

# Thailand: Be aware of Judicial Coup d'état

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After the general election on July 3, even though it was rather free and fair, when 75% of Thai people went to vote and Pheu Thai Party got 265 seats and won the absolute majority, almost political observers and media began to speak of "Judicial coup d'état". The term still fresh in their minds because they still remember that under the Constitution of 2007 which is called "Aristocratic constitution" that led to the general election of 23 December 2007, the judicial coup happened twice to oust the governments of People Power Party (PPP) in 2009. Right now, there is sign of this tendency when the National Election Committee (NEC) had not endorsed Ms. Yingluck Shinawatra, the candidate number 1 of the party-list, who would be the first female Prime Minister in its first confirmation of the elected candidates.

As mentioned earlier, during the last 5 years, there were two judicial coups in Thailand. Its evolution began with the anti-Thaksin movements, led by the People's Alliance for Democracy (PAD), and the opposition party including the majority of the media who complaining to the NEC of vote buying by the PPP. Then, the Constitutional Court disqualified the Prime minister, the Ministers, and the Members of the Parliament, notably after the yellow shirt PAD rallying people to block the roads, to seize the Government House while the Democrat party and the appointed Senators debated the motion of No-confidence. Another notably, after the clashes between the police and the PAD protesters in August; and in October 7, when the PAD protesters tried to block the new PPP Prime Minister from entering the Parliament to give the mandatory policy statement by encircling the Parliament. The actions led to the dispersal of the protesters by the police and caused 2 deaths and more than 300 injured. The various Courts, Administrative, Constitutional, and their Justices began to play major role. The Constitutional court made the decision in July to disqualify one minister. On September 9, the court disqualified PM Smark Sundaravej from the Prime Minister post for broken the conflict-of-interest law from his TV cooking shows. On December 2, 2009, again this court dissolved PPP and two other political parties. The succeeding government of Somchai Wongsawat was overthrown.

These were some kind of Judicial Coup d'état, which is different from the "Coup d'état" as "the sudden overthrow of a government and seizure of political power", or "a sudden and decisive measure in politics, especially one that effecting a change of government illegally or by force". It was the ongoing attempt to seize political power in Thailand by the third power, the Judicial.

Traditionally, the Judiciary rarely appears in the Thai political scenes, as political differences were settled in the parliament, or by forces. Only the 1997 Constitution provided for a number of political tribunals, which operated through the process linked to the elected Upper House. The 2007 Constitution, which was manipulated by a clique of "people in high places", had a design for judicial participation, providing a powerful element to destabilize the government as seen by the events following the December 2007 election.

The purpose was for the judicial power to act as a reserved power. In case an elected government comprised of political parties of their choice then the "tribunals" could stay home; in case there were complaints against their government, then they can be of assistance. The table was turned by the defeat of their people in the government formation, the "clique" then concertedly performed broadside attack on the government not-of-their-like to derail them.

The main instruments used by the clique were hostile and unfriendly verdicts of relevant “tribunals”. These verdicts ranged from disqualifying the MP, Prime Minister, or Ministers or even the entire cabinets including dissolution of Political parties by the verdicts of Constitutional Court. The ministers can be stopped from performing official duties by the decision of the Counter Corruption Committee, if there were cases warranting the proceed to relevant “tribunals”. What matters really is the power to manipulate as the clique had already installed his or her own men on this “tribunals”, mostly from the judiciary circle.

Obviously when Pheu Thai Party, the rebirth of Thai Rak Thai , won the absolute majority from the general election, and Ms. Yingluck Shinawatra , the youngest sister of Dr. Thaksin, is the Prime minister, all anti-Thaksin movements will be united to oppose her administration. Already they placed complaints to the NEC; they filed charges against Pheu Thai Party in courts, etc. Thus, most Thai people speculated that within 6 months to a year, there would be a judicial coup against the government of Ms. Yingluck. She will be disqualified and the Constitutional Court will dissolve her Party. Thus, the newly elected government will be ousted . The 5 years political crisis continues. No one sees end in sight.

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