(Unofficial)

His Majesty King Vajiravudh has graciously purposed that the Act on the Organization of the Army Court and the Act on the Organization of the Naval Court, both provide only military criminal proceedings.

As now, there should be a law which imposes criminal liabilities. Particularly, those who are military members, must remain in discipline. Thus, if they were committed crimes, they would be inflicted with heavier punishment than those who are civilian.

Be it, therefore, enacted an act by the king, as follows:

Military Criminal Code

Division 1

General Regulations

Section 1 This Act shall be cited as the "Military Criminal Code".

Section 2 This Act shall come into force as from the date of April 1, Rattanakosin era 131.

Section 3 Upon coming into force of this Act, it shall be repealed the following:

1) The Mutiny Act;
2) The context in any Emergency Decree, laws or any regulation relates to the offence that determine the punishment in this Act.

Section 4 "Military Member" which refers in this code means a person who is being subject to the law that govern the military.

The term “Officer” which refers in the Penal Code is also including Army Officers, Naval Officers, Commissioned Officers and Non-Commissioned Officers who are serving in the Armed Forces.

The term “Hostilities” is also including a body of persons carrying the weapon with and intention to oppose his commander, or to acting as rebel, piracy or as insurgency.

The term “Treason” in this context also means exposing disgraceful manner in the area where the ongoing combat is taking place.

The term “An Order” means any binding instruction given by a military superior to all military member under his command. Thus, when any such military member obediently complies with an order, he shall no longer be bound with it.

The term “Regulations” means legitimate rules where they were all regulated by a Military Superior.

[The term “Military Superior” amended by Section 3 of The Act Amending The Military Criminal Code B.E. 2473.]

Section 5 If any military member committing the offence beside this Act, he shall be criminally punished by the law that impose criminal liability.

Section 5 bis Any person who is subjected to military jurisdiction under the law of the organization of military courts, committing an offence under this code or any law outside the Kingdom, he shall be punished in the Kingdom.

If there has been a final judgment of the Foreign Court acquitting such person’s case, or there has been a final judgment of the Foreign Court convicting such person, and such person has already passed over the punishment, if it is not the Offences Relating to the Security of the Kingdom under Section 107 to 129 of the Penal Code,

such person shall not be punished again in the Kingdom. However, if such person has not yet passed over the punishment, the Court may inflict less punishment to any extent than that provided by the law for such offence, or may not inflict any punishment at all.

Section 6 Any person, punished with death, shall be proceeded by shooting to be death.

Section 7 A superior commander, according to the Military Discipline Law, is authorised to employ disciplinary measures to any military member who fail to comply with military discipline under the Military Discipline Law whether this has been committed within the Kingdom or outside the Kingdom.

Section 8 Any commission of the offences under Section 21, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 46 and Section 47 of this Code, if the commander according to the Military Discipline Law is of an opinion that such offence is concerned to be negligible, it shall be regarded as misconduct which he is empowered to employ disciplinary measures under Section 7 except when the Commander who is authorised in appointing a judge under the Act on the Organization of Military Courts thinks fit that it shall be appropriate to send the alleged offender to be prosecuted in military court or to be prosecuted in civilian court under the Act on the Organization of Military Courts.

Section 9 The context which is stipulated in Section 8 is also apply with pity offense and the offence as determined by the laws to be punished with fine.

Section 10 Any law that imposes the punishment only to be fine, if the defendant is not the commissioned officer or is not the non-commissioned officer, and the Court thinks fit, the Court may inflict such defendant to be imprisonment in lieu of fine as stipulated in Section 18 of the Penal Code.

Section 11 Whenever it is a pity offence, or an offence that the law lay down the punishment with imprisonment not exceeding one month, or fine not exceeding one hundred Bath, or both as it is a maximum punishment, if the defendant is a soldier, the Court shall have discretion to impose the punishment, if it thinks fit, it may issue an order to detain instead of fine not over three months.

Section 12 When the Military Court hand down a final judgment to the military member, the Military Superior, who is empowered to inflict the punishment, if he thinks fit, he can give an order to address the court's decision where the defendant appears in a military assembly.

[The term "Military Superior" amended by Section 5 of The Act Amending The Military Criminal Code B.E. 2473.]

[The term "Military Court" amended by Section 7 of The Act Amending The Military Criminal Code (No.8) B.E. 2507.]

Division 2

Specific Offences

Section 13 Any Prisoner of War, who has been released from custody, vows not to be armed against the Kingdom throughout the time of combat, if he later turns out to be an adversary and being captured, shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years.

Section 14 Whoever acting as a treason, if he impersonates another person and penetrates into citadel, fort, warship or any military line, or

where the King's Army is situated, he is said to be an espionage, and shall be punished with death, or imprisonment for life.

[The term "Military Member" amended by Section 8 of The Act Amending The Military Criminal Code (No.8) B.E. 2507.]

Section 15 Whoever concealing or assisting the person who is acting as a treason as stated in Section 14, by knowing that such person is a rebel, or concealing or assisting such person by such knowing, he shall be punished with death or imprisonment for life.

Section 16 Whoever being the military member, deliberately abets people into a part of rebel, shall be punished with death, or imprisonment for life.

Section 17 Whoever being the military official, orders the soldier in the citadel, fort, warship or any military line under the King's Army to mobilise the troops, where the situation is certainly beyond the advantage that the adversary could be defeated, but he turns out to be surrendered, he shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years.

Section 18 Whoever instigates or compels or conspires to instigate or to compel the commander of the citadel, fort, warship or any military line under the King's Army to surrender to the adversary, shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years.

Section 19 Any captain of naval vessel being in charge of the navigation of any royal vessel in the time of armed conflict, if he has decided to withdraw the troop without reasonable ground, shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years.

Section 20 Any captain of naval vessel being in charge of the navigation of any royal vessel, intents to damage the vessel or intents to cause the

vessel to be sunken, shall be punished with imprisonment of five years to twenty years.

Section 21 Any captain of naval vessel being in charge of the navigation of any royal vessel, by negligence causes the vessel to be damage or by reckless causes the vessel to be sunken, shall be punished with imprisonment not exceeding three years.

Section 22 Whoever intents to damage any royal vessel or intents to cause any royal vessel to be sunken, shall be punished with imprisonment of three years to fifteen years.

Section 23 Whoever by negligence causes the royal vessel to be damage or to be sunken, shall be punished with imprisonment not exceeding two years.

Section 24 In case the vessels as described in Section 20, 21, 22 and Section 23 being used for purpose of river navigation, the Court shall reduce punishment to one half by that provided in those Sections. Thus, the Court is exempt from using deliberation in calculating the reduction of the punishment to be inflicted.

Section 25 Any captain of naval vessel being in charge of the navigation of any royal sea going vessel, in case of circumstance shows that there is danger occurred, such as an approaching storm, which it does not reach out of his hand in order to avoid such circumstances, subsequently abandoned the vessel, he shall be punished with imprisonment not exceeding three years.

Section 26 Any captain of naval vessel being in charge of the navigation of any royal sea going vessel, in case of circumstance shows that there is danger occurred, such as shipwrecking, which he knowing that there are crew members left on the vessel, subsequently abandoned the vessel, he shall be punished with imprisonment not exceeding five years.

Section 27 Any military member without reasonable cause, damages or abandons an ammunition, supply, horse or any weapon, or causing damage to such things, he shall be punished as follows:

(1) If he commits any offense above, while being a treason, he shall be punished with death, imprisonment for life, or imprisoned as from one year to twenty years;

(2) If he commits any offense above, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment for life, or imprisoned as from one year to twenty years;

(3) If he commits any offense above during the peace time, he shall be punished with imprisonment not exceeding twenty years.

Section 28 Flags which have gain royal permission for official purposes, where they are symbolized to the country, government, battleship, or any military line, or as a symbol of honor, or as a symbol of any official, if any person without reasonable cause, doing any act or cause any harm to the flag when being officially raised for ceremony, he is said to depreciate the flag, and shall be punished with imprisonment not exceeding one year.

Moreover, if the aforementioned offense being done to the flags that are symbolized to the honor of the King, or the Queen, the Heir-apparent or the Regent of any dynasty, it is unable to nullify the guilt which is prescribed in Section 98 and section 100 of the Penal Code.

Section 29 Whoever being the military member, having received an order to serve as a guard or having received an order to exercise any duty, abandons such duties or commits an offense of *absentia without leave*, he is said to be guilty and shall be punished as follows:

(1) If he commits any offense above, while being a treason, he shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years;

(2) If he commits any offense above, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of one year to twenty years;

(3) If he commits any offense above during the peace time, he shall be punished with imprisonment not exceeding ten years.

Section 30 Whoever being the military member, having received an order to do any duty, resists or omits to do so, he is said to be guilty and shall be punished as follows:

(1) If he commits an offense, while being a treason, he shall be punished with death, imprisonment for life, or imprisoned as from three years to twenty years;

(2) If he commits an offense, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of one year to twenty years;

(3) If he commits an offense during the peace time, he shall be punished with imprisonment not exceeding five years.

Section 31 Whoever being the military member, having received an order to do any duty, resists to do it by making an offensive manner or a verbal assault to the military fellowship in its presence, he is said to be guilty and shall be punished as follows:

(1) If he commits an offense, while being a treason, he shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years;
(2) If he commits an offense, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of three years to twenty years;
(3) If he commits an offense during the peace time, he shall be punished with imprisonment not exceeding ten years.

Section 32 Whoever being the military member, fails to comply with regulations, he is said to be guilty and shall be punished as follows:

(1) If he commits an offense, while being a treason, he shall be punished with imprisonment of one year to ten years;
(2) If he commits an offense, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of three months to five years;
(3) If he commits an offense during the peace time, he shall be punished with imprisonment not exceeding three years.

Section 33 Whoever being the military member, fails to comply with regulations by making an offensive manner or a verbal assault to the military fellowship in its presence, he is said to be guilty and shall be punished as follows:

(1) If he commits an offense, while being a treason, he shall be punished with imprisonment of three years to twenty years;
(2) If he commits an offense, while not consider as a treason, but during time of war, or in the area where

Martial Law being imposed, he shall be punished with imprisonment of one year to ten years;

(3) If he commits an offense during the peace time, he shall be punished with imprisonment not exceeding five years.

Section 34 Whoever being the military member, having received an order to serve as a guard or a guard mount, sleeping or drinking the spirituous liquor while on such duties, he is said to be guilty and shall be punished as follows:

(1) If he commits any offense above, while being a treason, he shall be punished with imprisonment of one year to seven years;

(2) If he commits any offense above, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of three months to three years;

(3) If he commits any offense above during the peace time, he shall be punished with imprisonment not exceeding two years.

[The term "sleeping" amended by (5) of The Act Amending The Military Criminal Code B.E. 2496.]

Section 35 Whoever being the military member, having received an order to serve as a guard or a guard mount, being careless or being negligent while on such duties, he is said to be guilty and shall be punished as follows:

(1) If he commits any offense above, while being a treason, he shall be punished with imprisonment of three months to five years;

(2) If he commits any offense above, while not consider as a treason, during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment not exceeding three years;

(3) If he commits any offense above during the peace time, he shall be punished with imprisonment not exceeding two years.

Section 36 Whoever commits an act of violence to a guard soldier or an armed force official guard who is on duty, he is said to be guilty and shall be punished as follows:

(1) If he commits any offense above, while being a treason, he shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years;

(2) If he commits any offense above, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of one year to twenty years;

(3) If he commits any offense above during the peace time, he shall be punished with imprisonment not exceeding five years.

If that act of violence causes death or grievous bodily harm to such persons, the offender shall be punished heavier than the punishment provided for this section. And, thus he shall be received the punishment according to section 250, 251 and 257 of the Penal Code.

Section 37 Whoever defames or threats to commit violence against a guard soldier or an armed force official guard who is on duty, he is said to be guilty and shall be punished as follows:

(1) If he commits any offense above, while being a treason, he shall be punished with imprisonment of one year to ten years;

(2) If he commits any offense above, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of three months to five years;

(3) If he commits any offense above during the peace time, he shall be punished with imprisonment not exceeding three years.

[The term "a guard soldier or an armed force official guard" amended by (6) of The Act Amending The Military Criminal Code B.E. 2496.]

Section 38 Whoever being the military member commits an act of violence to his commander, he is said to be guilty and shall be punished as follows:

(1) If he commits an offense, while being a treason, he shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years;

(2) If he commits an offense, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of one year to twenty years;

(3) If he commits an offense during the peace time, he shall be punished with imprisonment of one year to seven years.

[The term "his commander" amended by Section 6 of The Act Amending The Military Criminal Code B.E. 2473.]

Section 39 Whoever being the military member commits an act of violence to his senior officer, he shall be punished with imprisonment not exceeding five years.

Section 40 If the commission mentioned in Section 38 or 39 causes death or grievous bodily harm to the victim, the offender shall be punished heavier than the punishment provided for this section. And, thus he shall be received the punishment according to section 250, 251 and 257 of the Penal Law.

Section 41 Whoever being the military member violently intimidates a supervisor or a senior officer, or defames such persons or publicizes the defamation of such persons, he is said to be guilty and shall be punished with imprisonment not exceeding three years.

[The term "violently intimidates a supervisor or a senior officer" amended by Section 7 of The Act Amending The Military Criminal Code B.E. 2483.]

Section 42 Whenever the military member of five persons upwards being assembled together do or threaten to do an act of violence, or do anything to cause a breach of the peace, every such person is said to commit an act of mutiny and shall be punished as follows:

(1) If they commit any offense above, while being a treason, all the offenders shall be punished with death, imprisonment for life, or imprisoned as from three years to twenty years;

(2) If they commit any offense above, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, all the offenders shall be punished with imprisonment of one year to twenty years;

(3) If they commit any offense above during the peace time, all the offenders shall be punished with imprisonment not exceeding five years.

Section 43 If among the military member whom they are committed an act of mutiny which is mentioned in Section 42 being carrying an arm, every such person shall be punished as follows:

(1) If the offense is committed, while such persons being a treason, all the offenders shall be punished with death, imprisonment for life, or imprisoned as from five years to twenty years;

(2) If the offense is committed, while not consider as a treason, but during time of war, or in the area where Martial Law being imposed, all the offenders shall be punished with imprisonment of five years to twenty years;

(3) If he commits any offense above during the peace time, all the offenders shall be punished with imprisonment not exceeding five years.

Section 44 When the official orders any military member assembled to gather so as to commit the offense of mutiny to disperse, if among of them who has not carried out any act of violence has not to disperse shall be punished as prescribed under Section 42 and 43 by one half.

Section 45 Whoever being a commissioned officer, a non-commissioned officer or a conscript being absent from his post without permission or being absent from his post when the duration of his *off-duty* is end, although he has an intention to avoid serving at the unit or has an intention to flee from the mobilization, he is said to commit the offense of *absentia without leave*. In other words, whoever being absent without a pass under any one of the following circumstances:

(1) 24 hours remaining absent, in the circumstance of being a treason;

(2) 3 days remaining absent, in the circumstance of not considering as a treason, but during time of war, or in the area where Martial Law being imposed;

(3) 15 days remaining absent, during the peace time. He is also said to commit the offense of *absentia without leave*.

[The term "conscript" amended by Section 9 of The Act Amending The Military Criminal Code (No.8) B.E. 2507.]

Section 46 Whoever commits the offense of *absentia without leave*, shall be punished as follows:

(1) If he flees to join the armed forces of another country, he shall be punished with death;

(2) If he commits an offense, while being a treason, he shall be punished with imprisonment for life or be punished with a prison term of twenty years;

(3) If he commits an offense in the circumstance of not considering as a treason, but during time of war, or in the area where Martial Law being imposed, he shall be punished with imprisonment of one year to fifteen years;

(4) If he commits an offense during the peace time, he shall be punished with imprisonment not exceeding five years.

Section 47 Whoever is the military member having the duty of the purchase, execution or maintenance of anything belongs to armed forces, dishonestly causing the depreciation of value of such a thing, or allows the other person to do so, he shall be punished with imprisonment of three months to seven years and fined of one hundred Bath to two thousand Bath.

Any military member who being assigned to have the duty of the purchase, execution or maintenance of anything belongs to armed forces, if he dishonestly having ever expended a property of such a

thing, or carelessly allows the other person to do so, without notify his commander, he shall be inflicted as stated in the first paragraph.

Section 48 During armed conflict, whoever acting without mercy to wounded and sick soldiers of any state or committing any robbery under Section 249 to Section 259 and Section 288 to Section 303 of the Penal Law, he shall be liable to be punished as an extended sentence by half more of the provided for such offenses.

Section 49 During armed conflict, whoever violates the Geneva Convention (6th July, R.S. 125) by misusing a flag or an emblem that is symbolized to the Red Cross, such person shall be punished as prescribed under Section 128 of the Penal Code.

[The term "Red Cross" amended by (7) of The Act Amending The Military Criminal Code B.E. 2496.]

Section 50 Whoever being the military member, having received an order to serve as a guard or a guard mount, or having received any duty pertaining to the duties of use of force, if he commits any of the following offenses under the Penal Code:

Section 98 to Section 100 offenses against the King, the Queen, the Heir Apparent and the Regent;

Section 102 to Section 104 offenses against the internal security of the Kingdom;

Section 105 to Section 108 offenses against the external security of the Kingdom;

Section 112 to Section 115 offenses against the friendly relation with foreign states;

Section 116 to Section 128 offenses against officials;

Section 151 offense against the judicial officials;

Section 154 offense relating to the assist of other person who commits offense;

Section 165 to Section 169 offense relating to the escape of the lawful custody;

Section 177 to Section 182 offense relating to secret society and criminal association;

Section 183 to Section 184 offense relating to public peace;

Section 185 to Section 201 offense relating to causing public danger, obstructing public transport and causing public unrest;

Section 253 offense relating to the affray and causing death;

Section 254 to Section 259 offense against body;

Section 268 to Section 277 offense against liberty;

Section 288 to Section 296 offense of theft;

Section 297 to Section 302 offense of snatching, robbery;

gang-robbery and piracy;

Section 303 offense of extortion;

Section 327 to Section 330 offense of trespass.

He shall be liable to the punishment as provided for any of the offence mentioned above, and shall be liable to be punished as an extended sentence by a half more of the punishment provided for such offence.

Section 51 (repealed)

Section 52 If any offence as provided in Section 20, 22, 27 ((2) or (3)), 29 ((2) or (3)), 30 ((2) or (3)), 31 ((2) or (3)), 32, 33, 36 ((2) or (3)), 37, 38 ((2) or (3)), 39, 41, 42 ((2) or (3)), 43 ((2) or (3)), 46 ((2), (3) or (4)) or 47 is committed for the intention to undermine the army, the offender

shall be liable to be punished as an extended sentence by a half more of the punishment provided for such offence as follows :

If the maximum punishment for such offence is imprisonment for life, then the offender shall be liable to be punished as an extended sentence by death.

If the maximum punishment for such offence is imprisonment as twenty years, then the offender shall be liable to be punished as an extended sentence by imprisonment for life.

If the maximum punishment for such offence is imprisonment as twenty years, then the offender shall be liable to be punished as an extended sentence by imprisonment for life.

If any offence mentioned in the first paragraph is committed with the purpose to overthrow the government or to change political system, or with the intention to toppled the economy of the Kingdom by using force, the offender shall be punished with death or imprisonment for life.