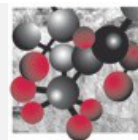




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## The Criminal Chamber of the French Supreme Court of Appeal (*Cour de Cassation*) annuls nonsuit in AMISOL trial

*Will the victims see the criminal trial they have been awaiting for 20 years open at last?*

Clermont-Ferrand, 7 June 2016

So that nobody forgets, we need to recall some of the milestones on the way to this latest judgement.

On 18 July 1996, eight victims of AMISOL – an asbestos spinning and weaving factory in Clermont-Ferrand, France – file a complaint with the Senior Investigating Judge of Clermont-Ferrand. Who are these victims? Former workers and their families, decimated by the asbestos they manipulated with their bare hands and with uncovered faces while working for the Chopin family, as well as a 52-year-old teacher, Anne-Marie Goudard, who spent her childhood near the AMISOL factory and was diagnosed with mesothelioma.

When the Investigating Judge, Michel Royer, started the first hearings in 1998, Anne-Marie had already passed away, but she left her testimony and told her friends and relatives about her will for this trial to take place. Back then, the lawyers of the Asbestos Committee Prevent and Repair (*Comité Amiante Prévenir et Réparer*, CAPER), Jean-Paul Teissonnière and Sylvie Topaloff, expressed their hopes to see the preliminary investigation "move ahead quickly, in a consistent and determined manner". On 9 April 1999, Claude Chopin, the last CEO of the factory, is charged with "poisoning, assault causing death, manslaughter, unintentional injury, [and] failure to act". CAPER Auvergne continues its struggle for the criminal trial to take place.

Alas! This is not the trial that opens in 2006. Ten years after the filing of the complaints, the investigating judge declines jurisdiction in favour of the Division of Public Health of the Appeal Court of Paris. New judges are appointed, but the investigation is getting bogged down due to an intentionally maintained confusion between the responsibility of manufacturers, such as Claude Chopin, and that of the State – to the point that, in 2012, Chopin requests a nonsuit due to an alleged "absence of legal charges" in front of the Chamber of Instruction of the Appeal Court of Paris. On 8 February 2013, the court dismisses the case with this terrible comment: "the memory of the facts is fading". No, the violence of the facts that have caused so much suffering cannot be erased!

On 24 June 2014 the Supreme Court of Appeal (*Cour de Cassation*) quashed the judgment of the Chamber of Instruction and referred the case and the parties back to the Court of Appeal of Paris, for a new decision by the court with another panel of judges. On 5 February 2015, the Chamber yet again dismissed the case on the grounds that there were no "sufficient charges against Claude Chopin of having committed injury and one manslaughter".

Through its decision of 7 June 2016, the Criminal Chamber of the Supreme Court of Appeal quashes and cancels this judgment and refers the case and the parties to the Chamber of Instruction of the Court of Appeal of Versailles. Reason for the decision: the nonsuit was not motivated with reference to the charges that led to the indictment of Claude Chopin, who had the duty "in his capacity as factory director and employer, be it for a limited period of time, to personally ensure the continued compliance with worker health and safety regulations and [who] had the responsibility to implement protective measures".

Despite 20 years of judicial proceedings, there thus remains hope for the victims and those who share their struggles, especially *Ban Asbestos France* and the *Association Henri Pézerat*, to finally see Claude Chopin be held accountable for his actions before a criminal judge in a criminal court. In these times marked by the French government's political will to "simplify" the Labour Code, this judgment resonates like a necessary reminder of workers' fundamental right to be protected by law, and not just by lowest-bidding "agreements" negotiated within companies – among parties with asymmetric negotiating power.

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