

Outreau puts French justice in question

By Alexandra Fouché
BBC News Online

One of France's highest-profile sex abuse case in years has ended with guilty verdicts against 10 people, but with accusations of an even wider paedophile ring not proved.

Thierry and Myriam Delay (also known as Myriam Badaoui) have been found guilty of abusing their own four children and getting their relations and neighbours on a French housing estate involved, sometimes abusing their children.

A wide range of local people were implicated by the Delays, as well as by the other couple at the centre of the case, their next-door neighbour David Delplanque and his partner Aurelie Grenon, and the children involved.

The Delays, Delplanque and Grenon had confessed to raping the Delay couple's four children in Outreau, northern France from 1995 until 2000, when social services raised the alarm.

The court also sentenced a local priest, Dominique Wiel, and another man to prison for rape, and found four others guilty of abusing, but not raping, children. All six had pleaded innocent.

Seven other people were acquitted, despite Delay-Badaoui telling the court in May that she had falsely accused 13 of those on trial - all except the two couples - of involvement in a paedophilia ring.

Most of the accused had been placed in jail while awaiting trial. Many lost their jobs and their children were taken into foster care.

One of the accused committed suicide in prison before the case came to trial.

Sacred word

The case was based in large part on the accusations of the 18 children who said they had been abused.

Social workers and school teachers initially noticed strange sexual behaviour from Myriam Delay's four children.

There are areas which are almost sacred like paedophilia and terrorism where there is no room for the presumption of innocence

Delou Bouvier
Former investigative judge

Psychologists later found them to be credible witnesses, and while doctors could find no evidence of sex abuse, the allegations of the Delay children were later corroborated by their mother.

But during the trial, the children's accusations unravelled as being inconsistent.

A debate in the media ensued over whether too much importance had been given to their accounts.

Liberation at the time commented: "After long denying that children could have their say in such cases, our society now regards their word as gospel, even if everything in their testimonies seems implausible."

The psychology experts had to appear in court to explain their methods and one was dismissed halfway through the trial having been deemed not impartial enough.

Given the high profile cases of child abuse such as this one and the case of Marc Dutroux in Belgium receive, it is often the case that the word of the children involved is not put in question, commentators say.

"There are areas which are almost sacred, like paedophilia and terrorism, where there is no room for the presumption of innocence," Delou Bouvier, a former investigative judge, told AFP news agency.

This is something that in light of this case is very likely to be re-assessed in France.

"The word of the victim is not synonymous with truth. While taking into account his/her moral and physical prejudice, one probably has not to take his/her word as gospel. By the same token, an expert is not there to judge," says Claude Choquet, president of the association of investigative magistrates.

Flawed justice?

The other big question in the case is how it could have got to the point of trial without checks on the veracity of the accusations.

Justice Minister Dominique Perben has said he was ready to draw the necessary conclusions "in terms of organisation and perhaps means" as soon as the case was over.

Defence lawyers and newspapers said the investigation and trial had exposed the limits of the French system of judicial investigation.

Fingers have been pointing at the young investigative judge in the case who had no experience of such complex cases.

But others argue these magistrates need to be given more means with which to do their jobs, which is to investigate the evidence both for and against the accused.

They normally work alone and have no-one with whom to share the heavy workload in small tribunals, which are generally not equipped to deal with more important cases.

Members of judges' unions are also asking for the decision of placing someone in detention to be taken by more than one judge, and for such decisions to be made only in exceptional circumstances.

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