

Internal Security Act

Draft revised by the Council of State and adopted by the Cabinet on 16 October 2007.
Unofficial translation from the official Thai text.

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.

As it is appropriate 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 along with Sections 32, 33, 34, 36, 38, 41, and 63 of the Constitution of the Kingdom of Thailand by virtue of the provisions of the law.

Section 1. This law is called the Act on Internal Security of ... (year)

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 control, resolve, and restore any situation which is or may be a threat in order to restore normalcy for the sake of the peace and order of the people, and the security of the nation, including prevention against such a situation.

‘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.

‘government official’ means a government servant, employee, or hired hand of a government agency

‘competent officer’ means a person that the Director of Internal Security appoints to carry out duties under this Act

‘province’ includes Bangkok

‘provincial governor’ includes the governor of Bangkok

Section 4. The prime minister shall take care 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 maintaining 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, and the powers of units inside ISOC shall be determined by the Cabinet. The Prime Minister in his status as head of government shall be the Director of Internal Security, and the Commander-in-Chief of the Army shall be Deputy Director

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.

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.

Section 6. 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 the consideration of further action;

(2) to direct the maintenance of internal security on matters assigned by the Cabinet or National Security Council; in such matters, ISOC shall have the power and duty to propose a plan and directions for operation and implementation for the Cabinet to consider and approve; 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); 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.

In the maintenance of internal security if there is necessity for ISOC to use any power and duty under law which falls under the power, duty, and responsibility of any government agency, the Cabinet shall have the power to appoint any office-holder in ISOC as an official or competent officer under this Act, or shall pass a resolution for that government agency to transfer its power, duty, and responsibility under law in the aforesaid matter to ISOC to operate in its stead, or to operate within a designated area and time period, along with any additional principles and conditions for the use of that power.

Section 7. 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 RISOC, the director of a PISOC, or a director under Section 16.

Section 8. To facilitate operations under the power of ISOC under this Act, a government agency shall, at the request of the Director of ISOC, send government 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 government officials to serve at ISOC with replacement staff as required, but not exceeding the number sent.

Section 9. 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; the Minister of Defense and Minister of Interior as Deputy Chairmen; Minister of Justice, Minister of Information and Communications Technology, the Permanent Secretary of the Ministry of Interior, Secretary of the National Security Council, Secretary of the Civil Service Commission, Secretary of the Public Sector Development Commission, Director of the National Intelligence Agency, Director of the Budget Bureau, the Comptroller General, Director of the Department of Special Investigations, Supreme Commander, Commander-in-Chief of the Army, Commander-in-Chief of the Navy, Commander-in-Chief of the Air Force, Commissioner General of Police, and the Attorney-General as members; the Secretary of the National Security Council as member and secretary; and no more than two government officials within ISOC appointed by the Director as deputy secretaries.

The Board shall have the power to oversee, offer consultation, and make proposals to ISOC on operations under 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 committees or working groups to exercise duty as assigned;
- (5) to undertake other duties as laid down in this Act or other laws.

Section 10. 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 take a resolution for the regional army to establish a Regional Internal Security Operations Command, known in short as RISOC.

A RISOC 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 RISOC, the Director has the power to appoint government officials and hired hands of the regional army, together with government officials, employees, and hired hands of government agencies within the territory, to work regularly or temporarily in a RISOC, as proposed by the director of a RISOC; the provisions of clause 8 shall govern the orders of the Director in this case, *mutatis mutandis*.

The director of a RISOC shall have command over government officials, employees, and hired hands who have been ordered to work within RISOC, and shall take responsibility for the implementation of the work of RISOC.

The structure, division of powers and duties, staffing, and management of working units within a RISOC shall be determined by the Director following proposals by the director of RISOC.

ISOC and the regional army shall provide support with personnel, budget, and resources for the operations of a RISOC on the request of the director of a RISOC.

Section 11. To facilitate participation in overcoming problems or protecting against threats that arise, the director of a RISOC shall establish a RISOC advisory board consisting of a chairman and members numbering no fewer than 25 and no more than 50 persons accepted and trusted by the people in all parts of the territory with duty to propose solutions to problems or prevention of threats that arise, and to give consultation on any matter requested by the director of RISOC

Section 12. To facilitate the support, assistance, and execution of duty of the director of a RISOC under clause 10, the director of RISOC with the approval of the Minister of Interior and the Director may establish a Provincial Internal Security Operations Command, known in short as PISOC, in any province within the territory of the regional

army as a unit reporting directly to RISOC, with duty and responsibility 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 officials and employees, and responsibility for the operations of PISOC.

The structure, division of powers and duties, staffing, and administration of working units within a PISOC shall be as determined by the Director.

ISOC and the province shall provide support with personnel, budget, and resources for the operations of a PISOC on the request of the director of a PISOC, with provisions of Section 8 applying to PISOC, *mutatis mutandis*.

Section 13. To promote participation in overcoming problems or guarding against threats that arise, the director of a PISOC shall establish an advisory board consisting of a chairman and members numbering no fewer than 15 and no more 30, appointed from persons accepted and trusted by the population in all parts of the territory with duty to propose solutions to problems or prevention of threats that arise, and to give consultation on any matter requested by the director of PISOC.

Chapter 2: Specific duties of ISOC in the maintenance of internal security

Section 14. Should any matter arise which affects internal security but which does not yet require the declaration of a state of emergency under the Act on Government Administration in a State of Emergency, and this matter 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 for ISOC to take responsibility for prevention, suppression, and eradication or mitigation of this matter which affects internal security, within an assigned area, and shall make a general announcement of this fact.

In the event that the matter 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 are revoked.

Section 15. In implementation under clause 14, ISOC shall also have powers and duties as follows:

- (1) to prevent, suppress, eradicate, and overcome or mitigate the matter that affects internal security as assigned under paragraph 14;
- (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 government officials to implement or coordinate implementation according to the plan in (2);
- (4) to order that any government 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 National Security Council and relevant government agencies.

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

Section 16. In the event of a need to overcome problems affecting internal security in any area, the Director with the approval of the Board shall have the power to establish one or more special operations centers.

The structure, staffing, administration, duties, control and coordination or command of operations centers 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 8 shall apply to these operations centers, mutatis mutandis, with the power of the Director serving as the power of the director of the center.

Section 17. To facilitate the prevention, suppression, eradication, and solution or mitigation of a matter under Section 14, the Director with the approval of the Cabinet shall have the power to issue regulations as follows:

- (1) to have relevant government officials implement any action, or withhold the implementation of any action;
- (2) to prohibit entry or exit at a locality, building, or designated area unless with permission from a competent officer or unless a person has been granted an exemption;
- (3) to prohibit exit from dwelling places within a designated time;
- (4) to prohibit meetings or gathering in public places when it appears that those meetings or gatherings will create inconvenience for the people using that public place, and may give rise to public disorder;
- (5) to prohibit the carrying of weapons outside dwelling places;
- (6) to prohibit the use of communication routes or vehicles or to impose conditions on the use of communication routes or vehicles;
- (7) to order persons to perform or not perform any action in connection with electronic equipment in order to guard against danger to life, limb, or property of the people.

Section 18. In the execution of powers under Section 15(1), the Director and any official designated by the Director shall be an investigating officer according to the Code of Procedure for Criminal Investigation, but the execution of power in the aforesaid capacity shall conform to agreement between ISOC and the National Police Commission.

Section 19. Within the area assigned for ISOC operations under a Cabinet resolution in Section 14, 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 his opinion to the Director.

If the Director concurs with the opinion of the investigating officer, the Director shall send the aforesaid accused to undergo training at a designated place for a period not exceeding 6 months and under any other conditions so designated in place of court proceedings, according to principles, methods, and conditions determined by the Cabinet.

The procedure under paragraph 2 may be carried out only when the accused agrees to undergo training and abide by the aforesaid conditions. When the accused has undergone training and fulfilled all the conditions, the investigating officer shall submit the matter to the public prosecutor to order the withdrawal of the case under his responsibility, and when the public prosecutor has ordered the withdrawal of the case against the accused, nobody shall bring charges against the accused for the same offence.

Section 20. Should the execution of power by ISOC under Section 15(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 designated by the Cabinet.

Section 21. Officials exercising their duties within an area designated under Section 14 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 22. Regulations, notifications, orders and actions under this Act are not subject to the law on administrative procedures, or the law on the establishment of the Administrative Court and procedure for administrative cases.

Section 23. In the execution of duty under this act, an official is not subject to civil, criminal, or disciplinary liability if that official is acting under orders of a superior officer and has reasonable cause to believe that the order falls within the law and the action is appropriate to the cause, but with no abrogation of the rights of any person who suffers loss to petition for compensation from government according to the law on liability of officials for wrongful acts.

The content of paragraph 1 applies to persons who assist officials under the order of officials under this act, *mutatis mutandis*.

Chapter 3: Liability

Section 24. Any person who violates a regulation issued under sections 17 (2), (3), (4), (5), (6) or (7) is liable to imprisonment not exceeding 1 year, or a fine not exceeding 20,000 baht, or both.

Special provisions

Section 25. The activities, resources, budget, debts, rights, government officials, 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 established under Section 16 of this Act.