

French ex-president Sarkozy indicted over 2012 campaign finances

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Ex-conservative President Nicolas Sarkozy has been ordered to stand trial for “illegal financing of an electoral campaign” in relation with his failed bid for reelection as French President in 2012.

The charges were brought based upon the investigation into the so-called “Bygmalion” scandal. In this scandal, the company of the same name, which had been hired to organize the Sarkozy campaign’s public meetings, was found to have directly billed Sarkozy’s party, the UMP (now known as Les Republicains, LR), some €20 million in the last months of the campaign.

The billing started just after Sarkozy’s election campaign had reached and exceeded its legal limit of €22.5 million. By billing the UMP for imaginary meetings on different topics that were in reality election meetings for Sarkozy’s campaign, it was possible for his campaign to keep €20 million in spending off the Sarkozy campaign’s accounts.

On Tuesday, Sarkozy’s lawyer, Thierry Herzog, initiated moves to quash the indictment, setting into motion legal proceedings that will last months, if not several years, over the charges.

The indictment of Sarkozy is part of the escalating wave of scandals and legal infighting engulfing LR during the campaign for the May 2017 French presidential elections. In November, François Fillon beat the two other leading LR candidates—Sarkozy and ex-Prime Minister Alain Juppé—in the LR primaries, to become the LR candidate.

Three weeks ago, however, the satirical weekly, *Le Canard Enchaîné*, dropped a bombshell, revealing that Fillon had employed his wife and children in no-show jobs. In particular, Fillon’s wife was officially employed for over a decade, grossing nearly one million euros. Fillon’s polling results have dropped

from 35 percent to 22 percent, and he is under legal investigation that could result in an indictment for defrauding the French Parliament of the salaries that it paid.

Like Sarkozy’s case and the wave of other multimillion-euro corruption scandals involving LR, the case exposed the class gulf separating bourgeois politicians from the vast majority of the working population, which struggles to get by.

Currently, Fillon is trying to ride out the scandal, but his position is badly weakened: every day, when he is campaigning, he is confronted with hecklers and protesters. If his poll ratings remain at their current level, he will be eliminated in the first round. Furthermore, Fillon already has said that if he is indicted—still a distinct possibility—he will withdraw from the presidential race.

With LR struggling to maintain its position in the election campaign, there have been rumors of desperate discussions behind closed doors among LR politicians to formulate a ‘plan B’. Alain Juppé, who came in second in the LR Primaries, has stated a number of times that he would refuse to step in for Fillon. The reason is almost certainly that Juppé has already been found guilty in 2003 of creating illegal no-show jobs at the Paris Town Hall when Jacques Chirac was mayor in the 1980s and 1990s.

With the threatened indictment against Sarkozy, another major LR figure and potential replacement for Fillon, should he drop out, is now in long-term legal jeopardy.

The fight over whether to bring the accusation to court could take from 4 to 14 months. The first appeal could take another 4 to 6 months. If the decision to indict is confirmed in this court, Herzog could appeal the ruling. The second appeal process would be heard

in the Court of Cassation, which can take from 6 to 8 months. If the court also confirms the indictment, only then would Sarkozy be tried.

There can be little doubt that President François Hollande's administration is involved in the proceedings against Sarkozy. In a country where it is widely known that the judiciary's independence from the executive is tenuous at best, one can safely surmise that Hollande's Socialist Party (PS) is not unhappy that a leading LR politician and potential alternative to Fillon faces the prospect of a bruising court battle.

The case presented against Sarkozy by the judiciary is far from airtight, however. Only one of the three investigating judges, Serge Tournaire, signed Sarkozy's indictment in a case in which thirteen people have already been indicted, including Bygmalion executives and LR leaders such as General Manager Éric Cesari and Assistant Campaign Manager Jérôme Lavrilleux.

In his indictment, Tournaire admits that the investigation did not establish that Sarkozy ordered LR representatives to set up false accounts to hide the real campaign finances, or that he participated in it, or even that he was informed of the fraudulent maneuvers. Rather, Tournaire argues, Sarkozy benefited from the alleged criminal activities of other LR and Bygmalion officials. He therefore also bears legal responsibility, according to Tournaire.

The judges were divided over whether to send the affair to the courts. The two other judges investigating the case, Renaud Van Ruymbeke and Roger Le Loire, did not sign the indictment. Herzog's appeal, initiated on Tuesday, is based on the law stating that an indictment can be challenged if it is not signed by all the judges.

Herzog had said from the beginning that Sarkozy would immediately contest any indictment over his 2012 campaign finances. He added it was good news that the prosecutor's office had recognized in writing that they had no evidence that Sarkozy consciously intended to overshoot his campaign-spending limit.

For LR, however, this crisis and the impact of a threatened indictment of Sarkozy go well beyond the 2017 elections.

The presidential elections are followed immediately by legislative elections and, in the past, the performance of their candidate in the presidential

elections has had an enormous influence on the number of deputies that the party can get elected. Furthermore, the Bygmalion scandal has left the party in debt and will force it to take out further loans to finance the party's legislative campaign.



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