



มูลนิธิศูนย์ทนายความมุสลิม  
MUSLIM ATTORNEY CENTRE FOUNDATION

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### Press Release

#### **Four alleged offenders in Songkla province submitted a motion to Nathawee Court stating their refusal to attend training program under Section 21 of the Internal Security Act**

On 14 December 2011, Mr. Abrik Sahamankud, Mr. Zubir Sulong, Mr. Mazabri Kabuting, and Mr. Sapae-ing Waelae, residents from the districts of Thepha and Sabayoy, Songkhla, with the legal assistance from the Muslim Attorney Centre Foundation (MAC), filed a motion before the Provincial Court of Nathawee, denying the charges imposed on them. They also stated that they do not want to attend the training program under Section 21 of the Internal Security Act (ISA).

Section 21 of ISA creates a procedure where a court may order individuals to be detained in ISOC –run facilities up to 6 months if certain conditions are met<sup>1</sup>.

The four accused persons claimed that they had been forced to enter the process prescribed in Section 21 of the Internal Security Act. They denied being involved with the commission of the offences as alleged. They prefer to defend themselves and prove their innocence through the normal justice process.

Today, the public prosecutor(s) on behalf of the Internal Security Operation Command (ISOC) under Section 21 procedure requested the Court to postpone the hearing since the four accused persons had retracted their confessions and were not willing to receive training as per the ISA in their request to the Court dated 14 December 2011.

The public prosecutor(s) want to bring the matter before their superior commanders and seek their opinion before taking any further action. The new hearing is scheduled to be held on 23<sup>rd</sup> January 2012 at 9.00 a.m.

#### Note

In April 2011, the four accused persons were arrested together with four other suspects in the districts of Thepha and Sabayoy, Songkhla. Some of them were arrested under warrants issued under the Emergency Decree by the Provincial Court of Pattani. However the arrest related to the commission of an offence in an area which was not covered by the Emergency Decree. Thus the four accused persons have filed a habeas corpus petition before the court, requesting it to review the legality of their detention (Black Case no. Chor.Chor 12-19 /2554 or Emergency Decree arrest warrant no. 12-19/2011). The Provincial Court of Pattani reviewed the motion and ordered the release of all the eight persons who were taken into custody on 29 April 2011 since the emergency warrants were used in Songkla Province where the Emergency Decree was not applicable.

Later, the eight detainees were accused of being involved with a bombing incidence in Thepha District in April 2011. The first four detainees denied the charges and insisted on defending themselves in the Court. Meanwhile, the other four detainees submitted a motion stating that they did not want to join the training as prescribed in Section 21.

For more information, please contact  
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<sup>1</sup> International Commission of Jurist (ICJ), Thailand's Internal Security ACT: Risk the Rule of Law, Nov 2010.

## Additional Information

From Isara News 14 December 2011

Section 21 of ISA create the procedure where the Court may order individual to be detained in ISOC-run facilities up to 6 months where certain conditions are met;

1. The cabinet invoked Section 15 of ISA to authorize ISOC to operate in a designated area.
2. If any person has committed an offence against internal security and if the person defects from his group and turns himself in to the competent officer or the inquiry officer and if after investigation, the person is found to have committed the offence unknowingly without realizing the grave consequences, the person should be given a chance to correct himself in order to enhance internal security.

The procedure prescribed in ISA includes;

1. The inquiry officer submit a report of investigation plus his opinion to the Director of Internal Security (ISOC Director – in the Southern Border Provinces, it refers to ISOC Director Region 4 or in fact the Fourth Army Area Commander).
2. Should the ISOC Director concur with the inquiry officer's opinion and the above conditions are met, the ISOC Director may submit the report of investigation to the public prosecutors.
3. The public prosecutors request the Court to order the persons accused of committing offence against national security to receive training organized by the ISOC Director in lieu of any punishment.
4. Should the alleged offenders agree to receive training and follow other conditions set forth by the Court, the Court shall order the transfer of the alleged offenders to the custody of ISOC Director to receive training for not more than six months as well as to follow other conditions set out by the Court.
5. Once the accused have completed the training and have acted in compliance with other conditions set out by the Court, they shall no longer be prosecuted for the offence.

If any person has committed an offence against internal security and if the person defects from his group and turns himself in to the competent officer or the inquiry officer and if after investigation, the person is found to have committed the offence unknowingly without realizing the grave consequences, the person should be given a chance to correct himself in order to enhance internal security. The decision whether or not to have the first four alleged offenders to receive training should be made by the Court on 14 December.