

Thai Tank Liberal Academics raise their ugly heads

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Following the proposals by a group of progressive, pro-democracy law academics at Thammasart University, who call themselves “The Nitirat Group” [[1](#)], the Tank Liberal academics have been coming out of the woodwork to justify the 2006 coup d’état. What “The Nitirat Group” have suggested is a legal route to ensuring that the 2006 coup d’état, and all the military legislation and judicial decisions which followed it, are decreed null and void. This would also mean scrapping the 2007 military constitution and paving the way to prosecuting the coup leaders who currently enjoy immunity because of clauses in the constitution which they drew up themselves. It would also mean that many of those who were prosecuted under the junta’s rules would have their cases squashed.

The aim of The Nitirat Group’s proposals is to set down a standard which declares that coup d’états will no longer be accepted or tolerated. It is not in order to make sure that people like Taksin are absolved of any wrong doing. This is because the justice system would be able to re-start all legal cases from scratch, as though they had never happened before. This time, however, the judicial process would not be dominated by the coup makers. The proposal would also make it easier to prosecute the military and political leaders who ordered the killings of unarmed pro-democracy Red Shirts in 2010.

Not surprisingly, the pro-coup “Tank Liberal” academics are up in arms about all this. At the forefront is Prof. Somkit Lertpaitoon, Rector of Thammasart University. He is closely followed by Sak Kosangreuang of the Lawyers Council of Thailand. Others who are making accusations against The Nitirat Group include Abhisit and General Prayut, both of whom have blood on their hands.

What all these critics of the Nitirat proposals have in common is their firm belief in the “justification” for the 2006 coup d’état. They claim that the coup “was necessary” because there was “no other way” to get rid of Taksin’s TRT government. Of course, this is nonsense. Taksin could easily have been voted out of office at any election. In fact he dissolved parliament early in 2006 because of the protests against his government. Yet the opposition refused to take part in the elections. The pro-coup people argued that the majority of the Thai electorate were “stupid”, “ill-informed”, “did not understand democracy” and “were led by the nose” by TRT politicians. They claimed this because they didn’t like the informed political choices made by the electorate and they were not prepared to campaign against Taksin’s policies in an election. In fact the only way in which they could have won the hearts and minds of the population would have been to propose a set of left-wing policies which would have provided even more benefits to the population than those proposed by Taksin and TRT. But the “pro-coup brigade” is made up of conservative neo-liberals who hate the idea of the state helping the poor.

This attitude, which does not place any trust in Democracy, is expressed by people like Hayek, the Guru of modern Neo-liberalism. In Thailand it led to the Yellow Shirt PAD proposals to reduce the voting rights of ordinary people and it led to the change in the constitution which allowed the Military to appoint half the Senate.

The Tank Liberals are feeling the heat from the Nitirat proposals and they know that if these

excellent ideas are put into practice, their past pro-coup activities, including their military-appointed positions, will come under scrutiny. In desperation they claim that the Nitirat proposals are tantamount to changing the law after a coup d'état and they also try to equate the 1932 revolution, which overthrew the Monarchy's dictatorship, with coup d'états against elected governments.

The Nitirat Group want the notorious lèse majesté law reviewed because it is contrary to the right to freedom of expression. This is refuted by both Prof. Somkit Lertpaitoon, Rector of Thammasart University and Sak Kosangreuang of the Lawyers Council of Thailand. Yet, The Nitirat Groups' proposals on lèse majesté do not go far enough because we should call for an immediate halt to all lèse majesté cases and the freeing of lèse majesté political prisoners from jail. The law should then be abolished, leaving the King to be protected, like all ordinary citizens, by the common libel law in the case of him being slandered.

Using legal means to make the 2006 coup d'état null and void and in order to set democratic standards is symbolic. But it cannot be successful without mobilising the Red Shirt movement behind such progressive demands. That is the urgent task of progressive Red Shirts today. Meanwhile Yingluk's Peua Thai government has been totally silent on this important debate.

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Footnotes

[1] The name means Peoples' Lawyers. The group is made up of 7 academics.