

**Security Council**

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**Letter dated 27 December 2004 from the Chairman of the
Security Council Committee established pursuant to resolution
1373 (2001) concerning counter-terrorism addressed to the
President of the Security Council**

I write with reference to my letter of 19 October 2004 (S/2004/837). The Counter-Terrorism Committee has received the attached fourth report from Thailand submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) Andrey I. Denisov
Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

Annex

Letter dated 23 December 2004 from the Permanent Representative of Thailand to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I wish to refer to Your Excellency's note dated 20 September 2004 concerning the request by the Counter-Terrorism Committee for further information from Thailand on questions focusing on the next set of priorities aimed at furthering the implementation of resolution 1373.

I am pleased to enclose herewith the fourth report to the Committee on Thailand's implementation of Security Council resolution 1373 (2001) submitted in response to the comments and questions raised in the aforementioned note (see enclosure).

(Signed) Khunying Laxanachantorn **Laohaphan**
Ambassador
Permanent Representative

Enclosure**Fourth report to the Counter-Terrorism Committee on Thailand's implementation of Security Council resolution 1373 (2001)****CRIMINALIZATION OF TERRORIST FINANCING AND INTERNATIONAL COOPERATION**

1. Criminalization of terrorist financing: In compliance with Sub-paragraph 1 (a) member States are required to take steps to suppress the financing of terrorism. The CTC in its previous letter informed the Government of Thailand that article 135/2 of the penal code criminalizing the financing of terrorism did not adequately cover all the requirements of Resolution 1373. In spite of this warning this new provision has been adopted on August 2003. However, the CTC is also aware that Thailand is in the process of ratifying and implementing the UN Convention against the financing of terrorism (1999). Does Thailand intend to take this opportunity to modify its internal legislation concerning the financing of terrorism?

The Penal Code is fully in compliance with the requirements stipulated in Sub-paragraph 1(a) of UN Security Council Resolution 1373 (2001). In drafting the amendments to Article 135/1-4 of the Penal Code, Thailand has taken into account the requirements under Sub-paragraph 1(a) of UN Security Council Resolution 1373 (2001) as well as Article 2 of the International Convention for the Suppression of the Financing of Terrorism 1999. The Penal Code does specifically criminalise the wilful provision or collection of funds by any persons within or outside Thailand, by any means directly or indirectly, whether with the intention that the funds be used or in the knowledge that they are to be used to carry out terrorist acts.

According to article 7 of the Penal Code, terrorist offences shall be criminalised and punishable under the Penal Code regardless of whether the terrorist acts take place within or outside Thailand. With respect to the application of the Penal Code, Article 135/1-4 should be read together with Chapter 5 (Attempt) and Chapter (Principals and Supporters) of the Penal Code, in particular Article 86 which reads "whoever, by any means whatever, does any act to assist or facilitate the commission of an offence of any other person before or at the time of committing the offence, even though the offender does not know of such assistance or facilities, is said to be a supporter to such offence, and shall be liable to two third of the punishment provided for such offence.." Accordingly, the supporters of the commission of terrorist offence shall be punished in accordance with Article 86. At present, Thailand's legislation covers the acts regardless of whether related terrorist acts actually occurred or were attempted, whether transfer of funds from one country to another takes place and whether the funds are of a legal origin. Likewise, the revised version of the Anti-Money Laundering Act has given the authority to the Anti-Money Laundering Office to freeze suspicious funding relating to terrorist acts.

2. International cooperation: The CTC would welcome a progress report on Thailand becoming a party to the International Instruments relating to the prevention and suppression of International Terrorism to which it is not yet a party and an indication of the time frame within

which it expects the process to be completed. Could Thailand please indicate the steps which it has initiated in order to incorporate the provisions of the relevant Conventions and Protocols into its domestic laws, with particular reference to the penalties that it intends to establish in relation to the offences provided for under the Conventions and Protocols?

Presently, Thailand is party to the following five Anti-Terrorism Conventions, as follows:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Tokyo, 14 September 1963
- Convention for the Suppression of Unlawful Seizure of Aircraft, the Hague, 16 December 1970
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Montreal, 23 September 1971
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, 24 February 1988
- International Convention for the Suppression of the Financing of Terrorism, September 2004.

The Committee on Considering Thailand Becoming a Party to the Remaining International Conventions and Protocols Relating to Terrorism, which was established by the Thai Cabinet in 2002, is now considering the contents of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It is expected that in early 2005, Thailand could become a party to this Convention. Thereafter, the Committee will consider the Convention for the Suppression of Terrorist Bombing.

EFFECTIVENESS IN THE PROTECTION OF THE FINANCIAL SYSTEM

3. Effective implementation of paragraph 1 of the Resolution requires that financial institutions and other intermediaries (for example, lawyers, notaries and accountants, when engaged in brokering activities, as distinct from the provision of professional advice) should be under a legal obligation to report suspicious transaction. It is not clear from the report (S/2002/882, page 5) whether the expression “juristic person” covers, in fact, the intermediaries outside the financial sector. Could Thailand please confirm whether such professionals do report suspicious transactions to the Thai Financial Intelligence Unit?

According to Section 3 of the Anti-Money Laundering Act B.E. 2542 (1999) and Ministerial Regulation No. 1 issued under the Anti-Money Laundering Act, the definition of "financial institutions" includes banks, finance companies, securities companies, credit fonciers, insurance and assurance companies, savings cooperatives, securitization companies, money changers and asset management companies.

According to Section 16 of the Anti-Money Laundering Act, lawyers, accountants and notaries have the legal obligation to report suspicious transactions to the Anti-Money Laundering Office (AMLO) if (a) they are engaged in a business of operating or advising to engage in investment transactions or the movement of capital, and (b) where there is probable cause to believe that such transactions are linked to an asset resulting from a commission of terrorist offenses or is a suspicious transaction.

4. As regards the reporting obligation, the CTC has noted that no convictions have been secured in Thailand for failing to report suspicious transactions and that a maximum fine of 300,000 Baht may be imposed. The CTC would appreciate receiving more detail on the operation of the reporting machinery. In particular, the CTC would appreciate learning the number of suspicious transactions which have been reported to the Thai Financial Intelligence Unit in recent years? How many transfers have in fact been frozen by banks after they have expressed doubts in relation to certain transactions?

According to the Anti-Money Laundering Act B.E. 2542 (1999), there are 3 kinds of financial transactions that financial institutions have the legal obligation to report to the Anti-Money Laundering Office (AMLO), namely 1) cash transaction reports, 2) properties transaction reports and 3) suspicious transaction reports. Financial institutions have the legal obligation to urgently report transactions suspected to involve terrorist activities to AMLO as a suspicious transaction within 7 days from the date of executing the transaction. If a financial institution fails to report, it shall be fined up to 300,000 Baht. AMLO also circulated a letter to all financial institutions in August 2003, reminding them of their legal obligations regarding the reporting of financial transactions related to terrorist activities.

In general, AMLO has received good cooperation from financial institutions, particularly commercial banks. However, in practice, it is difficult for bank officers to accurately identify whether transactions are related to terrorist activities. This is due to the fact that most of the funds to support such activities are from legitimate sources and the transaction volumes are not high or different enough from general daily legitimate transactions to accurately identify.

AMLO has received some suspicious transaction reports from financial institutions. These reports have been analysed and investigated in cooperation with the law enforcement agencies concerned. If there is enough evidence to believe that natural persons or juridical persons are involved in or support terrorist activities, AMLO will use civil asset forfeiture measures against the assets and will provide information to the Department of Special Investigation to file the criminal charge against these persons. Up to now, AMLO has received, on average, 2,600 suspicious transaction reports a month. Most transactions were reported as a result of structuring, which is the act of committing many transactions that are under the required threshold in order to avoid seeming suspicious. After thorough investigations, evidence relating to terrorist acts has not been found in those reports. However, the names of those who commit such transactions shall be put in the watch-list for concerned agencies. Suspicious cases where there is cause to believe they should be frozen are currently under investigation. So far, there has not been any evidence to connect those transactions to the commission of terrorist acts.

When the Bank of Thailand (BOT) receives a list of names and entities involved in the financing of terrorist activities from the Ministry of Foreign Affairs, it will forward this information to the Thai Banker's Association, the Association of Finance Companies and the Foreign Banks' Association, which will in turn circulate the information to all associated financial institutions. Upon receiving such information, financial institutions will cross-reference the lists with their customers' profiles. In addition, they will check whether any transactions fall under the provision of Anti-Money Laundering/Combating the Financing of Terrorism law and will report to the AMLO and BOT if they are obligated to do so.

AMLO and concerned agencies also drafted the Ministerial Regulation on Reporting of Cross-border Transportation of Foreign Currencies worth US\$10,000 or more. The Cabinet (in principle) approved this draft regulation on 25 December 2001. At present, the Council of State and concerned law enforcement agencies is reviewing the draft, and it is expected to come into force early next year.

In addition, AMLO, in cooperation with the Ministry of Foreign Affairs, drafted "the Memorandum of Understanding Concerning Co-operation in the Exchange of Financial Intelligence Related to Money Laundering," which is based on the Egmont Group Model. On 12 February 2002, this draft MOU was approved by the Cabinet, which authorised the AMLO Secretary-General to sign the MOU with other Egmont Group Financial Intelligence Units (FIUs). At present, AMLO has signed the aforementioned MOU with 15 countries, as below:

1. Belgium Effective from 24 April 2002.
2. Brazil Effective from 29 January 2003.
3. Lebanon Effective from 25 February 2003.
4. Indonesia Effective from 24 March 2003.
5. Romania Effective from 24 March 2003.
6. United Kingdom Effective from 11 June 2003.
7. Finland Effective from 22 April 2004.
8. Republic of Korea Effective from 16 June 2004.
9. Australia Effective from 23 June 2004
10. Portugal Effective from 28 June 2004.
11. Andorra Effective from 23 July 2004.
12. Estonia Effective from 26 October 2004.
13. The Philippines Effective from 26 October 2004.
14. Poland Effective from 26 October 2004.
15. Mauritius Effective from 28 October 2004.

Negotiations to sign the MOU are underway with a number of other countries, including Canada, Colombia, Japan, Malaysia and Panama. As for non-MOU countries, exchange of information is based on a reciprocal basis.

5. Regarding the effectiveness of anti-terrorist strategy, Sub-paragraph 2 (b) of the Resolution requires States to take steps to prevent the commission of terrorist acts. In this regard, please outline any special anti-terrorist policies that Thailand has developed that are aimed to preventing the commission of terrorist acts in the following areas:

- Criminal investigation and prosecution;**
- Links between terrorism and others criminal activities;**
- Physical protection of potential terrorist targets;**
- Strategic analysis and forecasting of emerging threats.**

To follow up on Thailand's previous supplementary reports informing of the Cabinet's resolution to set up a Committee on Counter International Terrorism (COCIT) chaired by the Prime Minister to direct and coordinate policy and strategy on international terrorism, the Royal Thai Government set up the National Coordinating Centre for Combating Terrorism and Transnational Crimes (NCC-CTTC) on February 2004. The NCC-CTTC has been designated as the national focal point for coordination between concerned international and domestic agencies. The main task of the NCC-CTTC is to refine all intelligence concerning the internal and external environment and national security. The scope of this task covers 8 designated areas: terrorism, trafficking of illicit drugs, human trafficking, money laundering, arms smuggling, sea piracy, international economic crimes and cyber crimes. In all these areas, the NCC-CTTC formulates reporting criteria, operating policy, recommendations and resolutions. At the implementation level, implementing agencies such as police will receive, from NCC-CTTC, any intelligence from other countries that is of importance to preventing the commissioning of terrorist acts.

With regard to criminal investigations and prosecution, Thailand has set up a sub-COCIT comprising hi-level officers from the Royal Thai Police, the Office of the Attorney General, the Ministry of Foreign Affairs' Department of Treaties and Legal Affairs, the Judge Advocate General Department, the Ministry of Defence, and the Office of the National Security Council, to investigate and give legal advice on offences relating to terrorism to law enforcement agencies.

Regarding the development of anti-terrorist strategies, particularly those related to criminal investigation and prosecution, Thailand will host a regional workshop on "International Legal Cooperation against Terrorism" in January 2005. A forum for the exchange of views, facts and experiences, the workshop will seek a common understanding among countries in the Asia-Pacific Region that have participated in the Bali Process to build capacity and address major impediments to effective extradition and mutual legal assistance in criminal matters. Moreover, Thailand is considering acceding to the Treaty on Mutual Legal Assistance in Criminal Matters among ASEAN member countries that has been finalised by the ASEAN legal experts recently.

The Royal Thai Police has recently set up the Coordinating Centre for Suppression of Transnational Criminals to coordinate and trace the movements of transnational criminals. The Centre is scheduled to meet every two months to evaluate and analyse emerging terrorist threats. Under the ASEAN framework, the ASEAN Chiefs of Police Conference meets annually to increase capacity in the suppression of transnational crimes, which, among other outcomes, has led to the creation of a transnational crime database. Furthermore, in order to increase effectiveness in responding to emergency situations between Thailand and Malaysia, the two countries concluded an agreement which allows their police forces to cross mutual borders during emergency pursuit of criminals.

Thailand's readiness to prevent and manage terrorist acts is also reflected in the development of an effective security system that protects against terrorist attacks, particularly in the case of high-risk targets (hard targets) such as VIPs, citizens and interests of possible target countries, as well as other important strategic and public locations. The Special Branch Police and the National Intelligence Agency have cooperated to draw up lists of possible soft targets and increased the number of uniformed and undercover officers. At the same time, Thailand has intensified security measures to protect soft targets such as hotels and venues where foreign tourists are likely to gather. This includes setting up a surveillance system around strategic official and public locations, as well as providing regular briefings and establishing communications directly with the management of hotels and tourist establishments, which are possible targets, to ensure that they remain alert and vigilant.

6. The CTC would be interested in learning whether Thailand has encountered any particular difficulties regarding law enforcement and/or the gathering of intelligence in relation to the above areas. If so, please provide a brief description of what these difficulties were. The CTC would also find it helpful to receive information on recent successful operations in these areas. In providing examples, the CTC would like to make it clear that it does not expect Thailand to supply information in respect of ongoing investigations or judicial processes, if to do so would prejudice the proper conduct of an investigation or judicial process.

The National Intelligence Agency (NIA) has not encountered particular difficulties on issues relating to terrorist and other criminal acts. The NIA has regularly exchanged information with other concerned agencies, particularly concerning the protection and security of potential terrorist targets. This includes cooperation with the Royal Thai Police in investigating and arresting transnational criminals in the case of passport forgery, for example. The exchange of intelligence on terrorism between countries demonstrated its effectiveness on August 2003 with the arrest of Hambali, believed to be the operations chief of Jemaah Islamiyah (JI), a group linked to the Al-Qaida network.

7. Specifically regarding criminal proceedings, Sub-paragraph 2 (e) of the Resolution requires States, inter alia, to ensure that terrorists and their supporters are brought to justice. The CTC would be grateful to know if there are any specific counter-terrorist measures applied in criminal proceedings? In this same regard, does Thailand train its administrative, investigative, prosecutorial and judicial authorities to enforce its laws in relation to:

- **typologies and trends in terrorist financing methods and techniques;**
- **techniques for tracing criminal properties and funds with a view to their seizure and confiscation.**

The Office of the Prime Minister has issued a regulation regarding cooperation between concerned agencies indicating ways and means in criminal proceedings, including investigation of offences, in compliance with the Anti-Money Laundering Act. The regulation also specifies that AMLO officials should be a part of investigation teams and that results should be reported to AMLO. Other agencies are also required to cooperate with AMLO in implementing the Anti-Money Laundering Act.

The amendments of the Penal Code and the Anti-Money Laundering Act have empowered concerned agencies to investigate and proceed with legal action against those that have a history of being related to or involved in terrorist acts, as well as those that are about to commit terrorist acts.

AMLO has received training and assistance in the area of terrorist financing methods and techniques from other governments and international organisations, including the Egmont Group of Financial Intelligence Units, the Asia Pacific Group on Money Laundering, the Asia-Europe Meeting (ASEM) Anti-Money Laundering Project, the Government of the United States (FinCEN, Narcotics and Law Enforcement Affairs) and the Government of Australia (AUSTRAC).

The Royal Thai Police have constantly participated in training in the area of financial investigation. Most recently, the Asia-Europe Meeting (ASEM) Anti-Money Laundering Project's Financial Investigation Training was held in Bangkok on November 2004, covering the area of anti-money laundering criminal investigations and long-term undercover investigation operations targeting criminal organisations and money laundering systems. Training also includes asset identification and removal through seizure and forfeiture of civil and criminal nature.

EFFECTIVENESS OF CUSTOMS, IMMIGRATION AND BORDER CONTROL

8. Sub-paragraph 2 (g) of the Resolution requires States to have in place effective border controls in order to prevent the movement of terrorist and terrorist groups. In this regard:

(a) Please outline how Thailand implements the common standards set by the World Customs Organization in relation to electronic reporting and the promotion of supply chain security?

The Customs Department has implemented part of the application outlined in the Integrated Supply Chain Management Guidelines (formerly Advance Cargo Information Guidelines). This includes the computerisation of most customs work, such as the electronic transfer of information, import and export protocols using EDI (Electronic Data Interchange), e-payment for taxes and duties, and e-manifest for electronic information transfer.

Although Thailand has yet to ratify the Revised Kyoto Convention (the International Convention on the Simplification and Harmonization of Customs procedures), the Customs Department has incorporated a risk assessment system to ensure and facilitate demands on trade such as the inspection of imported goods. Currently, the Department is in the process of developing a paperless e-Customs system as outlined in the Convention.

Thailand is currently exploring the possibilities of incorporating the WCO Data Model and WCO Unique Consignment Reference (UCR) Number Guidelines into the work of the Customs Department. Thailand is also in the process of considering becoming a party to the International Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention).

(b) Is the supervision of people and cargo in Thailand undertaken by separate agencies (immigration and customs) or does one body perform it? If there is more than one agency involved, do these agencies share information and do they coordinate their activities?

The Customs Department is responsible only for cargo inspection unless there is cause to believe that a person is carrying prohibited goods. The Immigration Service Department is responsible for the supervision of people travelling into and out of Thailand. All agencies, regardless of responsibility, have cooperated closely on intelligence exchange. The Customs Department has installed Closed Circuit Television System (CCTV) at four major borders (in Nong Khai, Chiang Rai, Sa Kaeo, and Songkhla provinces), two major ports (Bangkok and Laem Chabang ports) and at Lard Krabang Inland Container Depot and deployed mobile vehicles to x-ray containers in order to enhance the efficiency of the inspection of goods and inland movements. The measures also serve to secure goods according to the Container Security Initiative (CSI) and provide fundamental security under the Customs Trade Partnership Against Terrorism (CT-PAT). Moreover, following the signing of the Declaration of Principles for the CSI between Thailand and the United States on August 2003 and the subsequent joint agreement to develop BEST (Bangkok/Laem Chabang Efficient and Secure Trade), the US-initiated pilot demonstration project of container security, Thailand looks forward to joint implementation of these initiatives, which will bring about safer maritime trade and increased security on the high seas.

(c) Regarding international flights, does Thailand use advanced passenger manifest programs to check the list of inbound passengers against information contained in databases on terrorism, before the passengers land?

Thailand has already begun to install the Advanced Passenger Information/Processing (API/APP) system after the concerned agencies completed their feasibility studies. The system was presented at the APEC meeting on October 2003. Thailand expects the API/APP system to be in operation by the end of January 2005. Thailand has also intensified its efforts to cooperate with partner countries to block the movement of terrorists, or apprehend them while they are on the move, through enhancing immigration measures that will help monitor those travelling to and from Thailand, as well as setting up a joint passenger information system. We are also exploring the new concept of 'smart airport,' with effective exchanges of information between partner airports in order to prevent the 'passenger swap' problem.

In March 2004, the signing of the Thai-US Memorandum of Intent put into motion the Personal Identification Secure Comparison and Evaluation System (PISCES), a programme of enhancing immigration measures that may serve as the nucleus of a nation-wide Terrorist Interdiction Program Border Control System. We have already drawn up a joint action plan and are now in the final steps of setting up the Thai-US information-sharing system, which will lead towards arrests of terrorist suspects.

Thailand fully supports the role of APEC's in enhancing business mobility and securing the safety of travellers through the APEC Business Travel Card and the pilot project on the Regional Movement Alert List (RMAL).

(d) The CTC is encouraged to see that Thailand has acceded to Annex 17 of the Convention on International Civil Aviation. The CTC would appreciate learning which agency or agencies that are responsible for Airport and Seaport security in Thailand. If this agency or these agencies are distinct from Thailand's police forces, how is information concerning terrorist threats passed on to these organizations? Are periodic security audits performed at airports and seaports? Is access to port facilities controlled? If so, how? Are airport and seaport personnel screened and provided with identity cards to prevent access by unauthorized personnel to these facilities? Are detection devices in place to screen passengers and cargo for weapons and hazardous materials? Are hazardous materials segregated and secured during the movement of cargo by air or by sea?

The Airports of Thailand Public Company Limited (AOT) is the main agency responsible for airport security in Thailand, with the Metropolitan Police and the Royal Thai Air Force as co-agencies. AOT receives direct intelligence from intelligence agencies on regular basis, as well as indirectly through Airport Security Committee. Airports are divided into 1) controlled areas where the general public can pass without restriction, although security officers are deployed and Closed Circuit Televisions System are installed; and 2) restricted areas, such as airside, departure halls, arrival halls, transit halls, baggage claim areas and security centres, where personnel and vehicles (this includes AOT personnel, carrier operators' personnel and relevant officials) require special passes and need to be searched, while all movement of people and vehicles are recorded on a 24-hour basis. All passengers have to go through a Walk-through Metal Detector, Hand-held Metal Detector and X-ray machine before boarding. Luggages are also required to go through X-ray machine before checking in. As for goods, carrier operators are responsible for their own installation of equipment to detect metal and any hazardous materials before loading into aircraft. Movement and transportation of hazardous materials have to be separated from other goods and specific guidelines need to be followed.

The Port Authority of Thailand (PAT) is the main agency responsible for management of two major international ports: Bangkok Port and Laem Chabang Port, and for the supervision of two regional ports: the multi-purpose Ranong Port and Chiang Saen Port in the Southern and Northern provinces respectively. PAT works in cooperation with concerned agencies such as Marine Department of the Ministry of Transport, which is the law enforcement agency for port areas in terms of sea transport. At Bangkok Riverport, PAT is in charge of management and terminal operations. At Laem Chabang Seaport, PAT is in charge of port development and provision of common services, while private

operators oversee terminal operations. Both Bangkok Port and Laem Chabang Port are in compliance with the Bio-Terrorism Act of the United States Food and Drug Administration (USFDA) and the International Ship and Port Facilities Security Code (ISPS Code) regarding the provision of training courses to officers concerned, risk assessment of port operations, decisions on port security plans and setting up of security staff. In addition, both ports control dangerous cargo by implementing the International Maritime Dangerous Goods Code (IMDG Code).

To ensure the safety of lives, property and goods kept in the port area, port security staff, in cooperation with the local police, are on duty on an around the clock basis. The port fire brigade consists of well-trained staff and sophisticated facilities. Strict precautions and measures are strictly exercised when tackling incidents. Around the port area, special passes must be shown at all times, and are issued to personnel and their vehicles with records registered. All passengers have to go through metal detectors before boarding. Customs officers inspect all containers before loading. PAT is currently procuring more equipment, including Walk-through Metal Detectors and Hand-held Metal Detectors. Movement and transportation of hazardous cargo is categorised into groups according to hazard levels, and certain areas for loading/unloading and storage are assigned for each category.

CONTROLS ON PREVENTING ACCESS TO WEAPONS BY TERRORISTS

9. Sub-paragraph 2 (a) of the Resolution requires each Member State, inter alia, to have in place appropriate mechanisms to deny terrorists access to weapons. In this context, does Thailand's Custom Service implement the recommendations of the WCO concerning the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, Supplementing the United Nations Convention against Transnational Organized Crime (29th June 2002)? If yes, please outline the measures applicable in Thailand.

The Customs Department has put into place measures to prevent access to weapons by terrorists as advised by the WCO concerning the Protocol. The Customs Department operates under the Regulation on Import and Export of Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms, established under the Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms Acts of B.E. 2490 (1947) and its revised version of B.E. 2522 (1979) and Ministerial Regulations No. 3 and 11 of B.E. 2491 (1948) and 2522 (1979), respectively, which clearly states that any person shall not manufacture, purchase, possess, use or import guns, bullets or explosives without permission from the registrar. The regulation outlines measures applicable in controlling access to weapons by unauthorised persons. The verification of goods declarations and registrations in order to monitor import and export of firearms, their parts and components and ammunition is also clearly outlined in the regulation. Import and export protocols of firearms, their parts and components and ammunition are conducted separately from other goods. Risk assessment principles are laid out in the regulation and implemented at the release of goods by setting up profiles for goods for the purpose of inspection. Tight security inspections on both goods and collectors is also in place during the release and collection of those goods.

10. Is it necessary to lodge, register or check the Goods Declaration and supporting documentation concerning firearms prior to their import, export or transit? In addition, is it necessary to encourage importers, exporters or third parties to provide information to Thailand's Customs authorities prior to the shipment of such goods?

Under the Regulation on Import and Export of Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms of the Customs Department, it is necessary to lodge, register or check the Goods Declaration and supporting documentation concerning firearms prior to their import, export and transit. Exporters and importers of firearms and ammunition have to submit the request for import and export of such goods to the registrar of the agencies concerned prior to shipment. Information on licenses will then be communicated to the Customs Department. Before conducting any shipment of such goods, importers and exporters are required to submit the licenses for verification with the Custom authorities. After licenses are verified against the lists and relevant rules and regulations, permission to import and export is issued. Upon transportation, goods, registrations and licenses will again be strictly inspected against the lists by Customs authorities. The transit of firearms and ammunition is forbidden in Thailand unless the Minister of Interior issues a special permit, and the transit is permitted only at certain checkpoints stipulated by Customs Department. If transit is permitted, all prior procedures before the transit remain the same as that of import and export.

11. Are mechanisms in place to verify the authority of licenses and other official documents in relation to the import, export or transit of firearms?

The Customs Department has a mechanism in place to verify the licenses and other official documents relating to the import, export or transit of firearms. As detailed in question 10, licenses have to be issued by the Royal Thai Police Department (for Bangkok) and the provincial office of the Ministry of Interior (for other provinces) prior to shipment. The licenses contain necessary information such as importers' name, type of firearms, size of firearms and quantity. Licenses will be cross-referenced against the authorities' lists. With cooperation from the Ministry of Foreign Affairs, list of importers requesting for licenses will be cross-checked with authorities in concerned countries through the Royal Thai Embassies. The checked lists will have to be submitted to the Ministry of Interior after the release of the goods. When the firearms are collected, the receipt form listing the details of goods will not be accepted if there is no license for import attached to it. The details contained in the licenses and the receipt form will be verified against details stored in the Customs database.

12. Has Thailand implemented, using risk assessment principles, appropriate security measures concerning the import, export and transit of firearms? In this context, does Thailand conduct security checks on the temporary storage, warehousing and transportation of firearms? Does Thailand require that the persons involved in these operations undergo security vetting?

Risk assessment principles have been incorporated in the Regulation on Import and Export of Firearms, Ammunition, Explosive Articles and Fireworks and Imitation of Firearms of the Customs Department, which details all customs procedures and requirements (see question 9). Thailand has also conducted security checks on the temporary storage, warehousing and transportation of firearms

where specific guidelines stated in the above Regulation are implemented. Firearms are stored in a secured place with security guards strictly attached to the cargo. During collection, appropriate documents are needed and inspected before handover of goods. Moreover, duties relating to the approval of request and permission are duly assigned to officials of higher ranks. At the release of goods that are firearms and ammunition, all packages must be opened for inspection against details contained in the licenses.
