

**ACT FOR THE ENFORCEMENT OF THE GENEVA CONVENTION RELATIVE TO
THE TREATMENT OF PRISONERS OF WAR OF AUGUST 12, 1949**

B. E. 2498

[1955]

BHUMIBOL ADULYADEJ P.R.

**Given on the 6th of October B.E. 2498,
Being the 10th year of the Present Reign.**

By Royal Command of His Majesty Bhumibol Adulyadej it is proclaimed that

Whereas it is deemed fitting that there be a law for the enforcement of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949 to which Thailand has become a party:

His Majesty the King, by and with the advice and consent of the Assembly of the People's Representatives, is graciously pleased to enact an Act as follows:

Section 1. This Act shall be called the "Act for the Enforcement of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, B.E. 2498".

Section 2. This Act shall come into force from the day following its publication in the Government Gazette.

Section 3. All laws, regulations and other rules insofar as they are provided for in this Act or in the Convention or are inconsistent or contrary therewith, shall not apply to prisoners of war.

Section 4. In this Act

"Convention" means the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

"Prisoners of war" means the persons listed in Article 4 of the Convention.

Section 5. The President of the Council of Ministers shall be in charge of the execution of this Act.

Part 1

Offences Committed by Prisoners of War

Section 6. A prisoner of war shall be subject to the laws, regulations and orders in force in the Thai armed forces. Judicial or disciplinary measures in respect of any offence committed by a prisoner of war against such laws, regulations, or orders may be taken, however they shall not be contrary to the Convention.

No judicial or disciplinary punishment may be imposed on a prisoner of war unless the same punishment is provided for the same offence if committed by a member of the Thai forces.

Section 7. Military courts shall try prisoners of war for offences committed unless the existing laws permit the civil courts to try a member of the Thai armed forces, in which case the civil courts shall have the power to try prisoners of war for such offences.

Section 8. A court may not impose punishment without having given the prisoner of war the opportunity to defend himself or avail himself of the assistance provided for in Article 105 of the Convention.

Section 9. Disciplinary punishments applicable to prisoners of war shall be only the following:

(1) a fine which shall not exceed 50 per cent of the advances of pay and working pay which the prisoner of war would otherwise receive under the provisions of Articles 60 and 62 of the Convention during a period of not more than thirty days;

(2) discontinuance of privileges granted over and above the treatment provided for by the present Convention;

(3) fatigue duties not exceeding two hours daily;

(4) confinement.

The punishment referred to under (3) shall not be applied to commissioned officers.

The duration of any single punishment shall in no case exceed thirty days. Any period of confinement awaiting the hearing of a disciplinary offence or the award of disciplinary punishment shall be deducted from an award pronounced against a prisoner of war.

The maximum of thirty days provided above may not be exceeded, even if the prisoner of war is answerable for several acts at the same time when he is awarded punishment, whether such acts are related or not.

The period between the pronouncing of an award of disciplinary punishment and its execution shall not exceed one month.

When a prisoner of war is awarded a further disciplinary punishment, a period of at least three days shall elapse between the execution of any two of the punishments, if the duration of one of these is ten days or more.

Section 10. If the death penalty is pronounced on a prisoner of war, the sentence shall not be executed before the expiration of a period of at least six months from the date of judgment or in the event there is a Protecting Power, six months from the date when such Power receives the communication provided for in Article 107 of the Convention.

Section 11. Prisoners of war who have escaped in the sense of Article 91 of the Convention and who are recaptured, shall not be liable to any punishment in respect of their previous escape.

A prisoner of war who attempts to escape and is recaptured before having made good his escape in the sense of Article 91 of the Convention shall be liable only to a disciplinary punishment in respect of this act.

Escape or attempt to escape, even it is a repeated offence, shall not be deemed an aggravating circumstance if the prisoner of war is subjected to trial by judicial proceedings in respect of an offence committed during his escape or attempt to escape.

Offences committed by prisoners of war with the sole intention of facilitating their escape and which do not entail any violence against life or limb, such as offences against public property, theft without intention of self-enrichment, the drawing up or use of false papers, the wearing of civilian clothing, shall occasion disciplinary punishment only.

Prisoners of war who aid or abet an escape or an attempt to escape shall be liable on this court to disciplinary punishment only.

Part 2

Offences with Respect to Prisoners of War

Section 12. Whoever subjects a prisoner of war to medical, biological, or scientific experiments of any kind which are not justified by the medical treatment of the prisoner concerned shall be liable to a fine of not more than three thousand five hundred baht and imprisonment for not more than seven years.

Section 13. Whoever threatens, insults, or subjects a prisoner of war to humiliating or degrading treatment shall be liable to a fine of not more than five hundred baht or imprisonment for not more than one year or both.

Section 14. Whoever inflicts physical or mental torture or any other form of coercion on a prisoner of war to secure information of any kind whatsoever, or threatens, insults, or exposes a prisoner of war who refuses to answer to any unpleasant or disadvantageous treatment of any kind whatsoever shall be liable to a fine of not more than one thousand five hundred baht or imprisonment for not more than three years or both.

Section 15. Whoever coerces a prisoner of war into active service with his enemy's forces shall be liable to a fine of not more than two thousand five hundred baht or imprisonment for not more than five years or both.

Section 16. Whoever does anything to keep a prisoner of war from having an impartial trial or a trial according to the rules set out in the Convention shall be liable to a fine of not more than one thousand five hundred baht or imprisonment for not more than three years or both.

Section 17. Whoever contravenes the provisions of section 10 of this Act shall be liable to a fine of not more than three thousand five hundred baht or imprisonment for not more than seven years, or both.

Part 3

**Offences in the Case of Armed Conflict not of an
International Character**

Section 18. In the case of armed conflict not of an international character, whoever commits any of the acts specified in Section 12, Section 13, Section 14 of this Act with respect to the persons listed in Article 3 of the Convention shall be liable to the punishment provided in those sections.

Section 19. In the case of armed conflict not of an international character, whoever takes a hostage, shall be liable to a fine of not more than one thousand five hundred baht or imprisonment for not more than three years or both.

Countersigned by:

Field Marshal P. PIBULSONGGRAM,
President of the Council of Ministers.

NOTIFICATION

of the coming into force of the International Conventions

Concerning the Protection of War Sufferers

By Royal Command notification is hereby given as follows:

Whereas Thai representatives signed the Final Act of the international conference at Geneva which considered 4 conventions as follows: (1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. (2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, (3) Geneva Convention Relative to the Treatment of Prisoners of War, and

(4) Geneva Convention Relative to the Protection of Civilian Persons in Time of War which were signed at Geneva on the 12th of August B.E. 2492, and

With the approval of the Assembly of People's Representatives. His Majesty's government have agreed to become party to these 4 Geneva Conventions and have given notice of their adherence to the Government of the Swiss Federation, depositary of the said 4 conventions on the 28th of December B.E. 2497, and

Whereas in accordance with Section 61 of convention No.1, Section 60 of convention No.2, Section 140 of convention No.3, and Section 156 of convention No.4 as stated provide that the convention shall come into force with regard to the adhering state 6 months after notification of adherence has been communicated to the government of the Swiss Federation,

Therefore, the said 4 conventions concerning the protection of war sufferers together with annexes are in force between Thailand and all states parties thereto from the 29th of June B.E. 2498.

Published on the 25th of July B.E. 2498, being the 10th year of the present reign.

Countersigned by:

Field Marshal P. PIBULSONGGRAM,
President of the Council of Ministers.

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