

France's release of Maurice Papon: an incitement to political reaction

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Following a surprise decision by the French court of appeals, Maurice Papon, a former high-ranking official in the Nazi puppet regime of Marshal Pétain and prefect of police under Charles de Gaulle, was released from a Paris prison on September 19.

As secretary general of the Gironde prefecture from 1942 to 1944, Papon organised the deportation of approximately 1,600 French Jews from the Bordeaux area to Auschwitz, where almost all were murdered in the Nazi gas chambers. As the Paris prefect of police under Charles de Gaulle during the Algerian war in the 1960s, he was responsible for an armed attack on a peaceful demonstration of 30,000 Algerians in Paris, the arrest of 12,000 of them and the brutal murder and dumping into the river Seine of hundreds more.

After a 16-year struggle by relatives of his Jewish victims to bring Papon to justice, he was finally sentenced in 1998 to 10 years imprisonment for "complicity in crimes against humanity". However, he was again set free when his lawyers appealed the verdict. Prior to these appeal proceedings, Papon had fled to Switzerland to avoid being taken into custody, but he was brought back to France and locked up in the Santé prison in the autumn of 1999.

Scarcely three years later, he is once again free, though he served less than a third of his sentence.

The official reason for Papon's release from custody was the 92-year-old man's alleged poor state of health. Papon's lawyers were able to base their case on what the press called the "Papon amendment", recommended by the Senate in July 2000 and ratified on March 4, 2002. According to this amendment, gravely ill people are to be released from custody on humanitarian grounds if two doctors confirm that further detention would constitute a serious risk of death. The French newspaper *Le Monde* reported that Papon is only the second known prisoner to take advantage of this law.

In reality, Papon's case has nothing to do with humanitarian concern for a dangerously ill prisoner. French prisons are full of people suffering from cancer, AIDS and other illnesses, who could have been released long ago. In

contrast to these, Papon obviously enjoys astoundingly good health for a person of his age. He was seen leaving gaol erect and striding energetically.

A former fellow inmate gave the press a description of Papon's condition. Didier Schuller was the superintendent of a municipal housing unit before he was placed under arrest for corruption in February and occupied a cell near Papon's for a few days in the VIP quarter of the Santé prison. He told *Le Parisien* newspaper:

"Maurice Papon is completely obsessed with his court case and spent his whole time in gaol picking to pieces all the testimony presented against him.... He'll fight to his last breath to draw attention to his case. No way is he a feeble old man, he's completely determined.... I was astounded by his enormous willpower. He's self-controlled, clear-headed, has a grisly sense of humour and a fiery, razor-sharp type of anger. He's completely obsessed with revenge and securing his own rehabilitation."

Immediately after Papon's release, his lawyer, Jean-Marc Varaut, announced that this was only the first step towards Papon's complete rehabilitation, which he would now pursue with all his strength. Papon himself never tires of claiming that he is the victim of a "conspiracy of Jews and Freemasons".

In public, the government led by Jean-Pierre Raffarin has distanced itself from the court's decision to free Papon. It is obviously afraid that the decision could lead to public unrest or international protest. French President Jacques Chirac rejected Papon's pleas for clemency on two occasions in April and July, shortly before and after the presidential and parliamentary elections.

On the day of Papon's release, the ministerial conference at the Elysée discussed his case. Following the conference, Minister of Justice Dominique Perben told the press that the Department of Justice viewed the matter differently than the court of appeals: "We believe that his continued detention is warranted, considering the seriousness of the crimes attributed to him." He went on to say that "ways would be sought" to lodge a legal challenge to the appeals court

decision to release Papon.

Several Jewish and civil rights organisations vehemently opposed Papon's release. Michel Slitinsky, president of the Association of Families of Deportation Victims, who has fought for decades to have Papon placed behind bars, bitterly protested the court's action: "The fact was not taken into account that Papon had dragged six old Jewish men suffering from heart conditions out of their beds in October 1942." Hundreds took to the streets to protest Papon's release and demonstrated in the area of Paris's *Vélodrome d'Hiver*, where in July 1942 13,000 Jews, including 4,015 children, were herded together before being taken away to the concentration camps.

At the same time there has been tacit approval of Papon's release from the ranks of the political elite. It is obvious that Papon is not alone in seeking his rehabilitation. Rather, he is supported by a whole group that has been backing him for decades. Two former Gaullist prime ministers, Raymond Barre and Pierre Messmer, have sided with Papon in public.

Barre, prime minister during the presidency of Giscard d'Estaing in 1978, made Maurice Papon his minister of finance. At the time, the head of the cabinet in which Papon served was Jean-Louis Debré (Union for a Presidential Majority—UMP), today's president of the National Assembly. Debré laconically welcomed Papon's release as a "logical decision".

Pierre Messmer was a comrade-in-arms of Charles de Gaulle, his minister of war from 1960 to 1969 (including 1961, when Papon organised the massacre of the Algerians in Paris) and prime minister from 1972 to 1974. Today he is president of the Charles de Gaulle Foundation and a member of the French Academy. He has consistently defended Papon and testified on his behalf at the trial in Bordeaux four years ago.

Support for Papon is not limited to prominent Gaullists, however. In July, the European Court of Human Rights in Strasbourg came to Papon's aid, reproaching France for an "unfair procedure" because Papon had been refused the right of appeal after his flight to Switzerland. The French state was ordered to reimburse the Nazi collaborator with court costs amounting to 30,000 euros.

A large number of prominent politicians have expressed understanding for the indignation of the surviving relatives of the concentration camp victims. They contend, however, that Papon's discharge was the correct decision from a humanitarian point of view.

François Hollande, the secretary of the Socialist Party, declared: "If his state of health corresponds to the conditions laid down for an obligatory release, then I have nothing more to say about the matter." Marylise Lebranchu, a former socialist justice minister, stressed that the decision of the

Paris court of appeals was a matter of "sovereign jurisdiction". Even Michel Tubiana, the president of the League of Human Rights, expressed his sympathy for the release on humanitarian grounds.

One of the driving forces behind Papon's release is Robert Badinter (Socialist Party), today a senator and formerly a confidant of François Mitterrand. Over the last 12 months, he has been beating the drums for Papon's release and tirelessly preaching that "humanity should triumph over crime". Badinter was minister for justice under Mitterrand from 1981 to 1986 and was known as a liberal because he had abolished the death penalty on assuming office in 1981.

The stance taken by people formerly considered liberals, like Badinter, demonstrates that Papon's release is not simply a reaction on the part of a caste of incorrigible old reactionaries. In reality, Maurice Papon's release from custody constituted a political statement.

Four months ago, the streets of France were full of young people who marched en masse to condemn the electoral gains of Jean-Marie Le Pen. At the time, Chirac was portrayed by the whole political establishment as the French Republic's bulwark against fascism. Today the lawyer Veraut—who, according to press reports, grew up in an environment of extreme right-wing groups such as Action Français and Opus Dei, with which he maintains contact to this day—ensures that Papon is freed from prison. His release is being actively supported or mutely accepted by numerous well-known politicians, from Gaullists to members of the Socialist Party.

Papon's release and the prospect of his potential rehabilitation amount to a political appeal to finally dispense with the so-called "Vichy syndrome". While for 60 years French society frowned upon Pétain's dictatorship as being incompatible with parliamentary democracy, now it is regaining respectability. The working class should take this as a serious warning.



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