

Paedophile case that could bring down the Napoleonic system

Fabrice Burgaud thought his investigation into child abuse would be the case of the century. It may be, but not in the way he expected

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FABRICE BURGAUD is a fresh-faced, French investigating judge with short hair and a strangely high-pitched voice. He is said by colleagues to be diligent and determined.

But Judge Burgaud, 33, is unlikely to be remembered in France for his qualities. In the eyes of public opinion, he is the magistrate who has plunged French justice into its biggest crisis in recent history.

He is the central figure in a case that is to France what the Birmingham Six were to Britain — a case that has brought calls for root and branch reform amid concern that the country's Napoleonic system has gone awry.

Pursuing what he mistakenly thought to be a wide-ranging paedophile ring, the young judge at Boulogne-sur-Mer, near Calais, detained 13 people in custody, most of them for three years.

But seven were acquitted at a trial in St Omer, near Calais, in 2004, the remaining six at an appeal in November 2005.

The verdicts left France stunned and bewildered. How could an investigating magistrate — that pivotal figure of French criminal justice — have made such blunders? And how could his errors have gone unnoticed for so long? In a letter of apology to the defendants, President Chirac described the affair as an “disaster”, and promised reform to prevent a similar miscarriage of justice in the future.

Amid anguished debate over Judge Burgaud's mistakes — and the failure of his colleagues to rectify them — the French Parliament has set up a committee to study the future of the legal system.

The committee, which is due to report in June, has heard testimony from prosecutors, judges and jurists — some of whom are calling for the post of investigating magistrate to be scrapped altogether.

It has also heard harrowing evidence from the defendants who were jailed and separated from their children.

And it has heard Judge Burgaud explain — pale-faced and nervous as television cameras focused on his youthful features — his role in the affair. “I do not pretend to have carried out my investigation perfectly,” he said. “Could I have acted differently? With the benefit of hindsight, certainly. Did I make mistakes? Probably. Who does not? What examining magistrate does not? “I am terribly shocked to have been presented as a machine who applies the law without humanity,” he said in a hesitant voice. “I am not the person who has been described by some of the people who have given evidence here.”

But he added: “I believe I carried out my work honestly.”

He told the parliamentary committee how, in his first posting as investigating magistrate, he found himself in charge of an inquiry into claims that children had been abused by their parents in a small, impoverished town on the outskirts of Boulogne-sur-Mer, Outreau.

Judge Burgaud soon became convinced that the children had not only been assaulted by their mothers and fathers, but also by a ring of other people, including a bailiff and the local priest.

“He thought it was the case of the century,” Roselyne Godard, one of the defendants, says. “And it did become the case of the century, but not in the way he thought.”

The paedophile ring was in fact invented by a deeply disturbed child unable to distinguish fact from fiction after being raped by his mother and father. The child’s lies were backed by his mother, Myriam Delay, who wanted to dilute her own guilt, and then by her neighbour, Aurélie Grenon, who had also abused her own children.

Delay and Grenon later admitted that Judge Burgaud had himself suggested the names they had “spontaneously” denounced as members of the ring. The confused accounts of the other children interviewed by police were taken by the judge as corroboration, when they appear to have been nothing more than the product of troubled imaginations.

As the original hearing opened in St Omer, the French press predicted France’s biggest child abuse scandal — with orgies, bestiality and bodies buried at a farm in Belgium.

None of it was true. “L’affaire Outreau” turned out to be a sordid but minor case involving the Delays and the Grenons, but no one else. Myriam Delay was given a 15-year sentence, her husband, Thierry, 20 years, Aurélie Grenon 4 years and her boyfriend, David Delplanque, 6 years. The other defendants were innocent.

“In the name of the justice that I must guarantee, I wish to offer you my apologies and excuses for what will be seen as an unprecedented judicial disaster,” M Chirac wrote. “The errors, the mistakes and the responsibilities must be highlighted.”

The committee is said to be divided over many of the ideas for reform thrown up in the debate over the Outreau scandal. But one fact seems clear: it will recommend that magistrates as young and inexperienced as Judge Burgaud should not be put in sole charge of complex inquiries.

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