

Prosecutor

Prosecutor -Procureur de la République.

Justice is as elusive and a Mirage in France.

Nacht & Nebel operations and its mutations.

At the time of elections, there are flower gardens and there are tube-wells pumping water to the thirsty even in the desert. But as soon as the election season is over, the rented tube-wells get unplugged by the rental agencies, and what looked like rose bush earlier are stored for recycling-for these were ever fresh plastic flowers.

Corruption and Justice in France-The Third World at First World prices.

France's inquisitorial system is very different from the English accusatory one, and some French examining magistrates say that it protects those in power.

When a crime is suspected, no investigation may begin without the written consent of a prosecutor. If he decides there will be an investigation, he appoints an examining magistrate. The French examining magistrate has nothing in common with the English magistrate (an unpaid justice of the peace who ensures the proper functioning of the law at its primary level). The French magistrate is a legally trained "detective" with enormous power. He or she can summon anyone in the land, except the president, and keep a suspect in prison for months without trial. (It was revelations about the state of the French prisons experienced by members of the elite awaiting trial in the late 1990s that helped to tip public opinion against the magistrates.) The constitution demands that the examining magistrate be independent. But the person who gives the magistrate his cases, the prosecutor, is not independent.

When opening an investigation, the prosecutor defines its parameters and the examining magistrate must not go beyond them.

Prosecutors' career depends on maintaining a good relationship with his superiors in the ministry of justice.

If he gets the feeling that the ministry would prefer a particular case not to come to court, he can split it into two or more components, allocating each to a separate magistrate, possibly in different parts of the country.

According to Renaud van Ruymbeke, one of France's most experienced magistrates, this saucisssonnage is the reason we never hear of some very important cases.

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If, during an investigation into a false invoice for €10,000, the magistrate discovers other invoices, he can't look into them, seize evidence or interview suspects without further permission from the prosecutor. In a politically sensitive case, his request will almost certainly be taken to the justice minister, who can sit on it for a few weeks and then simply refuse it.

At no time is anyone obliged to say why they have made a particular decision.

While waiting, the suspect has time to destroy evidence, move his money and even flee the country. Joly used to get round this by taking a portable fax machine with her on searches. If she found evidence of other crimes, she would fax details to the prosecutor for approval, with the added advantage that the evidence was recorded.

But the magistrate's dependence on the prosecutor means that politicians retain a big influence over investigations.

(www.lexpress.fr L'Express of 10-12 October 2007 states that according to Commissaire Geoffroy Fougret, author of *Fraude Connections*, "when complaints of fraud in Social Security were reported to France's Prosecutor, he did not want to proceed.")