

IN A NUTSHELL

The verdict in the Ratchadaphisek land-purchase trial against former prime minister Thaksin Shinawatra and his wife Khunying Pojaman is scheduled tomorrow.

IN PROFILE

The nine judges trying the Ratchadaphisek land auction case:



Wattanachai Chotchutrakul

He served as the Supreme Court's secretary when the late Pramarn Chansue was its president. He was a key player in the 1991 judiciary crisis. He has served as director-general of the Legal Execution Department and a member of the judiciary's committee studying the draft 2007 constitution.

Somsak Netramai

He chaired a committee investigating members of the National Counter Corruption Commission, with Pol General Wuthichai Sriratanawut as their chairman, for allegedly committing malfeasance by giving themselves a salary raise. The Supreme Court handed the nine NCCC members a suspended jail sentence.

Suwat Watthanahathai

He was one of the three minority judges in the NCCC case. However, the Supreme Court's Criminal Division for Holders of Political Office voted 6-3 to find the NCCC members guilty.

Somchai Pongsatha

He was one of the Constitution Tribunal judges who favoured dissolving the Thai Rak Thai Party in the election fraud case.

Thonglo Chom-ngam

The presiding judge. He was on a committee investigating an alleged attempt to bribe Constitution Tribunal judges in the election fraud case against the Thai Rak Thai Party.

Prapan Sapsang

Former head of the Supreme Court's Criminal Division for Holders of Political Office. He was on the judiciary committee that sentenced former public health minister Rakkiat Sukthana to 15 years in prison for corruption and on the panel that handed down a suspended jail term to the NCCC members. He once said ex-PM Thaksin Shinawatra must be extradited to face trial in the Ratchadaphisek case.

Pichit Kamfang

When the Supreme Court's general meeting voted to select five of its judges to sit on the Constitution Tribunal, Pichit tied with Nurak Mapraneet as fifth in the number of votes. Lots were drawn and Pichit failed to become the last nominee from the Supreme Court.

Thirawat Pattaranawat

He served as a judge in regional courts, the Court of Appeals and Supreme Court. His positions included director-general of regional courts and chief justice of Region 5 of the Court of Appeals.

Kriangchai Juengchaturapit

The head of the Supreme Court's Criminal Division for Holders of Political Office. He warned Thaksin supporters that greeting him with raucous cheers and flowers in the court compound could be regarded as contempt of court.

KEY EVIDENCE:

Thaksin's written permission allowing Pojaman to bid for the land.

KEY SUSPECTS AND THE CHARGES:

- Thaksin and Pojaman are accused of violating Article 100 of the National Counter Corruption Act, which states that government officials, including prime ministers, and their spouses are prohibited from entering into or having interests in contracts with state agencies under their supervision.
- Thaksin and Pojaman are also accused of violating Articles 152 and 157 of the Criminal Code.

POSSIBLE PUNISHMENT:

- According to Article 122, violating Article 100 of the National Counter Corruption Act could result in a three-year jail term and/or a Bt60,000 fine.
- To violate Article 152, an official has to be in charge of a particular matter and have a vested interest either personally or on behalf of others. The punishment is one to 10 years in jail and a fine of Bt2,000 to Bt20,000.
- A person convicted of malfeasance according to Article 157 is subject to 10 years in jail and/or Bt2,000 to Bt20,000 in fines.
- Pojaman might only have to face two-thirds of the punishment for violating Articles 152 and 157, as a supporter of a government official violating the laws.



DEFENDANT'S GROUNDS FOR DEFENCE:

- The FIDF is a state enterprise, therefore the agency is not under state administration. The Ratchadaphisek land purchase does not fall under Article 100 (3) of the National Counter Corruption Act, which covers state enterprises.
- Sales of real estate by the FIDF are under the authority of the FIDF board. The finance minister, the Cabinet and the PM do not have authority over the sale of real estate.
- Ministers are not officials in accordance with Articles 152 and 157 of the Act.
- The FIDF checked Pojaman's credentials and found that she was qualified to bid.
- The FIDF is not the damaged party and does not have the right to file a complaint. It was forced by the AEC to do so.

Court: Supreme Court's Criminal Division for Political Office Holders

Number of judges: Nine

Ruling: By majority vote

Appealable: No

BACKGROUND:

The investigation is focused on a plot of land on Ratchadaphisek Road in Bangkok that Khunying Pojaman Shinawatra bought not long after her husband, Thaksin Shinawatra, came to power. The land's history can be traced back 10 years to three former premiers: Banharn Silapa-archa, General Chavalit Yongchaiyudh and Chuan Leekpai.

The plot was bought by the Financial Institutions Development Fund (FIDF) and later became part of the land bank of the Thai Asset Management Corp

during the Banharn government.

It was put up for auction during the Chavalit and Chuan governments and then sold to Pojaman during the Thaksin administration in 2003. Thaksin's written permission as a spouse, allowing Pojaman to enter into the land deal, is being used as evidence in the case. She bought the land for Bt772 million.

Following pressure from the Assets Examination Committee (AEC), the Bank of Thailand and the Financial Sector Restructuring Authority agreed to file a legal complaint over Pojaman's purchase.

