

Court ruling protects Thai government

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14 December 2010

Thailand's Constitutional Court dismissed a case late last month in which the Election Commission (EC) alleged that the Democrat Party, which leads the country's governing coalition, had misused state electoral funds in 2005. The decision shored up the fragile government of Prime Minister Abhisit Vejjajiva, which is continuing its persecution of the opposition party loyal to exiled former prime minister Thaksin Shinawatra.

The ruling, and the behaviour of some of the judges during the case, point to its politically-motivated nature. The Constitutional Court used a technicality to exclude evidence from the EC. It ruled—by a majority of four to two—that the prosecution was flawed because EC chairman Aprichart Sukakanont had not filed his application against the Democratic Party within 15 days of the alleged offence, as the laws in 2005 specified. The court also ruled that Sukakanont had incorrectly filed charges in his EC capacity, rather than as the Registrar of Political Parties, as was also required.

During the case, three of the court's nine judges were forced to recuse themselves. This followed the release of a YouTube video in which they were shown apparently discussing a cover-up of improper hiring practices for Constitutional Court staff. Another video showed a meeting between a Democratic parliamentarian and one of the judges' staff.

No action was taken against any of judges or their staff, but a police investigation has been launched to find the alleged "Redshirt"—the term used for the anti-government opposition led by the pro-Thaksin Puea Thai Party—who leaked the videos.

Had the court found against the Democratic Party, the party would have been dissolved. Party leaders and officials implicated in the misuse of funds would have been banned from politics for five years. Tougher measures against electoral corruption were inserted into

the 2007 constitution. The new constitution was imposed during the 14-month period of military dictatorship following the military coup of September 2006 that ousted Thaksin. Prime Minister Abhisit, who was deputy leader of the Democrats in 2005, would almost certainly have been among those banned.

A second case involving an alleged illegal donation of \$US8.5 million to the Democrats from the TPI Polene corporation is scheduled for next year, but the ruling party appears reassured that it will also be summarily dealt with. Abhisit confidently told journalists: "We are prepared to handle whatever will happen."

The attempt to ban the Democratic Party reflects the continuing sharp tensions within the Thai political establishment and ruling elite. The case was brought forward following the Redshirt protest that paralysed the Ratchaprasong commercial centre of Bangkok in April and May, before being violently suppressed by the military on May 19. At times, up to 100,000 protestors were camped in the capital, demanding the resignation of the Abhisit government and new national elections. The military crackdown and a series of preceding clashes resulted in more than 90 deaths and 1,500 injuries.

The protests were organised by the United Front for Democracy against Dictatorship (UDD), which is aligned to Puea Thai. It draws support largely from the populous rural north and north east of Thailand, as well as sections of Bangkok's urban poor. During his term as prime minister between 2001 and 2006, Thaksin built an electoral base through limited economic concessions such as cheap health care and funds for village development loans.

At the same time, Thaksin alienated sections of business and the traditional political establishment centred around the monarchy of King Bhumibol Adulyadej, the military and the state apparatus. These layers turned on Thaksin

when he abandoned his earlier promises to protect Thai businesses from the restructuring measures demanded by the International Monetary Fund following the Asian economic crisis of 1997-1998.

Business people threatened by Thaksin's economic policies established the Peoples Alliance for Democracy (PAD) to unseat his government. Posturing as opponents of Thaksin's autocratic rule, PAD organised mass demonstrations in Bangkok that helped create the conditions for the military coup in September 2006. Despite the exile of Thaksin and the banning of his Thai Rak Thai (TRT) party, its successor, the People Power Party (PPP), won the most seats in the December 2007 election called by the military and formed a coalition government.

PAD, backed by the traditional elites, then launched a campaign of destabilisation in which the Constitutional Court played a key role. In September 2008, the court dismissed the PPP prime minister Samak Sundaravej on the dubious grounds that he had accepted a token fee for appearing in a TV cooking show. In December 2008, amid PAD's occupation of Bangkok's two airports, the court dissolved the PPP on trumped-up charges of electoral fraud and banned its top officials, including Samak's successor, Somchai Wongsawat, from politics. The military then persuaded the PPP's coalition partners to join Abhisit's Democrats and form a new government.

The Democratic Party-led coalition is now taking steps to ensure it retains power in the elections that are due by December 2011. Abhisit is seeking to undermine support for Puea Thai by formulating policies aimed at its rural supporters. These include guarantees for crop prices, refinancing of rural loans, increasing the minimum wage, setting up national savings funds and an old age pension scheme.

The attempt to buy off former Thaksin supporters is being accompanied by continued repression against the opposition. On December 7, Tharit Pengdit, the head of the Department of Special Investigations (DSI), a de facto political police force, personally appeared before the Criminal Court to demand the detention of Puea Thai parliamentarian Jatuporn Prompan.

Jatuporn has been charged with treason—a crime that can carry the death penalty—for his role in the April-May

protests. He had legal immunity while parliament was sitting, but the current session ended on November 29. The DSI moved against Jatuporn after he addressed a November 19 rally of 10,000 Redshirts in Bangkok, which demanded the release from prison of 19 UDD leaders facing treason charges.

Other UDD leaders are being hunted down and many are in hiding. Opposition web sites are blocked and community radio stations, cable television shows and literature are put off the air, shut down or subjected to restrictions. The military monitors every form of protest. Before the November 19 protest, new army commander General Prayut Chanocha, who played a major role in the May 19 crackdown, warned that carrying clothes or photographs deemed to "incite a social rift" were banned under the emergency laws.

The UDD and Puea Thai leaders opened the door for these draconian measures. Alarmed by the demands of their supporters in April and May for an end to poverty, unemployment and social inequality, they sought to limit the protests to calls for a new election and then surrendered to the advancing military on May 19. Subsequent opposition protests have been carefully managed.

The bitterness of former Redshirt supporters toward the leadership is reflected in a series of by-election losses for Puea Thai on December 15—including two seats in the north-east, Thaksin's former political stronghold.



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