

Annexure A  
[Unofficial Translation]

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ACT ON PREVENTION AND SUPPRESSION OF PIRACY  
B.E.2534 (1991)

BHUMIBOL ADULYADEJ, REX.

Given on the 29th Day of December B.E.2534

Being the 46th Year of the present Reign. His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on Prevention and Suppression of Piracy.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, as follows:

Section 1. This Act is called the "Act on Prevention and Suppression of Piracy B.E.2534"

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

[\* Published in the Government Gazette Vol. 89, Part 240, Special Issue, dated 29 December 2534 (1991)]

Section 3. All other laws, by-laws and regulations in so far as they deal with matters provided herein or are contrary hereto or inconsistent herewith shall be replaced by this Act.

2

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Majesty King Bhumibol

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Section 4. In this Act: "naval official" means any naval commissioned officer holding the position of the Commanding Officer, Commander of Task Unit, Commander of Task Group, Commander of Task Force, Commander of Royal Thai Marine Corps, Commander-in-Chief of Royal Thai Fleet or Commander-in Chief of the Royal Thai Navy or other positions published in the Government Gazette by the Commander-in Chief of the Royal Thai Navy as the equivalent thereof, and the naval commissioned officers specifically appointed and published in the Government Gazette by the Commander-in Chief of the Royal Thai Navy.

"The Acts of Piracy" means any act of.

(a) seizing or taking control over any ships by force or threats to endanger the ships or doing any act of violence or threatening to do an act of violence against any person on board the ships.

(b) destroying the ship or causing damage to a ship or by any other means which is likely to cause danger to that ships.

(c) detaining or confining the other person or by any other means whatever, depriving such person of the liberty of person. or,

(d) robbery or gang - robbery which is committed on the high seas or within the exclusive economic zone of any state by a person on board a private ships or a private aircraft against another ship or against a person or property or board such ships and for private ends of the offender.

"Private ship on Private aircraft" includes warship, Government ship or Government aircraft whose crew has mutinied or taken control over such ship or aircraft or seized or taken control by any person.

"Preliminary investigation and inquiry" means a search for facts and evidence, the collection of evidence or other proceedings conducted by the naval official according to the provisions of this Act in connection with the act of piracy for the purpose of ascertaining the facts or the particulars of the

offence or establishing the guilt or securing the delivery of the offender to the inquiry official;

Section 5. The naval official shall have the power to perform any necessary measures and the power to conduct preliminary investigation and inquiry for preventing and suppressing acts of piracy. The preliminary investigation and inquiry of the naval official shall become an integral part of the inquiry of the inquiry official under the Criminal Procedure Code.

Section 6. The naval official shall have the power to inspect a ship or aircraft, when having reasonable ground to suspected that it will commit or has committed an act of piracy by

(1) sending boat or aircraft under his command to the suspected ship to verify the right to fly the flag and if there is any reasonable ground, the search can be conducted.

(2) inspecting and identifying the nationality of the suspected aircraft including the flight - plan of such aircraft.

For the benefit of the performance of the duty under (1) or (2) the naval official shall have the power to order or force the ship or the aircraft having a reasonable ground to suspect that it will commit or has committed an act of piracy to stop or proceed to any place or to land at any airport or at any temporary taking - off and landing site, and in case of necessity, the naval official shall have the power to use armed force for such enforcement. In verifying the right to fly the flag of the suspected ships, inspecting and identifying the nationality of the suspected aircraft, the order or the force of the naval official shall be conducted under the code determined and published in the Government Gazette by the Commander-in Chief of the Royal Thai Navy.

Section 7. After the naval official has ordered or forced the ship or the aircraft to stop or proceed to any place or to land at any airport or at any temporary taking-off and landing site under section 6 the naval official shall

4

Chapter X

Chapter X

Thailand's Anti - Piracy Law

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forced the ship or the air- at any airport or at any the naval official shall

have the power to perform the following acts against the ship or the aircraft, the commander thereof and the person therein;

(1) to search the ship and the aircraft;

(2) to conduct the preliminary investigation and inquiry of the commander and the person therein;

(3) if the search of the ship or the aircraft or the inquiry indicates a reasonable ground to suspect that the act of piracy will be committed or has been committed the naval official shall have the power to keep in custody the alleged offender in such offence for inquiry as well as to seize the ship or the aircraft and the articles which will be used or have been used in the committing of the offence. The ship or the aircraft, the commander thereof or the persons therein shall not be kept in custody longer than is necessary according to the circumstances of the case.

Section 8. In case of necessity for the benefit of an inquiry, the naval official or the inquiry official shall have the power to escort the ship kept in custody across the exclusive economic zone of any State or the high seas to any place without giving rise to a claim for the release of such escorted ship.

Section 9. If it appears from the preliminary investigation and inquiry that the commander of the ship or aircraft and the persons therein did not commit any act of piracy the naval official shall release the ship or the aircraft and the commander thereof as well as the persons therein without delay. In the case where the naval official has acted in good faith, the charge and costs arising from the storage of the ships, the aircraft or other articles seized shall be borne by the commander or the owner thereof.

Section 10. After the naval official has performed the act necessary for the execution of duty under section 7, he shall deliver the alleged offender together with the articles seized and all the notes relevant to the case to the inquiry official determined by the Commander in Chief of the Royal Thai Navy and Director-General of the Police Department. without delay, unless

such articles are the ships or the aircraft or other articles of which the inquiry official cannot maintain the storage; in such case, the naval official shall seize them on behalf of the inquiry official.

Section 11. The performance of duties under this Act shall not give rise to a claim to damages or compensation for any person unless the damages caused by the intention or gross negligence of the naval official.

Section 12. In the performance of duties under this Act, the naval official shall have the same powers and duties as those of the superior administrative or police official and the inquiry official under the Criminal Procedure Code.

Section 13. In the case where the naval official delivers the alleged offender the inquiry official for further proceedings in accordance with his power and duty, the time during which the alleged offender was kept in custody prior to such delivery shall not be included in the period for keeping the alleged offender in custody by the inquiry official under the Criminal Procedure Code but not exceeding 30 days. In case of necessity, the permission for the extension of such period shall be obtained from the Commander-in Chief of the Royal Thai Navy.

In case where the naval official has delivered the alleged offender to the on shore naval official, the period to keep the alleged offender in custody will not exceed 12 days counting from the delivery day, but not including the normal period for delivery the alleged offender to the inquiry official.

Section 14. The offences as provided by this Act shall be tried and adjudicated by the Criminal Court; provided that, if the inquiry has been conducted in a locality within the jurisdiction of any court, the case may also be tried and adjudicated by such court. If the offences is within the jurisdiction of the military court, it shall be tried and adjudicated by the Bangkok Military Court, if the inquiry has been conducted in a locality within the jurisdiction of any

Chapter X

Chapter X

Thailand's Anti - Piracy Law

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Section 15. Any person who commits the act of piracy by seizing or taking control over ship, by doing any act of violence or threatening to do any act of violence to cause damage to a ships or by doing any act of violence or threatening to do any act of violence against any person on board such ship shall be punished with imprisonment of five to ten years and fine of fifty thousand to a hundred thousand Baht.

Section 16. Any person who commits the act of piracy by destroying a ship shall be punished with death, or with imprison for life or with imprison of one to twenty years.

Section 17. Any person who commits the act of piracy by causing damage to a ships which in likely to cause endanger to any person shall be punished with imprisonment of six months to seven years and fine of five thousand to seventy thousand Baht.

Section 18. Any person who commits the act of piracy by causing damage to a ships or by any other means whatever which likely to cause damage to such ships shall be punished with imprisonment of six month to five years or fine not exceeding fifty thousand Baht. or to both.

Section 19. Any person who commits the act of piracy by detaining or confining the other person or by any other means whatever, depriving such person of the liberty of five to ten years and fine of fifty thousand to a hundred thousand Baht.

Section 20. Any person who commits the act of piracy by robbery or gang-robbery shall be punished with imprisonment of ten to twenty years and fine of a hundred thousand to two hundred thousand Baht.

Section 21. If the offence under Section 15 to Section 20 has committed by having sexual intercourse with a woman who is not wife, against her will, by threatening by any means whatever, by doing any act of violence, by taking advantage of the woman being in the condition of inability to resist, or by causing the woman to mistake him for the other person, the offender shall be punished with death or imprisonment for life or imprisonment of ten to twenty years and fine of a hundred thousand to two hundred thousand Baht.

Section 22. If the offence under Section 15 to Section 20 has committed by the acts of cruelty so as to cause bodily or mental harm to the other person, by shooting with a gun, by using explosive or by acts of torture, the offender shall be punished with death or imprisonment for life or imprisonment of fifteen to twenty years and fine of fifteen hundred thousand to two hundred thousand Baht.

Section 23. If the offence under Section 15 to Section 20 causes grievous bodily harm to other person the offender shall be punish with death or imprisonment for life or with imprisonment of fifteen to twenty years and fine of one hundred and fifty thousand to two hundred thousand Baht.

Section 24. If the offence under Section 15 to Section 20 causes death to other person the offender shall be punished with death.

Section 25. Any person who commits the act of piracy by warship, Government ships or Government aircraft whose crew has mutinied and taken control of the ships or aircraft or commits the act of piracy against the Government ship, the offender shall be punished in double rate of the penalty imposed for that offence.

Section 26. Any person who is the supporter to commit any offence under this Act shall be liable to the same punishment as a principal of such offence.

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8.

Chapter X

Chapter X

Thailand's Anti - Piracy Law

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Section 27. Any person who attempts to commit any offence under this Act shall be punished as the offender.

Section 28. Any person who commits any offence under this Act outside the kingdom shall be punished in the kingdom, and Section 20 of the Criminal Procedure code shall apply mutatis mutandis.

In case of necessity, the local inquiry official under article 10 of this Act shall have the power to conduct inquiry before the permission of the Director General of the public Prosecution Department shall be obtained.

Section 29. The Minister of Defence and the Minister of Interior shall have charge and control of the execution of this Act in so far as the power and duties of each Ministry are concerned.

Countersigned by:  
Police General Poa Sarasin  
Deputy Prime Minister

\*\*This Act was translated into English by:  
Capt. Siriwat Thanapate, RTN,  
20 April 2001