

**Constitutional Tribunal Ruling No. 1-2/2550 (2007)**

Attorney-General	Applicant
Progressive Democratic Party, 1 <sup>st</sup> ,	Respondents
Democrat Party, 2 <sup>nd</sup>	

Organic Act on Political Parties, B.E. 2541 (1998), section 66(2) and (3);  
Announcement of the Council for Democratic Reform (CDR) No. 27, dated 30<sup>th</sup>  
September B.E. 2549 (2006).

Section 66 of the Organic Act on Political Parties, B.E. 2541 (1998), provided that a political party which committed an act under (2) an act which could be hostile to the democratic regime of government with the King as Head of State under the Constitution, or (3) an act which could threaten State security or was contrary to the law, public order or good morals, could be dissolved by order of the Constitutional Court. Section 66(2) and (3) of the Organic Act on Political Parties, B.E. 2541 (1998), as amended by the Announcement of the Council for Democratic Reform No. 27, dated 30<sup>th</sup> September B.E. 2549 (2006), provided for the revocation of the right to vote of political party executive committee members of a dissolved political party for a period of five years as from the date of party dissolution due to the commission of prohibited acts under the Organic Act on Political Parties, B.E. 2541 (1998). Such provision did not constitute a criminal penalty. On the other hand, the provision was merely a legal measure that was a consequence of the authority granted by law to dissolve a political party which committed a prohibited act under the Organic Act on Political Parties, B.E. 2541 (1998). Hence, the provision could be applied retroactively in this case.

In this case, it was found that the party leader of the 1<sup>st</sup> respondent filed a false certificate for three election candidates that were used as evidence in the application for election candidacy, despite those three persons not having been party members for the requisite 90-day period. This action was deemed as hostile to the democratic regime of government with the King as Head of State under the Constitution and a threat to State security or was contrary to the law, public order or good morals. Thus, an order was issued to dissolve the 1<sup>st</sup> respondent party pursuant to section 67 in conjunction with section 66(2) and (3) of the Organic Act on Political Parties, B.E. 2541 (1998), and the right to vote of the nine party executive committee members who held offices on the date of commission of wrongdoing were revoked for a period of five years as from the date of political party dissolution order. The application with respect to the 2<sup>nd</sup> respondent party was dismissed due to the absence of finding of actual commission of the alleged acts.

**Note:**

- This decision was held under the Constitution of the Kingdom of Thailand (Interim), B.E. 2549 (2006).