

Ruling in Nazi Collaborator's Favor Angers French

By Alan Riding

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PARIS — French politicians, newspapers, human rights groups and a chorus of other voices expressed outrage Tuesday over a Paris court's decision to drop charges of crimes against humanity in the case of a Frenchman accused of killing Jews in Nazi-occupied France in World War II.

The decision is to be challenged before the Supreme Court of Appeal. It was denounced as new evidence of the judiciary's reluctance to condemn French citizens for war crimes against Jews even though it has been willing to condemn Germans for similar crimes against French nationals.

The lower appeals court ruled that there was no case to support charges of crimes against humanity in the case of Paul Touvier, 77, a former pro-Nazi militia leader, on the grounds that his execution of seven Jewish hostages in June 1944 did not constitute a crime against humanity.

But the angry reaction Tuesday to the ruling also suggested that, 48 years after the Allied liberation of France, French society is readier than before to confront the reality of extensive French collaboration with Nazi Germany's campaign to eliminate the Jews.

The French legislature suspended its session Tuesday afternoon to permit deputies to attend a memorial service for Mr. Touvier's vic-

tims organized by the Representative Council of Jewish Institutions at the Monument to Deportation on the Ile de la Cite.

Prime Minister Pierre Berégovoy was described by a spokesman as upset by the court's decision. Politicians of other parties demanded that the ruling be reversed.

On a trip to Turkey, President Francois Mitterrand said, "I will only say this has surprised me, too, and that's an understatement." He promised further commentary after he returned to Paris.

The appeals court stirred further indignation Tuesday by clearing the collaborationist Vichy govern-

ment of any crimes against humanity because it had no policy of "ideological hegemony."

It was never a secret that about 76,000 French Jews, including 11,000 children, were deported to German death camps. Of these, only 2,500 survived. But it was only in the 1980s that the French public became aware that along with the Gestapo, the French police and other officials also killed Jews and organized deportations.

Since then, led by the lawyer and Nazi hunter Serge Klarsfeld, the campaign against French war criminals has focused on Mr. Touvier and two 82-year-old war-time po-

lice officials, Maurice Papon and Rene Bousquet.

Mr. Touvier, accused of killing a Lyon human rights leader as well as the seven Jews, was arrested in 1989 at a French monastery in which he had been hiding since the war. He was charged with crimes against humanity, a charge not covered by a pardon he received in 1971. He was released from jail last year on grounds of ill health.

Mr. Papon, a wartime police official in Bordeaux, enjoyed a prominent postwar political career, serving as Paris police chief in the 1960s and budget minister in the early 1970s. In 1982, he was charged with

crimes against humanity for having ordered the deportation of 1,600 Jews from Bordeaux.

Mr. Bousquet, secretary-general of police in the Vichy government spent some time in jail after the war, but he then prospered as a banker. In 1989, he was accused of crimes against humanity for having organized roundups of Jews for deportation.

On Tuesday, in the first move in either case in many months, a court in Bordeaux said it would open an investigation of Mr. Papon and Mr. Bousquet for crimes against humanity.