-Unofficial-

Order of the Head of the National Council for Peace and Order No.3/2558 on the maintenance of public order and national security

As now, a royal command has been announced to repeal the proclamation of martial law throughout the kingdom. There should be measures to deal with actions that undermine public order and national security, violation of announcements and orders of the National Council for Peace and Order and criminal offenses under the law on firearms, ammunition, explosives, fireworks and firearm imitation, which threatens public order and national security. Therefore, the Head of the National Council for Peace and Order considers it necessary to prevent and suppress such actions to reduce or eliminate them as quickly as possible so as not to affect well-behaved people and well-being of the general public.

By virtue of Section 44 of the Constitution of the Kingdom of Thailand (temporary edition) B.E.2557, the Head of the National Council for Peace and Order, with the approval of the National Council for Peace and Order, hereby orders as follows:

Article 1. This order shall come into force from the date of its publication in the Government Gazette.

Article 2. In this order

"Peacekeeping Officer" means a military officer with the rank of second lieutenant, midshipman or air sergeant upwards, appointed by the Head of the National Council for Peace and Order to carry out this order.

"Peacekeeping Officer’s assistant" means a military officer with the rank below second lieutenant, midshipman, or midshipman, who is appointed by the Head of the National Council for Peace and Order to carry out this order.

Article 3. Peacekeeping officers shall take action to prevent and suppress the following offenses effectively as soon as possible:

(1) offenses against the King, the Queen, the Heir Apparent and the Regent under Section 107 to Section 112 of the Penal Code;

(2) offenses against state security within the kingdom under Section 113 to Section 118 of the Penal Code;

(3) offenses under the law on firearms, ammunition, explosives, fireworks and firearm imitation, only in relation to firearms, ammunition and explosives for wartime-use

(4) offenses which violate announcements or orders of the National Council for Peace and Order or orders of the Head of the National Council for Peace and Order

Article 4. On implementing Article 3, a Peacekeeping Officer shall have powers and duties as follows:

(1) to issue an order summoning any person to report to the Peacekeeping Officer or to give statements or deliver any document or evidence relating to the commission of an offense under Article 3

(2) to arrest a person who commits a flagrant offense and detain the arrested person to be taken to the inquiry official for further action

(3) to assist, support, or participate in investigation with an inquiry official regarding an offense under Article 3. In such participation, the Peacekeeping Officer shall be deemed to be an inquiry official under the Criminal Procedure Code.

(4) to enter a dwelling or any place to search, to search any person or vehicle, only when there is a reasonable suspicion that the person who committed an offense under Article 3 is hiding there or he possesses any illegal property or property acquired by crime or property used in crime or property that will be used in crime under Article 3 or property that may be used as criminal evidence. Adding on that is having reasonable grounds to believe that since it will be too late to get a search warrant that criminal will flee or the said property will be relocated, hid, destroyed or deformed.

(5) to seize or freeze any property discovered under (4)

(6) to do any other act as assigned by the National Council for Peace and Order.

Article 5. In case there is a need to swiftly resolve a situation that threatens national security or affects public order or to prevent the situation from becoming worse, a Peacekeeping Officer shall have power to issue an order prohibiting news presentation, sale and distribution of books, publications or any other media that have messages that may cause people to fear or intentionally distort information causing misunderstandings that affect national security or public order. In issuing such order, the Peacekeeping Officer may also prescribe conditions or time conditions for fulfilling the order.

For the benefit on implementing paragraph one, The Head of the National Council for Peace and Order may also prescribe rules or conditions on execution of duties of Peacekeeping Officers.

Article 6. In case there is a reasonable ground to suspect with reasonable evidence that any person has committed an offense under Article 3 , a Peacekeeping Officer shall have power to summon that person for information or to give a statement that will be beneficial for implementing Article 3 . In the case where the inquiry has not been completed, such person may be detained but not exceeding seven days.

However, such detention shall be held in a place other than a police station, detention center, penitentiary or prison, and such person shall not be treated as the alleged offender.

When there is a cause to prosecute the person who committed an offense under paragraph one as the alleged offender, a Peacekeeping Officer as an administrative or police officer shall proceed in accordance with relevant laws.

Article 7. a Peacekeeping Officer's assistant shall have the duty to assist a Peacekeeping Officer in execution of duties under this order as ordered or assigned by the Peacekeeping Officer.

Article 8. On execution of duties under this order, Peacekeeping Officers and Peacekeeping Officer's assistants shall be officers under the Penal Code and be administrative or police officer under the Criminal Procedure Code.

Article 9. Any person who violates or fails to comply with orders of Peacekeeping Officer or Peacekeeping Officer's assistant under Article 4(1), Article 5 or Article 6 shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht or both.

Article 10. Whoever fights or obstructs Peacekeeping Officer or Peacekeeping Officer's assistant in execution of their duties under this order shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht or both.

Article 11. In case where any person is detained under Article 6 paragraph one due to committing an offense under Article 3 (4), the Peacekeeping Officer may release him with or without conditions.

Conditions of release under paragraph one are having safety measures under section 39 (2) to (5) of the Penal Code in place, prohibition of travelling outside the Kingdom unless authorized by the Head of the National Council for Peace and Order, or an order to suspend financial transactions.

Anyone who violates or fails to comply with the conditions of release shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding twenty thousand baht or both

Article 12. Whoever gathers or assembles a political gathering at any place with five or more persons shall be liable to imprisonment for a term not exceeding six months or a fine not exceeding ten thousand baht or both, except the assembly permitted by the Head of the National Council for Peace and Order or an assigned person.

The offender under paragraph one who voluntarily receives training from a Peacekeeping Officer for a period of not more than seven days and the Peacekeeping Officer deems it appropriate to be released with or without conditions under Article 11 paragraph two, it shall be deemed that the criminal case is dismissed under section 37 of the Criminal Procedure Code amended by the Criminal Procedure Code Amendment Act (No.16) B.E. 2529.

Anyone who violates or fails to comply with the conditions of release shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or both.

Article 13. Administrative acts under this order are not subject to the law on administrative procedure and the law on the establishment of administrative courts and administrative court procedure.

Article 14. Peacekeeping Officers and Peacekeeping Officer’s assistants who act in accordance with their powers and duties

in good faith, non-discriminatory, and reasonably under circumstances or within necessity realm shall be protected under Section 17 of the Emergency Decree on Public Administration in Emergency Situations B.E. 2554, but shall not prejudice the injured person to claim damages from the government according to the law on tortious liability of officials.

Ordered on April 1st, B.E. 2558

General Prayut Chan-ocha

Head of the National Council for Peace and Order