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NAZI WAR CRIMES DISCLOSURE ACT
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SUBJECT: FRENCH COURT OVERTURNS EXPULSION ORDERS FOR ALLEGED
BASQUE TERRORISTS
REFS: A. BORDEAUX 0195 B. PARIS (NOTAL) 25452
C. BORDEAUX 0188 (NOTAL)

1. SUMMARY. THE ADMINISTRATIVE COURT AT PAU (PYRENEES-ATLANTIQUES)
IN A POTENTIALLY FAR REACHING DECISION HAS DECLARED ILLEGAL
FIFTEEN EXPULSION ORDERS AND CONTROLLED RESIDENCE DECREES
INVOLVING SPANISH BASQUES. IF CONFIRMED BY THE CONSEIL D'ETAT,
THE DECISION MIGHT WELL NARROW FRENCH OPTIONS IN DEALING WITH
ALLEGED SPANISH BASQUE TERRORISTS. END SUMMARY
2. ON DECEMBER 18 THE PAU ADMINISTRATIVE COURT DECLARED ILLEGAL
FIFTEEN ORDERS OF EXPULSION, OR OF CONTROLLED RESIDENCE
WHICH HAD BEEN TAKEN BY THE MINISTER OF THE INTERIOR, LARGELY
BETWEEN JANUARY AND APRIL, 1984. THE MEASURES HAD BEEN
ADMINISTRATIVELY TAKEN UNDER SPECIAL EXTRA-JUDICIAL EMERGENCY
PROVISIONS OF AUTHORITY RESTING WITH THE MINISTER OF THE

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INTERIOR. IN ESSENCE, THE PAU TRIBUNAL DECIDED THAT AN INSUFFICIENT CASE HAD BEEN MADE IN EACH OF THE FIFTEEN DOSSIERS TO PROVE THAT THE INDIVIDUALS CONCERNED WERE OF ANY PARTICULAR DANGER TO FRANCE AND THEREFORE HAD TO BE TAKEN OUT OF THE COUNTRY IN HASTE AND UNDER AN EMERGENCY PROCEDURE. ACCORDING TO FIRST ACCOUNTS HERE, DEPENDING UPON THE CONSEIL D'ETAT'S VIEWS, THE WAY MAY NOW BE LEGALLY OPEN FOR THESE EXPELLED SPANISH BASQUES TO RETURN TO FRANCE.

3. THE FOLLOWING IS THE LIST OF THOSE PREVIOUSLY EXPELLED (REFTEL A) OR THE SUBJECT OF A CONTROLLED RESIDENCE DECREE WHICH HAS NOW BEEN OVERTURNED: LUGA-GOROSTIOLA, ANSOLA LARRANAGA (CUBA), LARREATAGUI CUADRA, IBARGUREN AGUIRRE, GOYENETEHEA FRADUA, URTIAGA MARTINEZ, OTAGUI MONDRAGON, AYESTARAN LECORBURU (VENEZUELA), GONZALEZ VALDERANA, ARANTZETA GARCIA (CONTROLLED RESIDENCE), BARRUTIABENGOA ZABARTE (VENEZUELA), IMAZ MARTIARENE, ARRUTI AIZPITARTE (CONTROLLED RESIDENCE), ZURUTUZA SARASOLA, JOSE MIGUEL SAN EMETERIO AND ARNALDE ORTEGUI MANDRAGOE (CONTROLLED RESIDENCE).

4. THREE OTHER DOSSIERS WERE, HOWEVER, CONFIRMED. THESE CONCERNED SEBASTIAN HORCAJO, JOSE GASTON SARRADA AND DOMINGO ITURRE-ABASSOLO (BETTER KNOWN AS "TXOMIN" OF THE ETA-MILITARY BRANCH). ACCORDING TO FIRST ACCOUNTS, AN APPEAL MIGHT ALSO LIE FOR THEM TO THE CONSEIL D'ETAT.

5. COMMENT. THE RECENT ACTION MAY OPEN THE WAY TO THE RETURN OF SOME OF THESE PERSONS TO FRANCE. IF SO, THE QUESTION OF LETTING THEM STAY IN FRANCE OR GRANTING SPANISH GOVERNMENT REQUESTS FOR EXTRADITION ON A WIDER BASIS MAY BE ONE OF THE NARROWING OPTIONS LEFT. IT MAY, HOWEVER, ALSO BE THE CASE THAT A JUDICIALLY SUPERVISED EXPULSION PROCEDURE MIGHT IN THE FUTURE STAND UP BETTER THAN DID THE ACTION TAKEN UNDER EMERGENCY MEASURES AVAILABLE TO THE MINISTRY OF THE INTERIOR. PART OF THE DRAMA UNDERLYING THE PROCEEDINGS AT PAU WAS, APPARENTLY, THE PRESENCE OF THE LAWYER VERGES (**KLAUS BARBIE'S** ATTORNEY) FOR THE BASQUES. ALTHOUGH NOT MUCH DETAIL IS GIVEN REGARDING THE REFUGEES THEMSELVES THEY ARE APPARENTLY A CELEBRATED LOT IN SPAIN INCLUDING, IT IS SAID, THE PRESUMED ASSASSINS OF CARRERO BLANCO AND PERPETRATORS OF OTHER CRIMES.

6. THE DECISION OF COURSE ALSO REINFORCES THE VIEWS OF THOSE (REFTEL B) WHO HAVE SEEN LAW ENFORCEMENT AGAINST SPANISH BASQUE TERRORISTS UNDERCUT BY AN OVERZEALOUS JUDICIARY. BE THAT AS IT MAY, THE NEXT TEST OF THE JUDICIARY'S VIEWS IN THIS AREA MAY ALSO BE HEARD AT PAU. FOLLOWING THE TRIAL OF ALLEGED MEMBERS OF THE FRENCH BASQUE TERRORIST GROUP IPARRETARRAK AT BAYONNE LAST JUNE (REFTEL C), AT WHICH THE BAYONNE COURT REFUSED TO HOLD ALLEGED IPARRETARRAK MEMBERS ON A THEORY OF GENERAL CRIMINAL CONSPIRACY, THE PROSECUTION APPEALED TO THE PAU APPEALS COURT. A DECISION ON THIS CASE IS EXPECTED IN MID-JANUARY. END COMMENT. SHEPARD

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