

(Draft) Amnesty Act

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Whereas it is expedient to have a law on amnesty.

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Section 1 This Act is called the “Amnesty Act B.E.....”

Section 2 This Act shall come into force from the date of its publication in the Government Gazette.

Section 3 Under Section 5, all the acts committed by an individual related to a political assembly or political expression, or an act committed by an individual who has not participated in a political assembly, but has committed the act prompted by or in relation to political conflict through verbal or various other ways of publicity or methods to call out for or to instigate resistance to the state, or to defend oneself, or to resist the acts committed by public official; or any act during a public assembly, a public protest, or act of expression through any method which may infringe on the right to life, body, sanitation, liberty, property, reputation, or any right of other person which has resulted from a political assembly or political expression from 19 September 2006 until when this Act comes into force, shall no longer be culpable and the individual shall be completely exonerated from any offence or liability.

The power to determine whether or not any act by an individual is related to a political assembly or political expression, or an act committed by an individual who has not

participated in a political assembly, but has committed the act prompted by or in relation to political conflict shall be vested in the “the Committee of Amnesty for the People.”

When it appears to the Committee, the Committee has the power to initiate the examination of the act of each individual, each case, or each incident to inquire, or request from relevant government agencies and allow an individual to submit information to the committee.

Once the Committee examines that individual, case, or incident is in compliance with Section 3, the Committee shall issue conclusion regarding the individual and case and issue announcement of the Committee in each incident.

Before the issuance of conclusion, the Committee shall adequately allow all relevant parties to appeal or express reasons.

The conclusion and the announcement according to Section 3 is not obligatory under the Act on Establishment of Administrative Courts and Administrative Court Procedure B.E. 2542 Section 4 For any act committed by any public official in relation to a public assembly or a public protest as well as during the dispersal of protest and regardless at which stage it was committed, if such act is determined to be excessive and is deemed an offence under Section 113 of the Penal Code, it shall not benefit from an amnesty under the provision of Section 3 of this Act.

Section 5 All legal cases filed from 19 September 2006 until when this Act comes into force shall no longer be pursued and the alleged offender shall no longer be an offender and shall be free of any liability including;

- (1) Cases related to the violation of the Announcements and Orders issued by the National Council for Peace (NCPO) or the Orders issued by the Head of the National Council for Peace (NCPO)
- (2) Cases against civilians and tried in the Military Court pursuant to the Announcement of the National Council for Peace (NCPO) no. 37/57 and the Announcement of the National Council for Peace (NCPO) no. 38/57
- (3) Cases related to the violation of Section 112 of the Penal Code
- (4) Cases related to the violation of the Public Administration in Emergency Situations B.E. 2548

- (5) Cases related to the violation of the Organic Act on Referendum for the Draft Constitution B.E. 2559
- (6) Cases related to the offences under (1)-(5)

Section 6 There shall be a committee called the “the Committee of Amnesty for the People” composed of the Speaker of the House of Representatives as Chair, the Opposition Leader, the Speaker of the Coalition Whip, the Speaker of the Opposition Whip, and ten Members of the House of Representatives recruited among themselves based proportionally on the party’s seats in the House of Representatives and representatives of one individuals prosecuted from each incident, which are in the period of the military coup in 2006, the public assemblies during 2009-2010, the military coup during 2014-2019, and the demonstrations during 2020-2023, and two representatives from civil society organizations involved in the fact-finding and facilitation of justice, as members of the committee.

Representatives of the individuals prosecuted during the incidents and civil society organizations involved with fact-finding and facilitation of justice shall be recruited among themselves based on the procedure determined by the Speaker of the House of Representatives within 60 days after the bill is effective.

The Secretary General of the House of Representatives shall serve as a member and secretary and shall appoint up to two public officials from The Secretariat of the House of Representatives to serve as assistants to the secretary.

Section 7 The Committee shall perform its duties based on non-discrimination and transparency by disclosing meeting notes to the public.

Section 8 The Committee has the following powers and duties;

- (1) To review any act committed by an individual in relation to a political assembly or political expression, or an act committed by an individual who has not participated in a political assembly, but has committed the act prompted by or in relation to political conflict, to determine when such act shall benefit from an amnesty under Section 3 or not;

(2) To produce a report to offer recommendations regarding remedy for those affected individuals and prevention of further conflict and human rights violation to relevant state agencies;

(3) To oversee and coordinate with the Royal Thai Police to erase criminal records according to Section 11 paragraph 2;

(4) To lay down regulations regarding the duties of the Committee;

(5) To appoint a subcommittee to conduct a study or to perform any task as designated by the Committee;

(6) To perform other duties as provided by law regarding the powers and duties of the Committee.

Performing the duties under this Section, the Committee may ask The Secretariat of the House of Representatives to perform or to prepare recommendations to be further considered by the Committee.

Section 9 The Committee shall complete its duties within two years. If there is any exceptional circumstance which may allow for an extension, it shall be decided by voting of the House of Representatives for up to one year.

Beyond the term of the Committee, the Court of Justice shall further review cases pursuant to Section 3

Section 10 In the case where the committee fails to review any acts committed by an individual and related to a political assembly or political expression, or an act committed by an individual who has not participated in a political assembly, but has committed the act prompted by or in relation to political conflict under Section 8 (1), the individual who committed the act, or their husband, or their wife, their ascendant, or a person who cohabits with the individual but does not register their marriage A custodian of the individual and a person under the guardian of the individual may submit a request to the committee to consider the action.

Section 11 when the act is enacted, if the individual who committed the act under Section 3 and Section 5 has yet been indicted with the Court or is still under the investigation,

the inquiry official in charge of the investigation or the public prosecutor shall cease the investigation or the indictment. If the person has already been indicted with the Court, the public prosecutor or any concerned agency shall suspend such indictment and proceed to withdraw the indictment. If the person is under trial, when a request is made by the person or deemed fit by the Court, the Court may proceed to dismiss or dispose of the case. If the case has reached its final verdict, and the person has been convicted and sentenced before the act enacted, it shall be deemed as if the person has never been convicted of an offense. If the person is undergoing the punishment, the imprisonment shall cease and the person shall be released.

The Royal Thai Police shall proceed to erase criminal records of benefited party from Section 3 and Section 5 without asking relevant parties and the Committee has power to oversee and coordinate the Royal Thai Police to proceed accordingly.

Section 12 Any proceeding derives from this Act shall not deprive a person, except a government organization or agency, of the right to file a civil case against the person who has been exonerated by virtue of this Act if they have suffered from the damage inflicted by the person.

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Section 13 The Prime Minister shall have charge and control of the execution of this Act.

Countersigned by

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The Prime Minister