

# French judiciary opens investigation into ex-president Nicolas Sarkozy

Stéphane Hugues, Alex Lantier  
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Last week, ex-president Nicolas Sarkozy was summoned to the Financial Department of the Paris Courts to discuss the overrun of the finances for his 2012 presidential bid, which he lost to current president François Hollande. The spending limit for each candidate was €22.5 million. Sarkozy allegedly spent approximately €50 million.

The judge leading the investigation, Serge Tournaire, interrogated Sarkozy for nearly 12 hours. Before Sarkozy left late that night, Tournaire informed him that he was “under examination” for “illegal financing of an electoral campaign”. Furthermore, Tournaire informed him that he will be an “assisted witness” (i.e., in legal jeopardy and assisted by his lawyer) in the closely linked “Bygmalion” case on charges of falsification, fraud, swindling and breach of trust.

In this second case, physical evidence emerged of a system of fraudulent invoices set up as Sarkozy’s campaign neared its financial limits. Bygmalion, a company overseeing Sarkozy’s campaign events, agreed with his party—then called the Union for a Popular Movement (UMP) and since renamed The Republicans (LR)—to hide the expenses from Sarkozy’s campaign accounts by charging the invoices directly to the UMP.

*L’Express* cites Sarkozy’s response to Tournaire on the campaign accounts: “I didn’t know anything and I don’t know anything. ... I signed the campaign accounts, which implicates my administrative responsibility but not my penal responsibility. There is no way I can avoid signing my campaign accounts, but that does not mean at all that my signature validates the fraudulent agreements between the UMP and Event [the event agency of Bygmalion] or the absence of invoices in my campaign accounts.”

Through affairs like Bygmalion, France’s famously

politicised judiciary can maintain influence over Sarkozy’s candidacy, giving the ruling class another lever to intervene in the highly fraught 2017 presidential election campaign.

Sarkozy’s lawyer, Thierry Herzog, tried to paint this ruling as a victory for Sarkozy, insofar as he was not formally accused in the Bygmalion affair. He said, “Being under investigation does not prevent one from being a presidential candidate.” Nonetheless, in the current political conjuncture at least, this investigation is one more serious barrier that is emerging to Sarkozy’s ambition to seek a second term of office in next year’s French presidential election.

In the last couple of weeks, many of Sarkozy’s closest collaborators have been keeping their distance from him. The latest to defect was Gérald Darmanin, mayor of Tourcoing and Sarkozy’s spokesman during his campaign for the presidency of the party last year. Commenting, “I prefer the Sarkozy of 2007 to that of 2012,” apparently referring to Sarkozy’s appeals to National Front (FN) voters in the 2012 campaign, Darmanin resigned from the national leadership of the party.

Two other key Sarkozy collaborators have just resigned: election director Ange Sitbon and José do Nascimento, director of the party federations. They both joined the staffs of other top LR members.

The escalating crisis in Sarkozy’s candidacy reflects broader shifts in bourgeois parties in France since the November 13 terror attacks in Paris. Hollande’s Socialist Party (PS) has led a violent move to the far right—imposing a state of emergency, rehabilitating a deprivation of nationality policy associated with the fascist Vichy regime, and pushing for a historic attack on French labor law. LR has found itself desperately trying to prevent the PS from outflanking it on the

right, without however becoming indistinguishable from the neo-fascist FN.

The rising strength of the FN since its strong showing in the December regional elections has deepened the quandary facing the UMP. Tactical opposition to Sarkozy emerged from layers inside LR who fear that Sarkozy's appeals to populist and chauvinist sentiment could strengthen the FN so much that it could replace LR as France's main right-wing party.

Sarkozy remains associated with appeals to the FN. Towards the end of his term, by banning the burqa, deporting the Roma, and appealing for a debate on French "national identity," he bid for support from neo-fascist voters and sought to block opposition in the working class by cultivating racist sentiment. He ended his term as France's most unpopular president since World War II, though Hollande has since become even more unpopular than Sarkozy was.

When Sarkozy lost the 2012 presidential elections, he announced he was "leaving politics". In the last months of 2014, however, he announced a "comeback". His main support was in the UMP rank-and-file. By January 2015, he was able to win the party leadership—though with a much-reduced vote of 64 percent compared to his previous election in 2004, when he scored 85 percent of the votes.

LR's number two, Nathalie Kosciusko-Morizet, crossed swords with Sarkozy and was removed as LR vice-president last December after criticising Sarkozy's refusal to call for a PS vote against FN candidates in the regional elections.

She had previously attacked Patrick Buisson, a Sarkozy advisor. She said, "His goal in my opinion is not to secure a victory for Nicolas Sarkozy but for Charles Maurras," the leader of the fascist Action Française in the first half of the 20th century.

In the past months, Sarkozy's problems inside LR have increased. In a recent poll, the question was asked, "Do you consider Sarkozy an asset or a handicap for his party, Les Républicains?" In the general population, 77 percent saw him as a handicap; even among right-wing voters, 60 percent considered him a handicap for LR.

Under these conditions, a former prime minister, Alain Juppé, is emerging as a rival to Sarkozy inside LR. Juppé has boosted his position by posturing as a critic of PS's deprivation of nationality policy while

simultaneously making reactionary calls for a "strong state."

The FN's Marine Le Pen is expected to be one of the candidates who go through into the second round of the 2017 presidential elections. In all the scenarios tested by Harris Interactive polls, Le Pen would score 27 percent in the first round, whilst Sarkozy and Hollande would both score 21 percent. However, if right-wing ex-prime minister Alain Juppé replaced Nicolas Sarkozy as the LR candidate, the scores would be 29 percent for Juppé, 27 percent for Le Pen and 22 percent for Hollande.

Currently, in the second round, Marine Le Pen would lose in all hypotheses: Juppé would score 71 percent against her, Sarkozy 62 percent, and Hollande 60 percent.

Juppé has taken a commanding lead in the polls on the upcoming LR presidential primaries. Among potential LR primary voters, 56 percent say they will be casting their vote for Juppé, whilst only 30 percent will be voting for Sarkozy. The growing support is for Juppé in LR and the centre-right, with François Bayrou of the Democratic Movement indicating that his party will support Juppé.

It is considerations bound up with the evolution of the presidential campaign, and not the financial improprieties of the UMP/LR, that will determine the outcome of the investigations into Sarkozy.



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