

French asbestos scandal: Indictment of Socialist Party's Martine Aubry quashed

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The Paris Appeals Court has quashed the indictment on charges of homicide and involuntary injury of former Socialist Party (PS) national secretary and current mayor of Lille, Martine Aubry, brought in November 2012 in relation to a scandal over deaths due to asbestos.

This ruling follows that of May 2013, which already covered up the role of Aubry and eight other people, including senior civil servants, scientists and industrialists who were members of the Permanent Committee on Asbestos (CPA). They were being sued by the Andeva asbestos victims association in connection with the affair at the Ferodo-Valéo factory in Condé-sur-Noireau in Normandy, where more than 300 hundred people were found to be suffering from work-related diseases.

The justice system is moving to cover up one of the biggest industrial crimes of the ruling Socialist Party. Martine Aubry and the PS bear a heavy responsibility in the deaths due to asbestos of hundreds of thousands of workers, having delayed the reduction in the use of asbestos and trampled safety standards necessary to protect workers' health.

According to health authorities, asbestos is responsible for 10 to 20 percent of lung cancers. By 2025, over 100,000 deaths will have resulted from asbestos contamination. These figures are an underestimation, however, as the French Agency for Health and Safety at Work and the Environment, Affset (now ANSES), has revealed that fine asbestos fibres, which were not included in the measurements, are also carcinogenic. Short asbestos fibres, which were also not counted, may be carcinogenic as well.

The reaction of Martine Aubry to the Court's decision was contemptuous and dishonest. "It is of course a relief," she said, "even if I never doubted the

final legal decision. It is very painful for me, my family, and many others... I believe that everyone knows that I have never done anything other than that which I was supposed to do, taking into account the knowledge existing at the time. That has always been stated, by the public prosecutor of course, but also—and this for me was the most important—by Andeva, the association for the victims of asbestos."

Former examining magistrate Marie-Odile Bertella-Geffroy, who launched the enquiry, blamed Aubry, director of labour relations at the Ministry of Labour in 1984-87, for having delayed the transcription into French law of the European directive of 1983, which reinforced protections for workers.

At the time, the magistrate highlighted the responsibility of the CPA, on which the General Confederation of Labour (CGT) union sat, which had "efficiently defended the controlled use of asbestos in order to maximise the delay until its prohibition", as *Le Monde* reported.

The responsibility of the former PS national secretary was demonstrated by this examining magistrate. By defending the interests of the industries connected to asbestos, Aubry blocked the European directive to limit asbestos use, so companies could continue raking in profits. It was only after Aubry's departure from the Ministry of Labour in 1987 that the directive was passed.

The claim by Aubry that she acted in accordance with the scientific knowledge of asbestos at the time is false. Other countries had already prohibited asbestos in the 1980s, and the dangers linked to asbestos had been known since the start of the 1900s.

An article in *l'Humanité* in May 1914, which the Andeva association published in one of their bulletins, states that in the asbestos workshops "men can hold out

five years, the women can barely hold out two years, in these workshops where the dust accumulates. In just one factory where one hundred workers are active, one man dies every week during the four months of the bad season. And that is the case from 1900 to 1906.”

In 1964, researchers made the connection between asbestos and the development of cancer.

Aubry cynically attempted to place responsibility for the numerous deaths on the heads of company bosses: “It has been 10 years since the victims and their families of asbestos have been waiting for a criminal trial of the real people responsible. There are employers who have not respected the regulations, it is they who today must be prosecuted, as quickly as possible. Those asbestos diseases are terrible, they are often fatal. Those responsible must be convicted.”

Employers have certainly not respected the regulations, but they could do so because of the reactionary role of Aubry, who defended the bosses whose interests she hypocritically criticizes today. As *Le Monde* reminds us, a Senate report criticized the state for its “deficient management” of the asbestos dossier.

The quashing of the indictment of Aubry also underlines the role of the law of senator Pierre Fauchon in 2000, which modified the penal code, demanding a high burden of proof in order to prosecute people for unintentional crimes. This law first of all served to whitewash another PS crime, the contaminated blood affair—in which the PS government of Laurent Fabius and President François Mitterrand blocked the testing of stocks of blood contaminated by the AIDS and hepatitis C viruses.

In 2002, the justice system dismissed the case against Laurent Schweitzer, a former Fabius aide that was head of the Renault auto corporation, and also dismissed cases against ministerial advisers to PS Health Minister Edmond Hervé.

Lawyers specialised in public health lawsuits expressed concern that the interpretation given to the Fauchon law would render any prosecution for health offenses impossible. Lawyer François Hornorat told AFP: “Since the Fauchon law, we are confronted with a problem of proof”.

The judicial decisions placing politicians and bureaucrats beyond the reach of prosecution show the class character of the French justice system. There is no

independent justice, but a justice in the service of the bourgeoisie, who consciously and with complicity of the unions have overseen the deaths of hundreds of thousands of workers, supposedly in the name of defending jobs.

In spite of the recommendations by ANSES concerning the physical integrity of workers handling asbestos, the norms in force in France continue today to threaten workers’ health. The memos addressed to the works inspectors indicate that the recommended limit on asbestos will not be applied before 2015. The inspectors are even forbidden to demand that employers respect the Affset recommendations.

The director general for labour, Jean-Denis Combrexelle, demonstrated the real interests defended by this organisation when he explained that the measures were not in place “because companies were not ready.”



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