

# Thai court undermines government's emergency decree

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A Thai civil court on Wednesday ordered Prime Minister Yingluck Shinawatra's administration not to use force to break up anti-government demonstrations. The ruling followed violent clashes between riot police and protesters outside Government House on Tuesday, in which four protesters and one police officer were killed, and 70 people injured. The court was not concerned about democratic rights, but with undermining the government.

The court's decision renders the state of emergency imposed by the Puea Thai Party government before the February 2 election virtually meaningless, and underscores its increasingly precarious hold on power. The ruling also bars authorities from dismantling protest sites or searching them for weapons. Thitinan Pongsudhirak, from the Institute of Security and International Studies at Chulalongkorn University in Bangkok, told the *New York Times*: "The noose is tightening around Yingluck, and her situation appears untenable."

The People's Democratic Reform Committee (PDRC) has organised rallies and blockaded government buildings and intersections in Bangkok since November. This month's election failed to resolve the political crisis, because the opposition Democrat party boycotted the poll, while the PDRC disrupted voting for millions of people.

The Election Commission, which the government accuses of tacitly supporting the PDRC, will hold make-up voting in five provinces in March, but the final results will not be known for months. The commission announced on Wednesday that it would seek a ruling from the Constitution Court on how to organise elections in 28 constituencies where candidates were prevented from registering by PDRC blockades.

The PDRC wants the government replaced by an

unelected "people's council," which would be a front for military rule. The Democrats, who resigned from parliament in December to join the protests, support this goal. In a column published in the *Financial Times* and reprinted in local newspapers on Thursday, Democrat leader Abhisit Vejjajiva denounced the elections as a "sham." While stating that "there must be no coups," he repeated the PDRC's demand for the government to be replaced by "someone credible" to carry out pro-business "reforms" before an election is held. This would plainly be nothing other than a coup.

The PDRC and Democrats represent Thailand's traditional elites—including the monarchy, the military, and sections of the state bureaucracy—who are bitterly hostile to Yingluck and her brother, former Prime Minister Thaksin Shinawatra, who was ousted in a military coup in 2006. Thaksin was just as corrupt and anti-democratic as his rivals. He was overthrown because his government's pro-market restructuring and limited handouts to the poor cut across the economic interests and patronage networks of the traditional Bangkok elite.

The opposition wants to scrap what Abhisit calls the "failed populist policies" of the Shinawatras, including the government's scheme to buy rice from farmers at an inflated price. The scheme, which won the government widespread support in Thailand's rural north, is due to expire at the end of the month. The government is still in caretaker mode and has no power to extend the scheme, which has been attacked as wasteful by the International Monetary Fund and local big business representatives.

The PDRC's aim is to paralyse the government and create the pretext for military intervention. This was underscored on Thursday when PDRC leader Suthep Thaugsuban told the *Bangkok Post* he wanted a

confrontation with pro-government Red Shirt protesters this weekend. “I challenge red-shirt core members Nattawut Saikuar, Jatuporn Prompan and Weng Tojirakarn to come out this Saturday and Sunday so things will end quickly,” he said.

Suthep provocatively invited the Red Shirts to eat some “popcorn,” which the *Post* explained was a reference to the “popcorn shooters,” a group of hooded gunmen who fired on Red Shirt supporters during a confrontation at Lak Si the day before the election.

Army Chief Prayuth Chan-ocha has insisted that the army remains “neutral” but the military clearly sympathises with the opposition and did not intervene to prevent the disruption during the election. Prayuth has stated that the army is prepared to step in if violence worsens.

The courts also support the PDRC and are working to topple the government. Two Thaksin-linked prime ministers were removed in judicial coups in 2008, paving the way for the installation of the Democrats, backed by the military.

While the civil court banned Yingluck’s government from using force against protesters, it made no similar ruling in 2010 when the then-Democrat government ordered the military to gun down Red Shirt protesters in the capital. More than 90 people were killed and hundreds injured. Abhisit, then prime minister, and Suthep, who was his deputy, have been charged with murder for ordering the crackdown, but have still not faced trial.

In a further step toward ousting Yingluck, the National Anti-Corruption Commission (NACC) has summoned her to a hearing on February 27 over trumped-up charges that she “neglected her duty” by failing to prevent losses linked to the rice scheme. On Thursday, Yingluck declared she was innocent and said the “rushed manner” in which the NACC was handling the case “will play into the hands of those who want to overthrow the government.” If found guilty, Yingluck would be banned from politics.

On Wednesday, Electoral Commissioner Somchai Srisuthiyakorn—who publicly opposed holding the February 2 election—wrote on Facebook that Yingluck may have violated electoral laws by giving a televised speech on Tuesday defending the rice scheme.

Sections of big business have indicated that they would support a coup to end the political deadlock,

which is exacerbating the country’s economic downturn. Federation of Thai Industries vice-chairman Tanit Sorat told the *Bangkok Post* on Wednesday: “Thailand has fallen into anarchy, with no rule of law and where anyone can do anything, while the government has become a failed state.”

Despite their bitter and long-standing differences, the government and opposition are agreed on one essential point—that the working class and poor must be made to bear the burden of the country’s worsening economic crisis. In December, Yingluck proposed to set up a committee headed by military and business leaders to prepare proposals for “economic and social restructuring” if she was re-elected.



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