No Justice, No Republic

June 3, 2021

By Michel Gurfinkiel

First Things

<https://www.firstthings.com/web-exclusives/2021/06/no-justice-no-republic>

The Sarah Halimi case—a brutal anti-Semitic assassination followed by an ongoing denial of justice—may be construed as the “original sin” of the current French centrist administration headed by President Emmanuel Macron.

Sarah Attal Halimi, a 65-year-old Orthodox Jewish retired physician and a mother of three, lived alone in a modest apartment on Vaucouleurs Street, in Paris's 11th arrondissement, a middle- and lower-middle-class neighborhood stretching from Republic Square and Bastille Circle to Nation Circle in the center of the city. On April 4, 2017, she was attacked in the middle of the night, beaten to death, and defenestrated by a 27-year-old Malian Muslim neighbor, Kobili Traore.

The murder took place in between the two ballots of the 2017 presidential election, when Macron was already poised to be the next president but not yet elected; and the ensuing legal and political injustices are not so much a matter of individual guilt as a systemic flaw. The president has been undoubtedly shocked by the murder and subsequent denial of justice, and has attempted to correct it. He was not able, however, to do so effectively, and that may be held against him next year when he will run for reelection.

The 11th arrondissement, once celebrated as a place of social, ethnic, and religious diversity, was turning, at the time Halimi was murdered, into a more sinister place. Some even called it “Paris’s death triangle”—for good reasons.

In January 2006, Ilan Halimi (no relation to Sarah), the 23-year-old Jewish manager of a watchmaking shop in the 11th arrondissement, was kidnapped and tortured to death by the Barbarians, a multiracial gang of thugs led by Youssef Fofana, a second-generation Muslim immigrant from Cote d’Ivoire.

In July 2014, in the wake of the second Israel-Gaza war, pro-Palestinian rioters attempted to take over a synagogue on Rue de la Roquette, in the same area. Large numbers of worshippers, including the chief rabbi of Paris, were exfiltrated under heavy police protection.

In January 2015, two French jihadists stormed the premises of the satirical weekly Charlie Hebdo on Rue Nicolas Appert in the 11th arrondissement. The magazine had published caricatures of the Prophet Mohammed. Using automatic weapons, the jihadists killed 12 people (most of the editorial staff, including two 80-year-old illustrators) and wounded 11 additional people.

In November 2015, the Bataclan Theatre, also in the 11th, was the epicenter of large-scale jihadist attacks, in which 130 people were killed and 430 injured.

More jihad-related or anti-Semitic crimes took place in the area after Sarah Halimi’s murder. In March 2018, another Jewish woman, the 85-year-old Holocaust survivor Mireille Knoll, was stabbed to death and burned at her home on Avenue Philippe-Auguste by young Muslim neighbors.

In September 2020, as the terrorists who decimated Charlie Hebdo were being tried by the Paris Criminal Court, a Pakistani migrant attacked and wounded passers-by with a machete at the weekly’s former premises on Rue Nicolas Appert. Apparently, he was not aware that the publication had moved elsewhere after the 2015 massacre.

For all that, the circumstances of Sarah Halimi’s assassination were quite particular and should have led to a trial much more swiftly than in most other cases. As Halimi’s brother William Attal later explained on the French TV channel LCI, “no murder has been perpetrated in front of so many witnesses.” The beating went on for at least thirty minutes. Many neighbors were awakened by the knocking, the shouting, and the screaming, and were able to identify both the attacker and the victim. Muslim neighbors distinctly heard Kobili Traore chanting Koranic verses, vilifying the helpless woman for being Jewish, and charging her to be a Sheytan (a Satanic creature). No doubt can be entertained about Traore’s murderous intentions and about his deviant religious motivation.

Moreover, the murder took place in front of many police personnel. Diara Traore, a distant relative of the murderer who was living in the same house, called the police. A unit of the Anti-Crime Brigade (BAC) that happened to be patrolling the neighborhood came almost immediately. Reinforcements arrived within minutes. This large police force failed to rescue Sarah Halimi in time: The police were apparently convinced, until she was defenestrated, that she was still alive and that a rash intervention might be fatal to her. Still, they were by the same token additional witnesses in a criminal investigation.

What happened next was all the more surprising. Instead of prompt justice, a process of cover-up and procrastination set in. While the murder was instantly reported by Agence France-Press (AFP) and within the Jewish community, the mainstream media ignored it for two full days and then barely mentioned it for seven weeks. As a result, a protest march on Rue Vaucouleurs initiated by Halimi’s relatives and neighbors attracted only one thousand people, very low numbers considering the nature of the crime.

It took a press conference by Halimi’s lawyers on May 22, 2017, and a collective statement in Le Figaro by seventeen public intellectuals on June 1 for the story to spread to the public. Axel Roux of Le Journal du Dimanche admitted on June 4 that, as a journalist, he was “stunned” by the “minimalist” approach hitherto taken by his profession on this issue. Arnaud Benedetti, an assistant professor at Paris-Sorbonne University, wondered on June 6 in Le Figaro how “the dominant media” had determined that the Halimi case was not worth their attention.

The judicial investigation and prosecution was equally troubling. Kobili Traore was not sent to jail on a preventive basis, which is almost automatically the rule in France for all manner of crimes, but rather to psychiatric hospitals. On April 7, François Molins, the public prosecutor in charge of the case, declined “for the time being” to characterize it as “anti-Semitic.” On July 11, investigative judge Anne Ihuelu charged Traore with murder and kidnapping but noted that he claimed to have acted under the influence of cannabis taken the previous day and of “Satanic forces.”

Psychiatric experts were consulted over and over again, as if the prosecuting judiciary would not be content with anything less than an exonerating opinion, which they finally obtained: The use of a substance, the experts conceded, might have “momentarily” altered Traore’s mental perceptions, thus rendering him unaccountable in court. By contrast, the fact that Traore had spent the same preceding day praying at a local salafist mosque was not taken into consideration. Likewise, no crime reconstruction—again, a quasi-automatic practice in France—was done.

The Halimi family’s lawyers were bewildered, and so was President Macron, who demanded “full justice” on July 16, 2017, and later. In spite of claims to the contrary, the French judiciary has frequently been accused of being subservient toward the executive. In this case it overplayed its independence: The issue was submitted to an Indictment Chamber that both conceded that Traore had anti-Semitic motivations and determined that he was not legally accountable—some of the most convoluted legal reasoning ever heard of. The family’s lawyers applied to the nation’s court of last resort, the Cour de Cassation. On April 14, 2021, this court upheld the Indictment Chamber’s decision as technically valid.

This time, the uproar reached unprecedented heights. Many legal experts disavowed the High Court’s decision as inconsistent with well-established jurisprudence regarding the use of alcohol or substances as an aggravating circumstance rather than as an alleviating one. Many politicians and public intellectuals observed that any admission that a substance-induced “momentary mental lapse” rendered a murderer unaccountable amounted to a blank check for murder.

Macron vented his dismay. Considering that the Cour de Cassation’s ruling is final and cannot be reversed, he ordered Eric Dupond-Moretti, the minister of justice, to draft a new law that would preclude a similar situation in the future. Francis Szpiner (one of the Halimi family’s lawyers and a conservative deputy mayor of Paris for the 16th arrondissement) and Gilles William Goldnadel (another lawyer of the family and an eloquent public intellectual) retorted that they would rather apply to an Israeli court in order to keep the file open.

On April 25, 2021, more than 20,000 people demonstrated at the majestic Rights of Man Plaza in Paris, in front of the Eiffel Tower, at Szpiner's call. The socialist mayor of Paris, Anne Hidalgo, and the conservative president of the Greater Paris Region, Valérie Pécresse, attended as well. More than 10,000 additional protesters demonstrated in several other major cities—a far cry from the aborted march on Rue Vaucouleurs in 2017.

One motto of the protest was “No Justice? No Republic!” While Sarah Halimi's tragic fate is eliciting much grief and compassion, and while concern about anti-Semitic crimes is very real, the emphasis has been shifting—precisely because of the inept prosecution—to the broader issue of a failing judicial system that is closely linked, in turn, to a decline in governance.

The French used to be extremely proud of their public administration—arguably one of the most comprehensive, efficient, and honest in the world—as well as of their police force and their judiciary. But over the past four decades, they have perceived a steep decline in these institutions. The decline is the result of various factors, including the transfer of governmental jurisdictions to either poorly organized local powers or to the European Union; the advent of the euro and its corollary, budget cuts; mass immigration; the decay of public education; and the descent into a post-industrial, two-tiered society.

The breakdown of public safety, as witnessed in Paris’s 11th arrondissement and in many other places, or more recently by a returning wave of jihadist-inspired assassinations, has been more deeply resented than anything else. However, the French people do not blame the police, who on the whole bravely stick to older standards, but rather a politicized judiciary. The extent to which the French magistracy has succumbed to woke ideologies was disclosed in 2013, when a French TV journalist found a “Wall of Bums” displayed at the main judiciary union’s headquarters. This was a list of “bums,” or citizens demanding justice for themselves or their relatives in cases that the union deemed to be “politically incorrect.” As a matter of fact, many of the offenders or criminals now arrested by the police are released by the prosecutors or the courts on such pretexts as age, inconclusive evidence, or “ethical” leniency.

Political correctness may have been no less crucial in the Sarah Halimi case. As noted earlier, the murder took place in between the presidential election’s two ballots. While Macron stood well ahead of his only challenger, the far-right leader Marine Le Pen, in every opinion poll, some people, unbeknownst to Macron, may have been afraid that the brutal assassination of an elderly Jewish lady by a young African Muslim would vindicate Le Pen's anti-immigration platform. Hence, perhaps, a move to sweep the news under the carpet, at least until the second ballot.

This media manipulation may have subsequently comforted the judiciary in their wokeish prejudice and inspired them to shelter Traore from the full consequences of his act. Then, by an all-too-natural process, the more that public opinion—or the head of state, for that matter—insisted on justice, the more the judiciary fought back. Until justice was entirely denied.

The due process of justice means that innocents should be protected against arbitrary charges and that everything should be done to avert judicial errors or unfair sentences. However, it means also that criminals should be eventually punished. Short of that, growing numbers of citizens may be induced to think that there is no Republic and no government anymore. Shortly after the Cour de Cassation issued its highly contested final decision on the Sarah Halimi case, a number of retired generals published a petition asking the president and the government to restore order, law, and patriotic values. According to a Harris Interactive/LCI poll, it was approved by 58 percent of the French.