

# Prosecutor appeals Villepin's acquittal in France's Clearstream Affair

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On January 29, public prosecutor Jean-Claude Marin appealed the acquittal of ex-Prime Minister Dominique de Villepin on slander charges in the recently concluded Clearstream case. This highly political trial involved French President Nicolas Sarkozy suing Villepin, alleging that Villepin had tried to blacken his name by attaching it to faked bank listings.

Marin's appeal came the day after Sarkozy announced that he would not appeal the decision. Villepin's acquittal led to widespread speculation in the press that he might challenge Sarkozy in the 2012 presidential elections.

The two men convicted in the case—intelligence operative and former EADS (European Aeronautic Defence and Space Company) executive Jean-Louis Gergorin, and former CIA and French intelligence asset Imad Lahoud—had already appealed their convictions.

Bourgeois commentators have noted that Villepin's acquittal gives him the upper hand before public opinion, and further discredits Sarkozy's use of the presidential office. In the first instance, Sarkozy was himself a plaintiff against Villepin. This had been largely criticised as unfair—since Sarkozy's presidential privilege gives him a blanket legal immunity while in office—and as breaking a traditional, unwritten rule of French bourgeois politics. As former Justice Minister Elisabeth Guigou (Socialist Party) told Reuters, "There is a suspicion, and that is of the highest gravity, because justice is one of the pillars of democracy."

In its January 30 issue, the daily *Le Monde*, wrote: "Each new instalment of this affair further lowers the presidential function," concluding, "This is not glorious. And in addition it is probably not very effective on the political level. More than ever, Dominique de Villepin will be able to claim his

innocence. More than ever he will be able to posture...as a 'victim of one man's eagerness, Nicolas Sarkozy's.' More than ever, he will be able to posture as an 'alternative' to the present chief of state."

The political dimension of Marin's appeal is obvious. It allows Sarkozy to posture as a fair loser, while keeping Villepin under legal pressure. Marin indicated that the appeal will be held at the end of 2010 or at the beginning of 2011, which might hinder Villepin's presidential bid in April 2012.

Given Marin's position, he was clearly under intense political pressure while deciding whether to appeal the court ruling. Unlike judges, prosecutors in France are hierarchically under the government's control, they can be removed at will, and they are obliged to precisely present the government's position in their written conclusions.

Absent dramatic new evidence, however, it is difficult to see how the prosecutor's appeal would be successful. The initial court ruling found Villepin not guilty on the grounds that it could not be certain that Villepin knew that the charges against Sarkozy were invented. Proving the contrary on appeal will be almost impossible.

As a prosecutor, Marin was known as a defender of right-wing causes, earning the nickname of "king of undertakers" among some commentators and court employees. He worked as a high-level official under Justice Minister Dominique Perben in the right-wing Raffarin government from 2002 to 2005.

In 2009 alone, he requested that at least four major fraud cases involving right-wing politicians be dropped. This included the Pasqua-Marchiani-Safa case; the investigation into corruption in the Iraqi "oil for food" programme; the Vivendi case; and the bigger one: the City of Paris false employees case, for which he found

enough time during the Clearstream trial to request a general dismissal of the case.

The attacks against Villepin go far beyond the alleged personal and political differences between the supposedly more free-market, pro-US, nouveau riche-style Sarkozy, and the more traditionally Gaullist and aristocratic Villepin.

What is at stake is the French government's reputation on the world scene. The economic crisis and the rash of scandals have seriously discredited the political system in the eyes of the population. Sarkozy himself is increasingly controversial, as he has opted for a more aggressive tone than his predecessors, openly praising wealth while bashing the most vulnerable sections of the population.

Villepin is most famous overseas for having led the opposition at the United Nations against the US invasion of Iraq. While this was an opportunistic and not a principled move—one should remember that US warplanes were still allowed to use French airspace during the Iraq war, and Villepin did not oppose other colonial adventures like in Afghanistan—he is identified with a more cautious and independent approach to foreign policy.

This has allowed Villepin to emerge as a serious political rival of Sarkozy, especially as the obscurity of the legal details in the Clearstream case focused attention on the rivalry between Sarkozy and Villepin. Unleashing a new procedure against Villepin is also vital for Sarkozy to reassure his camp and trade-union allies about his ability to remain afloat politically despite rising popular discontent.

Trade unions and ex-lefts have been largely able to head off the large opposition to layoffs and cuts, but the situation might change with a million unemployed people expected to lose their unemployment insurance in 2010.

The scope of the cuts to come can be evaluated in connection to the recent claim made by Prime Minister François Fillon in the right-wing daily *Le Figaro* that the public deficit will have to be brought back under 3 percent of GDP by 2013 from over 8 percent this year. This move, entailing cuts of tens of billions of euros in spending, would require “unprecedented efforts, necessitating a national mobilisation. Concretely, it means a freeze of the budget of ministries and likewise efforts from local authorities. As for the target for the

rise in health care spending, it will have to go under 3 percent.”

A section of the bourgeoisie no doubt feels that an aggressive posture like Sarkozy's is what is required to convince investors it can move against the workers. However, other sections of the ruling class need to hold onto a viable alternative to Sarkozy in case his approval ratings fall too low to secure a second term.

In this regard, it is significant that a coalition of bourgeois politicians from around the political spectrum is forming behind Villepin. Upon being cleared, Villepin received congratulations not only from his own Gaullist supporters, but from Socialist Party former presidential candidate Segolène Royal.



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