

Maurice Papon, Vichy and Algeria

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Keywords

Algeria, crimes against humanity, defamation trial, Jean-Luc Einaudi, memory, Maurice Papon, Prefect of Paris police, 17 October 1961, trial, Vichy

Q. Who is Maurice Papon? What was his career?

A. The Frenchman Maurice Papon, a former senior civil servant, member of parliament, and Cabinet minister, is known throughout France for his conviction of crimes against humanity. From October 1997–April 1998, Papon was on trial for ‘complicity in the illegal arrest, deportation and murder’ of Jews during the Second World War when he was secretary-general of the Gironde prefecture under the collaborationist Vichy Government.

Various aspects of the Papon trial gripped both the French and the international media. From a legal perspective, it was a testimony to endurance: after a 16-year legal battle, Papon was finally brought to trial 55 years after the events in question. Furthermore, though other members of the French administration had been charged with crimes against humanity for their actions in the Second World War, Papon was the only one who actually went on trial.

It was an unexpected end for a man who had devoted his professional life to the service of the French state. After his studies in Paris at the Faculté de droit and the École libre des sciences politiques – where he gained a *licence* in law, a *DES* in political economy and public law, and *certificates* in sociology and psychology – Papon became a member of the *corps préfectoral*, one of the most prestigious branches of the French civil service. He advanced through the ranks of the corps for 32 years and held its most senior post, Prefect of Paris police, from 1958 till 1967. While in this role, Papon established his claim to have been active in the wartime resistance – a claim previously rejected – and received the Croix de la Valeur militaire avec palme and the Croix du Combattant volontaire de la Résistance in 1958; he was made a Commander of the Légion d’Honneur in 1961.

After he retired from the *corps préfectoral* in 1967, Papon worked for a year as CEO of the aeronautical company Sud-Aviation, before launching a new career in politics. He was elected member of parliament for the Cher department in the National Assembly, a post he held until 1981. Papon enjoyed considerable success in his political career and held a series of increasingly important positions: national treasurer of the political party UDR from 1969 to 1972; president of the Finance Commission of the National Assembly in 1972; rapporteur of the Finance Commission of the National Assembly from 1973 to 1978; and Budget Minister in the government of Raymond Barre from 1978 to 1981 during the presidency of Valéry Giscard d’Estaing. In addition to these national-level positions, Papon was also mayor of Saint-Amand-Montrond from 1971 to 1983.

Over the course of his career Papon wrote four books: *L’ère des responsables* (1954), *Vers un nouveau discours de la méthode* (1965), *Le Gaullisme ou la loi de*

l'effort (1973); and *Les Chevaux du pouvoir* (1988). After his trial, he published a series of interviews with Michel Bergès entitled *La Vérité n'intéressait à personne* (1999).

Q. What events led Papon to be brought to trial in 1997? What was he accused of?

A. A combination of pure chance and judicial-political momentum led to Papon's trial in 1997. His role in arresting, detaining and transferring Jews from Bordeaux during the Second World War was discovered in February 1981 when Michel Bergès, a university lecturer in political science based in Bordeaux, discovered some documents in Bordeaux's departmental archives. These papers, which had not been registered on the archive's inventory, included lists of deportations and various documents from the Gironde prefecture. Some of them had been signed by Maurice Papon, who was serving as Budget Minister at the time of Bergès's discovery. While examining the documents, Bergès recognized the name of one of his friends, Michel Slitinsky, a French Jew who, as a young man during the war, had evaded the French police during a round-up of Bordeaux's Jews on 19 October 1942.

Bergès knew that while Slitinsky had evaded capture, his father had not (he later perished in Auschwitz), and so he gave him copies of the document concerning him and also those relating to Maurice Papon. Slitinsky, who worked occasionally for the French weekly satirical newspaper *Le Canard Enchaîné*, gave the documents to the paper. The timing of the front page headline, 'Papon: aide de camp. When a minister of Giscard deported Jews' was deliberate, appearing as it did between the two rounds of the presidential election between the incumbent, Valéry Giscard d'Estaing, and the socialist candidate, François Mitterrand, who went on to win the election.

The chance discovery of documents incriminating Papon coincided with an increased willingness within French society to pursue through judicial means those who were responsible for the deaths of Jews during the Second World War. For instance, Klaus Barbie, a former SS captain, was extradited from South America to France in 1983 to face charges for crimes against humanity relating to his order for the arrest and deportation of over 40 Jewish children. He was convicted and sentenced to life imprisonment in 1987. It took 20 years from when complaints were first filed against the Frenchman Paul Touvier, who had ordered the arrest and murder of seven Jews when he was a member of the *Milice* (Vichy's paramilitary arm) to his conviction for crimes against humanity in 1994. He too was sentenced to life imprisonment.

Although Papon was the only member of the French administration actually to stand trial for crimes against humanity, several other former civil servants were also charged. René Bousquet, the secretary-general of Vichy's police from April 1942–December 1943, had ordered the infamous Vel d'Hiv round-up of July 1942, when 13,000 Jews living in Paris were rounded up by French police, kept in terrible conditions in the Vélodrome d'Hiver for five days, and then deported. Although his role in the round-up was revealed in 1978, it took 15 years to bring him to trial. Just before his trial in 1993, he was killed by a deranged gunman. Jean Leguay, who, as Bousquet's representative in the Occupied Zone, oversaw the deportation of Jews, was indicted in 1979 for crimes against humanity, but he died in 1989 before he could be brought to trial. Maurice Sabatier, Papon's superior in Bordeaux, was charged with

crimes against humanity in 1988, but he too died the following year. Thus, by 1997, Papon was the only member of the French administration charged with crimes against humanity and who had actually *lived* long enough to stand trial.

Political change also helped clear the way for Papon's trial. François Mitterrand, President of France from 1981–95, had been a member of the Vichy Government and was also a close friend of René Bousquet until the latter's death. Just before the end of his second presidential term, Mitterrand admitted on French television that he had blocked judicial proceedings against Vichy collaborators. After his presidential election victory, Jacques Chirac signalled a new direction during his speech in July 1995 to commemorate the anniversary of the Vel d'Hiv round-up, in which he proclaimed that 'France committed an irreparable act ... There are mistakes that were made, there are the offences, there is a collective sin.'

Thus, in October 1997, Papon stood accused of complicity in the 'illegal arrest and detainment' of Jews in his role as secretary-general of the Gironde prefecture. The deported Jews were sent by train from Bordeaux to the Parisian transit camp of Drancy and then deported to Auschwitz. Papon was also accused of 'complicity in the murder' of the deported Jews.

However, the lawyers for the civil parties only filed complaints on behalf of 72 of the possible 1,560 victims because they were unable to locate the relatives of the other victims. In his *Journal d'audience*, Éric Conan noted that the public prosecution did not exercise its option to open a judicial enquiry regarding the 1,488 other victims who did not have any descendants to represent them. As a result, two of the 11 convoys that carried Jews from Bordeaux to Drancy and then Auschwitz – those of 2 February and 7 June – were not considered during the trial. A third convoy, that of 5 June 1944, was also not included in the charges against Papon because after 16 May 1944, Papon was no longer responsible for Jewish Affairs.

Nevertheless, the ensemble of the victims dominated the proceedings, and one of the lawyers for the civil parties, Alain Lévy, said at the outset of the trial, 'Let us not forget that we, the civil parties, we represent 1,560 men, women, children, elderly whose only grave is this trial.' Although technically this was not true, it reflected the desire of the civil parties and the prosecution to commemorate all the victims.

Q. What was the outcome of the trial?

A. The jury determined that Papon was responsible for the illegal arrest of 37 persons and the arbitrary detainment of 53 persons during the round-up and deportation of Jews that occurred when he was secretary-general of the Gironde prefecture from June 1942–August 1944. However, the jury acquitted Papon of the charge of 'complicity of murder'; in other words, it determined that Papon had not acted with the knowledge of the Final Solution. President Castagnède, the presiding judge, sentenced him to ten years in prison.

Papon remained free during the 18 months running up to his appeal in October 1999. Under French law, he was required to report to prison before the start of his appeals hearing. Instead, Papon fled to Switzerland under an assumed name. The High Court of Appeal ruled that Papon had lost his right of appeal in doing so, and the French government immediately issued an international arrest warrant. He was caught

by Swiss police ten days later and extradited back to France, where he immediately began serving his sentence. Over the next three years, President Jacques Chirac rejected several appeals by Papon's lawyers to have Papon released on health grounds.

On 25 July 2002, the European Court of Human Rights ruled that French courts had failed to give Papon fair treatment. A few months later, on 18 September 2002, Papon was released on medical grounds as one of the first to benefit from the new Kouchner law which allowed for the release of prisoners in extremely poor health. The decision to release Papon only 30 months into his sentence caused outrage in France and led to accusations that he had benefited from behind-the-scenes political manoeuvring. Papon's lawyers began working on an appeal for a retrial, but this was rejected by France's highest court on 12 June 2004.

Q. Papon was put on trial for his role in the deportation of Jews during the Occupation. How was the issue of his role in the Algerian War brought up? To what extent was it possible to talk about a trial within a trial?

A. After Maurice Papon presented his *curriculum vitae* to the presiding judge and the jury, witnesses for both the prosecution and the defence were called. One of the witnesses for the civil parties was Jean-Luc Einaudi, author of a book entitled *La Bataille de Paris, 17 Octobre 1961*. Einaudi testified about Papon's career in Algeria, which was part of France at this time, and where a bitter war of independence had been underway since November 1954.

Einaudi then described Papon's role as Prefect of Paris police from 1958 until the end of the Algerian War in 1962. He claimed that Papon had brought the repressive techniques used by the French Army in Algeria to Paris in order to combat the activities of the main Algerian nationalist group, the FLN (Front Libération Nationale). After a three-month period in which 11 police officers were murdered and 17 wounded, Papon ordered a curfew beginning on 5 October 1961 for the Algerian population living in Paris. The FLN Federation of France organized a demonstration against the curfew on the night of 17 October 1961. Algerian men, women and children took to the streets of Paris, where they were violently repressed by members of the Paris police force. Over 11,000 Algerians were arrested and taken to detention centres around Paris. Einaudi and others estimate that between 200 and 300 Algerians were either beaten to death or shot by the Paris police; many were dumped into the River Seine. Neither Papon nor his men were ever investigated or condemned for their actions on 17 October 1961.

In his essay 'Memory's timebombs', the historian Richard J. Golsan has asked if the examination of Papon's actions during this time was necessary to understand his role as secretary-general of the Bordeaux prefecture; after all, Papon was on trial for crimes against humanity committed during the Second World War and not for anything he did during the Algerian War. In this sense, the furore surrounding Papon's actions during the Algerian War became a sort of trial within a trial, though by no means the only one: throughout the six months, various commentators and politicians claimed that Vichy, the Resistance, Gaullism and even History itself were also on trial during the Papon trial.

Q. What does the Papon trial tell us about the memory of Vichy and the memory of the Algerian War in contemporary France?

A. The Papon trial raised many concerns in terms of the memory of Vichy in contemporary France. On the one hand, one can argue that there was some contribution to the 'duty to memory' when the names of the victims were read out in the courtroom and some of their photos were projected on a screen in the courtroom. Some victims who had survived arrest, internment or deportation during the period in question testified about their experiences. However, even this argument leads to questions: as only 4 per cent of the possible victims were represented in this trial, where was the duty to the memory of the other 1,488 victims who did not have any relatives to file a complaint on their behalf? Why did the prosecution not bother to represent them? If all the victims had been represented at the trial, would the jury have pronounced a different verdict?

It is debatable whether the Papon trial brought any new understanding of the Vichy period. While it was ostensibly the trial of one man for crimes against humanity, justice, history, memory and pedagogy were also cited as reasons for holding the trial. For this very reason, several historians refused to testify, convinced that a courtroom is neither the appropriate place to try and answer historical questions nor a classroom from which to teach history; it is uniquely a forum for justice.

The trial had some important results for the memory of the Algerian War in contemporary France. As a result of Jean-Luc Einaudi's testimony, Jean-Pierre Chevènement, the Minister of Interior, ordered an investigation of the archives. The resulting Mandelkern Report was published after the Papon trial and stated that 32 people died on the night of 17 October 1961.

Jean-Luc Einaudi wrote an editorial in *Le Monde* on 20 May 1998 contesting this figure and criticizing both the methodology of the Mandelkern Report and the sources consulted. For instance, many of the archives that could have been consulted had been destroyed, and a report that Papon had prepared for the Minister of the Interior, the Prime Minister and the office of the President, was missing from the archives and thus could not be consulted. Furthermore, the Mandelkern Report failed to examine what happened in the courtyard of the police Prefecture, where some of the worst atrocities were reported at the time. Finally, Papon's name did not appear anywhere in the Mandelkern Report. Einaudi concluded his criticism by declaring that 'on the night of 17 October 1961 there had been a massacre perpetrated by the police forces acting on the orders of Maurice Papon'. It was this statement that led Maurice Papon to sue Jean-Luc Einaudi for defamation of a public servant in February 1999.

In its decision of 26 March 1999 the court recognized the defamatory character of Einaudi's article, but decided that Papon could not claim for damages from Einaudi, who had acted 'in good faith'. The court praised the 'seriousness and quality' of Einaudi's research and stated that the evidence he presented did indeed suggest that the police had acted with violence and brutality in repressing the demonstration on 17 October 1961. This decision by the court was the first legal intervention on the demonstration, and it has led to an increase in public awareness of this aspect of the Algerian War, as well as further research.

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