

Order of the Head of the National Council for Peace and Order

No.55/2559 (2016)

Subject: Case procedure concerning certain cases under the jurisdiction of the Military Court

Pursuant to the Royal Thai Army's Announcement and the National Council for Peace and Order's Announcement imposing Martial Law throughout the Kingdom since 20 May 2014, subsequently there was the National Council for Peace and Order's Announcements identifying that certain offences that occurred in the Kingdom during the application of Martial Law were to fall under the jurisdiction of the Military Court. After this implementation, for a period of time, it resulted that the majority of the population collaborated well in maintaining national peace. Accordingly, the necessity of imposing measures to control the situation and maintain national peace, pursuant to Martial Law, can be relaxed. Additionally, the National Council for Peace and Order was of the view that, during that period, the Constitution drafting process took place, so the population's rights and freedoms should be widely promoted. As a result, His Majesty the King gave a Royal Command to revoke Martial Law on 1 April 2015, which was enforced nationwide so far as the exercise of Martial Law did not affect some areas in which Martial Law was already invoked before 19 May 2014. Certain offences listed in some categories in accordance to the National Council for Peace and Order's Announcements shall remain under the jurisdiction of the Military Court.

Presently, it appears that the overall situation in the country during these past two years has become, step-by-step, better. The population has expressed their intention and provided good cooperation, which led to the country's sustainable development; the proper reform of the country; and unity and reconciliation building conducted in a right and fair manner as can be seen from the referendum process that went smoothly and the overwhelming acceptance of the draft Constitution of the Kingdom of Thailand by the population. Therefore, it seems appropriate to relax measures so that all parties can enjoy their rights and perform their duties, and be protected by the mechanisms enshrined in the new Constitution, which will be enforced soon, including the rule of law and human rights principles.

By virtue of Article 44 of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2014), the Head of the National Council for Peace and Order, by the approval of the National Council for Peace and Order, hereby orders as follows:

Clause 1: Offences in violation of the Announcement of the National Council for Peace and Order No. 37/2557 (2014) Re: The Offences Under the Jurisdiction of the Military Court; the Announcement of the National Council for Peace and Order No. 38/2557 (2014) Re: Cases Involving Multiple Offences Shall be Under Jurisdiction of the Military Court; and the Announcement of the National Council for Peace and Order No. 50/2557 (2014) Re: The Military Court to Have Jurisdiction Over Cases Relating to Firearms, Ammunitions, or Explosives Used in Warfare, which are committed from the date this Order is enforced shall be under the jurisdiction of the Court of Justice.

Offences that are under the jurisdiction of the Court of Justice as stated in Paragraph 1 excludes offences that are under jurisdiction of the Military Court by virtue of the Military Court Law. Such offences shall remain under the jurisdiction of the Military Court.



Clause 2: The officers under the Head of National Council for Peace and Order No. 3/2558 (2015) Re: The Maintenance of Public Order and National Security; and the Head of National Council for Peace and Order No. 13/2559 (2016) Re: The Prevention and Suppression of Certain Offences that are Harmful to Public Order or Sabotage the Economic System and Society of the Country, shall continue to have the powers and responsibilities as specified in these Orders.

Clause 3: As appropriate, the Prime Minister may propose to the National Council for Peace and Order to amend this order.

Clause 4: This Order shall be effective on the date of promulgation in the Royal Gazette.

Dated 12 September 2016

General Prayuth Chan-ocha

Head of the National Council for Peace and Order