

Unofficial Translation of NCPO order No. 3/2015

By ILaw

Order Number 3/2558 (3/2015) of the Head of the NCPO on Maintaining Public Order and National Security.

As the lifting of martial law throughout the Kingdom has now been adopted, it is appropriate to install measures to deal with actions intended to undermine or destroy peace and national security, violate notifications or orders of the NCPO, or to commit offenses under the laws on firearms, ammunition, explosives, fireworks and artificial weapons which threaten the peace and security of the nation.

Therefore, the head of the NCPO sees it as necessary to prevent and suppress such actions swiftly and effectively so as not to affect law-abiding citizens and the well-being of the general public.

By virtue of Section 44 of the Interim Constitution of the Kingdom of Thailand of 2014, the Head of the NCPO with the approval of the NCPO hereby issues the following order:

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

Article 2. A "Peace Keeping Officer" refers to a military officer with the rank of Lieutenant, or Midshipman or Pilot Officer or above, appointed by the Head of the NCPO to act in accordance with this order.

An "Assistant Peace Keeping Officer" refers to a military officer of lower rank than a Lieutenant, or Midshipman or Pilot Officer appointed by the Head of the NCPO to act according to this order.

Article 3. Peacekeeping Officers shall act swiftly to prevent and suppress acts which constitute the following offences:

- (1) offenses against the King, the Queen, the Heir Apparent and the Regent under Sections 107 to 112 of the Penal Code.
- (2) offenses against the security of the state under Sections 113 to 118 of the Penal Code.
- (3) offenses under the laws on firearms, ammunition, explosives, fireworks and artificial weapons, only in respect of firearms, ammunition and explosives used in warfare.

(4) violations of announcements or orders of the NCPO or of the Head of the NCPO.

Article 4. In acting according to Article 3, Peacekeeping Officers have the following powers:

(1) To order any person to report to peacekeeping authorities, or to come to give a deposition, or hand over any document or evidence relating to the commission of an offense under Article 3.

(2) To arrest any person discovered committing an offense under Article 3, and to hand over that person to an investigating officer for further proceedings.

(3) To assist or support investigating officers in their duties or take part directly in investigations of offences under Article 3, in which case Peacekeeping Officers shall be deemed to be investigating officers as defined in the Code of Criminal Procedure.

(4) To enter any residence or any place to carry out searches of the premises, including searches of persons or of vehicles, when there is sufficient reason to suspect that a person who has committed an offence under Article 3 is hiding on the premises, or has kept property or evidence relating to such an offence on the premises, and where a delay while applying for the issuance of a search warrant might risk the abscondance of the suspect or the removal or destruction of said property or evidence.

(5) To seize or freeze any assets discovered under (4).

(6) To carry out any other act as assigned by the National Council for Peace and Order.

Article 5. In circumstances where it is necessary to swiftly remedy a situation which threatens national security or public order, or to prevent the situation from getting worse, Peacekeeping Officers are empowered to issue orders prohibiting the propagation of any item of news or the sale or distribution of any book or publication or material likely to cause public alarm or which contains false information likely to cause public misunderstanding to the detriment of national security or public order.

When issuing such orders, Peacekeeping Officers may attach conditions or time frames for compliance to their orders.

In order to accomplish results in accordance with the first paragraph, the Chief of the NCPO may set conditions or guidelines regarding the issuance of such orders.

Article 6. For the purposes stipulated in Article 3, when there is some evidence to suspect that an individual may have committed an offense under Article 3, Peacekeeping Officers have the authority to summon that individual to report to them for questioning or to give a deposition, and while the questioning is uncompleted the individual may be detained for not more than seven days. However, detention must be carried out on premises other than police stations, detention facilities, or prisons, and the detainee is not to be treated as an accused person.

When there are sufficient grounds to bring charges against such an individual, either Peacekeeping Officers in their capacity as administrative officials or police officers are to proceed according to the law.

Article 7. Assistant Peacekeeping Officers are to perform duties as ordered or assigned to them by Peacekeeping Officers.

Article 8. In carrying out their duties under this order, Peacekeeping Officers and Assistant Peacekeeping Officers are to be considered as authorised officers under the Penal Code, and as administrative officers or police officers under the Code of Criminal Procedure.

Article 9. Any person who contravenes or fails to comply with orders issued by a Peacekeeping Officer or Assistant Peacekeeping Officer under Article 4 (1) or Article 5 or Article 6 shall be punished with imprisonment not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Article 10. Any person who resists or obstructs a Peacekeeping Officer or an Assistant Peacekeeping Officer in the performance of his duties under this order shall be punished with imprisonment not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Article 11. In the case of an individual detained under Article 6, paragraph one for offenses under Article 3 (4), Peacekeeping Officers may allow the release of that individual, with or without conditions.

Conditions for release under the first paragraph may be for the purpose of securing compliance with Section 39 (2) to (5) of the Criminal Code, for prohibiting the individual concerned from leaving the Kingdom except with the permission of the Head of the NCPO or an authorized representative, or for prohibiting the individual from carrying out financial transactions.

Any person who contravenes or fails to comply with conditions of release shall be punished with imprisonment not exceeding one year or a fine not exceeding twenty thousand baht, or both.

Article 12. Political gatherings of five or more persons shall be punished with imprisonment not exceeding six months or a fine not exceeding ten thousand Baht, or both, unless permission has been granted by the Head of the NCPO. or an authorized representative.

Anyone who commits an offence under paragraph one who voluntarily agrees to receive corrective training from Peacekeeping Officers for a period not exceeding seven days may be released with or without the conditions stipulated in Article 11 paragraph 2 at the discretion of Peacekeeping Officers. The case will then be considered closed according to Section 37 of the Code of Criminal Procedure as amended by the Criminal Code Amendment Act (No. 16), 1986.

Any person who contravenes or fails to comply with conditions of release shall be punished with imprisonment not exceeding six months, or a fine not exceeding ten thousand Baht, or both.

Article 13. Actions under this order are not subject to the laws on administrative procedures and the Law on the Establishment of the Administrative Court and the Administrative Procedures Code.

Article 14. Peacekeeping Officers and Assistant Peacekeeping Officers who act in good faith in accordance with this order, without bias or undue severity shall be protected according to Article 17 of the Decree on Public Administration in Emergency Situations 2005, without prejudice to the rights of individuals to claim compensation from the government in accordance with the laws governing liability of officers.

Issued on April 1 of the year 2558 (2015).

Gen. Prayuth Chan-ocha

Head of the National Council for Peace and Order.