EMERGENCY DECREES
ON PUBLIC ADMINISTRATION IN EMERGENCY SITUATIONS,
B.E. 2548 (2005)

BHUMIBOL ADULYADEJ, REX;
Given on the 16th Day of July B.E. 2548;
Being the 60th Year of the Present Reign

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

Whereas it is expedient to revise the law on public administration in emergency situations;

Whereas it is aware that this Emergency Decree contains certain provisions in relation to the restrictions of rights and liberties that section 29 in conjunction with section 31, section 35, section 36, section 37, section 39, section 44, section 48, section 50 and section 51 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

By virtue of section 218 of the Constitution of the Kingdom of Thailand, an emergency decree is hereby enacted, as follows:

Section 1. This Emergency Decree is called the “Public Administration in Emergency Situations, B.E. 2548 (2005)”.

Section 2. This Emergency Decree shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The Emergency Decree on Public Administration in Emergency Situations, B.E. 2495 shall be repealed.

Section 4. In this Emergency Decree:
“emergency situation” means a situation which affects or may affect public peace and order or poses a threat to the national security or may put the entire country or certain parts of the country in a critical situation or a situation where an act of terrorism under the Criminal Code has been committed, or a military conflict or war has developed, making it necessary to

* Published in Government Gazette, Vol. 122, Part 58a, dated 16th July 2548 (2005).
† Translated by the Office of the National Security Council, and reviewed by Chalermprakiat Center of Translation and interpretation, Chulalongkorn University under contract for the Office of the National Security Council. – Tentative Version – pending review and approval by the Office of the Council of State.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSIVE PURPOSES AND CONTAINS NO LEGAL AUTHORITY.
THE OFFICE OF THE NATIONAL SECURITY COUNCIL SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES 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 FORCE.
introduce urgent measures to safeguard the democratic regime of government with the King as Head of the State under the Constitution of the Kingdom of Thailand as well as the country’s independence, territorial integrity, national interests, lawfulness, public safety, peaceful livelihood, rights and liberties, public peace and order or the public interest or to avert, mitigate or remedy losses from urgent and critical public disasters.

"competent official" means a person appointed by the Prime Minister to perform an act under this Emergency Decree.

**Section 5.** When an emergency situation has arisen and the Prime Minister deems it expedient to use the combined forces of administrative or police personnel, civil or military personnel to prevent, mitigate, suppress, terminate, rehabilitate or assist the people, the Prime Minister, with the approval of the Cabinet, shall have the power to declare a state of emergency for the whole or certain parts of the country as the situation requires. In the case that the approval of the Cabinet cannot be obtained in a timely manner, the Prime Minister may declare a state of emergency and subsequently obtain the approval within three days of the declaration. The said declaration of a state of emergency shall lapse, if such approval is not obtained within the prescribed period if the Cabinet withholds its approval.

The declaration of a state of emergency under paragraph one shall be in force for the duration as prescribed by the Prime Minister, which shall not be longer than three months from the declaration date. In the case that an extension period is necessary, the Prime Minister, with the approval of the Cabinet shall have the power to declare successive extensions for a term not exceeding three months for each extension.

When the emergency situation has ended or the Cabinet withholds its approval or the state of emergency period under paragraph two has ended, the Prime Minister shall announce a revocation of the state of emergency.

**Section 6.** There shall be the Emergency Management Committee consisting of Deputy Prime Minister entrusted by the Prime Minister as the Committee’s Chairman, the Minister of Defence, the Minister of Interior and the Minister of Justice as deputy chairmen, the permanent secretaries of the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Social Development and Human Security, the Ministry of Interior, and the Ministry of Justice, Director of the National Intelligence Agency, the Attorney-General, the Military Supreme Commander, the Commanders-in-chief of the Royal Thai Army, the Royal Thai Navy, and the Royal Thai Air Force, the Commissioner General of the Royal Thai Police, Director General of the Department of Provincial Administration and the Department of Disaster Prevention and Mitigation as the Committee’s members and the Secretary General of the National Security Council as member and secretary. The Committee has the powers and duties to monitor and examine both the internal and external circumstances that may give rise to an emergency situation, to provide recommendations to the Prime Minister when it is necessary to declare a state of emergency under section 5 or a state of alarm under section 11. The Committee shall
also recommend appropriate measures as prescribed by this Emergency Decree for the prevention, mitigation or termination of the emergency situation.

The provisions of this section do not affect the use of powers by the Prime Minister under section 5 to declare a state of emergency when there is a need to deal with an urgent situation that may pose a threat to the country or the people.

Section 7. In the area where a state of emergency under section 5 has been declared, all existing powers and duties vested in one or more ministries or in a person acting for the ministers under the law, which specifically applies to the powers and duties for the granting of permission, approval, instruction, administration or assistance to the prevention, mitigation, suppression, and termination of an emergency situation or the rehabilitating or assistance of the people, shall be temporarily transferred to the Prime Minister for consistent, expeditious and efficient command and mitigation of the situation.

All or parts of the legal powers and duties vested in the minister in paragraph one shall be transferred to the Prime Minister as prescribed by the Cabinet.

The Prime Minister shall have the power to appoint any person as competent official for the executing of the duties vested by this Emergency Decree and the performance of the duties that have been transferred to the Prime Minister under paragraph one. The competent official appointed in this manner shall be vested with the legal authority to perform the assigned operations. The Prime Minister may allow existing government agencies or competent officials to retain their legal powers and duties, provided that they observe the rules and regulations prescribed by the Prime Minister.

In the case that the Prime Minister appoints a civil servant, a police or military officers holding a lower rank than a department director, the Commissioner General of the Royal Thai Police, the commander-in-chief of the Armed Forces or equivalent as the leader in charge of mitigating the emergency situation in certain areas as the superior of other civil servants and competent officials, the relevant government agencies, civil servants and competent officials shall perform their duties under the command of this person. This shall not apply to military operations which shall be executed in accordance with the rules, regulations or directives of the military forces. However, the use of the military forces must be in line with the guidelines issued by the leader who has been put in charge of the emergency situation.

If necessary, the Cabinet may set up a special unit to specifically perform the duties stipulated by this Emergency Decree on a temporary basis until the state of emergency is lifted.

The Prime Minister may assign a Deputy Prime Minister, or one or more ministers to exercise the powers vested by paragraph one, paragraph three or paragraph four on his or her behalf. The Prime Minister may assign this person(s) to supervise the performance of relevant government agencies or competent officials in paragraph three, the appointed leader in paragraph four, and the government units in paragraph five. This person(s) shall be considered the superiors of the relevant leaders, civil servants and competent officials.

Section 8. For proper coordination of the operations to be carried out in the areas where a state of emergency has been declared and for congruency of the operations with local circumstances and ways of life, the Prime Minister or a person designated by the Prime Minister...
may appoint a person or a group of persons to advise competent officials or their assistants on the performance of their duties as stipulated by this Emergency Decree.

The person or persons appointed under paragraph one shall receive the same protection for their performance as other competent officials when performing within the scope of their assigned duties.

Section 9. In the case that it is necessary to promptly end an emergency situation or to prevent it from escalating, the Prime Minister shall have the power to issue the stipulations as follows:

1. to prohibit people from remaining outside a premise during the prescribed hours unless they are permitted by a competent official or are exempted from the prohibition;
2. to prohibit people from congregating or unlawful assembly in any place or from acting in a manner that will incite disorder;
3. to prohibit any news reporting, distribution or dissemination of books, printed matters or other media containing any account that may create fear among the people or that are intended to spread inaccurate news/information to generate misunderstanding about the emergency situation with adverse impact on state security, peace and order or public morality, both in the areas where a state of emergency has been declared or throughout the kingdom;
4. to prohibit the use of certain transportation routes or vehicles or impose certain conditions on the use of transportation routes or vehicles;
5. to prohibit the use of a building or an entry into a certain place;
6. to evacuate people from a specific area for public safety or to prohibit people from entering a specific area;

The stipulations in paragraph one shall be issued with a time limit for compliance with the stipulation or requirements for the performance of the competent officials. Competent officials may be authorized to prescribe additional restricted areas or additional operation details to prevent undue distress from the operations on the people.

Section 10. For the benefit of providing a prompt solution to problems in the areas where a state of emergency has been declared, the Prime Minister may authorize a competent official who was appointed to lead the operation under section 7 paragraph four, to issue the stipulations in section 9 on his/her behalf. After issuing the stipulation(s), the said competent official must report it to the Prime Minister for acknowledgement. However, the said stipulation(s) shall lapse if the Prime Minister does not issue the same stipulation(s) within forty-eight hours from the time of its issuance by the competent official.

Section 11. In the event that the emergency situation involves an act of terrorism, the use of force to endanger a person's life, body or property or when there is probable cause to believe that a violent act affecting state security, the life or property of the state or of a person or when it is necessary to introduce an effective and timely solution to the problem, the Prime Minister with the approval of the Cabinet shall have the power to declare a state of

Disclaimer: This text has been provided for educational/comprehensive purposes and contains no legal authority. The Office of the National Security Council shall assume no responsibility for any liabilities 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 force.
emergency for a serious situation and the provisions of section 5 and section 6 paragraph two, shall apply mutatis mutandis.

Once the state of emergency under paragraph one has been declared in addition to the powers stipulated by section 7, section 8, section 9, and section 10, the Prime Minister shall have the powers as follows:

1. issue a notification empowering competent officials to make an arrest and take into custody a person under suspicion of participating in an incident that led to an emergency or who has been a user, advertiser and supporter of such an incident or who has concealed information about the incident that led to an emergency. However, the arrest shall be implemented as deemed necessary to prevent such person from acting or participating in any act that may cause a serious situation or to bring cooperation for the suppression of a serious situation.

2. issue a notification empowering competent officials to order any person to report to a competent official or to come in to give statements or to submit any document or proof of evidence relating to the emergency situation.

3. issue a notification empowering competent officials to order a confiscation or a seizure of weapons, merchandise, consumer goods, chemicals or any other item when there is probable cause to suspect that such items may have been used or will be used to incite or support any act that will lead to the emergency situation.

4. issue a notification empowering competent officials to issue a search warrant, remove or destroy a building, structure or barricade for prompt suppression of a serious situation that, if allowed to continue, may not be suppressed in time.

5. issue a notification empowering competent officials to order an examination of letters, books, printed matters, telegram messages, telephone calls or any communication media as well as a suppression or termination of any contact or communication to prevent or stop a serious situation. This must be carried out mutatis mutandis in accordance with the criteria stipulated by the laws on special case investigation.

6. issue a notification prohibiting or prescribing any act that is deemed necessary for maintaining state security, the safety of the country or the people.

7. issue a notification empowering competent officials to issue an order to prohibit a person from leaving the Kingdom when there is probable cause to believe that such act will adversely affect state security or the safety of the country.

8. issue a notification empowering competent officials to order an alien to leave the Kingdom when there is probable cause to believe that he/she is a supporter of the act that led to an emergency situation. In such case, the laws on immigration shall apply mutatis mutandis.

9. issue a notification requiring that any purchase, sale, use or possession of weapons, merchandise, medical supplies, consumer goods, chemicals, materials or equipment, which may be used to instigate unrest or an act of terrorism, be reported to or have a permit issued by a competent official or comply with the conditions as prescribed by the Prime Minister.

10. issue a notification ordering the armed forces to assist administrative or police personnel in suppressing a serious situation or in bringing prompt control of the situation.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSIVE PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE NATIONAL SECURITY COUNCIL SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES 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 FORCE.
doing so, the armed forces shall have similar powers and duties under this Emergency Decree to the competent officials. Cases in which the armed forces can get involved and the extent of their powers and duties shall be in accordance with the performance conditions and the time limits prescribed by the Prime Minister, which shall not be more or longer than those prescribed for the enforcement of martial law.

Once the serious situation in paragraph one has passed, the Prime Minister shall promptly revoke the notifications issued under the provisions of this section.

Section 12. In arresting and taking into custody a suspect under the notification in section 11(1), a competent official shall file a request to the court with appropriate jurisdiction or to a Criminal Court for such permission. Upon receiving the court's permission, the empowered competent official may arrest and take into custody the suspect for a term not exceeding seven days. The suspect shall be kept in custody in a place that is not a police station, a jail, a penitentiary or a prison and shall not be treated as a culprit. When it is necessary to extend the period of custody for the benefit of mitigating the emergency situation, the competent official shall file a request to the court for an extension of seven days at a time. However, the total length of custody must not be longer than thirty days. When this period has ended and there is a need to keep the suspect in custody, the legal procedures under the Code of Criminal Procedure shall apply.

In executing the provisions of paragraph one, competent officials must prepare a report on the arrest and taking into custody of the suspect and submit it to the court that granted the permission under paragraph one. A copy of such report shall be placed at the office of the competent official for viewing by the suspect’s relatives throughout the time that the suspect is in custody.

In filing a request to the court under paragraph one, the provisions on the issuance of a criminal warrant under the Code of Criminal Procedure shall apply mutatis mutandis.

Section 13. If the item, material or equipment in the notification issued under section 11(9) is a device or part of a communication device, the Prime Minister may announce that such notification be enforced throughout the Kingdom or in areas where a state of emergency has not been previously declared.

Section 14. Once the stipulations, notifications and orders issued under section 5, section 7, section 8, section 9, section 11, and section 15 shall come into force, they must be promulgated in the Government Gazette.

Section 15. Competent officials or those with the same powers and duties as the competent officials as stipulated by this Emergency Decree shall be considered the competent officials under the Criminal Code. They shall have the powers and duties of the administrative or police personnel under the Code of Criminal Procedure, which shall be prescribed and announced by the Prime Minister.
Section 16. The stipulations, notifications, orders or actions prescribed by this Emergency Decree shall not come under the law on public administration procedures and the law on the establishment of administrative courts and administrative procedures.

Section 17. Competent officials or those with the same powers and duties as the competent officials as stipulated by this Emergency Decree shall not be liable to any civil, criminal or disciplinary action following the performance of their duties in suppressing or preventing criminal offences, if such actions are performed with integrity, impartiality and for reasonable or necessary cause. However, the provisions of this section shall not forfeit the rights of the damaged party to claim compensation from the government under the law on tort liability of state officials.

Section 18. Any person who violates the stipulations, notifications or orders issued under section 9, section 10, section 11 or section 13 shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding forty thousand Baht or to both.

Section 19. The Prime Minister shall have charge and control of the execution of this Emergency Decree.

Countersigned by:

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/COMPREHENSIVE PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE NATIONAL SECURITY COUNCIL SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES 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 FORCE.
Note: The rationale behind the promulgation of this Emergency Decree is the fact that the law on public administration in emergency situations has long been in force and its provisions can no longer provide an efficient and timely solution to situations that have adverse impacts on state security. They cannot be used to solve problems created by public disasters and to rehabilitate the livelihoods of the people who suffer from such damage. Another reason comes from the increasing seriousness of national security situations and problems that may affect the country's sovereignty and integrity, resulting in domestic unrest and danger or distress to the peaceful livelihood of the people. These problems cannot be solved by normal public administrative procedures. Therefore, it is expedient to establish special measures for public administration in emergency situations to enable the government to maintain state security, public safety as well as the rights and liberties of the people for a prompt return from urgent and inevitable situations to normalcy. The Emergency Decree is, therefore, enacted for the benefits of preserving state safety, public safety, and suppressing the impact of public disasters.