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## WITNESSES CLASH IN BEN BARKA CASE

Lying Charges Exchanged  
—Defense in Surprise

By JOHN L. HESS

Special to The New York Times

PARIS, Sept. 25.—Five journalists, a Gaullist Deputy and a lemon merchant stood facing one another in the Ben Barka trial today. Taking turns at the witness rail in a sort of grim ballet, the newsmen said the Deputy and the merchant lied, and the Deputy and the merchant hurled the lie back.

It was the climax of a bewildering series of smaller confrontations, like a scene in a play where characters talk at cross purposes to no avail. But here careers, liberty and possibly even lives are at stake.

At issue also were allegations that Roger Frey, Minister of the Interior, and Jean Caille, an official of the Paris police, had covered up important information on the kidnapping of Mehdi Ben Barka, the Moroccan opposition leader, last Oct. 29. Five men are on trial for that crime.

The confrontations arose from a defense challenge of the testimony of the gangster Georges Figon, who apparently committed suicide last Jan. 17. In effect, the defense was cross-examining the dead man through the newsmen who said they had interviewed him.

### 2 L'Express Men Testify

Jean-Francois Kahn and Jacques Derogy of the news weekly L'Express had recounted a midnight meeting with Figon, a fugitive, near the Arc de Triomphe.

The newsmen said they had reached the rendezvous, with two changes of cars, under the guidance of one Joseph Zurita, whom they described as a gangster.

In a surprise move, Mr. Zurita was produced by Jean-Louis Tixier-Vignancour, a flamboyant defense lawyer who is also a political standard-bearer of the extreme right. Mr. Zurita said he was a simple lemon merchant and had never laid eyes on Figon or the newsmen. When they retold their stories, he cried, "liars!"

Switching course, Mr. Tixier-Vignancour demanded to know

whether Figon had not in fact told Mr. Kahn at 3 P.M. on Oct. 29—that is, less than three hours after the kidnapping—that Mr. Ben Barka was dead. Like others who talked with Figon, Mr. Kahn had reported that Mr. Ben Barka was alive at least two days later.

Mr. Kahn's negative reply was lost in a hubbub, for the question implied that Mr. Ben Barka was murdered—obstensibly by or at the behest of Moroccan rightists—before he arrived at the villa of Antoine Lopez, the organizer of the kidnapping, who is Mr. Tixier-Vignancour's client. If the death were confirmed, the charge would be murder.

### Deputy Issues Denial

Four newsmen testified about interviews with Pierre Lemarchand, a Gaullist Deputy and a lawyer-friend of Figon. All said Mr. Lemarchand had confirmed Figon's account of the kidnapping as given to him three days after the event. All said Mr. Lemarchand told them that Mr. Caille was present at the meeting with Figon and that Interior Minister Frey had asked the Deputy to keep this act secret.

The policeman has steadfastly denied he was there, and today Mr. Lemarchand denied he had ever said so.

If Mr. Caille was there, the question arises why he did not arrest Figon and the gangsters and the Moroccan officials named by Figon—includ-

ing Gen. Mohammed Oufkir, Minister of Interior.

This was one of 33 questions along similar lines presented, as French law permits, by lawyers for the Ben Barka family to be put in writing to Premier Georges Pompidou and Mr. Frey. The court took the questions under study. It had refused to summon the Ministers for direct examination.

In passing, Mr. Kahn offered what purported to be new light on the character of General Oufkir, who, according to the hearsay account by Figon, cut Mr. Ben Barka with a dagger. The newsmen said he had interviewed a number of persons in Morocco who said they had been tortured by the Minister's own hand.

The missing, including General Oufkir, are to be tried in absentia immediately after the present trial, which is expected to end in two weeks.

French newspapers have given considerable attention to the damage that the conviction of General Oufkir might do to French interests in Morocco, but the consensus is that the de Gaulle Government will not block the prosecution.

### Warning to French

Special to The New York Times

RABAT, Morocco, Sept. 28.—French interests in Morocco would be liquidated in the event of a complete break in relations with France, Allal al-Fassy,

president of the opposition Istiqlal party, said today.

In a statement to newsmen, he conceded that observers believed French-Moroccan relations might enter an "acute crisis" because of the trial in Paris, where the Interior Minister General Oufkir, is charged in the kidnapping of the Moroccan leftist leader Mehdi Ben Barka.

He denied French newspaper reports saying that the Istiqlal party believed the Ben Barka affair should be settled between General Oufkir and King Hassan II on the one hand and between the King and President de Gaulle on the other.