



AN ATTEMPT TO JUSTIFY THAILAND'S MOST REGENT COUP D'ETAT

Barry Petersen MC JP June 13, 2014 Thailand Correspondent

Democracy, as most of us understand it, includes good governance by an administration as well as the conduct of elections.

Prior to the Second World War, the German Nazi Party, led by Adolph Hitler, was democratically elected to govern Germany. One could hardly say that good governance guided their administration of Germany. There are several instances where an election has given a despot the right to rule. Unfortunately, here in Thailand, many Thai politicians think that if their party is elected to govern Thailand they can administer the country in whichever way they want to. Ex-Prime Minister Thaksin with his populist promises, a few of which were good, ran his government very much like a dictator.

Members of his cabinet did his bidding without question. Since the Supreme Court sentenced him to two years imprisonment for corruption, he fled and has virtually governed Thailand from abroad through a proxy prime minister. Already a fugitive from justice, there are a few outstanding charges Thaksin has yet to defend in courts of law. There was a saying: "Thaksin thinks, Pheu Thai acts," or words to that effect. He was virtually addressing the recently deposed Pheu Thai cabinet from abroad through Skype and telephone calls. That is hardly a democratic way to administer a country.

The last several months has seen almost 30 people killed and approximately 200 injured in drive-by shootings and grenade attacks with the anti-government protestors suffering the majority of casualties in attacks allegedly carried out by pro-government supporters. Since the chief of the Royal Thai Army, General Prayuth Chan-ocha, declared a coup d'etat on 22nd May, that disturbing activity has ceased.

However, a few foreign governments have unwittingly criticized the coup, governments which ignored the virtual anarchy Thailand was experiencing prior to the coup. The military junta prefers to refer to the coup as a "takeover of the administration" which it is.

General Prayuth Chan-ocha, Chief of the Royal Thai Army and chief of the National Council for Peace and Order (NCPO). Thaksin and his successors had attempted to gain and retain control by appointing family, relatives and cronies to senior government appointments and the Royal Thai Police, under the command of Thaksin's relatives and cronies has deliberately been ineffective in preventing the disorder of even investigating some of the shootings and killings using grenades.

Ex-Prime Minister and now a self-exiled fugitive, Chinese-Thai Thaksin Shinawatra.

Since the coup, the Thai military junta has replaced many of the Thaksin family, relatives and cronies in key senior appointments and, led by soldiers, the Thai police are now 'discovering' caches of weapons and ammunition previously secreted by pro-government supporters. Two of the attached articles are open letters written by prominent people, one by a very successful American-Thai businessman who has been in Thailand for 51 years and the other by a Thai politician who has previously held the Thai Cabinet portfolios of

deputy prime minister and foreign minister. The other article attached is a recent editorial from *The Nation*, one of the two major English language newspapers distributed daily in Thailand. All three articles clearly describe the situation in Thailand as it was and currently is, not as some foreign journalists portray it in their countries of origin. Since the coup d'etat on 22nd May 2014, the situation here in Thailand has been more peaceful than it has been for almost six months. Life again goes on as normal.

Thailand has experienced 12 military coups since the early-1930s, and a few have been declared to rid the country of corrupt governments. We are now hoping that this most recent coup d'etat can change the 'democracy' as it has been practiced here in Thailand by political parties since the 1930s and replace it with genuine democracy. However, it will take time and dissenters will have to be 'kept in line' until that is achieved. Only the military is strong enough to do that. General Prayuth Chan-ocha has said that an election could be held in 15 months time however, I personally think that he is being too optimistic. For a start, vote buying has to be eradicated first and some godfathers, in the guise of politicians, will have to be kept out of politics before a fair election can be held. That's a tall order.

A REVIEW OF THAILANDS MILITARY COUP IN DETAIL



2006 - MILITARY ANALYSIS AND RESHUFFLE IN THAILAND

Bangkok Post FRIDAY : JULY 21, 2006

A rude shock for Thaksin's Classmates. Like lightning in broad daylight, the news made public yesterday about the transfer of 129 middle-ranked military officers, including 38 battalion commanders, has sent shockwaves through the military, especially among the former classmates of Prime Minister Thaksin Shinawatra at the Armed Forces Preparatory School.

Army Commander-in-Chief Sonthi Boonyaratglin endorsed the reshuffle list, which was separately prepared by the commanding generals of the 1st, 2nd, 3rd and 4th regional armies and vetted by an army panel headed by General Vichit Yathip, the deputy army commander-in-chief. The most significant thing about this shakeup is that most of the battalion commanders – especially those based in Bangkok and nearby provinces and who were seen as being closely connected with Mr Thaksin's former classmates, or Class 10 of the pre-cadet school – have been sidelined to positions not responsible for commanding fighting troops.

Officers shunned include Lt-Col Kosit Chinwasant, commander of the 4th cavalry battalion of the Royal Guards which, in the past, played a crucial role in coup attempts – he is the son-in-law of Maj-Gen Sanit Prommas, commander of the 2nd cavalry division of the Royal Guards and a member of Class 10; Lt-Col Wechasakdi Khantha-ubon, commander of the 1st infantry battalion of the first regiment; Lt-Col Anuparb Sirimonthon, commander of the 3rd infantry battalion of the first regiment.

Well-informed army sources said Maj-Gen Proen Suwannathat, commander of the Bangkok-based first division who is a member of Class 10, was well aware of the move to sideline his men to insignificant posts, and raised his objections with Lt-Gen Anupong Paochinda, also a Class 10 member but regarded by his former classmates as an "outsider" for not toeing Prime Minister Thaksin's line.

Gen Vichit, said to be uncomfortable in his role as chairman of the panel vetting the reshuffle list, reportedly complained of the infighting between opposing Class 10 officers about the shakeup. In the end, however, the list was quickly wrapped up and sent to Gen Sonthi who approved it on July 17, pre-empting any attempt by the dissident officers to raise the matter with the prime minister – and thus avoiding the prospect of Mr Thaksin's interfering with the list.

Sources said the Class 10 members had always had their way in previous transfers of mid-ranked officers, because their superiors were reluctant to intervene as they felt *krengjai* or considerate of those members' close connections with the prime minister. Gen Sonthi's endorsement of the latest reshuffle – in which most, if not all, the proteges of the Class 10 officers have been removed from key troop-commanding posts – is seen by observers as a bold and significant move to counter-balance the growing power of the Class 10 corps. Others view this as a sign of growing defiance against the prime minister's interference in military affairs, in which he allegedly carried favour with selected groups of officers to prop up his political stability.

Interestingly, the reshuffle has come less than a week after Privy Council president Prem Tinsulanonda reminded military officers that they must place their loyalty to the monarchy and the nation as their foremost priority, not towards politicians or political parties. Seen in the context of a confrontational atmosphere – with Mr Thaksin on one side and on the other an opponent he has mysteriously identified only as "a charismatic person", though widely thought to be Gen Prem – the recent military reshuffle clearly demonstrates which

side the incumbent army chief has chosen. When asked about the reshuffle by reporters yesterday, Mr Thaksin appeared uneasy and told them to refer their question to Gen Sonthi instead.

Sources said that there was mutual distrust between Gen Sonthi and the Class 10 corps, which consequently contributed to the coup rumours which, from time to time, have been spread across the city. During the height of the anti-Thaksin protests in March and April, it was reported that Gen Sonthi surrounded himself with security guards brought directly from the Lop Buri-based special forces which he once commanded, instead of from the cavalry division commanded by one of the Class 10 generals. Informed sources said the guards also equipped themselves with anti-tank missiles in case they were attacked by coup makers. Meanwhile, the Class 10 corps nurses doubts about Gen Sonthi's loyalty towards Prime Minister Thaksin.

They cited a case in April when the army chief allowed media mogul Sondhi Limthongkul, who spearheads the anti-Thaksin movement, to see him at army headquarters. Whatever the case may be, the latest military reshuffle serves as an unmistakable message to Mr Thaksin and his ex-classmates at the precadet school, that Gen Sonthi's first and foremost loyalty is not towards them.

The rift among the officer's corps between Class 10 officers and non-Class 10 officers is widening as never before, thanks to the meddling in military affairs by Mr Thaksin during his five years in office. The military's fundamental rules of promotion, which put emphasis on competency, seniority and resourcefulness, have been completely discarded and replaced by one, single rule imposed by Mr Thaksin, that is nepotism. Thus, former classmates, friends and relatives have always come first in his choice of promotions.

Equally to blame are the officers themselves, who flocked in greater numbers to kowtow to politicians in return for a promising career path. The rift in the military is undeniable, but whether this will lead to a confrontation remains to be seen. What is obvious from this interesting development is that Mr Thaksin is finding himself being squeezed tighter into a corner, with more and more of his once-trusted people jumping ship or turning against him. As prime minister, Mr Thaksin still has a say in the annual reshuffle of higher-ranking military officers. He can replace Gen Sonthi with one of his former classmates, Gen Pornchai Kranlert. But with his declining influence and growing defiance against his alleged misrule, it is doubtful he would dare to axe the army chief, as that would put him on the firing line.

2006 - NO SUCH THING AS A FREE LUNCH

THE NATION : Friday, November 17, 2006

The Thai people must be told they will eventually have to pay for Thaksin's populist excesses. The interim Surayud government is beginning to roll back some of the more excessive and wasteful populist policies implemented by the deposed administration of Thaksin Shinawatra. For a start, the government on Tuesday decided to stretch the budget

deficit for the fiscal year 2007 from the projected Bt 100 billion to Bt 146 billion because it needs to set aside a substantial portion to clean up the financial mess from the previous administration's undisciplined spending.

Of the total outstanding liabilities of Bt 204.5 billion as of September 30, Bt 101.76 billion was incurred collectively by a number of Thaksin's schemes: the rice-pledging programme operated by the Bank for Agriculture and Agricultural Cooperatives (BAAC); the Public Warehouse Organisation; the Village Fund programme operated by the Government Savings Bank and the BAAC; and the universal Bt 30 healthcare scheme operated by the Public Health Ministry.

The rest of the public debts run up by the previous government – which this interim administration and future democratically elected governments must repay – are from programmes such as agricultural product price intervention, compensation to victims of floods and bird flu, and additional allowances to government schoolteachers. There is no better evidence to show that Thaksin had manipulated people with his populist policies by giving them a lot of attractive entitlements as incentives to vote for his Thai Rak Thai Party.

Most people are not aware that these costly entitlements that Thaksin showered on the rural masses – the main beneficiaries of his policies – will have to be paid for by all taxpayers, eventually. And that's exactly what the Surayud government is doing. The money set aside for repayment of these debts will take away from public expenditures meant for national development programmes in 2007 and beyond.

The Surayud government should be commended for being honest with the public about the importance of maintaining fiscal responsibility and paying off the liabilities from Thaksin's wasteful populist policies. This will have to be done within the next few years so that future generations of taxpayers will not be burdened by paying for the present generation's dubious entitlements.

People should be educated about Thaksin's irresponsibility and deception. They should know that he initiated new, costly public spending programmes without having properly worked out a sustainable financing scheme. They should know this is a grossly dishonest practice. During their five and a half years in power, Thaksin and his Thai Rak Thai Party had got the rural masses addicted to his populist policies. His handouts worked so well that the former prime minister continues to be popular among poor and marginalised rural people.

Thaksin also spent huge amounts of taxpayer money to buy the favour of the rural masses through the "extra-budgetary funds" which he dispensed at his discretion with little or no monitoring from relevant auditing agencies. That largely explains the enduring popularity of Thaksin in some quarters. That said, it must be made clear that spending public funds to help the poor and the marginalised disentangle themselves from the trap of poverty is not in itself a bad thing. Indeed it is the primary responsibility of any government to do just that.

But the way to do it must be based on the principles of sound governance, fiscal responsibility, well thought-out plans, good targeting, and stringent evaluation to ensure cost effectiveness and maximum efficiency. What was wrong with Thaksin's populist policies was that they were rife with corruption and they pandered to the unprincipled wants and needs of the beneficiaries.

In many instances, cheap loans, such as those under the Village Fund, aimed to encourage villagers to develop entrepreneurial skills that would improve their livelihood. These loans were mistaken by the recipients for handouts, and were squandered on personal consumption instead of on profitable enterprise and community development projects that would raise their standard of living.

The government must implement a public education programme to explain to the people, particularly those who benefited from populist policies, why Thaksin's dishonest methods and ruthless manipulation are bad for the country. Next, the government must carefully evaluate Thaksin's policies and decide which should be continued, which should be reoriented and which should be scrapped.

2010 TELL IT AS IT IS

THE NATION : Friday, February 26, 2010



Pornpimol Kanchanalak. THE YEAR was 1949. Eight years after his passing, King Prajadhipok, or King Rama VII, returned home for the first and last time after his abdication in 1935. The homecoming was for his ashes. He was a good, intelligent and hard-working monarch caught in a very ill-fated double jeopardy of unsettling political movements among the Bangkok elites, and the ruinous financial state of affairs of the country.

It was the time when the entire world was going through the Great Depression. He was a man of principle and integrity, a man whose love for the country and the people took precedence over his personal losses and pains. Because of that love, he never tried to take revenge on anyone who unjustifiably did him wrong. On June 24, 1932 – the day that a small group of soldiers and civil servants staged political manoeuvrings to end the absolute monarchy – instigators were debating whether they should put the king in handcuffs.

After all, they had already cuffed his relative, who was then the minister of defence, and paraded him down Rajdamnoen Road in plain view for everyone to see. Many of his relatives were arrested and incarcerated. Their assets and homes were confiscated. As far as the thinking of the coup-leaders went, these princes in captivity served as "hostages" who would force the king into submission and compliance to their demands. They provided the coupleaders with insurance that the king would not "misbehave", out of concern for the safety of his relatives.

The new government also took away the crown property and turned it over to the Finance Ministry, to which it is still attached today. In the ensuing two years, the king, now a constitutional monarch, in good faith tried to work with the new leadership to bring true democracy to the country. There was no evidence that he supported the 1933 Boworadej rebellion, and it is not for the lack of attempts to throw in a conspiracy theory. The king even informed the government that he regretted the disturbance of the peace that the rebels had caused. He offered to take refuge in Songkla, in the far south, to assuage the government's concerns. The day he boarded the train, the railroad track to Songkla was damaged, forcing him to take a boat with a half-empty fuel tank. He almost did not make it to Songkla as the boat ran out of fuel.

The straw that broke the camel's back came in 1934, when the government passed penal codes that would allow the death penalty. The king voiced his objection out of trepidation that the law might be abused as a tool to get rid of political dissidents. The law was passed without his approval or signature. The utmost concern of the king was to prevent blood from being spilled in Thailand – anybody's blood. The people were all Thais in his view, and as such deserved his equal consideration. To King Prajadhipok, it did not matter what others did to him. What mattered most was what harm his action might have caused the country. He sacrificed and was willing to part with everything he had in his life without turning his personal loss and tragedy into a political issue.

The government did not want the king to abdicate; it wanted him to stay in place as a puppet that rubber-stamped their legitimacy. The king, as a man of principle, seeing that the government was going nowhere with real democracy, and out of his growing concern at the direction the country was heading, made the most democratic gesture – he abdicated and never looked back. In his brief abdication statement, he said these words, which captured the core of democracy: "I am willing to surrender the powers I formerly exercised to the people as a whole, but I am not willing to turn them over to any individual or any group of people to use in an autocratic manner without heeding the voice of the people."

This was a man who once held absolute power in the Kingdom. And he was willing to give it all up for the sake of peace for his country and his people. After his abdication, the government took him to court in his absence. It obtained a verdict to sequester his home – the Sukhothai Palace – as well as his belongings and assets. The government then auctioned them off, claiming the proceeds were used to pay for the budget deficit. It wanted litigation to force the king to return. It underestimated his resolution to stay true to core principles, amidst his own tribulations. The king and the queen went on to live a quiet and simple life in England until his passing in 1942. Toward the end of his life, one of the few staff members who remained with him came to ask if he could leave to join the Free Thai movement (the underground resistance movement against Japan during World War II). The king happily gave his blessing.

From a private memo of Mom Manee Vorasarn that chronicled the king's life after the political upheaval and his abdication, it is clear that the utmost concern of the king was to

prevent blood from being spilled in Thailand – anybody's blood. The people were all Thais in his view, and as such deserved his equal consideration. To King Prajadhipok, it did not matter what others did to him. What mattered most was what harm his action might have caused the country. He sacrificed and was willing to part with everything he had in his life without turning his personal loss and tragedy into a political issue. How much more democratic a mind could anybody have? What love for the country it showed.

The modern history of Thailand would have been written in blood and chaos had the king chosen a different course of action. It happened a long time ago, a faded photograph in the memory. But even the sepia tone cannot hide the stark dissimilarities between what happened then and what is going on in our treacherous political scene today. For those who care enough to think about it, they will see the difference between altruistic and magnanimous sacrifice for the good of the country and her people, and the utmost selfishness in the willingness to sacrifice the good of the country for revenge, self-interest and personal agenda.

LOOKING FOR UNDERSTANDING FROM INTERNATIONAL FRIENDS

THE NATION Saturday, June 14, 2014 Vint Chavala Bangkok

Western nations and their media should look beyond the coup to the situation before May 22, thereby enlightening themselves to the accumulated crisis and complex situation Thailand was facing. It began in 2001 when the Thai Rak Thai party was elected to government and its leader Thaksin Shinawatra gradually began turning Thailand into a one-man state. Democracy has been relegated to just the name of the game since then. In 2003, Thaksin declared his "war on drugs" in which 2800 people were brutally murdered. The dead included old people, children and even pregnant women. The victims were never given a chance to defend themselves in court.

Finally, patriotic and literate Thais came out on the streets of Bangkok in protest against the Yingluck Shinawatra government. Under the unlawful control of Thaksin, for its attempt to push an amnesty bill that would have pardoned the violent protesters and arsonists of the 2010 political turmoil – and Thaksin himself – of their past crimes. The anti-government protests lasted more than six months before the coup finally happened. In light of the above facts, Thais hope of turning their country around and back to a democratic system, within a year and a half at the most have been boosted. We are also hoping for patience and understanding from our friends in the international community. Is that asking for too much – especially from our friends?

KING PRAJADIPOK'S WISE WORDS

Songdej Praditsmanont Bangkok

Re: "Kipling's playbook still in use" and "Those who scream 'coup' are deaf to the truth", Letters, June 13. Irrespective of his opinion, it is always a pleasure to read Somsak Pola's sarcasm. His interpretation of Rudyard Kipling's "The White Man's Burden" was a model example. While the poem may seem irrelevant in the modern world, the

conduct of some Americans, Europeans and, worst of all, Australians in scolding us for our coups – with an underlying suggestion that such behaviour is uncivilized – shows us that Kipling's prejudice is alive and well. ML Saksiri Kridakorn's letter echoed my own thoughts and expressed them better than I could have done.

The "success" of this coup depends on the final outcome – whether state power will be handed back to the population when warranted. In the words of our last absolute monarch, King Prajadipok, spoken in 1933:

"I am willing to surrender the powers I formerly exercised to the people as a whole, but I am not willing to turn them over to any individual or any group to use in an autocratic manner without heeding the voice of the people." So far, I like what I see and remain optimistic that General Prayuth Chan-Ocha can help bring about a positive outcome.

THAKSIN'S 'WAR ON DRUGS' A CRIME AGAINST HUMANITY

KRAISAK CHOONHAVAN (Former Senator & MP) FRIDAY, DECEMBER 13, 2013

In its search to bridge the gap between a "people's coup" and the Western constitutional narrative of "a change in government only through the ballot box", the People's Democratic Reform Committee (PDRC) has emphasised the so-called Thaksin regime's arrogance of power, its illegitimacy, by highlighting two very recent events: The Lower House's passing of the amnesty bill at 4am on Nov 1, and the government's and Pheu Thai Party's rejection of the Constitution Court's ruling that parliament's amendment of the constitution was illegal – a clear case of contempt.

However, there exists a more fundamental illegitimacy which, long ago, should have disqualified the possibility of Yingluck Shinawatra's last election campaign slogan: "Thaksin thinks, Pheu Thai acts". I'm referring of course to Thaksin's clear culpability in the matter of his 2003 "war on drugs", and following on, his responsibility for igniting the ethnic-religious conflict in the deep South. For more than 10 years now Thaksin has evaded responsibility for these – the most heinous of his crimes.

Lest we forget: His "war on drugs" saw 2,873 Thais dead in a matter of three months, from February to April, 2003. The victims included whole families, women, children and old people. In many cases, bodies were left out in the open in an almost ritualistic public display, to be photographed by an all too eager local press. An investigative report by the UK's *Sunday Times*, in 2008, said: "Police and local authorities drew up so-called blacklists of drug suspects which were submitted to the Ministry of Interior." The *Times* obtained an official letter sent by the ministry to provincial governors, explaining the three ways to remove names from the lists: "Arrest, extrajudicial killing or loss of life [death for various reasons]. Drug dealers are traitors to the nation. We have to get rid of them. Don't give them mercy."

In its report the newspaper noted that barely three weeks after the campaign began, "the Ministry of Interior announced that 993 people were dead, all but 16 of them victims of 'gangland killings' ... you were told that everyone was a drug dealer shot by another drug dealer." In the first few months after the "war", international reaction, most strikingly by the UN, took Thaksin by surprise. When secretary-general Kofi Anan nominated a rapporteur to investigate these gross human rights abuses, Thaksin's angry response was "the UN is not my father". Other international human rights organisations denounced the "war" as one of the worst cases of human rights abuse in recent times. Eventually, the UN Commission on Human Rights asked the Thai government to explain some 23 cases of abuse from mass killings to deaths and disappearances of rights defenders, like lawyer Somchai Neelapaijit.

When the Independent Committee on the Casualties of the 2003 War on Drugs established by the Surayud Chulanont government published its report in 2008, it concluded that 1,372 of the people killed had no drug related records. More importantly, the chair of the commission concluded that all 2,873 killings should be considered crimes against humanity. Since the day the report was published, not a single case has been pursued. This culture of impunity is our national shame. Thaksin's "war on drugs" was broadly welcomed by many Thais, at the time, largely because of the terrible impact of the ya ba (methamphetamine) scourge that was sweeping through the country. The media almost gleefully reported the weekly and monthly killing tallies, as provinces sought to outdo each other.

The ethnic-religious conflict ignited by Thaksin's policies in the three deep South provinces has even more tragic and longer term consequences. Since 2004, 5,700 people have died, with 1,000 imprisoned, awaiting trial for treason, which carries the death penalty. In 2002 these three provinces had a mere three cases of violent crimes, in 2005 the number jumped to 1,500 cases. The Tak Bai incident paints a dark stain across our national conscience. But our culture of immunity remains intact. Our leaders, our police, our armed forces continue to commit terrible acts of injustice with impunity. The *Sunday Times* article said: "Lawyers have suggested that Thaksin's drug war might amount to a crime against humanity under Article Seven of the Rome Statute of the International Criminal Court [ICC], set up in 1992."

Thaksin finds this funny. "I've done nothing wrong!" he laughs. "I just give the policy." Human rights commissioner Wasant Panich thinks otherwise. "Those who devised the policy are primarily responsible for the deaths," he says. Mr Wasant believes that only the threat of an ICC trial will ensure this kind of incident never happens. Thailand signed the Rome Statute in 2000 but, under Thaksin, didn't ratify it. I am conscious of another more recent tragic event Thaksin's supporters will want to mention, namely the deaths surrounding the events of April-May, 2010.

But there is a big difference between those events and Thaksin's earlier rampages. Abhisit Vejjajiva and Suthep Thaugsuban, then prime minister and deputy prime minister

respectively, have been charged with murder. They have acknowledged these charges, indicated their willingness to stand trial and accept the court's verdict, whatever that may be. This is called "integrity", in the highest order, for accepting responsibility for one's actions. Will the same ever be said about Thaksin? Until we deconstruct this culture of impunity, Thailand's political development will remain trapped in the shadows of despair.

TWIN EVILS ARE BATTLING TO BRING DOWN THAILAND

THE NATION Thursday, November 28, 2013

The terms "corruption", "tyranny of the majority" and "parliamentary dictatorship" are being heard with increasing frequency. But unlike elsewhere, the so-called tyranny of the majority in Thailand is not being used to persecute ethnic, racial or religious minorities. Instead it supports corrupt politicians.

Corruption and arrogant majority rule have pushed the Kingdom into a new round of political conflict. Widespread public outrage at a government-backed bill for a blanket amnesty for political crimes caused the Senate to unanimously reject it and forced the ruling coalition to publicly promise not to seek its reaffirmation. Anti-government protestors and the opposition blamed a "tyranny of the majority" in the House of Representatives for passing a bill they say is aimed at absolving exiled former prime minister Thaksin Shinawatra of corruption.

Concerns are now being raised among social critics of all political hues that the twin evils of corruption and tyranny of the majority could lead to chaos and disaster for Thailand. Former prime minister Anand Panyarachun has spoken on the growing problem of corruption. The issue is no longer about occasional bribes or "tea money", but large-scale conspiracies involving networks of people that include politicians, bureaucrats, businesspeople, the mass media and other organisations.

Anand warned that if the culture is allowed to continue unchecked, the country could be heading for disaster. Veteran journalist Somkiat Omwimon laments on Facebook that the problem of corruption has grown steadily worse since Thaksin came to power more than a decade ago. Former Senate speaker and legal expert Meechai Ruchuphan, on his website, said corruption is rife because of widespread indifference to the problem and the many beneficiaries who are reluctant to tackle it. He said any government that relied only on majority rule was bound to fail eventually, since it would lose the trust of the people and be voted out.

Announcing the Constitutional Court's ruling last week against the government-backed bill for an all-elected Senate, Judge Supot Kaimook said the rights of the minority were being trampled. "Thailand's democratic system allows the majority to set the standard. But once it uses its power arbitrarily and suppresses the minority without listening to reason, the majority lose its legitimacy," he said. The system could no longer be called "democratic" when the majority acted this way, added Supot. "It results in the tyranny of the majority," The judge's rebuke echoed widespread frustration at the government's seeming disregard for the democratic process.

A majority in Parliament should not be wielded to defend a corrupt administration or a wider culture of graft, or to ensure political impunity. No nation can ever completely stamp out corruption, but Thailand could at least prevent large-scale conspiracies that drain the public purse and do serious damage to the country. The existing check-and-balance system – though it is not among the most stringent in the world – should be allowed to function normally. Agencies that are part of that system, such as the Constitutional Court, the National Anti-Corruption Commission and the Supreme Court's Criminal Division for Political Office Holders, should be able to do their work without pressure or threats. Any attempt to weaken the mechanism of scrutiny must be condemned.

COURT FINDS THAKSIN USED OFFICE TO ENRICH FAMILY

Bangkok Post SURASAK GLAHAN SATURDAY, FEBRUARY 27, 2010

The Supreme Court has ordered the seizure of 46.37 billion of the 76.6 billion baht in frozen assets belonging to the Shinawatra family. The court's Criminal Division for Holders of Political Positions ruled Thaksin Shinawatra and his former wife had concealed their declarable assets and Thaksin abused his position as premier to enrich their Shin Corp business empire. The seized funds were part of the 76.6 billion baht the Shinawatra family gained from selling their stake in Shin Corp to Singapore's Ternasek Holdings, and the share dividends.

The nine judges presiding over the case reached a majority ruling that Thaksin abused his authority during his two terms in office, from 2001 to 2006, to benefit Shin Corp. Telecoms policies and other measures he either initiated or played a decisive role in benefited the firm, judge Pairoj Wayuparb said. This was a conflict of interest as the court ruled unanimously the couple were the owners of 1.4 billion Shin Corp shares, equivalent to a 48% stake in the company, during Thaksin's terms as prime minister. The judges said Thaksin controlled the shares through proxies: his adult children and other relatives.

The court ruled that earnings from the shares and dividends gained while Thaksin was in office were assets that were illegally acquired through the abuse of power and therefore must be seized. The judges said 30.2 billion baht of the frozen assets will be returned to Thaksin and his former wife as they had been acquired before Thaksin became prime minister in 2001. "Seizing of all of the [76.6 billion baht] assets belonging to Thaksin and Khunying Potjaman would have been unfair," said judge Riddhidheb Devakula. The court ruled that Khunying Potjaman's divorce from Thaksin did not protect her portion of the assets from seizure as the wealth was accumulated while they were together.

Evidence gathered by the Assets Scrutiny Committee showed Thaksin and Khunying Potjaman had controlled the company and effectively still held the shares while Thaksin was in office. The share transfer to their proxies, reported to the Securities and Exchange Commission, only took place on paper and did not affect their actual control of the assets, the court said. The judges said a promissory note, entered into evidence by the prosecution, had been backdated in order to cover up the couple's fake sale of shares to

their children, Thaksin's younger sister, Yingluck Shinawatra, and Khunying Potjaman's older brother, Bannapot Damapong.

The document, dated March 6, 1999 refers to "Khunying Potjaman", a title she was only bestowed later. While the family defended its claim the couple sold their shares to their two adult children, Panthongtae and Pinthongta in 2000, the court said they failed to provide reliable evidence. The judges also ruled Thaksin owned Ample Rich Investment Co as evidence shows he was the firm's only signatory. Thaksin had a role in the development and implementation of five telecoms policies that directly benefited Shin Corp while he collectively owned a 48% stake in the firm with his then wife. He played a direct role in two policies: the 2003 cabinet resolution to convert mobile-phone operators' concession fees into excise tax; and a 4 billion baht loan to Burma from the Export-Import Bank of Thailand.

His roles in three other policies were conflicts of interest because they involved state agencies which he supervised as prime minister. They include changing contractual obligations that allowed Advanced Info Services (AIS) to reduce its revenue sharing payments to TOT from 25% to 20% from 2001, a move that helped the firm make savings and gain a competitive advantage over its rivals. Contractual obligations on roaming services and satellite services were also changed. The policies and measures helped build investor confidence in Shin Corp and its subsidiaries which resulted in significant gains in share value on the stock exchange, the court said.

THAKSIN ISSUES REVENGE THREAT

AEKARACH SATTABURUTH & AMORNRAT MAHITTHIROOK

Slams judiciary, says he's been persecuted. Thaksin Shinawatra has threatened to seek revenge in the wake of the Supreme Court's verdict to seize 46 billion baht of his assets. Thaksin yesterday cited a poem by Sri Praj, a poet who lived during the 17th century of the Ayutthaya period. The poem says: "Let Earth be witness of my deeds, and of being a master's disciple I am.

If I do wrong, behead me, for I plead but if I am not, and you long to proceed, shall the blade of that sword return." The poet was put to death even though he argued his offence did not deserve such a penalty. He recited the poem before he was executed. Thaksin has lambasted the judiciary, saying it had been exploited to persecute him and his family politically. Thaksin's response to the court verdict that was aired on the People Channel, the United Front for Democracy against Dictatorship's satellite TV station.



Red shirt supporters of Thaksin Shinawatra, gathered at Puea Thai Party headquarters, look glum yesterday on hearing the Supreme Court's order to seize 46 billion baht in assets from the former premier's family. PAWAT LAOPAISARNTAKSIN

Thaksin said the ruling reminded him of when his Thai Rak Thai Party was ordered dissolved in 2007. He said the whole affair had been politically motivated and the judiciary had been exploited. Thaksin said the government had known the outcome of the hearing in advance. He said the person who had arranged and dictated the plot against him and the person who had supported the Democrat Party-led coalition government were one and the same. He was fully aware he was doomed from the start, Thaksin said.

"Politics is very cruel these days," he said. "Let me be the last victim: Law [enforcement] is just make-believe. "The power is manipulated by the *amataya* [elite]. If you are not one of them, the law will proceed very fast." Thaksin accused former army chief and coup leader Sonthi Boonyaratkalin of being a puppet in the Sept 19, 2006 military coup. But he declined to name those who he believed were pulling the strings. He said he had not received the justice he deserved and he would continue to pursue it.

"No matter where the justice lies – in hell or heaven, in Thailand or overseas – I did not receive full justice today, so I will continue to seek it." During the TV address to his supporters which was broadcast live at the Puea Thai Party, Thaksin wore a black suit and tie. Wearing black was meant to show his sadness for having decided to enter politics, Thaksin said. He said businessmen should not consider entering politics like him. Businessmen are determined to press ahead to achieve

their goals which is different from the political culture. If things went wrong, their assets might be seized like his, Thaksin said. At one point of his speech, he said if he had cheated as alleged "may I be cursed within seven to 10 days".

Somporn Pongsuwan, a lawyer for Thaksin's former wife, Khunying Potjaman na Pombajra, said that Thaksin and his family would decide if they wanted to appeal. Puea Thai list MP and UDD co-leader Jatuporn Prompan said red shirt supporters must now try to keep calm. He said he had heard that after the verdict was read, groups linked to the government from Buri Ram and Maha Sarakham would travel to Bangkok. They would pose as red shirt supporters and create unrest to make it look as if it was the work of the red shirt movement, Mr Jatuporn said.

He said UDD supporters would not make any major moves until March 14 when they plan to stage a major demonstration in Bangkok. Natthawut Saikua, a UDD co-leader, said the UDD would not suspend its planned rally next month despite the verdict. He said the verdict was not a matter of Winning or losing. The UDD was firmly committed to destroying the amataya bureaucratic elite it holds responsible for Thaksin's ouster. The UDD networks in the North, Northeast, and the Central Plains would meet next week to map out plans for the Bangkok rally next month. He said the UDD's struggle against the government could lead to "losses".

Jeers, tears, expletives as Thaksinites absorb bitter blow. Ruling transforms carnival festivities at Puea Thai headquarters in anger, frustration, and misery, write Kong Rithdee and Amornrat Mahitthirook. Tears, jeers, expletives, crumpled handkerchiefs and something resembling war cries greeted the fact Thaksin Shinawatra is now 46 billion baht poorer. About 300 red shirts at the Puea Thai Party headquarters yesterday responded with anger and tears at the Supreme Court's final verdict which was delivered at 8.50pm. Upstairs on the fourth floor, 30 Puea Thai MPs sat in anxious silence while one of the nine judges presiding over the case at the court's Criminal Division for Holders of Political Positions read the last portion of the historically-long verdict.

One MP blurted: "This is not acceptable." Fifteen minutes later in front of a screen beaming Thaksin's image, Krongthong Puengsanga, white-haired woman said: "Red shirts from every province must now come out to fight." In her hands she clutched an large photograph of Thaksin sitting astride a white horse. Although the verdict could not have come as a total shock, the red shirts maintained high spirits throughout a day that could not accurately be described as eventful. The lengthy, monotonous reading of the court's deliberations had the dual effect of inducing heightened expectations and prolonged boredom. Loyal supporters, mostly middle-aged women, sat glued to their seats in front of the projector's screen from early afternoon until late evening, listening to every word uttered by the judges and reacting with occasional hooting.

When the day began, it was expected that the drama would be focused on the Supreme Court near Sanam Luang. In the afternoon, a handful of red shirts showed up, followed by an appearance by Maj Gen Khattiya Sawasdiapol. The view of riot police and barbed barricades gave the, high-fenced building a timely gravity. Across the street, the Daeng Siam (Red Siam) stage in Sanam Luang was a paltry affair that only attracted a small crowd. By the afternoon, it was clear that the ebb and flow of emotions was actually taking place at the Puea Thai head office on Rama IV Road, Klong Toey, where the mood was upbeat, buoyant, even optimistic.

The red shirts turned the steps of the building entrance into an entertainment arena. They sang and danced and shouted Thaksin's name in glorious unison. The northeastern *mor lam* songs were a staple that spurred people to get up and shake their hips. Puea Thai chairman Chavalit Yongchaiyudh arrived and roused the crowd into great emotion. Former prime minister Somchai Wongsawat's arrival again provoked a hubbub, with a number of women clamouring to have their photos taken with him. "We're singing because we believe that we're fighting for justice and we enjoy doing it," said one man.

Yet there was tension in the air. At 3.30pm, loud cheers broke out on the steps of the building when, to the surprise of reporters, someone had mistaken the court's reading of the statement from Thaksin's defence as an acquittal. Prasith Chaisriya started to cry with joy. "I was so happy," he said as he wiped his face, then was stunned speechless when he realised that it was a false alarm. "I'm singing because today we're not fighting for one man but for justice," another woman said. The same woman sobbed quietly six hours later when she learned her hero was a loser in the historic court case that will determine the course of Thai politics for years.

Only 100 Thaksin supporters turned up at the People Channel station to listen to the live broadcast of the court's verdict. They occupied seats near a large projector set up in front of the office on the sixth floor of the Imperial Department Store at Lad Phrao. One red shirt member said he arrived at the station early to listen to the verdict, which he did not expect would favour Thaksin. The judges' explanations were lengthy and confusing, he said. The once-cheering crowd of Thaksin's supporters quietly dispersed once the court ruled to seize 46 billion baht of the Shinawatra family's 76.6 billion in frozen assets.

Allies renew push to bring back boss. Red shirts, Puea Thai aren't finished yet, writes Aekarach Sattaburuth. The pro-Thaksin United Front for Democracy Against Dictatorship and opposition Puea Thai Party plan to intensify their efforts to force the government from office in the wake of yesterday's Supreme Court verdict. The two groups share a common goal – to bring back former prime minister Thaksin Shinawatra and help him retrieve his fortune. That ambition may only be achievable, however, if Puea Thai wins more than half of the seats in the lower house in the next general election,

The UDD plans anti-government rallies up country from now until March 12. It will call its supporters to head to Bangkok after that, where it hopes to muster a million-strong mass demonstration two days later. The UDD plans to swamp Sanam Luang and surrounding areas, including Ratchadamnoen Avenue, in a sea of red shirts in an attempt to force the government to step down and pave the way for a new election. While the UDD will focus on street-level politics, Puea Thai will apply pressure on the coalition government by using a no-confidence debate to grill the cabinet over allegations of corruption.

The government would be forced to dissolve the House if it loses the vote. Puea Thai is also keeping its eye on the longer game – how to win the most votes in the subsequent national election. The party, with its power base in the northern and northeastern provinces, wants to win a majority of the seats so it can form a single-party government. If it rules the corridors of power, the party has said it would push for an amnesty for Thaksin. A source 'close to Thaksin said the former prime minister, who listened to the verdict in Dubai, wanted to return home to Suvarnabhumi airport with dignity.

Puea Thai MPs were not demoralised by the court's decision to seize some of Thaksin's assets as they expected the ruling to go against the former premier, a party source said. The party intends to use the verdict to show the public that Thaksin was treated unfairly, a victim of the "double standards" of Thai justice. This would be a tactic to win votes, particularly in the party's strongholds. The Puea Thai source said the red shirts' March 14 rally would not lead the group to victory as the government was well prepared for the demonstration. Mass rallies should not be held as they would ultimately not further the red shirts cause, he said. If the protesters really want to bring back Thaksin, they would do more good by canvassing for Puea Thai.