

Internal Security Act

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Thai text (missing a few clauses) as published in *Matichon*, 18 October 2007

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 to consider for 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 social peace and order.

Section 7

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Section 8

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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 Defence 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 employees of the regional army, including government officials and employees 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 and employees 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 levels, 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 give support with personnel, budget, and assets for the execution of duty by a RISOC on the request of the director of 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 the provincial governor as the provincial director of internal security.

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

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 centers of special operations.

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 building or designated area unless with permission from government officials or unless a person is 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 undertake or cease any action in connection with electronic equipment to guard against danger to life, limb, or property.

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 designated in place of court proceedings, according to principles, methods, and conditions designated 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 who shall issue an order not to proceed with the case, and when the judicial official has issued the order not to proceed with the case, the accused cannot be charged again 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

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, property, 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.