

MNI POLITICAL RISK ANALYSIS – Lawfare Against Shinawatras Fuels Political Instability

By Krzysztof Kruk

Executive Summary

- A series of three high-profile court cases scheduled to take place in quick succession over the next few weeks represents a critical juncture in Thailand's political cycle.
- A decline in popular support for the ruling Pheu Thai Party (PTP) and its leaders deprive them of their traditional advantage ahead of the looming legal ordeal.
- Unfavourable verdicts against key members of the powerful Shinawatra clan could exacerbate headwinds for the beleaguered PTP administration.

Date	Time	Case	Description
August 22	04:00BST/10:00ICT	Criminal Court to rule on Thaksin Shinawatra's <i>lèse-majesté</i> case	The case revolves around an interview given by Thaksin to South Korean media a decade ago, the contents of which were deemed insulting to the monarchy.
August 29	09:00BST/15:00ICT	Constitutional Court to rule on Paetongtarn Shinawatra's ethics case	Prime Minister Paetongtarn Shinawatra has been accused of breaching ethics standards based on her leaked phone call with Cambodia's <i>de facto</i> leader Hun Sen, in which she referred to him as 'uncle' and criticised her military commander amid an ongoing border dispute.
September 9	04:00BST/10:00ICT	Supreme Court to rule on Thaksin Shinawatra's hospitalisation case	Thaksin's '14th floor case' revolves around allegations of faking an illness upon his return to Thailand, which allowed him to evade spending time in custody before he was granted royal pardon.

Background Information

Halfway through the parliamentary term, Thailand is heading for a critical juncture that may prove as consequential as a general election. Thaksin Shinawatra, the patriarch of a powerful political clan, patron of the ruling Pheu Thai Party (PTP), business tycoon and former Prime Minister, and his daughter Paetongtarn Shinawatra, current PTP leader and suspended Prime Minister, are set to hear high-stakes court verdicts that may define the immediate future of their political camp and medium-term trajectory of Thai politics.

Thailand's political scene can be divided into three major segments, namely (1) populists centred around Thaksin Shinawatra's consecutive political projects, (2) conservatives affiliated with the military and committed to upholding the system of constitutional monarchy, and (3) liberal progressives pushing for democratic reforms. Modern Thai politics has been largely defined by a rivalry between Thaksinite populists, drawing their strength from popular appeal, extensive patronage network, and an effective political machine, and the conservatives, relying on their ability to mobilise traditional institutions (the military, courts, and law enforcement agencies) to achieve political aims. In consequence, Thailand has been going through recurrent cycles of Thaksinite electoral victories followed by conservative backlash culminating in judicial and/or military coups.

The 2023 general election complicated this picture, as the progressives, represented by the Move Forward Party (MFP), claimed the front-runner position and took the largest number of seats in the National Assembly. Traditional obstructive tactics deployed by the conservative establishment prevented the MFP from forming government, with the party facing resistance from a junta-dominated Senate and targeted by 'legal warfare' ('lawfare'). Against this backdrop, the PTP abandoned attempts to become the MFP's junior coalition partner and took the leading role in an uneasy alliance with the conservatives, with multiple source reports suggesting that security guarantees extended to its exiled informal leader Thaksin were part of the power-sharing deal.

Despite the initial consolidation of power by the PTP and a series of setbacks for the conservative camp, now reduced to the role of a junior coalition partner, the tide has turned and Pheu Thai has been facing intensifying headwinds. After being granted royal pardon for his earlier graft convictions, which allowed for his safe return to the country, Thaksin¹ finds himself targeted by lawfare again. Defeats in pending court cases may further undermine the position of the Pheu Thai Party, create a power vacuum and, yet again, throw the country into political turmoil while domestic and external challenges mount up.

Cases

Thaksin's *lèse-majesté* case

Origin

On the second anniversary of Thaksin's return from a 15-year self-exile, the Criminal Court will rule on a case in which he is charged with breaching the infamous Section 112 of the Criminal Code. Section 112 makes it illegal to 'defame, insult or threaten' the royal family

¹ Following local convention, individuals mentioned for the second and every consecutive time will be referred to by their first names or nicknames rather than surnames.

and the constitutional monarchy system. Thai courts tend to interpret these provisions rather broadly, and Section 112 has been repeatedly invoked in politicised contexts, while the current *lèse-majesté* law is commonly described as one of the harshest in the world.

Charges against Thaksin date back to May 2015, when he told South Korean outlet Chosun Ilbo that privy councillors supported the 2014 military coup that ousted his sister Yingluck Shinawatra's government and paved the way for the establishment of a junta led by General Prayuth Chan-o-cha. The original complaint against Thaksin was submitted in 2015, then shelved due to his absence, and eventually picked up after his return. Section 112 offences carry sentences of three to 15 years' imprisonment.

State of Play

Thaksin's defence reduced the number of his witnesses from 14 to three before resting its case, which has been interpreted as a sign of their confidence about the outcome of the trial. His lawyer Winyat Chatmontree said that the evidence submitted by the prosecution was incomplete and circumstantial, and insufficient to prove his client's guilt beyond reasonable doubt. While Winyat was reluctant to provide too many details or comment on the possible outcome, his general tone was relatively optimistic.

Royalist Thai Pakdee Party (TPP) leader and Thaksin's long-time political foe Warong Detkitvikrom wrote in a Facebook post that Thaksin may have reduced the number of his witnesses to accelerate the verdict, on the assumption that he would be acquitted. This would lift his ban on leaving the country ahead of the resolution of the '14th floor' case (see below), which poses a more serious threat to the ex-PM. As a result, it would give him an option to escape and evade punishment – even as he ruled out this scenario.

Scenarios

Tentative signs of Thaksin's confidence about the outcome of the trial suggests that his camp considers the risk of a conviction to be relatively low. The amount of political capital spent by the PTP on making his return possible is just one piece of evidence among many of his continued personal influence on the ruling party. The imprisonment of the patriarch of the powerful Shinawatra clan would deal a severe blow to the PTP, potentially destabilising the fragile governing coalition. The low perceived risk of conviction implies that a negative verdict could have immediate market impact.

Paetongtarn's ethics case

Origin

The petition against Prime Minister Paetongtarn Shinawatra was filed by the Senate President on similar grounds that resulted in the ouster of her predecessor Srettha Thavisin. Both were accused of breaching the legally codified ethics standards. While Srettha's case was related to his appointment of a previously convicted official to a Cabinet position, the charges against Paetongtarn are of a heavier calibre and more politically sensitive nature.

Paetongtarn's case is related to her leaked phone call with Cambodia's *de facto* leader Hun Sen, in which she addressed her interlocutor in a deferential tone (calling him 'uncle' and promising to 'take care' of 'anything he wants') and criticised one of her own military commanders (as 'a man of the opponents') amid ongoing border tensions that later

escalated into a brief armed confrontation. There is presumptive evidence that Hun Sen was behind the leak that has shaken Thailand's domestic political scene.

State of Play

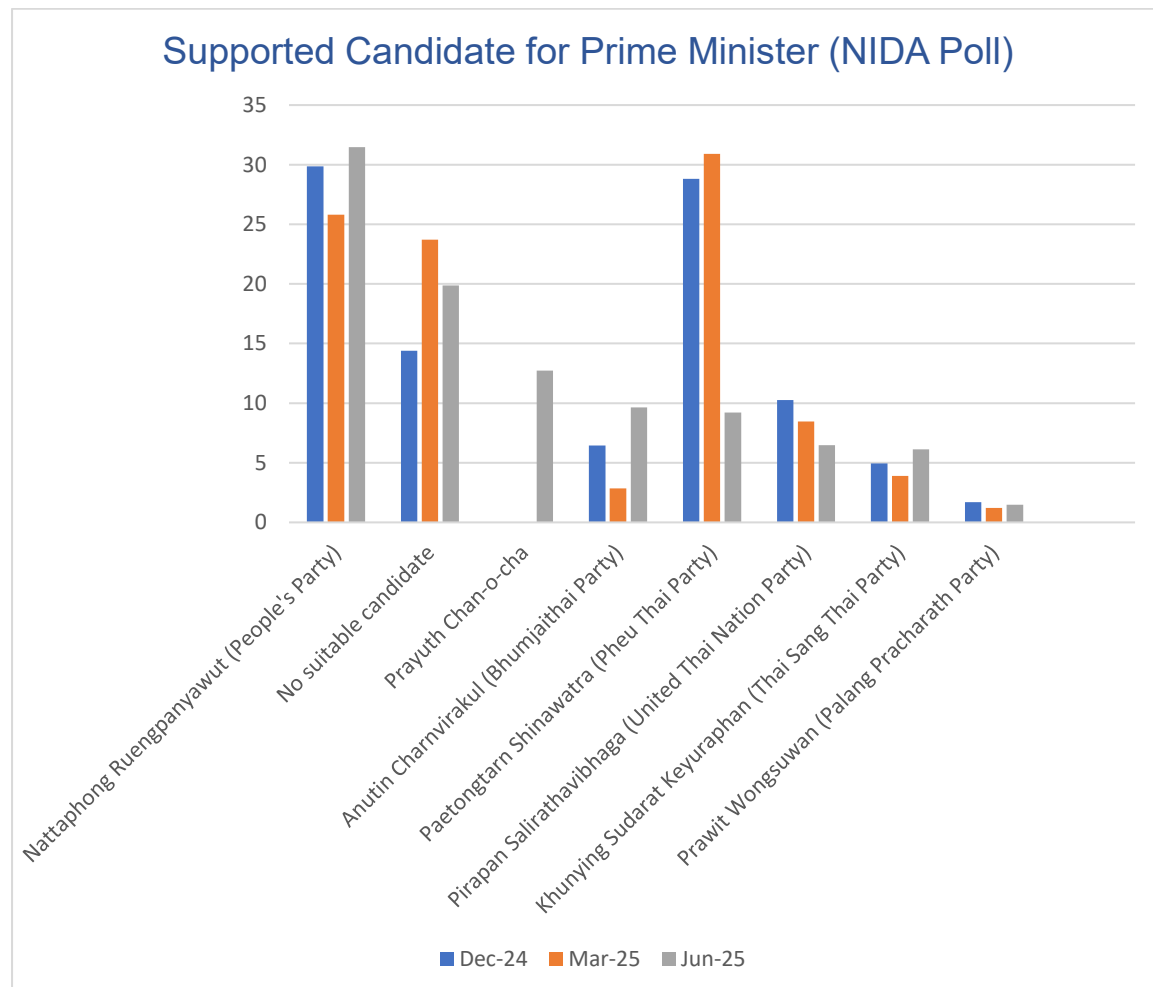
The Constitutional Court voted 7-2 to immediately suspend Paetongtarn in her duties as she awaits the verdict in her ethics case. Political analyst Ken Lohatepanont [notes](#) that 'the two judges who voted not to suspend her still argued that her ability to discharge duties related to national security, foreign affairs, and the treasury should be paused until a ruling is handed down.' He further observes that the subsequent decision on the final extension to Paetongtarn's deadline to submit her defence papers was made in a close 5-4 vote, with some observers noting that the case is not complicated and could already be decided.

In a recent Facebook post, ex-Election Commissioner Somchai Srisutthiyakorn reminds that Paetongtarn is subject to a separate probe by the National Anti-Corruption Commission (NACC) and the Constitutional Court's verdicts are binding for other agencies. If the NACC finds evidence of misconduct, it is obliged to refer the case to the Supreme Court's Criminal Division for Holders of Political Office. Hence, a guilty verdict could have a knock-on effect on other probes that could inflict severe personal costs to Paetongtarn.

Although Pheu Thai members have publicly rallied behind their leader, NationWeekend reported that many of them see the probability of her survival in office as virtually 50/50. The outlet further noted that the Senate has recently recommended a candidate for a judge associated with the 'Blue Network' (linked to the conservative Bhumjaithai Party, which recently left the governing coalition), who will take office upon royal endorsement. His appointment would arguably increase the probability of Paetongtarn's removal from office.

The leaked phone call significantly undermined Pheu Thai Party's popular support, its main bulwark against tools of institutional coercion wielded by the conservative establishment. A National Institute of Development Administration (NIDA) poll conducted right after the call with Hun Sen was leaked revealed that Paetongtarn's approval rating plunged to 9.2% at the end of 2Q25 from 30.9% in 1Q25, while support for the PTP fell to 11.5% from 28.1% (see below). This renders the party and its leaders an easier target for their political adversaries. Paetongtarn's ouster and potential further consequences could prove popular with the electorate, which reduces the incentive for the conservative establishment to show restraint.

Figure 1. Most supported candidate for Prime Minister in the quarterly National Institute of Development Administration (NIDA) poll. The chart shows the results of polls conducted at the end of 4Q24, 1Q25 and 2Q25. Former Prime Minister and junta leader Prayuth Chan-o-cha was not listed in the first two polls. Source: NIDA



Scenarios

Although Paetongtarn could technically still be acquitted, the odds are clearly stacked against her. There is a historical pattern of Pheu Thai leaders being effectively targeted by lawfare, her predecessor Srettha was removed from office on much more questionable grounds, while the evaporation of popular support for Paetongtarn and her party reduces political costs of a guilty verdict. Furthermore, her line of defence does not appear particularly convincing even to a layman observer. Her legal team maintains that her remarks to Hun Sen were a negotiating tactic intended to defuse tensions, while disparaging comments about a Thai military commander were supposed to highlight the separation of the military apparatus involved in igniting tensions from political leadership that could negotiate in good faith.

All this considered, we think that Paetongtarn's ouster is the most likely scenario, if Constitutional Court judges get to vote on her case. This would trigger the process of the selection of a new Prime Minister by the National Assembly from among the candidates fielded before the 2023 election. Pheu Thai would likely nominate its only remaining eligible

candidate, Chaikasem Nitisiri, who signalled readiness to take office despite his well-documented health issues, which he recently played down. Alternatively, Pheu Thai could seek a snap election to try and regain the initiative, but its underwhelming support ratings and sour relations with the progressive People's Party (successor to the abandoned and dissolved MFP) make it a high-risk strategy.

For the record, other eligible prime ministerial candidates include Anutin Charnvirakul of the Bhumjaithai Party (BJT), Prayuth Chan-o-cha (Privy Councillor), Pirapan Salirathavibhaga of the United Thai Nation Party (UTN) and Jurin Laksanawisit of the Democrat Party (DP), the only member of the PTP-led coalition. While opposition parties are unlikely to be able to secure the support of majority of lawmakers, the governing coalition relies upon a thin majority of just a few MPs after parting ways with Bhumjaithai earlier this year.

The high risk of a conviction has fuelled speculation that Paetongtarn could step down ahead of the ruling, in a bid to pre-empt the guilty verdict. There has been a debate on whether it would help her avoid the consequences of ongoing investigations. Some have suggested that her resignation would render the case before the Constitutional Court moot. On the other hand, the Nation wrote this week that 'legal experts interpret that even if her position ends, the Constitutional Court is still bound to rule on the case, as the legal implications persist.' A pre-emptive resignation would thus represent a gambit with highly uncertain ramifications, as Paetongtarn would still be subject to the NACC investigation.

Thaksin's 14th Floor case

Origin

The '14th floor' refers to the part of the Bangkok Police General Hospital, where Thaksin Shinawatra was moved shortly after returning to the country instead of being put under arrest. After spending six months in the hospital's VIP suite, Thaksin was granted royal pardon and released on parole. The complicated process that allowed Thaksin to return to the country and eventually walk free is widely seen as part of the power-sharing agreement that led to the formation of the uneasy PTP-conservative coalition.

The Supreme Court's Criminal Division for Political Officeholders dismissed the original petition on procedural grounds. However, in a rare move, it immediately ordered its own inquiry to determine whether Thaksin's condition indeed required urgent hospitalisation and that the needed care could not have been delivered at the Department of Corrections Hospital. Suspicions of collusion and fraud, and the nature of the other two cases described in this report, have damaged the reputation of the Shinawatras. In the '14th floor case', much of the backlash has been against the apparent preferential treatment for Thaksin.

State of Play

The investigation into the matter has been relatively long and there are tentative signs that the prosecution may be able to build a strong case. For one, the nature of the political deal that allowed Thaksin to return to the country and avoid imprisonment is an open secret. If anything, it would be surprising if Thaksin could convince the judges that his medical condition warranted his urgent transfer to the Bangkok Police General Hospital and prolonged stay in the VIP suite.

Furthermore, the Medical Council of Thailand recently took disciplinary measures against several doctors involved in Thaksin's treatment, after finding no evidence that the ex-PM was 'critically ill'. This required overriding a veto exercised by the Public Health Minister (PTP's Somsak Thepsuthin) with a two-thirds majority in response to the initial decision. The decision may be a prognostic for the Supreme Court's verdict, as it suggests that there is evidence of malpractice in Thaksin's transfer to the 14th floor suite.

The Supreme Court has now interviewed around 30 witnesses, including doctors, nurses and corrections officers. Some of these testimonies have been made public before the court sealed the evidence. In one summary of witness statements, the Nation reports that interviewed doctors confirmed that Thaksin's symptoms were not critical and gave conflicting accounts regarding his surgery. It is our impression that the collection of evidence and testimonies was considerably more thorough than in the Section 112 case, potentially allowing the prosecution to build a stronger case.

Scenarios

Considering that the machinations deployed to keep Thaksin out of prison are almost common knowledge, the Medical Council has already disciplined several doctors involved in the case, and the Supreme Court seems to have conducted a thorough investigation, there is considerable risk that he might be deemed guilty of faking a health emergency.

Professor Jade Donavanik, former adviser to the junta-backed Constitution Drafting Committee (CDC) that charted the current organic law, told Thai PBS that if the Supreme Court decides that Thaksin was not eligible to spend six months in the hospital, it could send him back to prison for one year and impose additional penalties. In the worst-case scenario, it could declare that his petition for royal pardon was moot and reinstate his full eight-year prison sentence.

Because of the range of officials involved in the political deal, the 14th floor case may prove toxic for the wider Thaksinite circle. PTP officials were involved in forging the underlying political deal and its subsequent execution through their control of the Ministry of Justice and Ministry of Public Health, and their respective agencies. However, even Thaksin's imprisonment alone would send shockwaves through the local political scene, incentivising the PTP to renegotiate its political deal with the conservatives.

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