

Head of the National Council for Peace and Order 13/2559

Subject: Prevention and suppression of certain offences that are harmful to public order or sabotage the economic system and society of the country

It appears that some people are behaving in such a way as to commit certain crimes that are harmful or sabotage the economy and society of the country by bullying, threatening or presenting oneself in such a way as to cause others to be afraid and not dare to resist or to make a complaint to the authorities as they are afraid that harm will happen to them. Furthermore, it also appears that some people are making a living by violating laws; such as drug trafficking, gambling, or secretly collecting/ compiling weapons so that they can obtain some illegitimate benefit. It is difficult, complicated or risky for the authorities to prosecute them; therefore, it is necessary to especially have a procedure to prevent or suppress such crimes with that nature. These measures are to complement current law enforcement. This is to increase the efficiency of the prevention and suppression of crime. In addition, this is to protect the peacefulness and economic and social system of the country together with the protection of rights and liberties of honest people.

Under the power of Article 44 of the 2014 interim Constitution, the Head of the NCPO with an agreement of the NCPO shall order as follows:

Clause 1. In this order:

“Prevention and suppression officer” means military officers with the rank from second lieutenant, naval sub lieutenants, or pilot officers who have been appointed by the Head of the NCPO or his authorized representative, to perform under this order.

“The assistant prevention and suppression officer” means military officers with the rank lower than second lieutenant, naval sub lieutenant, or pilot officers including officer-in-charge, members of the regular army, and ranger volunteers who have been appointed by the Head of the NCPO or his authorized representative, to perform under this order.

Clause 2. The prevention and suppression officer shall undertake the prevention and suppression of crimes listed in the annex of this order.

A person who has committed or has a reasonable ground to be suspected that s/he has committed offences in paragraph one under this order, shall be a person exhibiting behavior in such a way that he or other people could receive illicit benefits which include:

- (1) offence of coercion to do something, not to do something, or to surrender to something. The offence is committed by making someone afraid of harm to their life, body, freedom, reputation or possession of the coerced person or of other people.
- (2) Present oneself in such a way as to make other people scared, not dare to resist them or make a complaint to the officer to take action, as they are scared that harm may occur to them.
- (3) Living off the proceeds of crime.

The actions in paragraph one shall include using, employing or abetting with others to commit an offence in paragraph one.

Clause 3. In performing clause 2, the prevention and suppression officer shall have the power and duty to:

- (1) summon a person to report himself to the prevention and suppression officer or to give statements, or to submit any document or evidence in relation to the offences in clause 2.

- (2) Arrest a person who commits a flagrant offence and to take into custody the arrested to the investigation officer for further action.
- (3) Assist, support, or to participate with the interrogation officer for the offences in clause 2. In such participation, the prevention and suppression officer shall be considered an interrogation officer under the Criminal Procedure Code.
- (4) Enter any residences or any places to search including searching a person or vehicle when there is a suspicious cause with reasonable evidence that a person has committed an offence under clause 2 or is hiding or having illegal possessions, or obtained possessions in an illegal manner, or having used possessions or will use these to commit a crime in clause 2 or these can be used as an evidence. This is together with a reasonable clause to believe that a delay to obtain a search warrant, will result in the person escaping or such possession to be moved, hidden, destroyed or transformed.
- (5) Seize or freeze possessions found under (4)
- (6) Any other duties assigned by the NCPO

Clause 4. In case there is a reasonable ground to suspect, with reasonable evidence that a person has committed an offence under Clause 2, the prevention and suppression officer has a power to summon such persons for an inquiry or to give statements which could be useful for an action under Clause 2. If the inquiry is not complete, such persons can be held but not for more than 7 days. However, such detention has to take place in a place that is not a police station, detention center, correctional center or prison. The person cannot be treated as an accused.

If there is a ground to prosecute the person under paragraph one as an accused, the prevention and suppression officer shall take further action as an administrative officer or police officer according to relevant laws.

5. In case any individual has been detained pursuant to Clause 4, para 1 pertaining to the offence as stipulated in Clause 2, the prevention and suppression officer may release that individual with or without any conditions.

Conditions of release mentioned in para 1 means specification of measures of safety as written in Section 39 (2) – (5) of the Criminal Code, prohibition of travel outside the Kingdom unless there is an approval from the Head of NCPO as well as his authorized representative, or suspension of financial transaction.

Those who violate or fail to comply with the conditions of release shall be punished for a period not exceeding 1 year of imprisonment or fined for an amount not exceeding THB 20,000 or both.

Clause 6. Assistant prevention and suppression officers are tasked with assisting the prevention and suppression officer as per the orders or assignments of the prevention and suppression officer.

Clause 7. In performing duties as per this order, the prevention and suppression officer and the assistant prevention and suppression officer shall hold positions as officers according to the Criminal Code and Administrative Officials or police officers according to the Criminal Procedure Code.

Clause 8. Acts under this order are not enforceable by laws on administrative practice and laws on the establishment of administrative courts and administrative procedure.

Clause 9. The prevention and suppression officers, who have performed their duties in good faith, without discrimination, and not disproportionately and not unnecessarily, shall be protected under Article 17 of the Emergency Decree on Public Administration in Emergency Situation B.E. 2548. However, this will not deprive the right of a injured person to seek compensation from the state under the laws of liability for the wrongful acts of officials.

Clause 10. This order is effective on the date of promulgation in the royal gazette.

Dated March 29, 2016

General Prayuth Chan-ocha

Head of the National Council for Peace and Order

---- Annex of offences ----

1. Offences relating to Criminal Code:
 - (1) Offences relating to public peace
 - (2) Offences relating to sexuality, merely matters concerning procures, seduces or takes away for indecent act or prostitute or earning of a prostitute.
 - (3) Offences relating to forge the government's document
 - (4) Offences relating to liberty and reputation
 - (5) Offences relating to extortion, blackmail, robbery and gang-robbery
 - (6) Offences relating to deceitful action
2. Offences relating to Article 23 of Land Transport Act, B.E.2522
3. Offences relating to Debt Collection Act, B.E.2558
4. Offences relating to Working of Alien Act, B.E. 2551
5. Offences relating to Gaming Act, B.E. 2478, merely matters concerning casinos, betting shop for football matches, illegal lottery, Chinese gambling game Chinese, played with twelve cards and electronic arcade.
6. Offences relating to Immigration Act, B.E.2522
7. Offences relating to Child Protection Act, B.E. 2546
8. Offences relating to Labour Protection Act B.E. 2541
9. Offences relating to Employment and Job-Seeker Protection Act, B.E. 2528
10. Offences relating to Article 44 and Article 61 of Highway Act, B.E. 2535
11. Offences relating to Tourism and Tourist Guide Business Act, B.E. 2551
12. Offences relating to Forest Act, B.E. 2484
13. Offences relating to National Reserved Forest Act, B.E.2507
14. Offences relating to Prevention and Suppression of Prostitute Act, B.E. 2539
15. Offences relating to Human Trafficking Suppression and Prevention Act B.E. 2551
16. Offences relating to Excise Tax Act, B.E. 2527
17. Offences relating to Act on Measures for the Suppression of Offenders in an Offence Relating to Narcotics, B.E. 2534, merely matters concerning manifest intention agreeing to commit an offence relating to narcotics.
18. Offences relating to Narcotics Act, B.E.2522, merely matters concerning producing, importing, exporting, disposing narcotics and possessing narcotics for the purpose of disposal at excessive quantity as declared by the cabinet.
19. Offences relating to Article 23/1 of Automobile Act, B.E. 2522
20. Offences relating to Factory Act, B.E. 2535
21. Offences relating to Pawnshop Act, B.E. 2505
22. Offences relating to Act on Offences Relating to the Submission of Bids to Government Agencies, B.E. 2542

23. Offences relating to Custom Act, B.E. 2469
24. Offences relating to Recreational Place Act B.E. 2509
25. Offences relating to prohibition of Charging Excessive Interest Act, B.E. 2475
26. Offences relating to Gun, Ammunition, Explosive Substance, Firework and Artificial Gun Weapon Act, B. E. 2490
27. Offences according to Clause 5 (7) and Clause 6 of the announcement of the Declaration of the Revolutionary Council No. 58 dated January 26, 1972 (B.E. 2515).