



No. 52101/88

PERMANENT MISSION OF THAILAND  
GENEVA

21 March B.E. 2567 (2024)

Dear Sir and Madams,

With reference to our Note no. 52101/303 dated 31 October 2023 acknowledging receipt of joint communication ref. AL THA 6/2023 seeking information on the alleged use of disproportionate and indiscriminate force by police during the Asia-Pacific Economic Cooperation (APEC) summit in Bangkok, I have the honour to transmit herewith the response concerning the alleged issue, as received from the Right and Liberties Protection Department under Ministry of Justice, Office of The Attorney General, Office of the Judiciary, Protection and Crowd Control Division under the Royal Thai Police and other sources. The response was compiled by the Ministry of Foreign Affairs. I hope that the response will provide you with clarification on the issues and case concerned.

In reassuring you of Thailand's continued commitment to cooperating with all Special Procedures under the Human Rights Council to promote and protect the human rights of all people, I remain,

Yours sincerely,

(Usana Berananda)

Ambassador and Permanent Representative

Mr. Clément Nyaletsossi Voule,

Special Rapporteur on the rights to freedom of peaceful assembly and of association;

Ms. Irene Khan,

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

Ms. Mary Lawlor,

Special Rapporteur on the situation of human rights defenders,

Office of the United Nations High Commissioner for Human Rights,

GENEVA.

**Thailand's response to the joint communication**  
**ref. AL THA 6/2023 dated 16 October 2023**

1. **Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.**
  - **As a party to the International Covenant on Civil and Political Rights (ICCPR)**, the Thai Government reiterates its commitments under its international obligations to protect human rights and assure that its citizens enjoy their rights to freedom of expression and of peaceful assembly.
  - **Freedom of peaceful assembly is guaranteed by the Thai Constitution** so long as the exercise of such rights is within the bounds of the law. The Constitution provides that the restriction of such freedom shall not be imposed except by virtue of a provision of law enacted for the purpose of maintaining security of the State, public safety, public order or good morals, or for protecting the rights or liberties of other persons.
  - **In addition, the Public Assembly Act B.E. 2558 (2015) governs how freedom of peaceful assembly is exercised and how that is facilitated by authorities.** The purpose of the Act is to facilitate the exercise of such freedom, while ensuring that such exercise does not infringe upon the rights of others as well as public order. The Act includes provisions on the followings;
    - (1) notification of public assembly; (2) duties of the Assembly Organizer and public assembly participants** (e.g. to refrain from carrying weapons, firework, imitation of firearms or weapon-like device, to refrain from causing damage, destruction or impracticality of property of other people, to refrain from causing fear of potential danger to life, body, property or liberties of other peoples, and to refrain from committing an act of violence or threatening to commit an act of violence to public assembly participants or other people); and **(3) protection of public convenience and supervision of public assembly** (including powers and duties of competent officials who supervise the public assembly e.g. to provide safety, convenience or relief of troubles and nuisance to other people in nearby areas, to provide safety or convenience to public assembly participants and to facilitate the traffic and public transport in areas of the public assembly venue and other nearby areas so that people shall be least affected by a public assembly.)

It is also important to note that the Public Assembly Act is based on **step-by-step procedures** indicating how the competent officials communicate, interact and engage with the public assembly participants. **It also maintains checks and balances**, whereby exercise of powers and execution of duties by competent official handling public assembly is also balanced by decisions of the Courts and the Cabinet. (Section 21-23 of the Act as appeared in the attachment).

  - **As host of the APEC Summit in 2022**, it was incumbent on the Thai government to exercise utmost efforts to ensure safety of all participating leaders from around the world. It is common practice for any host country to put in place special security measures, including establishing restricted areas, where the

public are not allowed to have access. Even so, during the Summit, the Thai government has designated areas in which freedom of peaceful assembly may be exercised.

- Regarding the alleged use of force by the police during the confrontation between the police and the protesters, according to the information received from the Royal Thai Police, **the use of force and escalated violence by public assembly participants necessitated proportionate response and the use of force by the police.** According to the police report, on 18 November 2022, police officers erected barricade and used parked police cars to obstruct movement of protestors from entering the restricted area. However, protestors used portable stoves to burn chili and salt and put them on and beside the parked police cars, which had been employed as barricade. While officers tried to extinguish fire, protestors started to throw objects, including glass bottles, pieces of wood, bottles containing urine and bags of blood, at police officers, causing some officers' injuries. In order to prevent escalation of violence, casualty of officers and damages to official cars, the commander instructed officers to push the protestors out of the area. The incident injured at least 6 police officers. During the operation, police officers exercised utmost restraints and operated under relevant international human rights standards including on the use of force and policing assemblies. Measures that were used are deemed proportionate and as necessary.

**2. Please provide the full details of the factual and legal basis for the legal proceedings against the individuals mentioned above in line with Thailand's obligations under the ICCPR.**

- The restrictions of such right to peaceful assembly during the APEC Summit **were imposed in conformity with the law, in line with basic standards of organizing international conference, and were deemed necessary.** They have been enforced in a democratic society in the interests of national security, public safety, public order and protection of the rights and freedoms of others, which is in accordance with Article 21 of ICCPR.
- A lawsuit was initiated against 12 defendants on committing offences against peace and internal security and offences under Emergency Decree on Public Administration in Emergency Situations, the Land Traffic Act B.E. 2522 (1979) and additional amendments, the Cleanliness and Orderliness of the Country Act B.E. 2535 (1992) and additional amendments, the Advertisement by Using Sound Amplifiers Control Act B.E. 2493 (1950) and the Computer-Related Crime Act B.E. 2550 (2007) and additional amendments. The defendants were found guilty of misdemeanor offences and were fined for 2,000 baht (approximately 56 USD) each and given suspended sentence of 2-month imprisonment. The case is now pending appeal.
- Such legal proceedings were initiated **on the basis of established law** and not to infringe on the rights and freedom of those who held opposing views to the government. The proceedings were conducted with **due process of law** and the defendants were treated in non-discriminatory manner compared to other cases. They are also entitled to have **the right to appeal** and to seek **royal pardon**.

3. **Please provide information on the investigation, if any, on journalists, human rights defenders and protestors injured by police during the clash on 18 November 2022, as well as measures taken to provide reparations, ensure victims' access to justice, and prevent such injuries in the future.**

- Those injured during the clashes are **eligible to apply to seek compensations and remedies under various laws**, including the *Justice Fund Act B.E. 2558* (2015), which provides remedies to those whose rights have been infringed, and the *Damages for the Injured Persons and Compensation and Expenses for the Accused in Criminal Cases Act B.E. 2544* (2001), which provides compensations for those who have been affected by criminal offences committed by others. However, the Rights and Liberty Protection Department found no record of journalists, human rights defenders and protestors in question filing request for such compensations and remedies.

4. **Please provide information on the investigation, if any, on police's alleged disproportionate use of force against protestors during the aforementioned protest, the sanctions adopted, and the measures taken to prevent human rights violations during peaceful demonstrations.**

- **As host of the APEC Summit in 2022**, it was incumbent on the Thai government to ensure safety of all leaders from around the world participating in the Meeting. It is common practice and imperative for any host country to put in place special security measures, which include designating restricted areas/zones, where the general public are not able to have access. Even so, during the Summit, the Thai government has assigned the areas in which protestors can gather so that their freedom of peaceful assembly can be exercised.
- Regarding the alleged use of force by the police during the confrontation between the police and the protestors, according to the information received from the Royal Thai Police, **the use of force and violence by public assembly participants necessitated the use of force by the police.** [*Same clarification as in the last bullet for Inquiry No. 1*] Such operation was conducted using **step by step approach** and is considered as proportionate and necessary.
- **In addition to the constitutional and legal framework relating to the exercise of freedom of peaceful assembly** [appeared in the second and third bullets for *Inquiry No. 1*], the Rights and Liberty Protection Department under the Ministry of Justice has also conducted **various training programmes and awareness-raising campaigns** for officials and all sectors of the society, with a view to ensure compliance with international human rights standards. Some examples are as follows:

- (1) Convening meetings, in collaboration with Center for Civil and Political Rights (CCPR Center), for law enforcement officers on Human Rights Committee's General Comment no. 37 on the right to peaceful assembly;

- (2) Publishing and disseminating publications on General Comment no.37;
- (3) Producing online media on international norms and standards in order to raise awareness of law enforcement officers on supervising and managing public assemblies in accordance with such norms and standards;
- (4) Cooperating with the Office of the High Commissioner for Human Rights (OHCHR) Regional Office in Bangkok and the Royal Thai Police in organizing the Training workshop on International Human Rights Standards on the Use of Force and Policing Assemblies.
  - The Prevention and Suppression of Torture and Enforced Disappearance Act B.E. 2565 (2022), which entered into force last year, will be another crucial instrument to further strengthen Thailand's efforts to ensure that the International Human Rights Standards on the Use of Force and Policing Assemblies are upheld.

**5. Please indicate what measures have been taken to ensure individuals, including civil society leaders, journalists and human rights defenders can exercise their right to freedom of peaceful assembly and freedom of expression free from intimidation or persecution, and in line with international human rights standards.**

- The information provided in this section will be in addition to the constitutional and legal framework contained for Inquiry No. 1. The training programmes and awareness-raising campaigns, as well as information on the entry into force of the Prevention and Suppression of Torture and Enforced Disappearance Act are the same as in the clarifications for Inquiry No. 4.
- Thailand acknowledges **the important role that human rights defenders**, including civil society leaders and journalists, can play and contribute to the Government's efforts in the promotion and protection of human rights as well as the advancement of sustainable development.
- **Human rights defenders have been highlighted as one of the priority groups** under both the **5<sup>th</sup> National Human Rights Plan (2023-2027)** as well as the **2<sup>nd</sup> National Action Plan on Business and Human Rights (2023-2027)**. In addition, under the 5<sup>th</sup> National Human Rights Plan, **the Human Rights Plan on Politics and Governance** stipulates that the government should provide forums for the public, the academia and the private sectors to freely express views and opinions, as well as listening to the views of the media and civil society organizations who speak for the public.
- There have also been **on-going efforts to further create a safe and enabling working environment** for human rights defenders. These include (1) **the amendment of the Witness Protection Act**, which came into force in November 2022, broadening the definition of witness to include persons who provides information or testimony to the authorities regarding violations of criminal law and providing various measures to protect them; (2) **the Anti-SLAPP Bill** which aims to help protect citizens reporting cases of corruption or abuse of power from intimidation lawsuits; (3) **the Justice Fund/Legal assistance** which provides

legal advice, mediation, protection, and legal assistance to all including human rights defenders with an aim to promote equal access to justice for all; (4) **awareness-raising activities** which aim to promote the role of human rights defenders and their important work; and (5) a study conducted by the Rights and Liberty Protection Department, in cooperation with the UNDP on **possible measures** to further protect human rights defenders, including the development of ANTI-SLAPP measures and laws.

\*\*\*\*\*

(Translation)

Unofficial Translation\*

THE PUBLIC ASSEMBLY ACT  
B.E.2558

BHUMIBOL ADULYADEJ, REX.  
Given on the 9<sup>th</sup> Day of July B.E. 2558;  
Being the 70<sup>th</sup> Year of the Present Reign

His Majesty King Bhumibol Adulyadej has the Royal Proclamation to announce that:

Whereas it is expedient to have a law governing public assembly.

Therefore, His Majesty the King Bhumibol Adulyadej has graciously been pleased to enact this Act, with the advice and consent of the National Legislative Assembly, as follows:

**Section 1** This Act shall be called the “Public Assembly Act B.E. 2558”.

**Section 2**<sup>1</sup> This Act shall come into force when a period of thirty days as from the date following the date of its publication in the Government Gazette has been elapsed.

**Section 3** This Act shall not apply to the following public assemblies:

- (1) Assembly on occasions of Royal Ceremonies and State Ceremonies
- (2) Assembly for performance of religious rites or customary activities or local cultural activities
- (3) Assembly for performance of entertainment, sports or tourism promotion events or other activities for normal trading benefits of the assembly organizers
- (4) Assembly within educational institutions
- (5) Assembly or meetings under the provisions of laws or academic meetings or seminars of educational institutions or agencies for academic purpose
- (6) Public assembly during the declaration of the State of Emergency or promulgation of the Martial Law and public assembly organized for the purpose of election campaign during the election period, thus, subject to the laws governing the matter

---

<sup>1</sup> The Government Gazette, Volume 132 Section 63 (A) Page 19 dated 14<sup>th</sup> July 2015.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

**Section 4** In this Act:

“Public assembly” means an assembly of people in a public place so as to express their common demand, support, objections or opinions on any specific matter to the general public; and such assembly may be participated by other people regardless of demonstration or mobility of people.

“Public Place” means plots of land or buildings which are the State Property used for public benefits or reserved for common interests, or which are not owned, but occupied or utilized, by government agencies, including highways and public ways and those which are legally accessible by the general public.

“Highway” means the highway under the law governing highway

“Public Way” means roads or waterways, including roads and rail systems, for public transport

“Assembly Organizer” means a person who organizes public assembly, including a person who intends to organize public assembly and a person who persuades or invites other people to participate in a public assembly by expressing himself/herself in a manner to make other people understand that he/she has organized or has jointly organized such public assembly.

“Public Assembly Participant” shall include assembly organizer and participant in a public assembly regardless of participation in such public assembly as per the persuasion or invitation of the assembly organizer.

“State Agency” means a government agency, state enterprise, government organization, public organization, local administrative organization, organization under the Constitution and other state agency.

“Notification Recipient” means the head of police station of the locality where a public assembly is organized or any other person as prescribed and announced by the Minister to act as a notification recipient of a public assembly under this Act.

“Minister” means the Minister taking charge under this Act.

**Section 5** The Prime Minister shall take charge under this Act and shall be empowered to issue announcements for compliance with this Act.

Such announcements shall come into force upon the publication in the Government Gazette.

## CHAPTER 1 GENERAL PROVISIONS

---

**Section 6** A public assembly must be organized in a peaceful manner and without weapons.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

The exercise of rights and liberties of a public assembly participant during a public assembly must be subject to the scope of exercise of rights and liberties as per the provisions of the Constitution and the laws.

**Section 7** It is prohibited to organize a public assembly within a distance of one hundred and fifty meters from the boundary of the Grand Palace, the Royal Palace, the Royal Residence of the Heir-Apparent or of HRH Prince or HRH Prince, the Upcountry Royal Palace, the Royal Mansion or from places where the King, the Queen, the Heir-Apparent or HRH Prince or HRH Prince stays or resides or from residence of the Royal Guest.

No public assembly shall be organized within areas of the Parliament, the Government House and the Courts unless a specific venue for public assembly is prepared therein.

The Courts under Paragraph 2 mean the Constitutional Court, the Court of Justice, the Administrative Court, the Military Court and other courts under the law governing the establishment of courts.

In case of necessity and for the purpose of keeping of public safety and public order, the Commissioner General of the Royal Thai Police or his designated person shall be empowered to announce the prohibition of public assembly within a distance of not exceeding fifty meters from the boundary of such venues under Paragraph 2, thus, by taking account of the number of public assembly participants and circumstances of each public assembly.

**Section 8** A public assembly shall not obstruct entrances of any of the following premises and shall not interfere the performance of works or use of services therein:

- (1) Offices of state agencies
- (2) Airports, ports, railway stations or public transport terminals
- (3) Hospitals, educational institutions and religious sites
- (4) Embassies or consulates of foreign states or offices of international organizations
- (5) Other venues as prescribed and announced by the Minister

**Section 9** A state agency may provide a specific venue for public assembly.

The provision of such specific venue for public assembly under this Section shall not affect liberties of people to organize a public assembly in any other public places.

Provisions contained in Chapter 2 “Notification of Public Assembly” shall not apply to a public assembly organized within the venue under Paragraph 1.

## CHAPTER 2 NOTIFICATION OF PUBLIC ASSEMBLY

---

**Section 10** Any person who intends to organize a public assembly shall notify his/her intentions thereof to the Notification Recipient at least twenty-four hours prior to the start of the public assembly.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

It shall be regarded that the person who persuades or invites other people to participate in a public assembly on a prescribed date, time and venue by any means whatever as well as the applicant for permission to use a public place or amplifiers or for official facilitation for a public assembly shall be the person who intends to organize a public assembly under Paragraph 1.

The notification of public assembly shall be specified with the objective, date, time and venue for public assembly as per the procedures as prescribed and announced by the Minister and which are convenient to the Notification Recipient and shall also be notified through the information technology system.

**Section 11** The Notification Recipient shall, upon receiving the public assembly notification, send a summary of public assembly under this Act to the Informant within twenty-four hours as from the time of receipt of the notification.

In case, the Notification Recipient considers that the notified public assembly may be contrary to Section 7 or Section 8, the Notification Recipient shall order the Informant to rectify the same within the prescribed period.

In case, the Informant fails to comply with the order under Paragraph 2, the Notification Recipient shall order to prohibit such public assembly by giving a written notice of such order to the Informant.

In case, the Informant disagrees with the order under Paragraph 3, the Informant shall submit a written appeal to the direct superior of the Notification Recipient; and the direct superior of the Notification Recipient shall make decision and shall notify the decision on such appeal within twenty-four hours. The decision on such appeal shall be final.

During the issuance of public assembly prohibition order, appeal and consideration and decision on such appeal, a public assembly shall be cancelled.

**Section 12** Any person who intends to organize a public assembly but being unable to notify such public assembly within the time limit under Section 10 shall notify the public assembly together with an application for postponement of such time limit to the Commander of the Police responsible for the Bangkok areas or to the Commander of the Provincial Police in other provinces, as the case may be, prior to the start of such public assembly.

Provisions contained in Section 10, Paragraph 3 shall, *mutatis mutandis*, apply to the notification under Paragraph 1.

The recipient of an application for postponement of the time limit under Paragraph 1 shall issue a written notice of such order, together with a reason thereof, to the applicant within twenty-four hours as from the time of receiving such application.

**Section 13** The Notification Recipient under Section 11 and the recipient of an application for postponement of the time limit under Section 12 shall be the competent official under the Criminal Code.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

**Section 14** In case, a public assembly is not in accordance with provisions under Section 6 or there is no notification of a public assembly under Section 10; or in case, the Informant fails to comply with orders of the Notification Recipient; or the Notification Recipient has issued an order to prohibit such public assembly under Section 11; or a public assembly is organized after the applicant has received a written notice that there is no proper reason to postpone the time limit under Section 12, it shall be regarded that such public assembly is unlawful.

### CHAPTER 3

#### DUTIES OF THE ASSEMBLY ORGANIZER AND PUBLIC ASSEMBLY PARTICIPANTS

---

**Section 15** The Assembly Organizer shall have duties, as follows:

(1) Supervise and be responsible for organization of a public assembly in a peaceful manner and without weapons as per the scope of exercise of rights and liberties under the provisions of the Constitution.

(2) Supervise and be responsible for organization of a public assembly not to cause unreasonable obstruction to the general public for use of a public place; and supervise and be responsible for the public assembly participants' compliance with provisions contained in Section 16.

(3) Inform all public assembly participants of their duties under Section 16 as well as conditions or orders imposed by the competent official supervising the public assembly.

(4) Give cooperation to the competent official supervising the public assembly for supervision of a public assembly in accordance with (1) and (2).

(5) Refrain from instigating or inducing public assembly participants to be in breach of provisions contained in Section 16.

(6) Refrain from addressing speeches or organizing public assembly activities by using amplifiers during 24.00 hrs to 06.00 hrs of the next morning.

(7) Refrain from using amplifiers with electric power or noise level as prescribed and announced by the Commissioner General of the Royal Thai Police.

**Section 16** Public assembly participants shall have duties, as follows:

(1) Refrain from causing inconvenience to the general public for use of the public place where the public assembly is organized or from causing unreasonable troubles to other people.

(2) Refrain from willfully concealing or camouflaging themselves from correct identification, except for normal traditional costumes.

(3) Refrain from carrying weapons, firework, imitation of firearms or weapon-like device into the public assembly venue regardless of being licensed to carry such thing with them.

(4) Refrain from trespassing or causing damage, destruction or impracticability of property of other people.

(5) Refrain from causing fear of potential danger to life, body, property or liberties of other people.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(6) Refrain from committing an act of violence or threatening to commit an act of violence to public assembly participants or other people.

(7) Refrain from obstructing or causing any obstacles to the performance of duties of the competent official supervising the public assembly in protecting and facilitating the general public for use of public places and supervising such public assembly.

(8) Refrain from demonstrating or mobilizing during 18.00 hrs to 06.00 hrs of the next morning, unless receiving permission from the competent official supervising the public assembly.

(9) Comply with conditions or orders imposed by the competent official supervising the public assembly.

**Section 17** In case, the Assembly Organizer fails to notify that there will be demonstration or mobility of public assembly participants, such demonstration or mobility of public assembly may be permitted upon giving prior notification to the head of police station responsible for supervision of such public assembly.

**Section 18** The public assembly participants must finish the public assembly within the period that the Assembly Organizer has notified to the Notification Recipient.

In case, the Assembly Organizer intends to continue organizing such public assembly, the Assembly Organizer shall submit an application for extension of period of such public assembly to the Notification Recipient within twenty-four hours before the expiry of the period under Paragraph 1.

## CHAPTER 4

### PROTECTION OF PUBLIC CONVENIENCE AND SUPERVISION OF PUBLIC ASSEMBLY

---

**Section 19** The head of police station of the locality where a public assembly is organized shall be the competent official supervising the public assembly to be in accordance with this Act and shall notify the administrative official or local administrative organization of the locality where a public assembly is organized or the public relations units of the public or private sector in such locality for acknowledgment.

In case of continuous public assembly covering several areas, the Commander or the Commissioner of the Police responsible for areas of such public assembly, as the case may be, shall be the competent official supervising the public assembly under Paragraph 1.

In case, it is expedient, the Commissioner General of the Royal Thai Police may appoint other police officers to be competent officials additionally or in lieu of the competent official supervising the public assembly under Paragraph 1 or Paragraph 2.

For the purpose of protection of public convenience and supervision of public assembly and keeping of public order or good morals, the competent official supervising the public assembly shall have powers and duties, as follows:

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

- (1) Facilitate people for use of a public place where the public assembly venue is located.
- (2) Provide safety, convenience or relief of troubles and nuisance to other people in nearby areas of the public assembly venue.
- (3) Provide safety or convenience to public assembly participants in the public assembly venue.
- (4) Facilitate the traffic and public transport in areas of the public assembly venue and other nearby areas so that people shall be least affected by a public assembly.
- (5) Determine conditions or order the Assembly Organizer, public assembly participants or people within the public assembly venue to comply with such conditions, thus, for the purpose of performance of duties under (1) (2) (3) or (4).

Regarding the performance of duties under this Section, the competent official supervising the public assembly may issue an order to block or adjust the traffic routes on a temporary basis, thus, for the purpose of protection of public convenience or supervision of a public assembly.

Upon request by the competent official supervising the public assembly, the administrative officials or local administrative organizations or the government officials in the locality where a public assembly is organized shall comply with such request within the scope of powers and duties of such people.

The competent official supervising the public assembly and the police officers designated to supervise a public assembly must receive training to obtain skills, understanding and endurance to situations of public assembly and must wear uniforms for identification and may use any riot control device as prescribed and announced by the Minister

**Section 20** Before, during and after a public assembly, the Royal Thai Police and the public relations units in the public sector shall provide or coordinate for public relations from time to time so that the general public shall be informed of the public assembly venues and periods and shall also provide advice on traffic routes or the public transport system so that people shall be least affected by a public assembly.

**Section 21** In case, there is an unlawful public assembly under Section 14; or in case, the Assembly Organizer or the public assembly participants is/are in breach of the provisions contained in Section 7 or failing to comply with the provisions contained in Section 8, Section 15, Section 16, Section 17 or Section 18, the competent official supervising the public assembly shall take actions, as follows:

- (1) In case, there is an unlawful public assembly under Section 14; or in case, a public assembly has not finished within the period notified to the Notification Recipient under Section 18, the competent official supervising the public assembly shall announce that all public assembly participants shall finish the public assembly within the prescribed period.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

(2) In case, the Assembly Organizer or the public assembly participants is/are in breach of the provisions contained in Section 7 or failing to comply with the provisions contained in Section 8, Section 15, Section 16 or Section 17, the competent official supervising the public assembly shall announce that all public assembly participants shall rectify the same within the prescribed period.

In case, the public assembly participants fail to comply with the announcement under Paragraph 1, the competent official supervising the public assembly shall request the Civil Court or the Provincial Court with jurisdiction over the public assembly venue to order the public assembly participants to finish such public assembly; and during the period of the Court's pending order, the competent official supervising the public assembly shall be empowered to take any necessary actions as per the plan or guidelines for public assembly supervision as approved by the Cabinet as per the advice of the Royal Thai Police, thus, for protection of public convenience and supervision of public assembly.

The plan or guidelines for public assembly supervision under Paragraph 2 shall be prescribed that the competent officials shall avoid using force; and in case, such use of force may not be avoided, the competent officials shall use force and riot control device as necessary.

Operation of the competent official supervising the public assembly under this Section shall not deprive the rights of other people who are troubled or damaged by such public assembly to request to the Civil Court or the Provincial Court with jurisdiction over the public assembly venue to order the public assembly participants to finish such public assembly.

**Section 22** Upon receiving an application for issuing of an order demanding the public assembly participants to finish such public assembly under Section 21, the Court shall urgently consider such application.

In the trial thereof, in case, it appears to the Court that the public assembly participants fail to comply with the announcement of the competent official supervising the public assembly under Section 21, the Court shall issue a decree enforcing the order that the public assembly participants shall finish such public assembly within the period prescribed by the Court.

Regarding the Court's order under Paragraph 2, an appeal shall be lodged to the Appeal Court or the Regional Court of Appeal; and an order of the Appeal Court or of the Regional Court of Appeal shall be final.

The Executing Officer shall post up an announcement of the Court's order under this Section at a conspicuous place in the area where such public assembly is organized and by any means whatever so that the public assembly participants and the general public shall be informed of such Court's order.

**Section 23** In case, the public assembly participants fail to finish the public assembly as per the Court's order within the period prescribed by the Court, the competent official supervising the public assembly shall report the same to the Court; and shall reasonably announce the area where such public assembly is organized and its vicinity as the controlled area and shall announce that the public assembly participants shall vacate the controlled area within the prescribed period and

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

that no person is allowed to access the controlled area without permission from the competent official supervising the public assembly; and shall report the situation to the Minister for acknowledgment.

When the controlled area under Paragraph 1 is announced and determined, the Commissioner of the Metropolitan Police, the Governors of other provinces or the person designated by the Minister shall be responsible for control of the situation so that the public assembly shall be finished as per the Court's order.

In case of necessity, the Minister may assign other people to assume the responsibility for control of the situation so that the public assembly shall be finished.

**Section 24** When the period prescribed for public assembly participants to vacate the controlled area has been elapsed, in case, there are public assembly participants within the controlled area or accessing the controlled area without permission from the competent official supervising the public assembly, it shall be regarded that such people have committed flagrant offences and the situation controller and his designated person shall take action so that such public assembly shall be finished as per the Court's order; whereas, the situation controller and his designated person shall have powers, as follows:

- (1) Arrest people in the controlled area or those accessing the controlled area without permission from the competent official supervising the public assembly.
- (2) Search, seize, freeze or remove the property used or available for use in such public assembly.
- (3) Take any necessary actions as per the plan or guidelines for public assembly supervision under Section 21.
- (4) Issue an order to prohibit any actions for the purpose of cancellation of such public assembly.

Provisions contained in Section 19 Paragraph 7 shall, *mutatis mutandis*, apply to operators under Paragraph 1.

**Section 25** In case, the public assembly participants have taken any serious actions which may cause danger to life, body, mind or property of other people and may result in civil commotion, the competent official supervising the public assembly shall be empowered to order the public assembly participants to cease such actions. In case, the public assembly participants fail to comply with such order, the competent official supervising the public assembly and the situation controller or his designated person shall be empowered to take actions under Section 23 and Section 24.

In case, the public assembly participants disagree with the order under Paragraph 1, the public assembly participants shall file an objection to the Civil Court or the Provincial Court with jurisdiction over the public assembly venue for consideration within thirty days as from the date of issuing such order; and the Court's order under this Section may be appealed to the Appeal Court or the Regional Court of Appeal; provided that orders of the Appeal Court or the Regional Court of Appeal shall be final.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

**Section 26** The competent official supervising the public assembly and the situation controller or his designated person or those who perform their duties in accordance with orders of such people shall be the competent officials under the Criminal Code and shall be the administrative officials or police officers under the Criminal Procedure Code.

## CHAPTER 5 PENALTIES

---

**Section 27** Any person who is in breach of the provisions contained in Section 7 or Section 8 shall be imprisoned for not exceeding six months or fined for not exceeding ten thousand Baht, or both.

**Section 28** Any person who is in breach of the provisions contained in Section 10, Section 12, Section 17 or Section 18 shall be fined for not exceeding ten thousand Baht.

**Section 29** Any person who is in breach of the order relating to the prohibition of a public assembly or having organized a public assembly during the imposition of such order under Section 11 shall be imprisoned for not exceeding six months or fined for not exceeding ten thousand Baht, or both.

**Section 30** Any assembly organizer who fails to comply with the provisions contained in Section 15(1)(2) or (3) or any public assembly participant who fails to comply with the provisions contained in Section 16(1) or (2) shall be fined for not exceeding ten thousand Baht.

**Section 31** Any assembly organizer who fails to comply with the provisions contained in Section 15(4)(5)(6) or (7) or any public assembly participant who fails to comply with the provisions contained in Section 16(3)(4)(5)(6)(7) or (8) shall be imprisoned for not exceeding six months or fined for not exceeding ten thousand Baht, or both.

In case, any actions under Paragraph 1 have caused any temporary or permanent impracticability of the public transport system, the communication or telecommunication system, the electricity generating or water supply system or any other public utility systems, the assembly organizer shall be imprisoned for not exceeding ten years or fined for not exceeding two hundred thousand Baht, or both.

**Section 32** Any person who is in breach of orders or announcements of the competent official supervising the public assembly under Section 19(5) or Section 23, in case, such person is an assembly organizer or a public assembly participant, such person shall be imprisoned for not exceeding one year or fined for not exceeding twenty thousand Baht, or both; however, in case, such person is within the public assembly venue, such person shall be fined for not exceeding ten thousand Baht.

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

In case, it is expedient, the Court may punish such person less than those prescribed or may not punish such person.

**Section 33** Any person who is in breach of orders of the situation controller or his designated person under Section 24 or Section 25 shall be imprisoned for not exceeding three years or fined for not exceeding sixty thousand Baht, or both.

In case, it is expedient, the Court may punish such person less than those prescribed or may not punish such person.

**Section 34** Any person who is not designated by the competent official supervising the public assembly or the situation controller or his designed person to perform duties under this Act but has carried a weapon into the public assembly venue regardless of being licensed to carry such thing with him/her shall be imprisoned for not exceeding three years or fined for not exceeding sixty thousand Baht, or both.

In case, weapons under Paragraph 1 are firearms, explosives or any other similar objects, the offender shall be imprisoned for not exceeding five years or fined for not exceeding one hundred thousand Baht, or both.

**Section 35** All properties which are used or available for use in the public assembly and have been seized from any unlawful public assembly or from any public assembly which has failed to comply with the Court's order to finish such public assembly shall be completely confiscated by the Court's order, regardless of having a person punished as per the Court's decision.

Counter-Signature:

General Prayut Chan-O-Cha

Prime Minister

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE

**Note:-** Reason for promulgation of this Act: Whereas, it is expedient to determine criteria for exercise of rights for public assembly clearly and in conformity with the International Covenants on Civil and Political Rights (ICESCR) to which Thailand is a state party so that the public assembly shall be organized in a peaceful manner and shall not affect the national security, public safety, public order or good morals, as well as public health or convenience for use of public places and shall not affect rights and liberties and human dignity of other people; therefore, it is necessary to enact this Act.

Prepared by: Preeyanuch  
15<sup>th</sup> July 2015

Checked by: Panchaporn  
15<sup>th</sup> July 2015

Office of Justice Affairs

**DISCLAIMER:** THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF JUSTICE AFFAIRS SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITY ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE