



Office of the Constitutional Court



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Friday, 29th August B.E. 2568 (2025)

Today, the Constitutional Court deliberated ten cases, an important case of interest as follows.

The President of the Senate requested for a Constitutional Court ruling under section 170 paragraph three in conjunction with section 82 of the Constitution, on whether the ministership of Ms. Paetongtarn Shinawatra, the Prime Minister, individually terminated under section 170 paragraph one (4) in conjunction with section 160 (4) and (5) of the Constitution (Case No. 18/2568)

A total of thirty-six members of the Senate jointly submitted an application to the President of the Senate (the applicant), stating that an audio recording of a conversation between Ms. Paetongtarn Shinawatra, the Prime Minister (the respondent), and Somdech Hun Sen, the President of the Senate of Cambodia, was disseminated through the media on 18th June 2025. The respondent subsequently convened a press conference during which she confirmed that the voice captured in the recording was indeed her own, engaged in conversation with Somdech Hun Sen. Although the respondent later stated in a press briefing that the conversation had been a private telephone exchange, conducted with the intention of engaging in a conciliatory negotiation to preserve peace and the sovereignty of Thailand. However, the applicant contended that the respondent demonstrated inaction and failed to discharge her duties by neither responding nor implementing any measures, including initiating or overseeing international negotiations in a manner consistent with the duties and responsibilities that would reasonably be expected of a person in the position, capacity, and circumstances of a Prime Minister. Due to a personal relationship that appeared aligned with Cambodia, the respondent was consistently willing to comply with or act in accordance with the wishes of the Cambodian side. As for the 2nd Army Area Commander, the respondent viewed him as an opposing party. The respondent therefore lacked demonstrable honesty and integrity, and seriously violated or failed to comply with ethical standards. The applicant

requested that the Constitutional Court to decide pursuant to section 170 paragraph three in conjunction with section 82 of the Constitution, that the respondent's ministership had terminated under section 170 paragraph one (4) in conjunction with section 160 (4) and (5) of the Constitution. The applicant further requested that the Constitutional Court order the respondent to temporarily cease the performance of his or her duties until the Constitutional Court made a decision.

Ruling of the Constitutional Court

The Constitutional Court jointly deliberates, by a majority vote (6 to 3) rules that the respondent's ministership has individually terminated pursuant to section 170 paragraph one (4) of the Constitution. Among the majority, four Justices, Mr. Punya Udchachon, Mr. Wiroon Sangtian, Mr. Chiranit Havanond, and Mr. Bunjongsak Wongprachaya, found that the respondent lacks the qualifications and possesses prohibited characteristics under section 160 (4) and (5) of the Constitution. Two Justices, Mr. Udom Sittiwirattham and Mr. Udom Rathamarit, found that the respondent lacks the qualifications and possesses prohibited characteristics under section 160 (5) of the Constitution. This ruling takes effect from the date on which the Constitutional Court ordered the respondent to cease the performance of duties as Prime Minister, pursuant to section 170 in conjunction with section 82 paragraph two of the Constitution, which is 1st July 2025.

The minority vote of the Justices which comprise three justice, Mr. Nakharin Mektrairat, Mr. Noppadon Theppitak, and Mr. Sumath Roygulchareon, held that the respondent's conduct constitutes a non-serious breach of ethical standards. Therefore, the respondent's ministership do not individually terminate under section 170 paragraph one (4) in conjunction with section 160 (4) and (5) of the Constitution.

Upon the termination of the Prime Minister's ministership pursuant to section 170 paragraph one (4) in conjunction with section 160 (5) of the Constitution, the entire Council of Ministers shall vacate office in accordance with section 167 paragraph one (1) of the Constitution. Thereafter, section 168 paragraph one (1) shall apply to the performance of duties by the outgoing Council of Ministers.

The Constitutional Court grants permission for the parties to obtain copies of the ruling after the expiration of 15 days from the date the ruling is read.
