to draw up a plan of execution according to (1) to be proposed to the Board for approval;
- (3) to oversee, follow up, and expedite relevant government agencies and state officials to implement or coordinate implementation according to the plan in (2);
- (4) to order that any state official whose behavior is a threat to internal security or an obstruction to the maintenance of internal security, be excluded from a designated area.

In drawing up a plan under (2), ISOC shall meet to consult with the Office of the National Security Council and relevant government agencies, and pursuant to this shall draw up a plan to confront every situation that may arise.

In the event of an order under (4), ISOC shall inform the government agency to which the state official belongs along with the reason, and shall have the state official report to the government agency to which that state official is attached as soon as possible. The officials of the government agency to which that official is attached shall issue an order for that state official to be relieved of official duties or relieved from the implementation of official duties in the area as prescribed in the aforesaid order.

For the benefit of implementing operations according to the duties and powers under paragraph 1, if there is necessity for ISOC to use the powers and duties that according to law fall within the powers, duties or responsibilities of any government agency, the Cabinet shall have the power to appoint any officer within ISOC to be a government official or competent officer under law, or to pass a resolution for the government agency to transfer its powers, duties and responsibilities under law in the aforesaid matter to ISOC to operate in its stead, or to have power to operate within a specified area and time period, and shall also prescribe the principles and conditions relating to that power.

Section 17

In the event of a need to overcome problems affecting internal security according to the powers and duties in Section 16 in any area, the Director with the approval of the Board shall have the power to establish one or more special operations centers or agencies otherwise named to carry out any duty or several duties as specified.

The structure, staffing, administration, duties, control and coordination or command of an operations center or agency otherwise named under paragraph 1 shall be as determined by the Director with the approval of the Board, and published in the Government Gazette.

The provisions of Section 9 shall apply to these operations centers and agencies, *mutatis mutandis*, and the power of the Director shall serve as the power of the director of the center or agency.

Section 18

To facilitate the prevention, suppression, eradication, and solution or mitigation of an occurrence under Section 15, the Director with the approval of the Cabinet shall have the power to issue regulations as follows:

- (1) to have relevant state officials implement any action, or suspend any action;
- (2) to prohibit entry or exit at a locality, building, or designated area during its operating hours, except with the permission of a competent official or being an exempted person;
- (3) to prohibit exit from dwelling places within a designated time;
- (4) to prohibit the carrying of weapons outside dwelling places;
- (5) to prohibit the use of routes or vehicles or to prescribe conditions on the use of routes or vehicles;
- (6) to order persons to perform or suspend any action in connection with electronic equipment in order to guard against danger to life, limb, or property of the people.

Orders under paragraph 1 may prescribe principles, time period, or other conditions and the aforesaid prescriptions must not create unreasonable inconvenience for the people.

Section 19

In the execution of powers under Section 16(1), the Director and any competent officer designated by the Director shall be deemed to be a high-level Interior official or police officer and also an investigating officer according to the Code of Procedure for Criminal Investigation.

Section 20

Should the execution of power by ISOC under Section 16 (1) result in loss for any innocent person, ISOC shall arrange for that person to receive compensation for the loss appropriate to the case according to principles and conditions determined by the Cabinet.

Section 21

Within the area assigned for ISOC operations under a Cabinet resolution in Section 15, if an investigating officer believes that any accused person has committed an offence which affects internal security as designated by Cabinet by mistake or out of ignorance, and that granting the suspect the opportunity to reform will be of benefit to the maintenance of internal security, the investigating officer shall submit records about that accused along with the opinion of the officer to the Director.

If the Director concurs with the opinion of the investigating officer, the Director shall send the report along with the Director's opinion to a public prosecutor to present to the court; if the court deems it appropriate, the court may order that person be sent to the Director to undergo training at a designated place for a period not exceeding 6 months and under any other conditions prescribed by the court, in lieu of court proceedings.

The procedure under paragraph 2 may be carried out only when the accused consents to undergo training and abide by the conditions in lieu of court proceedings. The consent of the wrongdoer shall be submitted along with the report and opinion of the investigating officer according to paragraph 2.

Section 22

Officials exercising their duties within an area designated under Section 15 may receive special remuneration as designated by the Cabinet.

Any official under paragraph 1 who suffers injury, death, disability, or loss of body parts as a result of the execution of duty may receive other benefits apart from those provided by law in accordance with regulations decided by the Cabinet.

Section 23

Any regulation, notification, order, or action under this Chapter is not subject to the law on administrative procedures.

Any court case arising from a regulation, notification, order or action under this provision shall fall within the power of the courts of justice. Pursuant to this, in the event that the court must consider providing measures of protection or temporary protection prior to a judgment under the Code of Civil Procedure or the Code of Criminal Procedure, according to the case, the court shall summon the state official or competent officer who issued the regulation, notification, order or action to explain the facts, report, or show reason, as part of the consideration of ordering the aforesaid measures of protection or temporary protection.

Chapter 3

Liability

Section 24

Any person who violates a regulation issued under Section 18 (2), (3), (4), (5), or (6) is liable to imprisonment not exceeding 1 year, or a fine not exceeding 20,000 Baht, or both.

Provisions

Section 25

The activities, resources, budget, debts, rights, government servants, employees, and personnel of the Internal Security Operations Command according to the order of the Prime Minister's Office 205/2006 concerning the establishment of the Internal Security Operations Command, dated 30 October 2006 shall be transferred to the Internal Security Operations Command under this Act.

Section 26

The Southern Border Provinces Administration Center and the Joint Civilian-Police-Military Command established by the order of the Prime Minister's Office 207/2006 concerning government administration in the southern border provinces dated 30 October 2006 shall become centers of operations or agencies otherwise named established under Section 17 of this Act.

Countersigned by

General Surayud Chulanont

Prime Minister

Note: The reasons for promulgating this Act are as follows. At present there are security problems caused by various people or groups of people. These problems are violent, and may quickly expand to a point they have broad and complex impact that may affect the independence and integrity of the realm, give rise to disorder within country, and threaten the peace and contentment of the people. In order to protect against such threats and to resolve them promptly and completely, it is appropriate to designate a principal agency

with responsibility for internal security, including integrating and coordinating actions among all government offices, and promoting participation by people in preserving security and strengthening their own localities. It is necessary to enact this law in order to guard against threats which may arise in times of normalcy, and to lay down measures and mechanisms for use at times when a security threat has arisen in any area in order to regulate the use of power for the specific purpose according to the level of seriousness of the situation, so that the situation may be resolved efficiently and with unity.

Published in the Government Gazette, 125, 39 a, 27 February 2008, pp. 33-44.

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