

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHRISTIAN DAVID,)	
)	
Petitioner,)	
)	
v.)	Civil No. 84-3543
)	
U.S. SECRETARY OF STATE,)	
)	
Respondent.)	

MEMORANDUM OF EXPLANATION

Before retaining counsel, Petitioner filed a Petition for a Writ of Habeas Corpus. The Petitioner, who is not familiar with the English language, composed the Petition with the assistance of another prisoner at Leavenworth. Subsequently, Petitioner has attempted to supplement his Petition, but the pleading has not been accepted by the Clerk.

Counsel has met with Petitioner and extracted from him considerable material which should have been contained in the Petition. Counsel has also discovered several arguments unknown to Petitioner.

Under these circumstances, counsel asks the Court's permission to file an amended and consolidated Petition on Petitioner's behalf.

Respectfully submitted,



BERNARD FENSTERWALD, JR.
Fensterwald, Alcorn & Bowman, P.C.
1000 Wilson Boulevard, Suite 900
Arlington, Virginia 22209
703-276-9297

December 20, 1984

Fensterwald, Alcorn & Bowman, P.C.
1000 Wilson Boulevard, Suite 900
Arlington, VA 22209

Gentlemen:

This will authorize you to represent me generally in legal matters relative to my exit from the United States at the completion of my prison term. It is my most earnest desire not to be extradited to France, where, in my opinion, I will not be permitted to live long enough to stand trial for a crime which I did not commit.

With gratitude, I am

Sincerely yours,

Christian DAVID

Christian David

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CHRISTIAN DAVID, :
PETITIONER, :
vs. : Civil No. 84-3543
U.S. SECRETARY OF STATE, :
RESPONDENT. :

CONSOLIDATED PETITION FOR HABEAS CORPUS RELIEF

BACKGROUND

David was indicted on drug charges in New York on October 5, 1972. He was arrested in Brazil on October 16th and shipped in irons to New York on November 16th. On November 31, 1972, David plead guilty to one narcotics count and was sentenced to twenty years. He is due to be released in January, 1985.

Since 1972, the French Government has sought David's extradition, first from Brazil and then from the United States. For a number of reasons (outlined below), David does not believe that he can now be legally extradited to France.

Petitioner David seeks habeas corpus relief, and relief pursuant to 28 USC 1361 (Haudamus), 1631 (All Writs), and 2201 (Declaratory Relief), in order to prevent his extradition to France by the respondent Secretary of State.

David claims herein that his impending extradition to France would violate in a number of respects the Convention of January 6, 1909 Between the United States of America and France ("1909 Convention") as supplemented by the Convention ("1970 Supplement") signed at Paris on February 12, 1970; The Convention of January 13, 1961, Between the United States and Brazil (as supplemented in 1964 (15 UST 2094), and due process of law.

ARTICLE I OF U.S.-FRENCH TREATY

Article I of the Treaty states that extradition shall apply to persons who "shall seek asylum or be found within the territories of the other." Despite a judicial finding to the contrary (Order of Judge Foreman, July 21, 1976, attached as Exhibit 1 hereto), it is David's contention that factually he neither sought asylum in the United States or is "found" here today within the meaning of the Treaty. For the Treaty to be applicable, the person must be in the rendering State voluntarily. If he is brought here drugged and in irons, he is not "found" here in the sense of the Treaty. Hence, the U.S.-French Extradition Treaty is not applicable to David.

(Parenthetically, it should also be noted that, if David had been extradited from Brazil to France and now the United States sought his re-extradition, the French would be under no obligation to surrender him (see Article V of the U.S.-French Treaty as amended). Therefore, the United States

should consider itself under no strong obligation to surrender David to France.)

ARTICLE III OF U.S.-FRENCH TREATY

Under Article III of the U.S.-French Extradition Treaty, extradition shall be carried out in conformity with the laws of the State on which the demand is made. One such law in the United States is 18 USCS 3134 which requires a showing of what amounts to "probable cause" that the person committed the crime charged.

France is seeking extradition of David for having murdered a police commissioner in France in 1966. David claims that he could not have committed the crime as he was in South America at the time. If necessary, David is prepared to prove this through his own testimony and that of several other persons.

ARTICLE IV OF THE U.S.-FRENCH TREATY

Article IV of the 1970 Supplementary Convention, as amended by Article VI of the 1909 Convention, reads as follows:

Extradition shall not be granted in any of the following circumstances:

* * *

3. When the person claimed has, according to the law of either the requesting or the requested Party, become immune by the reason of lapse of time from prosecution or punishment.

David claims that the statute of limitations in France has lapsed on the charge France seeks him for, and he can no longer be tried or punished for the crime for which the warrant is issued.

In a hearing on a related matter on February 26, 1975, in the District Court for the Eastern District of Illinois, the Assistant United States Attorney, Mr. William C. Evers, III, informed the court that the statute of limitations in France for the charges stated in the warrant for David was "ten years." See attached copy of 2-28-75 transcript, Exhibit 2. David accepts the government's statement and proffers it to this court as evidence of the existence of a ten-year limitations for prosecution in France. Consequently, extradition at this time would violate the treaty between France and the United States.

ARTICLE VI OF THE U.S.-FRENCH TREATY

Paragraph 4 of Article VI of the U.S.-French Extradition Treaty, as amended, reads as follows:

Extradition shall not be granted in any of the following circumstances.

4. If the offense for which the individual's extradition is requested is of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try to punish him for an offense of a political character. If any question arises as to whether a case comes within the provisions of this subparagraph, the authorities of the Government on which the requisition is made shall decide.

David claims that the demand for his surrender has been made "with a view to try or punish him for (offenses) of a political character." namely, the alleged murder of Ben Barka, a Moroccan Communist leader in 1965, and also for his alleged connection with the SDECE, and with SAC, a political activist arm of a former French Government. At this time, however, and in the present extradition request, France is fraudulently claiming that they seek David for the 1966 murder of a Paris police commissioner.

In a complaint filed on January 23, 1974 in the United States District Court for the Eastern District of Illinois (now the Southern District of Illinois), the United States, acting on behalf of the French Government, sought to have

David's extradition certified to the Secretary of State pursuant to 18 USC 3184. In subsequent proceedings the court ultimately certified David as extraditable. See In re the Extradition of Christian Jacques David, 395 F.Supp. 803 (E.D. ILL 1975) (also see 390 F.Supp. 521; affirmed David v. Attorney General of United States, 699 F.2d 411 (7th Cir. 1983), cert. denied 104 S.Ct. 113 (1983)).

David raised numerous claims in defense to the above extradition. But the district court never heard any evidence as to the political nature of the offenses France really wanted David for, and thus a full and fair hearing was never had in the matter. The reason the matter was not heard was chiefly because David did not then possess ready evidence of the political nature of the extradition request, and because he does not speak or read English and thus did not thoroughly understand the nature of the proceedings then taking place. Thus no court has ever heard evidence as to the political nature of the extradition requested by France. At this time, David is prepared to offer evidence in support of his claim.

In their January 23, 1974 complaint, the governments of France and the United States claimed that David had been legally charged in France with having committed willful homicide in the shooting of one Commissioner Galibert, and in the attempted willful homicide of a second policeman, one Cibault. This, they claim, is the reason David's extradition is requested.

As will be shown infra, France does not want David's

extradition for the abovementioned charges, but rather for certain alleged political offenses.

To understand the nature of David's claims, a history must be given on the state of French politics in the recent past, and David's alleged connection therewith. An independent study of the relevant politics was conducted by the staff and editors of Newsday, and made public in a 32-part report which ran in Newsday from February 1 to March 4, 1973. This series of reports won the 1974 Pulitzer Prize, and was later published in book form. See THE HEROIN TRAIL, New American Library, 1974. It will be from this book that David will quote extensively. However, this is only for convenience: David is prepared to offer additional evidence and testimony from diverse sources to support his claim that France actually seeks his extradition because of political offenses.

1. The SDECE.

The SDECE (Service de Documentation Exterieur et du Contre-Espionage) is the French version of the American CIA. Within its departments it had set up a "special action section, dubbed the "barbouzes" (bearded ones) that was composed of a counterterrorist pack of killers." THE HEROIN TRAIL at p. 85. Those in charge of SDECE operations had two priorities: "first, to eliminate the OAS (Secret Army Organization, a right-wing group operating in Algeria in the 1950s) and prevent a revolution sympathetic to them at home;

second, to direct CIA type operations in Africa to assure that governments sympathetic to French economical and political domination remained in power." Id. at 86.

"David (was) recruited from the underworld between 1959 and 1964 to serve as a SDECE counter-terrorist against OAS, which opposed De Gaulle's plans for Algerian independence." Id. at 110. "The war between De Gaulle and the OAS was a dirty one. Many things were done by both the "barbouzes" and the SAC (see infra) that no one in the French government mentions now." Id. at 85. It is claimed that David was a hired assassin for the SDECE. Id. at 122. He had been recruited into the SDECE anti-terrorist operation in Oran by a one Lemarchand. Id. at 124. "For nearly two years he traveled to various African countries on small missions." Ibid.

2. SAC.

SAC (Service d'Action Civique) is what is called in France "parallel police." Their function was to provide bodyguards for officials and candidates of De Gaulle's political UDR party. Id. at 85. They were once described as "the shock troops of the Gaullists, particularly their majority party, the Union Pour la Defense de la Republique (UDR). They are the bodyguards of Gaullist candidates, the musclemen who keep order at rallies, who organize the rallies, who tear down opposition posters, and who, occasionally, kill." Id. at 129. SAC, as a reformed

militant member put it, "was anti-Communist. SAC was violently anti-Communist, we were always looking for Communists to beat-up." Id. at 132.

At the time of the publication of THE HEROIN TRAIL, the authors claimed that David was still a member of SAC. Id. at 130. The authors also claim that at David's December 1, 1972 sentencing before United States District Judge Jacob Mishler in Brooklyn, New York, David told the court: "At the beginning of 1961, through somebody who was well connected in the political field -- through this person -- I was allowed to get out of prison to enter an organization known as SAC." Id. at 134.

(Of course, it is relevant here to note that a Socialist party now heads the French Government. Many Communists and Communist sympathizers are thus entrenched in the bureaucracy of that government. In that respect, these are some of the people who suffered under the hand of SAC and the "barbouzes" of the SDECE.)

3. The Ben Barka Affair.

In 1965, French influence was strong in Morocco through the king's advisor and strongman, Gen. Oufkir. But Oufkir feared the growing influence of Mehdi Ben Barka, the opposition leader, who maintained an apartment in Geneva. Oufkir wanted Ben Barka scared or eliminated. This wish was

conveyed to SDECE.

* * *

(A)s later testimony at a 1966 trial of two French narcotics policemen showed, a good deal of action was carried out by several of (Attia's, a SDECE underworld operative) lieutenants * * * They enticed Ben Barka to Paris, using false identification supplied by SDECE, with the story that they wanted to make a motion picture of his life. He was placed under 'arrest' by the two members of the French police narcotics squad, who then turned him over to the Attia crew. While questioning him in a private home, they killed him, according to testimony at the same trial. The body was never found.

(A)t the trial, the name of one man who wasn't even a defendant was threaded through the testimony. The man was Lemarchand, a former French deputy and the SDECE commander in Algeria. A series of witnesses detailed how Lemarchand had arranged the kidnapping on behalf of SDECE. The witnesses said that Lemarchand had told them that the plot had 'government approval.' Id. at 124-25.

Ben Barka, of course, was the Communist leader in Morocco. Lemarchand, on the other hand, was allegedly the person who recruited David into the SDECE. See supra, p. 4. Later it was claimed that David admitted under torture by Brazilian authorities that he had been paid \$150,000 to bury Barka's body. The money was paid by Gen. Oufkir of Morocco, the king's right-hand man. Id. at 125-26.

The Socialist French Government and the Communist groups believe that David was part of the Ben Barka affair. A so-called "Ben Barka memorial" group wrote to David in 1975 seeking information as to the whereabouts of Ben Barka's body. See 2-20-75 letter of Daniel Guerin attached hereto as Exhibit 3.

Also attached hereto is a 8-5-76 letter from Henrik Kruger, a Danish author. (A free translation of the letter is attached hereto as Exhibit 4.) Kruger, inter alia, intimates that he is aware that David was involved in the political assassination of Ben Barka, and had also infiltrated the Communist "Tupamaros, etc." in South America -- and it is claimed in other papers that David informed on this Communist organization. See e.g. THE HEROIN TRAIL, p. 155 (David worked for the French secret service, under whose orders he assassinated African Communist leaders and identified several Tupamaro guerrillas).

Kruger also stated in his letter that David was in danger for his SDECE/SAC activities if he were to be returned to France. The author stated that he "received that concrete

impression when (he) was in Paris last week, and spoke with several different persons." David has subsequently learned that the "different persons" to whom Kruger spoke were high French government officials.

In that respect, David claims that his French attorney is now in the possession of dozens of affidavits pertaining to the fact that French-Socialist authorities actually seek David's extradition for the political offenses (referred to above) committed against Communist leaders and groups in France and around the world.

In summary, in the 1960s David worked extensively for SDECE and SAC, first in anti-OAS activities and then generally throughout the world. He was highly trained in both terrorist and anti-terrorist work. He "terminated with extreme prejudice" a large number of France's enemies or purported enemies. He participated in both the Deu Sarka and Argoud Affaires, both of which were of a highly political nature. The majority of these "political crimes" were against left-wing targets, ranging from "liberal" to Communist. And now that Socialist President Mitterand is in power, there is a perfectly natural desire to avenge these past "political crimes." It is for this reason, not the alleged killing of a policeman, that France now seeks David's extradition. Therefore, under the terms of the Treaty, David should not be extradited to France.

DUE PROCESS

Although aliens subject to extradition are not entitled to every protection of Constitutional due process, neither are they deprived of all such protection.

David claims that his extradition to France at this time, would violate several of the most basic protections of due process.

1. No valid arrest warrant.

The warrant for which France seeks David was executed first on February 16, 1966. See attached warrant as Exhibit 5. According to French law, it can be renewed one time for ten years. This was accomplished on July 17, 1973. See endorsement, ibid. Ten years from that date the warrant is void. To turn David over to French authorities who neither have nor can obtain a valid warrant for his arrest would deprive him of one of due process' basic tenets and would be a travesty of justice.

2. Brazilian-U.S. Extradition Treaty. ✓

Under Article XXI of the Brazilian-U.S. Extradition Treaty, a person may not "be extradited by the requesting State to a third country which claims him, unless the surrendering State so agrees or unless the person extradited, having been set at liberty within the requesting State, remains voluntarily in the requesting State for more than 30

days from the date on which he was released. . . ."

To our knowledge, the rendering State in David's case, i.e., Brazil, has not agreed that David should be extradited to France, and it does not seem likely that it would do so. Thus, had David been technically extradited from Brazil, he would have 30 days after release from prison in which to exit the United States to a place of his choice.

Although the U.S. Government disputes it, David's departure from Brazil to the United States amounted to extradition in everything but name. On October 10, 1972, five days after he was indicted in the United States, the State Department instructed our embassy in Brazil to seek David's "provisional arrest for extradition under Article VIII of U.S.-Brazil Extradition Treaty signed at Rio on January 31, 1961 -- there exist and will be forthcoming the supporting documents described in Article IX of the Treaty." The United States even told the Brazilian authorities where they should be able to arrest David. (Department of State telegram of October 10, 1972, appended hereto as Exhibit 6.) After the arrest was made on October 18th, the Department of Justice sent the Department of State the requisite "extradition documents." (DOJ letter of Oct. 20, 1972, appended hereto as Exhibit 7.) On October 27th, the Department of State told our Embassy that the extradition documents were being translated into Portuguese. (See Exhibit 8, Dept. of State telegram.) A Department of State telegram of November 2nd indicates that France may also be

seeking David's extradition. (See Exhibit 9.) And on November 4th, Brazilian authorities acknowledged the U.S. request for extradition. (See Exhibit 10.)

Meanwhile, David was being tortured and half-starved by Brazilian authorities and, according to David, this was done with the knowledge of U.S. agents on the scene.

Eventually, on November 16th, the Brazilian Minister of Justice, Alfredo Buzaid, decided to substitute deportation for extradition in order to save time. According to the New York Times of November 18th, the Minister is quoted as saying that deportation was substituted for extradition "because it involved a simple legal procedure. He explained that extradition proceedings would take more time." (See Exhibit 11.)

David was taken from prison, handcuffed, and put aboard a non-stop plane bound for New York. Both before and during the trip he was given injections of drugs by Brazilian and/or U.S. guards. (See Exhibit 12, Department of State telegram of Nov. 24, 1972.)

Although technically this was called deportation, it amounted to constructive extradition. He had been arrested at the request of the United States which was preparing documentation for his extradition. He was forcefully sent to the United States against his will, and to stand trial in New York on an indictment which had been handed down previously. It was the same as extradition, except that he had been denied the procedural protections outlined in the Treaty.

Under the Treaty, had he been extradited legally, he would now be entitled to 30 days in which to exit the United States. Having been tortured, handcuffed, drugged and placed on a non-stop plane, he should not be entitled to fewer rights than had he been legally extradited. When he is freed from Leavenworth, he should get his 30 days in which to find a haven.

3. Toscanino Doctrine.

In 1974, the Second Circuit Court of Appeals decided the Toscanino case (500 F.2d 267). The circumstances of the case are very reminiscent of David's case. Toscanino, an Italian citizen, was wanted by the United States on drug charges. He was found in Uruguay, kidnapped and taken to Brazil, held and tortured by Brazilian authorities, drugged and sent non-stop to the United States for trial. In a precedent-setting opinion, the Second Circuit said:

. . . when an accused is kidnapped and forcibly brought within the jurisdiction, the court's acquisition of power over his person represents the fruits of the government's exploitation of its own misconduct. Having unlawfully seized the defendant in violation of the Fourth Amendment, which guarantees "the right of the people to be secure in their

persons . . . against unreasonable . . .
seizures," the government should as a
matter of fundamental fairness be
obligated to return him to his status
quo ante.

* * *

. . . We view due process as now requiring
a court to divest itself of jurisdiction
over the person of a defendant where it
has been acquired as the result of the
government's deliberate unnecessary and
unreasonable invasion of the accused's
constitutional rights. This conclusion
represents but an extension of the well-
recognized power of federal courts in the
civil context to decline to exercise
jurisdiction over a defendant whose
presence has been secured by force or
fraud. U.S. v. Toscanino, 500 F.2d 267
at 275 (1974)

If the Toscanino opinion had been on the books in 1972
when David was also kidnapped, tortured, and forcibly
returned to the United States, it is obvious that, rather
than plead guilty, he would have challenged the jurisdiction
of the Court. That is water over the dam, he was brought
back in 1972. Yet, having served twelve years in prison,

David should now be returned to his status quo ante.

Conversely, if David is forcefully sent to France, a second government will be able to exploit the illegal kidnapping from Brazil. It is possible that today David would not have to serve one prison term if tortured and brought illegally to the United States; certainly, he should not be forced to serve a second in France . . . if he lives long enough to come to trial (see below).

4. Humanitarian Considerations.

It is further claimed by David that it is dubious at best that he will be allowed to show his innocence in the alleged "official" charge now being used in the extradition request. Since it is merely a "sham" charge, its purpose is only to obtain the custody of David, whereupon he believes he will be murdered by Communist agents in a French prison while awaiting trial. David can also offer testimony to support this claim.

Furthermore, attached to this Petition (as Exhibit 13) are articles from France's leading newspaper relating what happened to the last man who the United States allowed to be extradited to France under the disguise of a non-political murder charge. Jean-Marc Leccia was arrested in Florida and taken to France on December 31, 1983. He was charged in France with the murder of Guy Orsini, an alleged leader of the FLNC, the Corsican separatist movement. Fearing that Leccia would be freed and escape retribution, members of the

FLNC in June, 1984, allegedly disguised as police, made their way into the prison holding Leccia and machine-gunned him to death in his cell. David has substantial and reliable information that the same type of fate awaits him in France. Witnesses are available who could so testify.

5. Equitable Considerations.

David is the last of the 1972 "Brazilian Connection" to remain in a U.S. jail. He has served more time -- twelve years -- than any other. For example, Auguste Ricord, the head of the group, served only ten years of a thirty-year sentence and has been permitted to return to Paraguay. As a matter of equity, David believes that he should be permitted to go to the country of his choice after release from prison.

SUMMARY OF DAVID'S CLAIMS

David claims that his extradition to France at this time would:

1. be a violation of Article I of the U.S.-French Treaty because he did not "seek asylum" in the United States;
2. be a violation of Article III of the U.S.-French Treaty because he was not in France when the murder for which he is charged was committed;
3. be a violation of Article IV of the U.S.-French Treaty because the French statute of limitations has run;

4. be a violation of Article VI of the U.S.-French Treaty because he is sought in an effort to punish him for several political crimes;

5. be a violation of due process in that there is no valid French warrant for his arrest;

6. be a violation of the Brazilian-U.S. Treaty which provides 30 days for him to exit the United States;

7. be a violation of the Toscanino doctrine;

8. be an unhumanitarian act, in that he might well not live to go to trial in France.

CONCLUSION

David prays that the Court will bar and/or enjoin the Secretary of State from extraditing him to France under any conditions, and that he be allowed to travel to the country of his choice upon his release from federal custody. David further prays the Court to grant him any additional relief that to the Court seems just and proper.

Dated this 9th day of January, 1985.



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703-276-9297
Counsel for Petitioner

EXHIBIT 1

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF ILLINOIS

CHRISTIAN JACQUES DAVID
Plaintiff,

JUL 21 1976
FILED
J. P. Crill, Clerk

CIVIL NO. 753186

vs.

EDWARD LEVI, Attorney General of
the United States; CHARLES
FENIG, Warden, U. S. Peniten-
tiary, Marion, Illinois; and
HENRY KISSINGER, Secretary of
State of the United States,
Defendants.

ORDER

FOREMAN, Judge:

Before the Court is defendant's Motion to Dismiss.

Plaintiff, Christian Jacques David, filed this habeas corpus action attacking this Court's finding that he is extraditable under the Extradition Treaty between France and the United States for the purpose of standing trial on the charges of murder and attempted murder in France. A finding that an individual is subject to extradition pursuant to 18 U.S.C. §3184 and the applicable treaty is not directly appealable, but may be collaterally attacked by a petition for writ of habeas corpus, Shapiro v. Ferrandina, 355 F.Supp. 563 (S.D. N. Y. 1973). Review by habeas corpus is limited in scope, however, to whether the court has jurisdiction, whether the offense charged is within the treaty, and whether there was reasonable grounds to believe the accused guilty, Fernandez v. Phillips, 268 U.S. 311 (1925), Sayne v. Shipley, 418 F.2d 679 (5th Cir. 1969); United v. Ferrandina, 355 F.Supp. 1155 (S.D. N. Y. 1973).

In his petition for writ of habeas corpus plaintiff claims that the trial court lacked both personal and subject matter jurisdiction. He also alleges that his constitutional rights under the Fourth, Fifth, and Sixth Amendments were violated. Defendants have addressed each of plaintiff's claims in their Motion to Dismiss. The Court will consider these claims in the order in which they are presented in the petition.

ORDERED

A D 24 15 10

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Plaintiff contends that the trial court had no personal jurisdiction over him because he was not physically present in the Eastern District of Illinois when the original complaint was filed on December 12, 1973. At that time David was at the Medical Center for federal prisoners in Springfield, Missouri, undergoing medical treatment. David was incarcerated at the United States Penitentiary in Marion, Illinois, both before and after his stay at the Medical Center. The fact that he was temporarily removed from Marion for medical treatment did not alter his legal residence. For purposes of personal jurisdiction he continued to be a resident of the Eastern District of Illinois since his removal from this district was not intended to be permanent. The Court therefore finds that there was personal jurisdiction over the plaintiff in the prior proceeding.

II

David next claims that the trial court had no personal or subject matter jurisdiction because he had not sought asylum and was not found in this country within the meaning of the Treaty, but rather was forcibly removed to the United States after being kidnapped and tortured in South America. In the opinion of the Court, David was found in this country within the meaning of the Extradition Treaty. Further, the circumstances surrounding his entry into this country are not a defense to extradition, even though they might properly be a defense in a criminal trial. An extradition proceeding is a limited inquiry directed primarily towards determining whether there is probable cause to believe the accused committed an extraditable offense in another country. The manner in which the accused was brought into this country is not relevant in such a proceeding.

David next contends that there was no subject matter jurisdiction in the prior proceedings because the request for extradition was not made by a diplomatic agent of France as required by Article III of the Treaty. Exhibit Number One of the Republic of France from the hearing of February 5, 1974, contains a sworn statement by a State Department Official that the Ambassador of France to the United States has requested the

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extradition of David. Based upon this, ~~copy~~ statement the Court finds that a request for extradition by a diplomatic agent of France has been made.

David further claims that the extradition proceedings were not prosecuted by anyone acting with the authority and approval of the French Government. The extradition proceedings were prosecuted by Assistant United States Attorney Charles C. Evers III. Article XII of the Treaty provides that:

"The appropriate legal officers of the State in which the extradition proceedings take place shall, by all legal means within their power, assist the requesting party before the respective judges and magistrates."

In the opinion of the Court this language authorized Mr. Evers to prosecute the extradition action in behalf of France.

David next claims that the arrest warrant is not based on the depositions contained in France's Exhibit Number One. Article III of the Treaty with France states as follows:

"If the person whose extradition is requested... is merely charged with a crime or offense, a duly authenticated copy of the warrant of arrest in the country where the crime or offense has been committed and of the depositions or other evidence upon which such warrant was issued, shall be produced."

The original arrest warrant to which David refers could not be based on the depositions contained in Exhibit Number One, because it was issued before they were taken. However, Exhibit Number One also contains an International Warrant for Arrest which is dated subsequent to these depositions. The Court finds that this arrest warrant is the one to which the treaty refers and is satisfied that it is based upon the depositions contained in Exhibit Number One, as required by the Treaty.

III

David claims that there was not sufficient evidence submitted for the Court to find that there was probable cause to believe that he had committed any of the offenses with which he is charged. Article I of the Treaty requires that there be sufficient evidence to establish probable cause in a United States Court before an accused can be extradited to France. The Court has carefully examined the transcript of the extradition hearing and the exhibits. Based upon this examination the Court finds that there is ample evidence to establish probable cause in a United States Court and that there is therefore sufficient evidence to

DECLASSIFIED

David further argues that he did not waive his Fifth Amendment defense of torture and kidnapping by voluntarily pleading guilty to criminal charges in New York. Subsequent to the filing of this petition the trial court changed its position on this issue by holding that there was no waiver of this proposed defense. However, since the defense was rejected, the finding that David was properly subject to extradition to France was not changed by this holding.

The Court finds no merit in David's other claims.

For the reasons stated herein defendants' Motion to Dismiss is GRANTED and plaintiff's petition for writ of habeas corpus is DISMISSED.

IT IS SO ORDERED.

DATED: July 21, 1976


JAMES L. FOREMAN
UNITED STATES DISTRICT JUDGE

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Exhibit 2 |

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE EASTERN DISTRICT OF ILLINOIS

THE EXTRADITION OF CHRISTIAN JACQUES DAVID,)
a fugitive from the Justice of France.) Civil No. 73-300-E

PRESENT: The Honorable James L. Foreman, Judge, Presiding.

ATTORNEY FOR THE GOVERNMENT: Mr. William C. Evers, III, Assistant
United States Attorney.

ATTORNEYS FOR CHRISTIAN JACQUES DAVID: Mr. Paul M. Caldwell,
and
Mr. Michael Rovell

(Now, on this 28th day of February, 1975, this cause coming on
for hearing on extradition, the following proceedings were had:)

1 2 01-2045

1 that. I can't see that it would be to their benefit to want to
2 extradite a man for which charges have been dropped or anything
3 of that kind. I'm going to make that assumption, and I'll
4 say to the government, if there is anything of that sort,
5 they should come forth with it. I agree to that extent. Now
6 do you have anything further to present to the Court, Mr. Evers?

7 MR. EVERS: Nothing other than reference to the depositions
8 Your Honor, and the summarization of the depositions. I felt
9 that I had an obligation to this Court to summarize the
10 depositions, if the Court wishes that.

11 THE COURT: Is that in Exhibit 1?

12 MR. EVERS: Yes, Your Honor. The warrant for arrest, I
13 think it has been marked Exhibit 2, and there is a statement
14 that the statute of limitations has not run. The statute of
15 limitations for this crime in France is ten years.

16 MR. ROVELL: Your Honor, excuse me. I think that the
17 documents would better speak for themselves. I don't believe
18 that it is necessary to have a recitation of what the
19 documents say unless Mr. Evers wants to do it by way of a
20 closing argument. Certainly whatever he is saying now is
21 not evidence. All he is doing is summarizing the documents
22 that are in evidence subject to your ruling.

23 THE COURT: Well, briefly go ahead and I'll let him
24 summarize them so that the Court can draw its own conclusions
25 from it. !

12 RUE DES MARRONNIERS
75016 PARIS
324 87-00

PARIS, LE 20 février 1975

Exhibit 31

Mr Christian DAVID
77343-158, Po.Box 1000
Marion (Ill) 62959 U.S.A.

Cher Monsieur,

J'ai bien reçu votre lettre du 6 février dont je vous remercie. J'ai pris aussitôt contact avec votre avocat Me VASCHIFF et avec Mr John Randal, correspondant à Paris du Washington Post. A ce dernier, je viens d'adresser la lettre dont copie ci-jointe. Je vous adresse également les 2 pages de la brochure du Centre Ben Barka, de mars 1973, vous concernant. Je vais également faire visite à Paris à Mr Paul Knight, représentant du Narcotics Bureau and Dangerous Drugs (NBDD). J'espère par la suite pouvoir contacter un Sénateur américain.

De votre côté aidez-moi en me disant, sans trop tarder, ce que vous savez sur la mort et sur le cadavre de Ben Barka, car je dois remettre le livre que m'a demandé l'éditeur Flammarion en manuscrit avant le 1er juin prochain. Ensuite il sera trop tard...

Bon courage et en attendant de pouvoir vous rendre visite dans une prison française, croyez, cher Monsieur, à mes sentiments dévoués.

Daniel Guérin

Daniel Guérin

Jointe à cette lettre:

- 1° Lettre à Mr John Randal du Washington Post
- 2) Les pages 50 et 51 de la brochure: La mort de Mehdi Ben Barka: un dossier à rouvrir

C.A. 84-35/3

Henrik Kr
Hovedgade
Skuldelev
4050 Skibby
Denmark
Europe

Exhibit 4

Monsieur David.

Je suis un auteur danois qui vous a suivi avec beaucoup d'intérêt au cours de ces 4 dernières années.

Je me rends compte qu'il y en a certainement beaucoup qui ont essayé de vous contacter pour avoir des renseignements - sans doute surtout sur Ben Barka et particulièrement tout récemment.

Mais je ne suis pas tellement intéressé à l'affaire Ben Barka. Plutôt à votre personne et à vous faire raconter un peu sur vos aventures fantastiques en Amérique latine. Entre autres choses, comment vous avez donné le change à FAL et aux partisans Tupamaros, etc.

Je sais avec certitude que justement à présent quelque chose est en train de se passer autour de votre personne. J'en ai eu une impression nette, quand j'étais à Paris il y a une semaine où j'ai parlé avec différentes personnes.

Je suis convaincu que votre sécurité personnelle se trouvera renforcée, plus il y aura dans le monde des personnes qui dans un avenir prochain arriveront à connaître votre sort et vos antécédents. Surtout je crois qu'il est important que vous serez également connu en dehors des Etats-Unis et la France.

Je crois que cela contribuera absolument à renforcer votre sécurité. Et j'espère donc que vous m'écrirez en racontant un peu sur vous-même.

Sincères salutations

Henrik Krüger



ca 4-25-64

Monsieur David:

I am a Danish author and I'm very much interested in you these last four years

I am sure many people have tried to contact you and to try to get information about the case of Ben Barka.

I am not only interested in the Ben Barka affair, but also in whatever a person can recount about their fantastic adventures in Latin America. Among other things, how you could have fooled the "FAL" force as well as the Partisians Tupamaros, etc.

I certainly realize at present that anything could happen to your person. I received that concrete impression when I was in Paris last week, and spoke with several different persons.

I am convinced that your personal safety would be increased, besides all the people of the world who don't realize your situation would be apprised about the details. Above all I believe it important that other people know about all this besides just in the U.S.A. and in France. I believe this will absolutely contribute to reinforce you safety.

I await your response that you write to me and tell me what you think.

[A FREE TRANSLATION OF HENRIK KRUGER'S 8-5-76 LETTER]

soussigné, à Monsieur le Procureur de la République, sur sa réquisition. D'une procédure inscrite au Parquet il app

Exhibit 5

MANDAT D'ARRESTATION

APPEL
PARIS

CORONAL
DE GRANDE INSTANCE
DE LA SEINE

CABINET
P. MARTIN
DES
DESTRUCTION

IOI742

Parquet :
Instruction : I-64



Vu par M. P. Martin
de M. Martin
approuvé le 17 février 1966
Par le Procureur de la République
Ministère de la Justice
Le Ministre chargé
des
Affaires
Criminelles

RÉPUBLIQUE FRANÇAISE - AU NOM DU PEUPLE FRANÇAIS

NOUS P. MARTIN Juge d'Instruction
au Tribunal de grande instance de la Seine ;

Vu les réquisitions de M. le Procureur de la République en date du
16 février 1966

Vu les articles 122, 123, 131 et 132 du Code de Procédure pénale,

Mandons et ordonnons à tous huissiers ou agents de la Force Publique de rechercher et de conduire à la Maison d'arrêt de notre siège en se conformant à la loi,

L. nommé DAVID, Christian, Jacques

prénommé _____

surnommé " Le Beau SERGE "

né le 3 mars 1931 à PARIS XXème

de Marcellin, Shergès et de LECOUITEUX, Lucienne, Gilberte

célibataire, veuf, marié, divorcé de COETEX, Léone

Nom de conjoint : _____
Profession : _____
sp

Ayant demeuré en dernier lieu à _____
sans domicile connu

et antérieurement à _____
susceptible de se rendre à _____

inculpé d'homicide volontaire-tentatives d'homicides
volontaires sur fonctionnaires de police
introduction commise PARIS 17ème le 2 février 1966

la _____
faits prévus et punis par les articles 2, 295 et suivants, 233 du
Code Pénal.

Enjoignons au Surveillant-Chef de ladite Maison d'arrêt de L. recevoir et détenir en état de mandat d'arrêt jusqu'à ce qu'il en soit autrement ordonné.

Requérons tout dépositaire de la Force Publique auquel le présent mandat sera exhibé de prêter main-forte pour son exécution en cas de besoin.

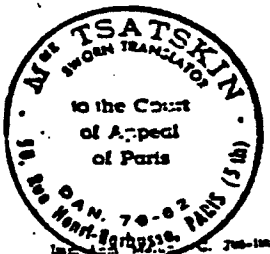
En foi de quoi le présent mandat a été signé par nous Juge d'Instruction et scellé de notre sceau.

fait en notre Cabinet à Paris, le 16 février 1966

Le Juge d'Instruction

Scellé

Pour exécution conforme délivrée par nous, Greffier
soussigné, à Monsieur le Procureur de la République, sur sa réquisition.



NE VARIETUR
N° 2379/73

h. 2.

EXHIBIT R

Exhibit 6 /



Department of State

TELEGRAM

LIMITED OFFICIAL USE 348

PAGE 01 STATE 184351

63
ORIGIN L-03

INFO: OCT-01, ARA-11, JUS-02, SCA-01, SNH-02, BNDE-00, VO-03
INS-03, RSC-01, /027 R

*F/Extra
Pending
OENIZE Ghos
DAVID*

DRAFTED BY L/M/SCA/KEHALMBORG:MA
10/10/72 EXT 22350
APPROVED BY L/M/SCA/KEHALMBORG
JUSTICE:MRSTEIN (SUB)
ARA/BRIMR, MCLAIN

R 101932Z OCT 72
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA
INFO AMCONSUL SAO PAULO

844679

LIMITED OFFICIAL USE STATE 184351

SUBJECT: EXTRADITION CHRISTIAN JACQUES DAVID

1. SUBJECT AKA JEAN PIERRE DAVID AND FENELON DAVID AND, IN BRAZIL, MIGUEL TELETIER HAS BEEN INDICTED IN EASTERN DISTRICT OF NEW YORK UNDER TITLE 21 US CODE SECTIONS 173 AND 174. OFFENSE WAS ILLEGALLY BRINGING 500 KILOS OF HEROIN INTO US SOME YEARS AGO. ARREST WARRANT HAS BEEN ISSUED. EMBASSY IS INSTRUCTED TO SEEK HIS PROVISIONAL ARREST FOR EXTRADITION UNDER ARTICLE VIII OF US-BRAZIL EXTRADITION TREATY SIGNED AT RIO ON JANUARY 13, 1961. OFFENSE IS NUMBER 27 OF ARTICLE II.

2. OFFENSE IS AS DESCRIBED ABOVE. DAVID'S DESCRIPTION IS AS FOLLOWS:

FRENCH BORN 3/2/31 IN PARIS. WHITE MALE. 6 FT. 2 INCHES. TATTOO OF 2 ACES ON HIS LEFT WRIST.

3. DAVID IS BELIEVED TO BE IN SAO PAULO WHERE HIS WIFE LUCIE RUNS RESTAURANT NAMED CHEZ LUCIE AT GALERIA METROPOLE AVENUE, SAO LUIZ, SAO PAULO. HIS PROVISIONAL

LIMITED OFFICIAL USE



Department of State

TELEGRAM

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PAGE 02 STATE 184351

ARREST IS SOUGHT AS MATTER OF URGENCY BECAUSE RECENT SEIZURES OF NARCOTICS SHIPMENTS WITH WHICH HE IS CURRENTLY INVOLVED WHEN MADE PUBLIC MAY SEND HIM INTO HIDING.

EMBASSY SHOULD INFORM GOB THAT THERE EXIST AND WILL BE FORTHCOMING THE SUPPORTING DOCUMENTS DESCRIBED IN ARTICLE IX OF TREATY. ROGERS

LIMITED OFFICIAL USE

Exhibit 71

new file - from David, Cunha - from Brazil

put in provision for pending extradition, ph.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Translation requested 10/27/72



Address Reply to the
Division Indicated
and Refer to Initials and Number

JLM:MRS:zlb
95-100-696

OCT 20 1972

Mr. Knute E. Malmberg
Assistant Legal Adviser for
Management and Consular Affairs
Department of State
Washington, D. C.

Re: Christian David - Extradition

Dear Mr. Malmberg:

Enclosed please find the extradition documents to be used in the proceedings in Brazil against the above-named fugitive. As you are aware, on October 6, your office requested his provisional arrest.

Sincerely,

JOHN L. MURPHY, Chief
Government Regulations Section
Criminal Division

By: *Murray R. Stein*
MURRAY R. STEIN, Attorney

Enclosure

C. A. 84-3573

CHECK LIST - EXTRADITION

- I. Biographical data and Location
A. Complete name **CHRISTIAN DAVID, AKA JEAN PERRE**
B. Date and place of birth **3/3/31 PARIS, FRANCE**
C. Citizenship **FRANCE**
D. Location **BRAZIL - SAO PAULO**

- II. Documents
A. Code citation **31 USC 173, 174**
B. Complaint **Indictment** Conviction
C. Warrant of Arrest **10/3/72** Commital Order
D. Evidence of probable cause **Fugitive named in 4 counts of 11 count indictment - 10 conspiracy, 3 substantive. Suff. evidence to establish probable cause on each count. In U.S. in connection with the offense.**
Grand Jury Minutes **(Transcript of proceedings held without**
Co-defendants, [redacted] and [redacted] 2/1/72)
with transcript of U.S. Service.
Affidavit **[redacted] as to fugitive identity**

- Judgment of Conviction
E. Identity **Wh. male, 5'2", tattoo 4000 on left wrist**
Photograph **Identified in [redacted] affidavit. (7)(C)**
Fingerprints **NO.**

- F. Certified **YES,**
G. Affidavit of applicable laws **AUSA THOMAS P. Puccio**
No. sets to State - **3**
H. Synopsis of offense **Bribe in January '68 and April '71, the fugitive and many others conspired to and actually brought large amounts of heroin into the U.S.**
Source is confidential of two fugitives whose extradition has also been requested - [redacted] and [redacted] (7)(C)

- III. Other
A. Provisional Arrest **AS YET NOT ARRESTED**
B. Treaty citation **Art. II, Sec. 27**
C. USA **2d. Div.**
AUSA Puccio



Department of State

Exhibit 8 |

TELEGRAM

UNCLASSIFIED

LIMITED OFFICIAL USE 345

47A

EXCISE

PAGE 01 STATE 195826

78
ORIGIN L-03

INFO OCT-01 ARA-11 EUR-20 JUSE-00 BNDE-00 SNM-02 VO-03
INS-03 SCA-01 SY-03 FBI-01 JUS-02 CIAE-00 RSC-01 /051 R

DRAFTED BY L/M/SCA:PHPFUND:MA
10/27/72 EXT 23022
APPROVED BY L/M/SCA:KEMALMBORG
ARA/LA/BRIMCLAIN
BNDD:JSTRICKLER (INFO)
JUSTICE:MRSTEIN (INFO)
S/NM:DIGILIO
ARA:LISTER
DESIRED DISTRIBUTION
BNDD, CIA

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY AMart DATE 9/5/80
PORTIONS DENIED AS INDICATED

045306

P 272152Z OCT 72
FM SECSTATE WASHDC
TO AMEMBASSY BRASILIA PRIORITY
INFO AMCONSUL RIO DE JANEIRO PRIORITY
AMCONSUL SAO PAULO
AMEMBASSY BUENOS AIRES
AMEMBASSY PARIS

LIMITED OFFICIAL USE STATE 195826

SUBJECT: EXTRADITION - CHRISTIAN JACQUES DAVID

REF: BRASILIA'S 4214

1. DEPARTMENT HAS RECEIVED DOCUMENTATION TO SUPPORT
EXTRADITION REQUEST FOR SUBJECT AND IS TRANSLATING SAME
INTO PORTUGUESE FOR TRANSMISSION TO BRASILIA ASAP
(PROBABLY BY NOVEMBER 30).

[REDACTED]

b(5)
b(4)

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A. D. 84-3573



Department of State

TELEGRAM

UNCLASSIFIED USE

PAGE 02 STATE 195826

[REDACTED]

3. DEPARTMENT AWAITING REPORT OF DEVELOPMENTS FROM
EMBASSY. ROGERS

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Exhibit 91

30



DECLASSIFIED

SECRET

EXCISE

Department of State

TELEGRAM

749

CONFIDENTIAL 269

PAGE 01 RIO DE 05141 021535Z

52
ACTION L-23

INFO OCT-01 ARA-11 EUR-20 SCA-01 JUSE-00 VO-03 BNDE-00
 CIAE-00 INR-09 IO-12 NSAE-00 RSC-01 SNM-02
 TRSE-00 NSC-10 SCI-05 OMB-01 USIE-00 RSR-01
 INRE-00 NSCE-00 CCO-00 AID-20 P-03 PRS-01
 088100

LEGATION OF STATE A/DC
 REVIEWED BY [Signature] DATE 6/22/80
 PORTIONS DENIED AS INDICATED

11-15-72

O R 1511Z NOV 72
 FM AMCONSUL RIO DE JANEIRO /
 TO SECSTATE WASH-DC IMMEDIATE 6904
 INFO AMEMBASSY BRASILIA IMMEDIATE
 AMEMBASSY BUENOS AIRES
 AMEMBASSY PARIS
 AMCONSUL SAO PAULO

C O N F I D E N T I A L RIO DE JANEIRO 5141

PARIS FOR NELSON GROSS

DEPT PASS AMBASSADOR ROUNTREE

SAO PAULO FOR [Redacted] BNDD B-7F

SUBJECT: OPERATION TREASURY; DE-AINEES DAVID, PASTOU, NICOLI, CASALINI

REF: BRASILIA 4380 40

1. IN STORIES WHICH CONTAIN NUMEROUS INACCURACIES AND WHICH ARE DATED BRASILIA, RIO'S JORNAL DO BRASIL AND ENGLISH-LANGUAGE BRAZIL HERALD NOV 2 REPORTED THAT USG IS SEEKING EXTRADITION OF CHRISTIAN DAVID AND MICHELE NICOLI. BRAZIL HERALD STORY, WHICH ATTRIBUTED TO "BRAZILIAN GOVERNMENT OFFICIALS", DESCRIBES DAVID AND NICOLI AS "PRESUMED PARTNERS OF 'LATIN AMERICAN CONNECTION' CHIEF AUGUSTE RICORD". STORY ADDS FRENCH GOVT HAS ALSO REQUESTED EXTRADITION OF DAVID AND FRANCOIS ANTOINE CANAZZI; SAYS REQUESTS WOULD BE STUDIED IMMEDIATELY.

DECLASSIFIED

11-15-72

DECLASSIFIED



Department of State

TELEGRAM

CONFIDENTIAL

PAGE 02 RIO DE 05141 021535Z

2. JORNAL REPORTS THAT US EMBASSY "YESTERDAY" FORMALLY PRESENTED EXTRADITION REQUESTS TO GOB MINJUSTICE FOR NICOLI AND DAVID. SAYS REQUESTS FOR EXPULSION FOR CANAZI, CHRISTIAN BERNARD JAVET, ROBERT BOURDOLOUS, AND PASTOU ALREADY UNDERWAY FROM FEDERAL POLICE TO MINJUSTICE. NOTES JUSTICE IMMEDIATELY STUDYING EXPULSION REQUESTS BUT THAT EXTRADITION WILL REQUIRE COURT ACTION AFTER USG SUBMITS SUPPORTING DOCUMENTS.

3. IN ADDITION STORIES RE EXTRADITION, CASE AS DESCRIBED BRASILIA'S 4378 CONTINUES TO RECEIVE BIG PLAY BOTH PAPERS. AMONG OTHER ITEMS, TODAY'S ACCOUNTS CARRY REPORT OF STATEMENT BY NICOLI THAT HE AND CASALINI BRIBED POLICE IN RIO DISTRICT OF LEBLON WITH \$40,000 TO SECURE RELEASE HELENA FERREIRA AND LUCIANO SARTI SIX MONTHS AGO. GDS.
RQONSTRA

DECLASSIFIED



Department of State

Exhibit 101

TELEGRAM

FR PS 10-4 US-BRZ 14

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PAGE 02 BRASIL 04404 041221Z

11
ACTION ARA-17

INFO	OCT-01	INR-09	IO-12	JUSE-00	NSAE-00	RSC-01	SNM-02		
	SY-03	TRSE-00	USIA-12	NSC-10	SCI-05	OMB-01	P-03	PRS-01	
	SS-14	RSP-01	L-03	1095 W					106748

R 041100Z NOV 72
 FM AMEMBASSY BRASILIA
 TO SECSTATE WASHDC 5412
 INFO BNDD HQ
 AMEMBASSY BUENOS AIRES
 AMCONSUL RIO DE JANEIRO
 CIA

BRASILIA

4404

11-04-72

LIMITED OFFICIAL USE BRASILIA 4404

BUENOS AIRES FOR BNDD

SUBJ: NARCOTICS: OPERATION TREASURY

1. NEWSPAPERS CONTINUE TO GIVE MAJOR PLAY TO ARREST OF NARCOTICS TRAFFICKERS. SOME ACCOUNTS EMPHASIZE MAFIA'S CONNECTION WITH DRUG TRAFFICKING. ACCORDING TO SOME STORIES, CHRISTIAN DAVID IS THE CHIEF OF CORSICA MAFIA IN LATIN AMERICA. HIS CAREER AS INTERNATIONAL MERCENARY ALSO TRACED. OTHER PAPERS IDENTIFIED TOMASO BUSCETTA AS HEAD OF BRAZILIA MAFIA.

2. NEWSPAPERS HEADLINE STORY THAT MICHEL NICOLI TOLD RIO POLICE AUTHORITIES THAT SIX MONTHS AGO HE AND GUGLIELINO CASALINI HAD SUCCESSFULLY BRIBED NELSON DUARTE, CHIEF OF CRIMINAL INVESTIGATION SECTION OF FEDERAL POLICE OF 14TH DISTRICT IN RIO, WITH 40 THOUSAND DOLLARS TO RELEASE LUCIANO SARTI AND HIS MISTRESS HELENA FERREIRA. POLICE AUTHORITIES ARE INVESTIGATING ACCUSATION TO DETERMINE IF TRUE OR ONLY ARTIFICE OF NICOLI. TESTIMONY OF CASALINI UNDER ARREST IN SAO PAULO EXPECTED TO CLARIFY AFFAIR.

3

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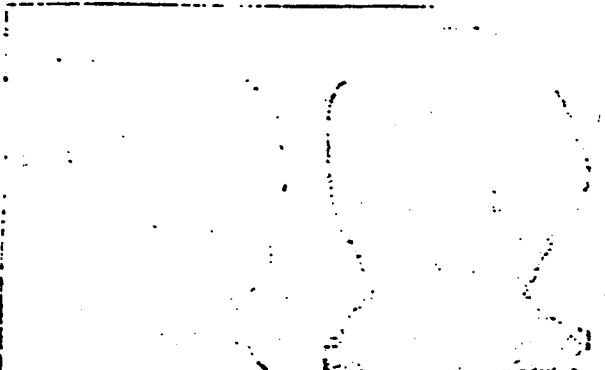
PAGE 02 BRASIL 04404 041221Z

3. VARIOUS NEWSPAPERS QUOTED CHARLES BRAY'S EXPRESSION OF THANKS TO BRAZILIAN AUTHORITIES FOR STEPS TAKEN TO BREAK UP BRAZILIAN PART OF LATIN AMERICAN CONNECTION. RIO'S CORREIO DA MANHA REPORTED THAT IN SAME PRESS BRIEFING, BRAY DENIED THAT THE US HAD REQUESTED EXTRADITION OF DAVID AND NICOLI, BUT THAT SEVERAL HOURS LATER, OFFICIALS CONFIRMED REQUEST HAD BEEN MADE FOR DAVID'S EXTRADITION. ACCOUNTS IN OTHER PAPERS STATE THAT AMERICAN EMBASSY REQUESTED ON NOVEMBER 1 EXTRADITION OF MICHEL NICOLI AND CHRISTIAN DAVID. FEDERAL POLICE, ACCORDING TO SAME REPORTS, REQUESTED MIN JUSTICE TO EXPEL FRANCOIS ANTOINE CANAZZI, CHRISTIAN-BERNARD JAVEY, ROBERT BOURDOLOUS, AND CLAUDE-ANDRE PASTOU, ALL SUSPECTED TRAFFICKERS. DECLASSIFY UPON RECEIPT CLEVELAND

DEPARTMENT OF STATE A/CDC/MR
 REVIEWED BY P. J. Martin DATE 6/25/80
 RDS or IDS EXT. DATE _____
 TS AUTH. _____ REASON(S) _____
 ENDORSE EXISTING MARKINGS
 DECLASSIFIED RELEASABLE
 RELEASE DENIED
 PA or FOI EXEMPTIONS _____

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Exhibit 11



Michel Nicoli, left, and Christian David, Frenchmen living in Brazil, were flown here to face charges.

been convicted on 15 counts of narcotics violations. Poeta, a co-conspirator, was sentenced to 30 years in prison and fined \$200,000. Grosby is awaiting trial.

All three were named in one of yesterday's indictments as conspirators but not as defendants, along with James Joseph Foley, 40, of New York; Donald Joseph Galt, 41, of New York; and Joseph P. ...

Named in the indictment with David were Mario Doming, 39, a Frenchman living in Brussels; Jacques Lemaire, 40, of Boulogne, France; William Ferris, 41, in French custody; Jerome Christie, 41, an American citizen in New York State custody; and Joseph P. ...

Also named in custody in New Jersey. ... Colas Rivas Colombo, 47, an Argentine, and ... Varro, 30, an American citizen, are being served prison terms in Atlanta Federal Penitentiary.

Listed as fugitives were Carlos Leoncio, 30, an Argentine, and Andre Hirsch, 60; Louis ... 40, and Daniel ... 42, all of Switzerland. Also, Domingo ... 61, of New York and Louis ... 48.

Indicted with Nicoli were Carlo Zizzo, 46, an Italian citizen who lived here at the Waldorf Hotel and is a fugitive, and Guglielmo Casabini, 58, an Italian citizen living in ...

... on each count ... mandatory five-year ... to 20 years in ... \$200,000 fine.

Frank Monastero, associate regional director of the Bureau of Narcotics and Dangerous Drugs, estimated that the two rings supplied about 10 per cent of the world's heroin market. He reported that heroin prices had risen 25 per cent recently because of a shortage on the Eastern Seaboard. This has been accompanied, he said, by a sharp decrease of pure heroin in drug pushers' packets.

The "buckle bags" now contain only about 2 per cent heroin, instead of the customary 6 to 10 per cent, he reported. He estimated the number of heroin users in the country at between 350,000 and 500,000, half of whom live in the metropolitan area, he said.

The Brazilian Government also expelled a third Frenchman, accused in Federal District Court in Manhattan of having run a heroin-smuggling ring. He arrived on the plane with David and Nicoli though his case is unrelated to theirs.

He was identified as Claude Pastou, accused of importing narcotics from Europe through Canada, and he was indicted on May 18, 1971. Co-defendants in

the indictment were Jean Francis ... and Paul P. ... identified as managers of taverns in Madrid, Spain.

F.B.I. Asked for 3
Special to The New York Times
RIO DE JANEIRO, Nov. 17—

Three Frenchmen expelled from Brazil on charges of drug traffic connections were sent to the United States rather than France at the request of the United States Federal Bureau of Investigation, a spokesman for the Brazilian federal police said tonight.

An official of the French consulate said that it had not been informed. He believed it was usual for expelled foreigners to be sent to their country of origin.

The spokesman in Brazil said that the United States had made no formal extradition request for Christian David, Michel Nicoli and Claude Pastou, but expressed interest in receiving them. Clearance for their entry to the United States was granted to the Brazilian police.

Tommaso Buschetta, born in Sicily, will be sent to Italy, where he is wanted on 10 murder counts.

Minister Buzaid explained that the Brazilian Government decided to expel the seven foreigners because it involved a simple legal procedure. He explained that extradition proceedings would take more time.

copy

100-44-3543



Department of State

Exhibit 12

ILLUSTRATIONS

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PAGE 01 BRASIL 04780 242223Z

66

ACTION TRSE-00

INFO OCT-01 ARA-11 SNM-02 PRS-01 RSC-01 (RSR-01) /017 W
----- 124764

R 242200Z NOV 72
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 5650
INFO BNDD HQS WASHDC
AMEMBASSY BUENOS AIRES
AMCONSUL RIO DE JANEIRO

LIMITED OFFICIAL USE BRASILIA 4780

SUBJ: NARCOTICS; OPERATION TREASURY

1. ON NOVEMBER 23, THE DEPARTMENT OF FEDERAL POLICE (DPF) RELEASED TO PRESS AN OFFICIAL NOTE "DENYING THAT CHRISTIAN DAVID HAD BEEN TORTURED WHILE UNDER ARREST IN BRAZIL OR THAT HIS BELONGINGS HAD BEEN CONFISCATED. THE NOTE POINTED OUT A SERIES OF ARTIFICES EMPLOYED BY DAVID TO EFFECT ESCAPE.

2. SHORTLY AFTER HIS ARREST IN BAHIA HE WAS PLACED ON A COMMERCIAL FLIGHT TO RIO. THE PILOT DECIDED TO TURN BACK WHEN DAVID BEGAN TO SHOUT THAT HE NEEDED MEDICAL HELP. DAVID TRIED TO FLEE FROM THE HOSPITAL TO WHICH HE HAD BEEN SENT FOR EXAMINATION. ON A SECOND FLIGHT, HE YELLED THAT HE WAS BEING KIDNAPPED.

3. IN BRASILIA, JUST BEFORE DEPARTURE FOR US, HE CLAIMED THAT HE HAD SWALLOWED A NAIL AND A SPOON HANDLE; HOWEVER, X-RAYS REVEALED NO FOREIGN OBJECTS IN HIS DIGESTIVE TRACT.

4. IN RIO, JUST BEFORE EMBARKING ON THE PANAM PLANE FOR NEW YORK, DAVID BANGED HIS HEAD ON THE FLOOR. HE WAS IMMEDIATELY TREATED.

5. THE DPF NOTE MADE CLEAR THAT IN ORDER TO AVOID USING FORCE TO SUBDUCE HIM, THE POLICE GAVE HIM AN INJECTION TO TRANQUILIZE HIM DURING THE FLIGHT TO NEW YORK. MIDWAY THROUGH

BRASILIA 4/13
11-24-72

1

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C.A. 84-3543



Department of State

TELEGRAM

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PAGE 02 BRASIL 04780 242232

THE FLIGHT ANOTHER INJECTION WAS NECESSARY.

6. THE FEDERAL POLICE NOTE REVEALED THAT DAVID HAD ESTABLISHED IN BRAZIL A PATTERN OF ALLEGING TORTURE OR SELF-ABUSE TO ACCOMPLISH HIS OWN ENDS. THIS PATTERN CONTINUES, ACCORDING TO THE NOTE, IN THE UNITED STATES WHERE DAVID MAINTAINS THAT HE WAS TORTURED IN BRAZIL. DECON NOV 73 ROUNTREE

DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY B. Martin DATE 6/26/80

RDS or XDS EXT. DATE _____

TS AUTH. _____ REASON(S) _____

ENDORSE EXISTING MARKINGS

DECLASSIFIED RELEASABLE

RELEASE DENIED

PA or FOI EXEMPTIONS _____

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Exhibit 4

FRONCEE-SOIR

N° 12.384

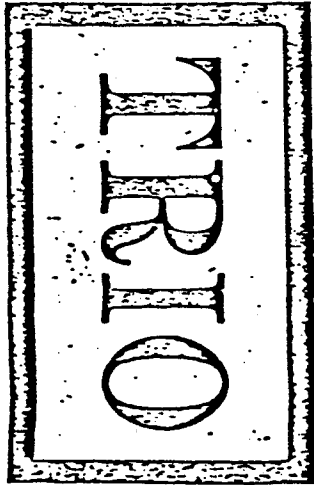
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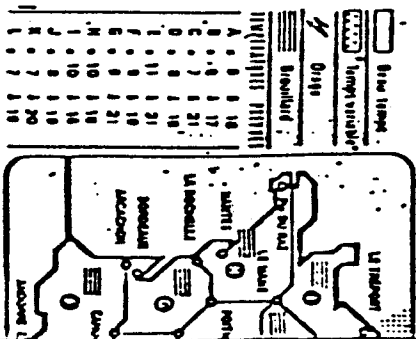
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Le temps prév

En page 11, les oi



leurs du FLNC déguisés en gendarmes forcent la porte
maison d'arrêt et prennent des gardiens en otages

enquetra dans la TISON d'Ajaccio

Exhibit 13

M. délégués

ORGEVAL

exécutés dans leurs cellules

O Les cinq membres du commando arrêtés

De notre envoyé spécial

Jean-Michel
BRIGOULEIX

AJACCIO

LA maison d'arrêt d'Ajaccio, appelée « la prison-gruyère » à cause du nombre d'évadés qui en sont sortis par leurs propres moyens, a été hier le théâtre d'une sanglante attaque de commando organisée par le F.L.N.C. Le but de l'opération était double : exécuter deux détenus, Jean-Marc Leccia et Salvatore

Contini, dit « Le Sarde », accusés par les séparatistes d'être impliqués dans la disparition de leur ami Guy Orsoni, le 17 juin 1983.

Pour marquer, à quelques jours près, l'anniversaire de cette disparition ? Peut-être. Sans doute pour faire évader un chef, présumé du F.L.N.C. à Ajaccio, Noël Luciani, détenu lui aussi dans la prison-gruyère, ainsi que Paul Ceccaldi qui, en février dernier, a causé un bon million de francs de dégâts dans un village de vacances de la région d'Évisa.

Le premier objectif de cette vendetta a été atteint. Le deuxième, non. Pour ce demi-échec, il s'en est fallu de jus-

○○○ Suite page 6

L'ARTICLE DE GUY BARET

Hernu sur le front du laxisme

CE mal-aimé qu'est Robert Badinter n'est décidément pas au bout de son chemin de croix. Rien ne lui sera épargné : voilà que l'idéologie sécuritaire, qu'il traque dans la presse et poursuit dans le discours de l'opposition, exerce son influence jusqu'au sein du gouvernement ! Son collègue Hernu, en personne, part en guerre contre le laxisme de la justice.

Dans une lettre publiée par un hebdomadaire, le ministre de la Défense — et maître de Villeurbanne — se plaint auprès du garde des Sceaux de ces magistrats qui font « preuve d'une mansuétude trop grande à l'égard de personnes qui se rendent coupables de délits ». Improbable, il ajoute : « Comment en effet demander aux forces de police de mener une action en profondeur lorsque tous les huit jours la même brigade de prévention arrête le même individu parce que les services judiciaires n'ont pas décidé de le garder ? » Et

nouvelle loi vise à rendre tout à fait exceptionnelle la détention provisoire des malfrats.

On comprend que, parmi tous les ministres, M. Hernu soit le plus sensible au laisser-aller de la justice. Il a bonne mine, lui qui est chargé de veiller à la sécurité de la France, d'être rendu incapable d'assurer celle de Villeurbanne : il doit contenir les troupes de Kadhafi au Tchad, et le voilà tenu en échec sur le front de la banlieue lyonnaise par quelques voyous locaux. Dur, dur.

Mais pourquoi Charles Hernu réserve-t-il à sa correspondance privée un jugement qui mériterait une plus large publicité ? On a peine à penser qu'un ministre socialiste pourrait avoir honte de rejoindre le peuple des faubourgs qui pense comme lui et qui pourrait l'enrichir d'autres exemples, nourrissant ainsi son dialogue avec M. Badinter. Quel qu'il soit, la lettre de M. Hernu est

et retourne
au chenil

En page 3

PROCÈS

Un psychiatre
jugé
pour viols :
« J'ai craqué »

En page 3

VOILE

Jeantot
chaviré

En page 10

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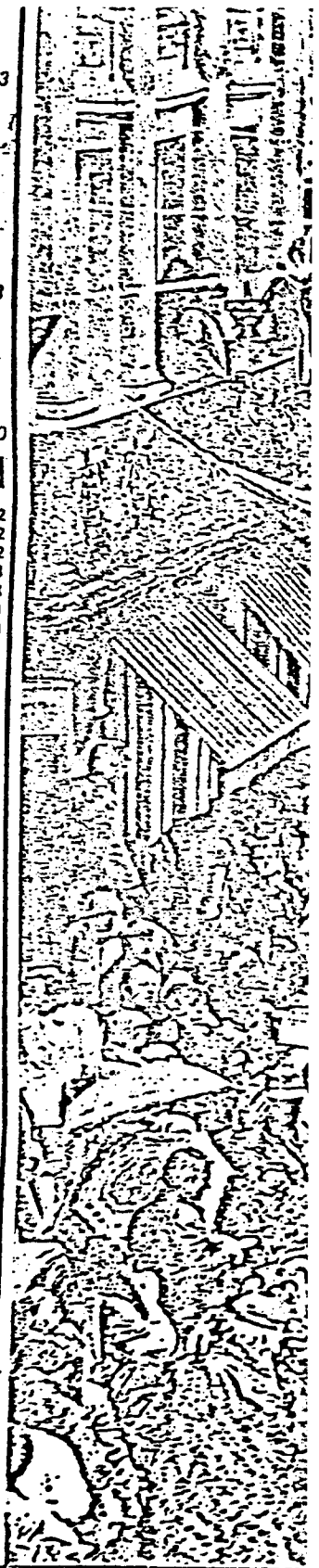
BOUVARD Et toc !

Bonne nuit,
les savetiers

JUSQU'A présent les mauvais payeurs n'insistent pas lourdement sur leur incapacité à tenir leurs engagements. Il convient donc de saluer le courage des Bolivien qui ont déclaré forfait bien avant l'échéance. Il faut aussi admirer l'inconscience des pays dits riches qui ont cru naïvement qu'on pouvait prêter à des insolubles autrement qu'à fonds perdus.

Ce précédent nous intéresse moins comme créanciers que comme débiteurs puisque, si l'on en croit les bilans, nous devons plus que l'on nous doit. Qu'attendons-nous donc pour informer à notre tour le Fonds monétaire international qu'il n'est pas dans nos intentions de recrachter au bassin ?

C'est la vieille histoire du savetier et du financier. Il suffit de dire à celui qui attend un



Vendetta à Alcejo

Dimitri et Leccia ont été exécutés dans leur lit

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page 1

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exécutés dans le

Le FLNC les soupçonnait d'être les assassins du séparatiste Guy Orsoni

000 Suite de la page 1

tesse. Mais les cinq agresseurs sont maintenant sous les verrous. Leurs noms sont connus : Noël Pantalacci (32 ans), Pantaleone Alessandri (30 ans) et Pierre Albertini (23 ans) pour le trio de tuteurs, Georges Moretti et Jean-Dominique Vesperini, tous deux âgés de trente ans, deux complices qui avaient assuré la protection du commando.

Deux membres de ce commando, Pantaleone Alessandri et Noël Pantalacci, auraient dû normalement se trouver en prison.

Amnistie présidentielle

Considéré comme l'un des terroristes les plus dangereux du F.L.N.C., Pantaleone Alessandri avait été arrêté en juin 1978 et condamné le 9 juillet 1980 par la Cour de Sécurité de l'Etat à treize ans de réclusion criminelle pour la destruction par explosif d'une installation de Télédiffusion de France en Corse. Il lui était également reproché de s'être rendu au Liban en mars 1978 pour le compte du F.L.N.C. afin de prendre des contacts avec le Fatah en vue d'obtenir pour son organisation des armes modernes et un entraînement type guérilla.

De son côté, Noël Pantalacci avait été condamné le 20 mars 1981 à cinq ans de prison pour un attentat commis le 18 juillet 1979 contre la villa du procureur général de la cour d'appel de Paris.

Or, Alessandri et Pantalacci ont bénéficié de l'amnistie présidentielle qui a été accordée à l'échelle de François Mitterrand à la signature de son décret le 21 mai 1981.

Judi 6 h 30 du matin Une note nous a été envoyée par la prison d'Algeria dit-elle boulevard Mauter, son



Le commando s'est rendu à Robert Broussard. Celui-ci que l'on reconnaît, de face, à gau-

droit du Cours Napoléon. Deux hommes restent dans la voiture. Trois autres en descendant, dont deux portent la tenue de combat des gendarmes mobiles (volées lors du tournage d'un film à Sartène) et le troisième un bleu de chauffe.

Le gardien de service à l'entrée, naturellement mis en confiance par les uniformes qu'il a aperçus par le judas, ouvre. Aussitôt, il se retrouve avec un pistolet braqué sur chaque temps.

Le commando est dans la place avec deux gardiens en charge immobilisés avec du ruban adhésif. Le surveillant-chef qui habite au-dessus de la porte a entendu des bruits sus-

pects. Il téléphone à la police et une patrouille arrive juste au moment où les terroristes s'apprêtent à quitter la prison, avec les deux détenus qu'ils voulaient libérer. Les policiers ne font pas feu mais les terroristes, en se repliant à l'intérieur de la prison, tirent à plusieurs reprises, notamment en direction d'un gardien qui, ignorant tout de l'opération en cours, venait prendre son service à la prison.

Le quartier est immédiatement bouclé. La police fait venir un camion de pompiers à grande échelle. En même temps, six policiers commandés par le commissaire Bernard Trenque réussissent à grimper avec une échelle dans

le logement du surveillant-chef, qui leur fournit bien entendu tous les renseignements utiles sur la topographie des lieux.

Mais on a entendu plusieurs coups de feu dans la prison dix minutes après l'entrée des terroristes. Que s'est-il passé? Contre qui ont-ils tiré? Il est encore trop tôt pour le savoir.

Aussitôt arrivé sur place, le commissaire Broussard installe son P.C. au palais de justice, contigu à la prison, dans le cabinet du procureur de la République. Et l'extraordinaire négociation commence.

Broussard appelle, par téléphone, le commando des terroristes. Un homme de-

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arrêté sur place. Broussard, député de l'U.C. supplanté de l'île à la prison. Inet du procureur public. Et l'ex- lre négociation

d appelle, par té- : commande des : Un homme dé-

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reddition.
« Non », répond Broussard.
« Alors, le bâtonnier de l'ordre des avocats, comme témoin ? » Cela, Broussard l'accepta.

En face de la prison, les habitants sont inquiets. Ils craignent que la reddition ne s'accompagne de violences. Pour éviter au maximum des risques de ce genre, les hommes de Broussard amènent un camion de déménagement de location dans lequel les terroristes, à la sortie, seront enfermés avec des policiers. Ainsi, personne ne sera tenté de tirer dans les tas.

Et c'est la reddition des trois hommes du F.L.N.C. À 11 h 23, ils sortent de la prison, les mains en l'air, en criant : « F.L.N.C. vaincra ! » Ils avaient un drapeau du F.L.N.C. avec eux.

Alors, les hommes de Broussard peuvent enfin pénétrer dans la prison. Ils découvriront des armes dans plusieurs cellules, depuis le pistolet-mitrailleur jusqu'à la grenade offensive en passant même par un fusil lance-grenades et plusieurs 11/43... mais surtout deux cadavres.

Apathie bienveillante

Les deux hommes de la 104, qui assuraient la protection du commando, ont été arrêtés par les policiers du commissaire Ange Mancini Moretti et Vesperini. Ils avaient été candidats, dimanche dernier, à une élection municipale partielle à Propriano.

On sait comment les choses se sont passées à l'intérieur de la prison. Contini et Leccia ont été exécutés tour à tour, à cinq minutes d'intervalle, autour de 6 h 20. Les policiers les ont trouvés morts, en pyjama, allongés dans leur lit. On sait maintenant qu'ils n'ont même pas été interrogés par les tueurs avant de mourir.

Une enquête est ouverte pour établir d'éventuelles responsabilités à l'origine de cette opération à la fois extraordinaire et scandaleuse. Les conjurés n'étaient pas des kamikazes. Ils avaient bien préparé leur coup. Il est difficile d'imaginer qu'ils n'ont pas bénéficié sinon de complicité à l'intérieur même de la prison, du moins d'une apathie « bienveillante » de la part de certains. Tous les policiers d'Ajaccio, à commencer par le préfet chargé de la coordination des moyens de lutte contre le terrorisme, en sont convaincus même s'ils n'osent le dire tout haut. Tous sont unanimes à réclamer une enquête sérieuse sur les dérives potentiellement chroniques de l'île.

règlement de comptes entre truands

EXHIBIT A-1

GUY ORSONI, militant nationaliste corse, a disparu le vendredi 17 juin 1983, entre Vero (un village près d'Ajaccio) et Sartène. Il venait de quitter son frère Alain après lui avoir confié qu'une Visa de couleur rouge l'avait suivi sur la route. Il était reparti à bord de la Mercedes bleue de son oncle Roger.

Trois jours plus tard, ces deux véhicules suffirent au commissaire Mancini, patron du S.R.P.J. de Versailles, pour comprendre que la bande du Vallinco (le golfe de Vallinco et Propriano, la ville la plus importante de la région, sont considérés comme une zone criminogène en Corse) a toutes les chances d'être mêlée à l'affaire. Les gangsters, surveillés depuis des semaines, utilisent en effet une Visa rouge et, au cours de conversations téléphoniques écoutées, sont état d'une Mercedes. Le commissaire, qui pouvait croire jusqu'alors qu'ils préparaient un hold-up, fait immédiatement le rapprochement avec la disparition de Guy Orsoni.

Le 23 juin, six membres de la bande du Vallinco : Paul Andreant, Jean Alfonsi et son fils Jean-Claude, Paul Burel et Salvatore Contini sont appréhendés et inculpés

le 23 juin d'arrestation arbitraire, enlèvement de personne et association de malfaiteurs.

Jean-Marc Leccia, soupçonné d'être le commanditaire, échappe au coup de filet.

Trafic de drogue

Pour les nationalistes corses, Guy Orsoni a été victime d'un attentat politique et liquidé par des truands. À la solde de l'Etat français. Pour les enquêteurs, l'affaire Orsoni est plus proche du règlement de comptes où se mêlent étroitement racket, trafic de drogue et séparatisme corse. Dès lors, sur fond de manifestations et d'attentats, la vendetta fait couler le sang. Lucien Merest, beau-frère de Jean Alfonsi, est assassiné le 6 septembre. Dans la nuit du 10 au 11 septembre, Félix Rosso, un restaurateur de Lecci, beau-frère du commissaire Pellegrini, est abattu. Le 13 septembre, Pierre-Jean Massimi, secrétaire général de la Haute-Corse, est tué à son tour.

Jean-Marc Leccia, lui, est retrouvé et arrêté aux Etats-Unis, en Floride, par des policiers américains le 31 décembre. Il est ramené à la prison d'Ajaccio.

... du ministre, un si de 15 000 F à Sylvie S Massimi et à ses enfants outre, les services du ministère des Finances devraient, pendant l'instruction défil du dossier de pension du fonctionnaire assassiné, a désormais une pension s solde d'un montant de 3 par mois. Jusqu'alors, l'é de Pierre Massimi perc pour ses enfants une st mensuelle de 1.300 F.

« Une aumône », disait dans la lettre ouverte q adressait au ministre. D mais, le dossier d'indem tion des enfants Massimi ble donc en voie de solutio

« Concernant par ail le versement du cap décès à vos deux enf poursuit M. Defferre, Il pris en compte par l'Et non par le département Haute-Corse. Cette mes permis de porter le cap décès à un montant équ lent à trois années de la nière rémunération de P Massimi, soit 233.000 F enfant, qui seront versés trois ans. Ce capital-décès rait été plafonné à trois de rémunération mensuel la situation de M. Mas avait été appréciée cor étant celle d'un agent non laire détaché auprès d'une lectivité territoriale.

Au service du département

En effet, au moment de décès, M. Massimi n'exer pas son activité au servic l'Etat, mais à celui du dépa ment de la Haute-Corse.

C'est là la raison essent du retard apporté au ve ment du capital-décès.

Reste l'enquête de police. couvrira-t-on un jour les billes et le nom de l'assa bien que le crime ait été redi qué par l'ex-F.L.N.C. ? I sa réponse, Gaston Defferre simplement : « Je tiens à l'igner qu'une enquête j claire étant ouverte sur conditions du décès de m mart, il n'y avait lieu de part à aucune interven ou déclaration... »

Marc BABRONS

Précision

Suite à la publication de « Franco-Soleil » du 23 mai il d'un article intitulé « E ty pal ru de l'île ». Les fait sements Paul Contini I nous demandant de nous première phase de l'ère ar de « Encore un coup de t pas respecté la loi sur les et nous sommes... » et la tation de l'île... et d'au ment pas respecté la loi sur le droit, et il y a eu des coup

GARANTIE FINANCIERE

AVIS
LA SOCIÉTÉ DE CAUTION MUTUELLE DES ADMINISTRATEURS DE BIENS, SYNDICS DE COPROPRIÉTÉ DE FRANCE (SOCAMAB), 18, rue Beaurepaire, 75010 PARIS, fait savoir que la garantie dont bénéficiait la S.A.R.L. Cabinet MOREL, 6, rue de Castellane, 75008 PARIS, depuis le 27 février 1981 pour les opérations de :
- Gestion Immobilière,
- Transaction sur Immeubles et fonds de commerce
visées par la loi No 70-9 du 2 janvier 1970 cessera TROIS JOURS FRANCS après la publication du présent avis.
Les créances, s'il en existait, devraient être produites au siège de la Société de garantie dans les TROIS MOIS de cette insertion.

AVIS
La S.A.R.L. Cabinet MOREL, 6, rue de Castellane, 75008 PARIS, informe sa clientèle qu'elle bénéficie désormais de la garantie de LA MONOD-FRANÇAISE DE BANQUE, 57, avenue Hoche, 75008 PARIS, pour ses opérations de :
- Gestion Immobilière
- Transaction sur Immeubles et fonds de commerce
visées par la loi No 70-9 du 2 janvier 1970.

Exhibit A-2

La porte de la prison d'Ajaccio n'estait souvent grande ouverte

Un envoyé spécial de Badinter en Corse

Un envoyé spécial Jean-Michel BRIGOLEUX

AVACCIO N Corse, alors que les passions politiques se ravivent, c'est le sceller technique de Bert Badinter, juge, qui l'avoue :

Où, la prison d'Ajaccio incroyablement vétuste, celle à protéger avec les ombres allongées qui la tombent; oui, il faudra doute à plus ou moins terme la démolir pour reconstruire une mieux adaptée aux besoins du monde malin par un monde composé de élites de l'ex-F.L.N.C. qui allu dans leur cellule les principes inculqués à l'assassin Orsini, Jean-Facchi, quarante-deux et Salvatore Contini, tante et un ami, est

à grande même. L'une des graves sans doute dont le lire de la Justice ait été l'une belge clair, travailleur, légitimement criant

milliards qui ont attaqué la prison sont des héros de la cause du peuple corse. Ils ont vengé mon frère. Je rends hommage à cet acte de bravoure. Comment auraient-ils pu vouloir empêcher Leccia de parler pulque, de toute façon, depuis son arrestation aux Etats-Unis, celui-ci se refusait à toute déclaration. Les charges qui pesaient contre lui, au sens judiciaire du terme, étaient d'ailleurs très faibles. Elles ne reposaient guère que sur une seule dénonciation. Il aurait été acquitté ou condamné à une peine de prison. Les gens du FLNC n'ont pas voulu cela.

Mais alors, pourquoi n'ont-ils pas attendu le procès et la libération de Leccia, que vous assurez vraisemblable de Leccia pour le tuer? La démonstration n'est-elle pas été plus forte et l'opération plus facile?

Je ne sais pas. Je ne suis pas membre du FLNC (sic). Ce que je sais c'est que Leccia, qui était milliardaire, aurait pu se réfugier aux Etats-Unis ou ailleurs, à l'abri des coups du FLNC. C'est peut-être pour cette raison qu'il a été exécuté avant son procès pluriel qu'après.

De son côté, Vanina Orsini, la veuve de Guy Orsini, a déclaré : « La commando, qui, au



Les sauveurs donnent les premiers soins au jeune désespéré.

Alors sur le Sur lui, on a tiré sage dans lequel il mention d'en finir, n'écrit étaient au nombre habillant. Le V&A jeune homme s'est sous une rame du Défense, sur le q Germain-en-Laye.

Il Tira d'un...

Jean-Michel
BRIGOLLEIX

AJACCIO

EN Corse, alors que les passions politiques se ravivent, c'est le conseiller technique de Robert Badinter, lui-même, qui l'avoue :

« Ouh, la prison d'Ajaccio est incroyablement vétuste, difficile à protéger avec les immeubles alentours qui la surplombent ; ouh, il faudra sans doute à plus ou moins long terme la démolir pour en reconstruire une mieux adaptée aux besoins du moment ; ouh, l'attaque menée, jeudi matin par un commando composé de cinq membres de l'ex-FLNC qui a abattu dans leur cellule les deux principaux inculpés dans l'affaire Orsoni, Jean-Marc Leccia, quarante-deux ans, et Salvatore Contini, quarante et un ans, est grave. »

Très grave même. L'une des plus graves sans doute dont le ministre de la Justice ait été saisi.

Costume beige clair, cravate bordeaux, légèrement crispé, Jean Favard explique : « Je suis arrivé à Ajaccio, hier soir. J'ai rencontré aujourd'hui tous les principaux responsables de l'administration pénitentiaire et judiciaire, les membres du personnel de la prison également. J'ai rencontré des policiers et des magistrats pour rendre compte des vendredis soir des problèmes qui se posent ici au ministre de la Justice. Les résultats de l'enquête administrative en cours devraient très vite aboutir à un certain nombre de décisions. »

Excès de négligence

Négligence ? Complicités à l'intérieur de la prison ? Les policiers penchent pour un excès de négligence. Le procureur de la République est de cet avis. Il est même plus catégorique : « Il y a eu au moins négligence grave. » Ne dit-on pas que lorsque les gardiens de la prison d'Ajaccio — qui n'étaient que deux pour surveiller soixante prisonniers durant la nuit de mercredi à jeudi — sortent les poubelles, le matra, ils laissent parfois la porte de l'établissement pénitentiaire grande ouverte ?

La prise — même momentanée — de la maison d'arrêt du boulevard Masseria a mis la Corse en état de choc. Stupéfaction, incertitude, colère ; on s'interroge : à qui profite la mort de Jean-Marc Leccia ? L'ex-FLNC n'a-t-il pas voulu, en l'assassinant, l'empêcher de parler ?

« Non, affirme catégorique-

ment, prison sont des héros de la cause du peuple corse. Ils ont vengé mon frère. Je rends hommage à cet acte de bravoure. Comment auraient-ils pu vouloir empêcher Leccia de parler puisque, de toute façon, depuis son arrestation aux Etats-Unis, celui-ci se refusait à toute déclaration. Les charges qui pesaient contre lui, au sens judiciaire du terme, étaient d'ailleurs très faibles. Elles ne reposaient guère que sur une seule dénonciation. Il aurait été acquitté ou condamné à une peine de principe. Les gens du FLNC n'ont pas voulu cela ! »

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De son côté, Vanina Orsoni, la veuve de Guy Orsoni, a déclaré : « Le commando, qui, au prix d'un courage exceptionnel et d'une détermination sans faille, s'est rendu maître de la prison d'Ajaccio, était animé par l'esprit de la vraie justice. Nous tenons à leur rendre hommage. »

Cette glorification des « héros » du double meurtre a été faite également par les représentants de plusieurs mouvements séparatistes corses réunis à la hâte, hier, matin, au rez-de-chaussée d'une H.L.M. de la banlieue d'Ajaccio. Parmi eux, un officiel du P.P.C. (Parti du peuple corse), qui disposait d'un élu au sein de l'assemblée régionale récemment dissoute.

Toutes ces déclarations ne constituent-elles pas une apologie du crime ? Le parquet d'Ajaccio en a jugé ainsi. En effet, une information judiciaire pour apôtre du crime a été ouverte à la demande du procureur de la République contre Alain Orsoni. Un juge d'instruction devra être prochainement désigné. Après, seulement, un magistrat devra indiquer s'il souhaite entendre Alain Orsoni dans le cadre de cette affaire.

D'autre part, le procureur de la République a précisé : « Il y a réellement eu une faute professionnelle très grave à l'origine de l'assaut contre la maison d'arrêt du boulevard Masseria jeudi matin, de la part du personnel pénitentiaire ». Le magistrat accuse formellement les gardiens de la prison d'avoir sorti les poubelles au même temps et d'avoir permis de passer coup front de ce commando dans l'enceinte de l'établissement pénitentiaire.



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Un trou de quinze

UNE chose est sûre : il y a quatre cadavres à la fin de cette tragédie familiale qui s'est déroulée à Paris : ceux du père, de la mère et des deux enfants. Mais une question demeure : qu'a fait pendant quinze jours la mère, Lucienne Dumoulin, quarante-quatre ans, la meurtrière, qui s'est suicidée après avoir commis les trois crimes ?

A-t-elle erré dans Paris en jouant une affreuse comédie aux collègues de son mari ? Comment a-t-elle pu vivre avec cette idée obsédante de meurtre dans la tête ? Qu'est-ce qui a bien pu la pousser à agir de la sorte ? Une crise de dévotion ? Non, seulement des raisons tenues d'état civil les raisons qui ont fait d'elle une triple meurtrière, mais il y avait également à établir avec précision les causes exactes de cette affaire criminelle, une des plus étranges et des plus bouleversantes de ces dernières années.

Plus que trois mois seulement, la famille Dumoulin n'en avait pas beaucoup séparés. Hier, le père, soixante-trois ans, directeur de collège de la rue Jomard (12^e arrondissement) avait perdu de fonction à la même adresse. Sa femme, Lucienne, quarante-quatre ans, se partageait entre son appartement et celui où vivaient leurs deux enfants, Christian, vingt et un ans et Michel, dix-huit ans, 12, rue Pasteur (12^e arrondissement). Mais pendant le week-end, toute la famille

toutes les gentillesse que vous avez eues pour moi.

Or, tout laisse croire qu'elle venait de tuer ses deux enfants.

« Elle disparaît. Où va-t-elle ? Le lendemain, elle apparaît au collège de la rue Jomard. Elle est émue, soucieuse.

« Mon mari a été victime d'un malaise, dit-elle au concierge. J'ai dû le faire hospitaliser. »

Une odeur éœurante

Elle fait part de cette nouvelle aux enseignants :

« Il a été frappé par une hémorragie cérébrale et qui l'a plongé dans un profond coma. »

« Comprenez que toute cette chose impossible, délicate ne sera plus tard l'un des problèmes que j'aurai pas pour à résoudre de ce collège. »

« Je suis sûr que vous ne serez pas surpris de ce qui s'est passé. C'est un drame qui a touché un homme de la rue Jomard. Je suis sûr que vous ne serez pas surpris de ce qui s'est passé. »

« Je suis sûr que vous ne serez pas surpris de ce qui s'est passé. C'est un drame qui a touché un homme de la rue Jomard. Je suis sûr que vous ne serez pas surpris de ce qui s'est passé. »

mercredi à jeudi — sortent les poubelles, le matin, ils laissent parfois la porte de l'établissement pénitentiaire grande ouverte.

La prise — même momentanée — de la maison d'arrêt du boulevard Masseria a mis la Corse en état de choc. Stupéfaction, incrédulité, colère; on s'interroge: à qui profite la mort de Jean-Marc Leccia? L'ex-FLNC n'a-t-il pas voulu, en l'assassinant, l'empêcher de parler?

Non, affirme catégoriquement Alain Orsoni, le frère de Guy Orsoni, ce jeune militant de l'ex-FLNC disparu tragiquement le 18 juin 1983. Les

Alain Orsoni dans le cadre de cette affaire.

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Enfin, un sixième homme serait recherché.

A Paris, Jean Foyer (député R.P.R. du Maine-et-Loire), au cours d'un rappel au règlement en début de séance, hier à l'Assemblée nationale, a accusé le gouvernement de ne plus maîtriser la situation dans les prisons.

« Il n'y a plus d'Etat, a-t-il déclaré. A la prison d'Ajacello se sont produits des événements d'une extrême gravité. La peine de mort, que la majorité se flatte d'avoir abolie, est maintenant appliquée à l'intérieur des prisons par des criminels sur d'autres criminels. »

Bien que très unie sentimentalement, la famille Dumoulin n'en vivait pas moins séparée. Henri, le père, soixante-trois ans, directeur du collège de la rue Jomard (19e), habitait une logement de fonction à la même adresse. Sa femme, Lucienne, quarante-quatre ans, se partageait entre son appartement et celui où vivaient leurs deux enfants, Chantal, vingt et un ans et Michel, dix-huit ans, 33, rue Paul-Barruel (15e). Mais pendant le week-end, toute la famille se retrouvait rue Paul-Barruel.

La tragédie commence il y a une quinzaine de jours.

Mme Dumoulin descend de l'appartement de la rue Paul-Barruel et s'adresse à la gardienne de l'immeuble:

« Je vous souhaite une bonne fête des mères, lui dit-elle. Je pars en vacances pour deux semaines. Je vous remercie de

Les quinze jours mystérieux commencent. Où vit Mme Dumoulin? Où dort-elle? Où mange-t-elle? Elle se montre de temps en temps au collège de la rue Jomard le visage de plus en plus creusé par les larmes, mais elle ne se rend pas rue Paul-Barruel.

Le mercredi 6 juin — à la fin du quinzième jour — on la voit encore révenir rue Jomard.

Mais presque au même moment, il se passe un événement extraordinaire rue Paul-Barruel. Au cinquième étage, des voisins de l'appartement de M. et Mme Dumoulin appellent la police. Une odeur écœurante s'échappe des fenêtres entrouvertes. A 20 h, les pompiers enfoncent la porte blindée. Ils découvrent les corps de Chantal et de Michel dans un état de décomposition extrême. Ils avaient été tués.

En attendant l'enquête de la police judiciaire, des gardiens de la paix sont mis de faction

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