

Thailand court to issue crucial verdict

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BANGKOK (AP) — Thailand's Constitutional Court is expected to issue a ruling Friday in a pivotal case that some fear could trigger a new round of political chaos and violent street protests if judges take the extreme step of dissolving the ruling party.

Thaksin Shinawatra

Thailand's Constitutional Court is expected to issue a ruling Friday, July 13, 2012, in a pivotal case that some fear could trigger a new round of political chaos and violent street protests if judges take the extreme step of dissolving the ruling party. The complex legal case is the latest convulsion of a sometimes violent tug-of-war between allies and adversaries of the exiled billionaire Thaksin Shinawatra, the populist former prime minister who was overthrown six years ago.

The case involves an attempt by lawmakers to establish a drafting committee to amend the constitution, which they see as undemocratic because it was created in the wake of a 2006 army coup. Opponents say the plan is part of a plot to dismantle the Southeast Asian nation's constitutional monarchy — a claim proponents staunchly deny.

The complex legal case is the latest convulsion of a sometimes-violent tug-of-war between allies and adversaries of the exiled billionaire Thaksin Shinawatra, the populist former prime minister who was overthrown six years ago. It is also marks one of the biggest tests yet of the stability of the government led by Thaksin's sister Yingluck Shinawatra, which rose to power 12 months ago in a landslide election that was widely viewed as a referendum on Thaksin's rule.

Chaturon Chaisang, a senior member of the ruling Pheu Thai Party, which has vowed to amend the charter, said any outcome beyond the court determining it has no authority to try the case would be "illegitimate."

"The damage to the country will depend on the content of the verdict," Chaturon told The Associated Press. "If they stop us from amending the constitution, it will be terrible. But if they go further — if they dissolve the (ruling) party — it will be disastrous."

The court is closely identified with a conservative, elite establishment that has long seen Thaksin's popularity as a threat to its own power and influence. There are complaints the court wields too much power and that its rulings serve political aims. The court's members have removed two Thaksin-allied prime ministers in the last four years, and they have dissolved major political parties and banned top politicians from politics.

If the court rules the attempt to change the charter illegal on Friday, it could exact political punishment and order Yingluck's party dissolved. Analysts believe such a move is unlikely in part because the judges know it could provoke a severe backlash. But the fact that it remains a possibility — and the judges have invoked that power before — has sharply increased tensions over the last week.

Another possible result: a legal ruling that bars an immediate attempt to change the charter but leaves the ruling party intact, free to pursue another approach.

Either way, the nation's divide will simmer, with both sides girding for another showdown.

The daily newspaper The Nation summed up the grim mood in an editorial Thursday: No matter what verdict, "things will get worse before they get better."

In the run-up to the Friday's session, police have been deployed 24 hours a day to protect the judges, some of whom have hired their own bodyguards. Up to 2,000 police will also be deployed around the court itself to boost security.

The case began last week when the court called 15 witnesses to argue both sides for two days.

The current charter was drafted in 2007, one year after the coup, by an interim, military-backed government. It was approved by Thai voters, but they had no real option if they wished to see constitutional rule and electoral democracy quickly restored.

In response to Thaksin's substantial mandate, the new constitution sought to limit the power of elected politicians, changing the Senate from an all-elected body back to a partly appointed one. It also strengthened the power of independent state agencies and the judiciary.

"This is a system designed by the coup-makers," Chaturon said. The Constitutional Court in particular is enormously powerful, entrusted with the ability "to remove the prime minister, dissolve parties they don't like — to overthrow governments they don't like. That's the problem. That's not democracy ... that's why" the constitution needs to be amended.

Wiratana Kalayasiri, a lawmaker from the opposition Democrat party and one of the complainants in the case, said the issue was that proponents of constitutional change want to redraft the entire document, although the ruling party has not made their intentions clear either way. "The charter only allows the constitution to be amended, but not totally rewritten," he said.

Yingluck's party has so far said it only wants to set up a 99-member drafting, and the current case involves changing one amendment that would enable them to begin that process.

That the court agreed even to hear the case has surprised some analysts, who say it had no jurisdiction to do so.

"It's not really sensible to make legal sense of these proceedings," said Verapat Pariyawong, an independent Harvard-educated lawyer. "You have to look at this as a political phenomenon."

Opponents of changing the charter are mostly Thaksin's critics, who fear it could help him return to power. The former premier, a deeply divisive figure despite his popularity, now lives in exile in Dubai to avoid a 2008 corruption conviction he says was politically motivated.

Clashes between the two sides have shaken the country's stability repeatedly. In 2008, Thaksin's opponents seized the prime minister's offices for three months and Bangkok's two airports for a week. In 2010, Thaksin's supporters held street demonstrations that degenerated into violence, leaving more than 90 people dead and almost 2,000 injured.

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