

[Unofficial translation]

Guidelines on the Detention Invoking the Martial Law Act B.E.2457

Given that the area under the charge of the Forward Internal Security Operations Command Region 4 (ISOC Region 4), there are a range of agencies which are authorized by the Martial Law Act B.E.2457 to arrest a suspect and to hold the person in custody. In order to ensure consistency of the detention invoking the law, the guidelines have been developed as follow;

1. If any competent agencies which can hold a person in custody in order to obtain information invoking the Martial Law Act B.E.2457 and are authorized by the Fourth Army Region Commander to do so, they have to have the “Memo of the Invitation to Give Information” as attached to the Guidelines signed by neutral persons including religious leaders, community leaders, or the persons respected by the suspect as witness to the arrest.
2. The holding of a person in custody invoking the Martial Law Act B.E.2457 must be carried out and last as shortest as possible and it is not necessary that the person has to be held in custody for sevens as per the ceiling provided for in the Martial Law Act B.E.2457.
3. During the holding of a person in custody invoking the Martial Law Act B.E.2457, visits or inquires about the wellbeing of the detainee must be allowed as appropriate. It is subject to the discretion of the detaining agencies.

During the holding of a person in custody, torture or physical abuse is absolutely prohibited, along with the use of derogative or slighting word or any verbal threat or any act of humiliation against the detainee.

4. After the necessity to hold the person in custody invoking the Martial Law Act B.E.2457 has ceased, the arresting agencies must release the detainee promptly. And prior to the discharge, a “letter of status certification” as attached to the Guidelines must be produced in two copies, one of which is kept by the suspect and another the arresting agency.
 5. The matter related to the detention or discharge of a person has to be reported to the Joint Civilian-Police-Military Commander (via the Intel Unit of the Joint Civilian-Police-Military Command) for record.
 6. Should the Emergency Decree on Government Administration in States of Emergency B.E. 2548 shall be invoked to prolong the detention after the use of the Martial Law Act B.E.2457, the guidelines regarding the arrest and detention of suspect as per the existing Emergency Decree on Government Administration in States of Emergency B.E. 2548 must be observed.
- Certified by
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