

Charge is 'Crimes against humanity'

French Nazi collaborator Touvier to be tried

PARIS (Reuters) - France's Supreme Court has ruled that Paul Touvier, a notorious World War II Nazi collaborator, could be tried for crimes against humanity.

The ruling, made after a two-day appeal hearing, was a partial reversal of a lower court ruling last April which dismissed charges against Touvier and sparked public outrage.

"I am relieved. It means the Touvier affair can be resumed," said Nazi-hunter Serge Klarsfeld.

Touvier, 77, was an intelligence officer in the paramilitary "Milice" which assisted the Nazis during the 1940-44 occupation of France. He could now become the first Frenchman to face trial for crimes against humanity.

Jewish groups, war veterans and members of the government were angered and surprised by the April ruling which they saw as a whitewash of the Vichy regime, which collaborated with German forces during the occupation.

The Supreme Court said the case of Touvier's involvement in the execution of seven Jewish hostages at Rilleux-le-Pape near Lyon in 1944 could now be sent to a Versailles court for a new charge sheet to be drawn up.

The lower court had upheld the charge on the case of the hostage execution, but had ruled it was a

war crime, meaning it could no longer be tried.

The Supreme Court ruled the case could be a crime against humanity, on the grounds Touvier acted as an accomplice of Germany's Gestapo.

Under French law, only crimes against humanity may be tried without a time limit.

But the Supreme Court only partially reversed the lower court verdict. It also did not address the nature of the Vichy regime in its ruling.

This was at the heart of outraged reaction in April. Some representatives of bereaved families were disappointed.

"The ruling does not address the issue of the ideological policies (of systematic persecution) of Vichy," said a lawyer for families.

The Supreme Court based its judgement on what the state prosecutor had called the failure of the lower court to investigate Touvier's role as a Gestapo accomplice.

When it described Touvier's role in the Rilleux-le-Pape execution as a war crime, rather than as a crime against humanity, the lower court used the notion that the Vichy regime was not a totalitarian regime with an ideology of persecution.

Klarsfeld said he was saddened that the Supreme Court had not reversed this version of history.