



INTERNAL SECURITY

ACT,

BE 2551 (2008)

BHUMIBOL ADULYADEJ, R.

GIVEN UNDER OUR HAND THIS 19TH DAY OF FEBRUARY, BE 2551 (2008);

BEING THE 63RD YEAR OF OUR REIGN.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is desirable to bring into existence a law on internal security;

And whereas it is aware that this Act contains certain provisions giving rise to the restriction of personal rights and freedoms, in respect of which sections 29 and 31 incorporating sections 32, 33, 34, 36, 41 and 43 of the Constitution of the Kingdom of Thailand so permit by means of the legal provisions;

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1

This Act shall be cited as the "Internal Security Act, BE 2551 (2008)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.^{[1](#)}

Section 3

In this Act:

"Internal security operation" means, for the sake of public order or national security, the measures to preserve, control, solve and restore the state of normalcy from any situation which is the result of an act of a person or group of persons exposing or likely to expose life and limb or property of the citizens or the State to injury;

"Commission" means the Internal Security Operations Commission;

"Commander" means the Internal Security Operations Commander;

"State agency" means a government agency, state enterprise, public organisation, local government agency and other state agency, but not including the courts and the constitutionally independent organs;

"State authority" means a government officer, official or employee of a state agency;

"Competent authority" means a person authorised by the Commander to execute this Act;

"Province" includes Bangkok;

"Provincial Governor" includes the Governor of Bangkok.

Section 4

The Prime Minister shall be in charge of this Act.

Chapter 1

Internal Security Operations Command

Section 5

There shall be established in the Office of the Prime Minister an Internal Security Operations Command, called "ISOC" in brief, having the authority and responsibility as to the internal security operations.

The ISOC shall be a special government agency directly subject to the Prime Minister. With respect to the ISOC, the administrative procedure, administration of business, structure, separation and authority of agencies and human resources shall be determined by the Council of Ministers.

The Prime Minister, in his capacity as Head of Government, shall be the Internal Security Operations Commander, called "ISO-Com" in brief. He shall be the chief of the government officers and officials in the ISOC and responsible for the administration of its business. The Commander-in-Chief of the Army shall serve as the Deputy Internal Security Operations Commander.

The Commander may appoint the Assistant Internal Security Operations Commanders from the government officers attached to the ISOC or other state authorities as he finds expedient, taking into account the structure and separation of internal agencies of the ISOC.

The Chief of the Land Staff shall be the Secretary General of the ISOC and responsible for its administrative and technical business.

The Deputy Commander, Assistant Commanders and Secretary General shall be empowered to command the ISOC's government officers, officials and employees subordinate to the Commander and shall have other authority as given by the Commander.

The Commander, in the name of the Office of the Prime Minister, shall be competent to carry out legal transactions, to sue, to be sued and to undertake all activities dealing with the authority of the ISOC.

The Commander may, by written authorisation, allow the Deputy Commander to exercise his duties and powers under this Act on his behalf.

Section 6

The ISOC shall be a government agency under the law on budgeting procedure and the law on treasury reserves.

Section 7

The ISOC shall be invested with the following authority:

- (1) To monitor, examine and assess the possibility of the situations likely to give rise to the threats to internal security and report it to the Council of Ministers for further actions;
- (2) To supervise the internal security operations; prescribed that for such purpose, the ISOC shall be given the authority to propose to the Council of Ministers for approval the plans and guidance for relevant activities and actions, and that the state agencies shall abide by those plans and guidance after they have been approved by the Council of Ministers;
- (3) To supervise, cooperate on and support the actions of the pertinent state agencies in the execution of the plans and guidance under (2); prescribed that for such purpose, the Council of Ministers may authorise the ISOC to supervise the actions of the state agencies as determined by it;
- (4) To strengthen the public awareness of the duty to defend the Nation, Faiths and King, the love and harmony amongst the national people, and the public participation in the prevention and solution of the problems affecting the national security and social order;
- (5) To carry out other activities as provided by the laws or as required by the Council of Ministers, National Security Council or Prime Minister.

Section 8

In addition to the powers which may be authorised according to the law on national government organisation, the Commander may authorise the RSO-Coms, PSO-Coms, directors of the centres or chiefs of the agencies called otherwise to exercise his authority under this Act on his behalf.

Section 9

For the purpose of the ISOC's exercise of its authority under this Act, the state agencies shall send the state authorities to serve the ISOC as required by the Commander, and the personnel administration centres or other organs with the like authority and in charge of those agencies shall provide substitute staff for them as necessary, but not exceeding the number of the staff members sent.

Section 10

There shall be an Internal Security Operations Commission consisting of the Prime Minister or Deputy Prime Minister designated by the Prime Minister as President; the Minister of Defence and the Minister of Interior as Vice Presidents; the

Minister of Justice, the Minister of Information and Communication Technology, the Permanent Secretary for Defence, the Permanent Secretary for Foreign Affairs, the Permanent Secretary for Interior, the Attorney General, the Secretary General of the National Security Council, the Director of the National Intelligence Agency, the Director of the Bureau of Budgets, the Secretary General of the Civil Service Commission, the Secretary General of the Public Sector Development Commission, the Commander-in-Chief of the Armed Forces, the Commander-in-Chief of the Army, the Commander-in-Chief of the Navy, the Commander-in-Chief of the Air Forces, the Commissioner General of the National Police, the Comptroller General and the Director General of the Department of Special Investigation. as Commissioners; and the Secretary General of the ISOC as Commissioner and Secretary. The Commander shall appoint not more than two government officers of the ISOC as Assistant Secretaries.

The Commission shall have the authority to monitor and render to the ISOC the advice and recommendations concerning the activities within the authority of the ISOC. The Commission shall also have the following authority:

- (1) To lay down the rules governing the supervision of and the cooperation with the pertinent state agencies on the internal security operations;
- (2) To lay down the rules governing the administration of business of the ISOC, RSOCs and PSOCs;
- (3) To issue the regulations governing the budgets, finance, treasury, supplies and administration of property of the ISOC;
- (4) To set up the Board of Advisers to the ISOC, with due regard to the participation of the public sectors; prescribed that the Board shall at least consist of the experts or persons experienced in the fields of political science, public administration, law, science and technology, protection of rights and freedoms of the public, peaceful solution of problems, national security defence and mass media, and the it shall bear the duty to propose the solution of possible problems or prevention of possible threats and provide advice as required by the Commission;
- (5) To set up the sub-commissions or working teams to carry out the duties given by the Commission;
- (6) To discharge other duties as prescribed by this Act or other laws.

Section 11

In case of need to undertake the internal security operations in the areas of any Regional Army, the Commission, upon recommendation of the Commander, may resolve to permit such Regional Army to establish a Regional Security Operations Command, called "RSOC" in brief.

The RSOCs shall be the agencies directly subject to the ISOC. They shall be led by the Regional Army Commanders who serve as the Regional Security Operations Commanders or "RSO-Coms" in brief and have the duty to be responsible for and to provide supports to the internal security operations in their respective Regional Army areas as authorised by the Commander. For the purpose of the execution of duties of a RSOC, the Commander shall be empowered to direct the government officers and employees of the Regional Army, as well as the government officers, officials and employees of the state agencies in the areas concerned to regularly or periodically serve the RSOC according to the recommendations of the RSO-Com.

The RSO-Com shall be the chief of the government officers, officials and employees having been directed to serve his RSOC and shall be responsible for the administration of its business.

With respect to the RSOCs, the structure, separation and authority of agencies, human resources and internal administration shall be determined by the Commander, upon the recommendations of the RSO-Coms.

The ISOC and the Regional Armies shall support the activities of the RSOCs by providing personnel, budgets and property as required by the RSO-Coms. Furthermore, the provisions of section 9 shall apply to the RSOCs mutatis mutandis.

Section 12

For the purpose of encouraging the participation in the solution of possible problems or prevention of possible threats, the RSO-Com may set up a Board of Advisers to his RSOC, consisting of the president and other members numbering not more than fifteen and appointed from the persons extensively accepted and respected by the citizens in the areas concerned. The Board shall be given the duty to recommend the solution of possible problems or prevention of possible threats and to provide advice as required by the RSO-Com.

Section 13

For the purpose of supporting and assisting a RSOC in the exercise of its authority under section 11, the RSO-Com, with the approval of the Minister of Interior and the Commander, may establish in a province forming part of the Regional Army areas a Provincial Security Operations Command or "PSOC" in brief. The PSOC shall be an agency directly subject to the RSOC and shall bear the duty to be responsible for and to provide supports to the security operations in the areas of its province as authorised by the Commander. The Provincial Governor shall act as the Provincial Security Operations Commander who is called "PSO-Com" in brief and is the chief of the government officers, officials and employees of the PSOC and responsible for the administration of its business.

With respect to the PSOCs, the structure, separation and authority of agencies, human resources and internal administration shall be determined by the Commander.

The ISOC and the provinces shall support the activities of the PSOCs by providing personnel, budgets and property as required by the PSO-Coms. Moreover, the provisions of section 9 shall apply to the PSOCs mutatis mutandis.

Section 14

For the purpose of encouraging the participation in the solution of possible problems or prevention of possible threats, the PSO-Com may set up a Board of Advisers to his PSOC, consisting of the president and other members numbering not more than thirteen and appointed from the persons extensively accepted and respected by the citizens in the areas concerned. The Board shall be given the duty to recommend the solution of possible problems or prevention of possible threats and to provide advice as required by the PSO-Com.

Chapter 2

Internal Security Missions

Section 15

Where arises a situation affecting the national security but a state of emergency under the law on public administration in state of emergency needs not to be declared yet, whilst the situation possibly lasts for a long period and its management falls within the authority or responsibility of several state agencies, the Council of Ministers may, by resolution, authorise the ISOC to prevent, suppress, discontinue, subdue and solve or mitigate the said situation within the fixed areas and time limit. This resolution shall be announced to the public.

When the situation under paragraph 1 has come to an end or is capable of being solved by the state agencies of general authority, the Prime Minister shall, by announcement, terminate the authorisation conferred upon the ISOC pursuant to paragraph 1 and shall at once inform the House of Representatives and the Senate of the outcome.

Section 16

In carrying out the activities authorised under section 15, the ISOC shall also enjoy the following authority:

- (1) To prevent, suppress, discontinue, subdue and solve or mitigate the situations affecting the national security to the extent authorised in pursuance of section 15;
- (2) To draw up the plans for the activities under (1) and propose them to the Commission for approval;
- (3) To monitor, pursue and expedite the activities conducted or integrated by the relevant state agencies and state authorities for the implementation of the plans under (2);
- (4) To order a state authority whose behaviour is likely to imperil the national security or impede the internal security operations to leave the determined area.

In preparing the plans under (2), the ISOC shall hold the joint conferences with the Secretariat General of the National Security Council and the state agencies concerned. In this regard, the ISOC shall also produce the contingency plans for each expected situation.

Upon deliverance of an order by virtue of (4), the ISOC shall communicate it to the state agency to which the state authority in question is attached and such state authority shall report to his state agency at once. In this regard, the state agency shall remove the state authority from his office or from his functions in the areas specified in the said order.

If, for the purpose of exercising the authority referred to in paragraph 1, the ISOC needs to execute the powers or duties which are, by whatever law, placed in the hand or responsibility of any state agency, the Council of Ministers may, by resolution, appoint any ISOC office holder as an officer or competent authority under such law, or direct the state agency in question to surrender the powers or duties placed in its hand or responsibility by such law to the ISOC, or permit the ISOC to jointly execute them; prescribed that this resolution must be effective within the determined areas and time limit and must also contain the criteria and procedure for the execution of the powers concerned.

Section 17

In case of need to exercise the authority under section 16 in any specific area so as to solve the problems caused by a situation affecting the national security, the Commander, with the approval of the Commission, may establish a centre or agency called otherwise to take charge of one specific mission or more.

With respect to the centre or agency called otherwise under paragraph 1, the structure, human resources, administration of business, authority, supervision, monitoring or governance shall be determined and published in the Government Gazette by the Commander, with the approval of the Commission. Furthermore, the provisions of section 9 shall apply mutatis mutandis to the centre or agency called otherwise under paragraph 1, whilst the powers of the Commander shall be vested in the director of such centre or the chief of such agency.

Section 18

For the purpose of preventing, suppressing, discontinuing, subduing and solving or mitigating certain situations in the areas under section 15, the Commander, with the approval of the Council of Ministers, may stipulate the following in the form of ordinance:

- (1) A requirement that the relevant state authorities perform or refrain from any specific activity;
- (2) A ban on entry into or an order to leave the determined areas, buildings or places during the operations; prescribed that this ordinance shall not apply to the persons allowed by the competent authorities or persons exempted;
- (3) A ban on leaving residences during a determined period;
- (4) A ban on carrying weapons outside residences;
- (5) A ban on using communication routes or vehicles or the conditions on the use thereof;
- (6) A requirement that certain persons perform or refrain from any specific activity as to electronic tools or applications, with a view to preventing the treats to life and limb or property of the citizens.

The ordinance under paragraph 1 may also contain certain criteria, time clauses or conditions, but may not place the public in immoderate difficulty.

Section 19

In existing their authority under section 16 (1), the Commander and the competent authorities designated by the Commander shall, according to the Code of Criminal Procedure, become the senior administrative or police officers and be entitled take part in the inquiries.

Section 20

If, in the exercise of its authority under section 16 (1), the ISOC causes an innocent citizen to incur injury, it shall appropriately compensate him therefor, subject to the criteria and conditions laid down by the Council of Ministers.

Section 21

If, in the areas which the ISOC is authorised by the Council of Ministers to address according to section 15, any person who has committed an offence affecting the national security as determined by the Council of Ministers appears to have repented thereof and surrenders himself to a competent authority, or such person is found by a judicial police officer following an inquiry that he has committed the offence due to his mental error or stupidity and the provision of an opportunity to him to reform himself would be beneficial to the internal security operations, the judicial police officer shall submit to the Commander the inquiry files concerning the said accused together with his own opinion.

If the Commander concurs with the opinion of the judicial police officer, he shall render the files and his opinion to a public prosecutor to further make good application to the court. The court, thinking fit, may deliver the accused to the Commander to further be trained at a determined place for not more than six months and may also stipulate other conditions for him. The court may undertake the measure under paragraph 2 only when the accused consents to the said training and conditions. If the accused has passed the training and has well observed the conditions stipulated by the court, the right to bring a criminal case against him shall be excluded.

Section 22

The competent authorities functioning in the areas under section 15 may be furnished with special allowances by the Council of Ministers.

Subject to the rules of the Council of Ministers, any competent authority under paragraph 1 who incurs illness, death, disability, infirmity or loss of organ in consequence of the functioning shall be entitled to other benefits in addition to those already given by the laws.

Section 23

All ordinances, announcements, orders or actions under this Chapter shall not be subject to the law on administrative procedure.

It shall be the courts of justice which are competent to address the cases based upon an ordinance, announcement, order or action under this Chapter. In the event that a court needs to indicate certain provisional measures or reliefs under the Code of Civil Procedure or Code of Criminal Procedure, whichever applies, the court shall also require the officer or competent authority issuing the ordinance, announcement or order or undertaking the action in question to appear and demonstrate certain facts, information or reasons to further be considered for the sake such indication.

Chapter 3

Penal Provisions

Section 24

Any person who contravenes an ordinance issued under section 18 (2), (3), (4), (5) or (6) shall be liable to imprisonment for not more than one year, or a fine of not exceeding twenty thousand baht or both.

Transitory Provisions

Section 25

The affairs, property, budgets, debts, rights, government officers, officials, employees and human resources of the Internal Security Operations Command under the Order of the Office of the Prime Minister No. 205/2549, Re: Establishment of Internal Security Operations Command, dated 30 October 2006, shall all be transferred to the Internal Security Operations Command under this Act.

Section 26

The Southern Border Provinces Administration Centre and the Civilian, Police and Military Joint Command under the Order of the Office of the Prime Minister No. 207/2549, Re: Administration of Southern Border Provinces, dated 30 October 2006, shall become the centres or agencies called otherwise under section 17 of this Act.

COUNTERSIGNED BY:

General Surayut CHULANON,
Prime Minister.

Statement of Grounds

The grounds for promulgation of this Act are as follows: Certain persons or groups of persons currently bring about the security problems of various serious characteristics and capable of quick expansion to the extent resulting in extensive and complicated impacts and likely to sway the independence and territorial integrity, cause unrest amongst the Nation and endanger the public order. In order to promptly prevent and suppress the possible harms, it is expedient to bring into existence a key agency to take charge the internal security operations, to cooperate with every government agency on the pertinent activities in an integrated manner, to encourage the public participation in the security maintenance and defence, to strengthen the local powers against the possible harms both in time of peace and in time of threats to local security, and to provide the specific measures and mechanisms for controlling the exercise of powers at each level of seriousness of the situations and for effectively and unitedly handling these situations. It is therefore necessary to enact this Act.