

BERNARD BORREL: THE TRUTH, TWELVE YEARS LATER!

By Claude MONIQUET, President of ESISC

Sometimes justice makes haste slowly. In the Borrel affair, it took twelve years to begin to recognise a truth that it could have seen from the very first days of the investigation. **It took the relentlessness of a widow determined to see justice done, Ms Elisabeth Borrel, the honesty of man acting on his own, a former officer who lost everything, Mr Mohamed Saleh Aloumekani, and the uncompromising pre-trial investigation of a judge, Ms Sophie Clément, for the truth to be brought out into the open.**

On October 19, 1995, the burned corpse of Bernard Borrel, a French magistrate seconded to Djibouti, was found at the foot of a cliff in Djibouti. After having served as prosecutor in the Republic of Lisieux, Mr Borrel, then aged 39, was named as technical adviser to the Ministry of Justice charged, among other tasks, with helping to shed light on the causes of an attack on the French in Djibouti in the midst of the Gulf War.

From the very first hours following the discovery of the body, even before it was removed and an autopsy was performed, the French Embassy in Djibouti advised the Ministry of Foreign Affairs in Paris that the magistrate had committed suicide by setting himself afire. This was a stroke of intuition that would set the tone for the French position for years to come! In the course of a number of years, in effect, this thesis remained the only official line come what may. **What was important to the France of Mr Jacques Chirac was to maintain good relations with Djibouti, which accommodates the main French base in the region.** At whatever the cost, even if this was to scorn the truth owed to a French official who died while in the service of his country and to his family.

Paris would do its “best” to preserve the fine friendship that joins us with Djibouti : **justice which is asleep and does not respect the rights of civil parties to an investigation which is something more than partial into a criminal brigade acting on orders, intimidations directed at Mme Borrel and witnesses, and more or less discreet pressure on the media. They used an entire panoply of ‘affairs of State’ tools, the nausea inducing odours of French Africa (Françafrique) policy and of hidden interests.**

In 2000, a key witness came out of the shadows: **Mr Mohamed Saleh Aloumekani**, a former officer of the Djibouti Presidential Guard who is living in exile – we are proud, at the ESISC, that he is today one of our colleagues. He confirms that on the day after the death of Mr Borrel, he overheard a damning conversation among several men in the gardens of the Presidential Palace. One of them was none other than Ismail Omar Guelleh, who was at the time the director of the office of the President and the official responsible for the security forces. Guelleh is today the President of the Republic. On that day, October 19, 1995, henchmen came to tell him that ‘the prying judge’ was dead and ‘that there were no traces.’ Though he was heard several times in the course of the years which followed, Mr Aloumekani never altered a word in his depositions.

Finally, after an investigation that was worse than chaotic and clearly directed in a manner to stick to the official line, **Ms Sophie Clément** took up the dossier again in June, 2002. She conducted her pre-trial investigation with independence and diligence.

When it became clear that the affair was getting out of control, **Mr Chirac's France went still further along the path of renunciation: it advised President Guelleh on the best means of... counter-attack.** In 2004, the Minister of Justice, Mr Perben, took it upon himself to send a copy of the Borrel dossier to the authorities in Djibouti. Judge Clément resisted this instruction, which was directed exclusively at allowing persons who might be implicated to be informed of the material accumulated against them. **Thus, the French embassy, which no doubt can act only at the initiative of the highest authorities in Paris, advised President Guelleh that Djibouti might file an appeal with the International Court of Justice. Here we have a French embassy counseling a foreign government on the best way of bringing charges against Paris: it is doubtlessly a unique case in French, if not world diplomatic annals...**

But the truth was now well on its way. On June 19, 2007, Ms Elisabeth Borrel was received by the President of the French Republic. **Mr Sarkozy assured her that 'the truth was his only concern.'** That same evening, the public prosecutor's office in Paris published the following communiqué: ***'The Paris Prosecutor of the Republic, in accordance with and following the request of Ms Sophie Clément, the Vice President charged with the pre-trial investigation into the Borrel affair, states that if the thesis of a suicide was once favoured, the materials collected, especially since 2002, argue in favour of a criminal act.'***

This is a first victory. The determination of a widow, of a magistrate and of a man acting on his own have born fruit. Relations between Paris and Djibouti may have just suffered a serious chill, but one may now hope that Mr. Bernard Borrel, ***who died for France***, will finally, twelve years after his death, get that which he is entitled to: justice.