

# SPECIAL SECTION

Cannes 1975



The Law must establish only those penalties which are strictly and obviously necessary, and no one may be punished but by virtue of a law established and promulgated anterior to the misdemeanour and applied within the context of the Law.

*Declaration of the Rights of Man and Citizen . Article 8 .*

**THE NATIONAL INTEREST (Raison d'Etat):**

Consideration of the public welfare justifying an unjust action.

*(Larousse)*

Distributed by UNITED ARTISTS

A co-production : REGGANE FILMS / ARTISTES ASSOCIÉS Productions - Paris  
GORIZ FILMS - Rome  
JANUS FILMS - Frankfurt

# SPECIAL SECTION

Film by COSTA-GAVRAS

Based on the works by Hervé VILLERÉ

Screen Adaptation : Jorge SEMPRUN and COSTA-GAVRAS

Dialogues by Jorge SEMPRUN

Produced by : Jacques PERRIN  
Giorgio SILVAGNI

Associate Producer : Claude HEYMANN

Studios : Billancourt

Laboratory : L.T.C.

Film : Eastmancolor

Photographic Laboratory : Publimages

Press Relations : Eva SIMONET - Reggane Films  
Annabel KAROUBY - Les Artistes Associés

# cast

## *The Ministers :*

<b>Louis SEIGNER</b>	Minister of Justice
<b>Michel LONSDALE</b>	Secretary of the Interior
<b>Ivo GARRANI</b>	Admiral
<b>François MAISTRE</b>	Deputy General

## *The Higher Officials :*

<b>Roland BERTIN</b>	Secretary General of the Justice Department
<b>Henri SERRE</b>	Deputy of the Secretary of the Interior in the occupied zone

## *The Higher Magistrates :*

<b>Pierre DUX</b>	Attorney General
<b>Jacques FRANÇOIS</b>	State Prosecutor
<b>Claudio GORA</b>	First President of the Court of Appeal
<b>Julien BERTHEAU</b>	Lawyer Head of the Central Service of the Prosecutor's Chamber

***The Court :***

<b>Claude PIEPLU</b>	President of the Special Section
<b>Hubert GIGNOUX</b>	The Judge "in black"
<b>Jacques OUVRIER</b>	Counsellor
<b>Alain NOBIS</b>	First Counsellor
<b>Jean BOUISE</b>	Counsellor Linais

***The Well of the Court:***

<b>Jean CHAMPION</b>	Lawyer
<b>Julien GUIOMAR</b>	Deputy Public Prosecutor
<b>Maurice TEYNAC</b>	Deputy Public Prosecutor

***And***

<b>Jacques SPIESSER</b>	Fredo
<b>Heinz BENNETT</b>	Major Beumelburg
<b>Michel GALABRU</b>	Président Cournet
<b>Guy RÉTORÉ</b>	Bréchet
<b>Yves ROBERT</b>	Bastard
<b>Jacques RISPAL</b>	Trzebrucki
<b>Eric ROULEAU</b>	Friedmann
<b>Guy MAIRESSE</b>	Redondeau
<b>Bruno CREMER</b>	Sampaix
<b>Jacques PERRIN</b>	Lawyer Lafarge

## technical listing

DIRECTED BY	<b>COSTA-GAVRAS</b>
SCREEN ADAPTATION	<b>Jorge SEMPRUN and COSTA-GAVRAS</b>
DIALOGUES	<b>Jorge SEMPRUN</b>
DIRECTOR OF THE PHOTOGRAPHY	<b>Andreas WINDING</b>
EDITED BY	<b>Françoise BONNOT</b>
DECORS BY	<b>Max DOUY</b>
MUSIC	<b>Eric DEMARSAN</b> (Éditions Leibovitz)
MAGNETIC MUSIC	<b>TAKIS</b>
FIRST ASSISTANT TO THE DIRECTOR	<b>Jean-Michel LACOR</b>
FIRST CO-ASSISTANT	<b>Denys GRANIER-DEFERRE</b>
SOUND ENGINEER	<b>Harald MAURY</b>
FRAMES	<b>Jean HARNOIS</b>
PRODUCTION DIRECTOR	<b>Gérard CROSNIER</b>

# Costa-Gavras

What I am talking about now, and have been since " Z " (and even before), is the relationships between man and power. This can also be called Politics. What holds my attention and interest are the invented mechanisms established by man which eventually escape his control and end up controlling man himself.

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- 1964 COMPARTIMENTS TUEURS (SLEEPING CAR MURDERS)
- 1966 UN HOMME DE TROP (ONE MAN TOO MANY)
- 1969 Z
- 1970 L'AVEU (THE CONFESSION)
- 1973 ÉTAT DE SIEGE (STATE OF SIEGE)
- 1975 SECTION SPÉCIALE (SPECIAL SECTION)



# Jorge Semprun

In SECTION SPÉCIALE there is not, strictly speaking, what we would call a plot in the traditional dramatical sense of the word. Nor are there characters, heros - negative or positive - bearing the psychological attributes necessary to an action structured by a denouement according to the usual precepts of the genre.

In short, there is no story.

But there is History. And, very precisely, that of - in part at least - France during the Vichy period, August 1941. There are the forces, the men who made this History in the apparent incoherence of their personal interests and of their contradictory ideologies.

This deliberate obliteration of traditional plot and heros allows Costa-Gavras to trace, with the precision of an etching needle, the portrait of one of the most terrifying characters known to the 20th Century : the totalitarian State.

SECTION SPÉCIALE seems to me to be an analysis of the State, of its irrationality, of its large-scale display, of its repressive machinery.

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Novels	LE GRAND VOYAGE L'ÉVANOUISSEMENT LA DEUXIEME MORT DE RAMON MERCADER
Theatre	Adaptation of LE VICAIRE by Rolf Hochuth
Cinema	Screenplay and direction of LES DEUX MÉMOIRES  Screenplay, adaptation and dialogues of LA GUERRE EST FINIE STAVISKY  Adaptation and dialogues of Z L'AVEU L'ATTENTAT SECTION SPÉCIALE

# Hervé Villeré

Degree from the Institut d'Etudes Politiques of Paris.  
Degree : Advanced Studies in Public Law and Political Economics.

In 1973 the Editions Fayard publish his works :  
"THE AFFAIR OF THE SPECIAL SECTION"  
(L'AFFAIRE DE LA SECTION SPECIALE)

which sold over 30,000 copies and was widely celebrated by the press.

# historical reminder

JUNE 12, 1940	Order for a general retreat given to the French armies.
JUNE 14, 1940	German troops enter Paris.
JUNE 17, 1940	Pétain "offers himself to France" and announces that he has asked for the conditions of an armistice.
JUNE 18, 1940	The appeal of Charles de Gaulle.
JUNE 22, 1940	Armistice signed by Huntziger and Keitel.
JULY 2, 1940	The Government moves to Vichy.
JULY 10, 1940	Abolition of the Republican Constitution of 1875. Total power given to Pétain to promulgate a new Constitution : (WORK - FAMILY - COUNTRY)
JULY 22, 1940	The line of demarcation is sealed.
JULY 23, 1940	The Magistrature is put under the control of the new Government, and, for certain proceedings, must answer to the occupants.
AUGUST 1940	Creation of the L.V.F. (The Legion of French Volunteers).
AUGUST 24, 1940	Law allowing for the creation of a martial court to judge the gaullists.
AUGUST 27, 1940	Reintroduction of censorship (political opinions and group preferences). Abolition of the Daladier ordinance punishing racial injuries by way of the press.
OCTOBER 3, 1940	French law on the official status of the Jews. (The exclusion of all Jews from public office and from all functions influencing the culturel life and opinion of the country).
OCTOBER 24, 1940	Meeting of Pétain and Hitler at Montoire.

FEBRUARY 5, 1941	Darlan's Cabinet is formed. Pucheu enters the Government (by way of the Industrial Production).
MAY 11, 1941	Conference Darlan-Hitler-Ribbentrop at Berchtesgaden (military collaboration or destruction - there is no longer a third alternative).
JUNE 22, 1941	The Wehrmacht invades the U.S.S.R.
JUNE 30, 1941	Rupture in diplomatic relations between Vichy and the U.S.S.R.
JULY 18, 1941	Subsidy of 10 million francs allocated to the L.V.F. (Legion of French Volunteers) for the fight against bolshevism.
JULY 18, 1941	The communist organization F.T.P. enters the clandestine battle.
AUGUST 11, 1941	Barthélémy's services shape into focus Pucheu's law of exceptional jurisdiction.
AUGUST 12, 1941	Pétain's speech on the resistance and French sabotage : ("My fellow Frenchmen, I have some serious things to tell you"). (Creation of a council of Political Justice. Ministers and high officials swear an oath of fidelity extended to the army and the supreme court in general).
AUGUST 13, 1941	German officials meet with Pucheu to discuss the law of exceptional jurisdiction.
AUGUST 19, 1941	Execution of Gautherot and Tyszelman. German authorities learn of the law of exceptional jurisdiction.
AUGUST 20, 1941	The communist party posts : "20 German officers will be executed to avenge the deaths of Gautherot and Tyszelman".

AUGUST 21, 1941	The German officer cadet Moser is shot dead in the underground station "Barbès". At 6 o'clock an exceptional meeting of the Council of Ministers at the hotel on the Park : full power to Pucheu on the question of the retroactive law.
AUGUST 22, 1941	The Kriegsmarine (German Navy) demands six heads. At 1 o'clock de Brinon and Ingrand offer Beumelburg the French propositions : the creation of a special court, 6 leading communists, etc.
AUGUST 23, 1941 Saturday	The Germans have it proclaimed that the Frenchmen who were arrested would be considered as hostages. At 11 a.m. the Council of Ministers, held in the Sévigné Pavillon, swears allegiance to Pétain. The Council signs the project of law without the tenth article. 3 p.m. in Paris - Ingrand meets with the Judges. Gabolde, State Prosecutor, prepares the text . The law is called <u>Law of August 14th.</u>
AUGUST 25, 1941 Monday	At 10 a.m., Barthélémy and Dayras, Secretary General of the Justice Department, meet with de Brinon. Funeral service for Moser at Ivry, 3.30. Barthélémy receives Gabolde, State Prosecutor, Villette, first President of the Court of Appeal of Paris, and Cavarroc, Attorney General. President Cournet refuses to preside over the Special Court. Bénon accepts.
AUGUST 26, 1941 Tuesday	At 3 p.m., installation of the "Court" of the Special Section.
AUGUST 27, 1941 Wednesday	9.30 a.m., the trial begins. That evening, Pucheu refuses a petition for reprieve.
AUGUST 28, 1941 Thursday	Execution of the three sentenced men.

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# testimony

As a young lawyer I defended Guyot who was summoned to appear before the Special Section, but whose case was called off at the last minute. A few days later he was brought, before another special court which no longer depended on the Justice Department - o euphemism !! - but on the War Department.

In violation of the most sacred laws of the Civil Rights, he was sentenced to death. In the Department of Health and Welfare the French executioners guillotined Guyot in the presence of jeering yet idle Germans.

I would like to insist on a particular point : The explanations whispered in our ears by the most eminent personalities including President Devisé : The Germans were to have struck up a bargain at Vichy : 100 hostages shot by German executioners or six prisoners executed by the French themselves. This proposition, I was assured, never existed. At any rate, there is no trace of any such deal in the archives.

But that hardly matters ! at the time, this fable was unanimously believed. It was even widely discussed along the corridors of the Palace. The collaborators appealed to the laws of arithmetic : 100 are better than 6. They were forgetting one detail : If the Germans had executed the 100 innocents they alone would have to bear the weight of this massacre whereas the execution of the 6 was a crime accepted and carried out by the so-called French Government.

Did Guyot's judges know about these dealings ? I think so. But far from attenuating their crime, their awareness made it all the worse, in as much as such a crime could be made worse. They turned this crime into a class crime, for, as was repeated to us, the Germans had chosen 100 Gaullists of middle class origins allied with the leading citizens of Vichy. The six were merely working class communists, poor students, a former member of the Central Committee.

I was not a marxist, nor have I since become one. And yet, that horrible night when Guyot was tortured like the lowest of civil offenders, I had more than the feeling of being witness to a murder based on class discrimination. Bound hand and foot, rendered cripple with shackles and fetters, his neck alone made free for the blade of the guillotine, Guyot asked me to forgive him for having made me attend this cruel spectacle.

Humble worker from Colombes, tireless militant who nonetheless held only a modest position in the hierarchy of his party, Guyot was there almost by error. The civil servant who marked the crosses on the files destined for the guillotine had mistaken him, after a single glance at his name, for the Guyot of the Communist Youth Party. Afterwards the blind machine struck. They needed six. He died without complaint, offering his life for France and his communist ideal.

He is the man I admired above all.

After reading these few lines and after you have seen the film, I ask you to think of him.

■ **Guillaume HANOTEAU.**

# the affair

Nothing special about this section. And yet ...

On August 21, 1941, the officer cadet Alfons Moser is killed by two pistol shots. The authors of this murder, young resistants, are never caught. In their place three men will be executed. The text that leads them to the scaffold on August 28 does not exist at the time of the event. The ordinance that establishes a special section in every French court of appeal was discussed on August 21 and 22, promulgated on August 23, and dated August 14. The special section is competent to judge all infractions concerning communist or anarchist activity. The prisoners are chosen without knowing why, have no right to appeal, and are to be executed immediately ! This text is retroactively applied to infractions committed anterior to its promulgation.

This judiciary monster is the result of a negotiation between the German occupation forces and Pétain's Government. The German's are willing to defer reprisals accepting instead the French proposal to immediately try six militant communists before a special court, sentence them to death and execute them.

It matters little if it were the Germans who pressured the French into action or if it were the collaborators themselves who took the initiative. The controversy over political justifications can never be resolved. It is another matter however, to have dragged Justice into the deal. These men who condemned to death Trzebrucki, Brechet and Bastard were judges in the Justice Department. Nothing went by them unnoticed. They knew that the sentences had been dictated in advance, that they were basing their judgements on a text that went against the basic principles of the penal code, and that it would strike men who had already been tried and sentenced for the same crimes. This task, which would forever more disqualify them as judges, could always be refused without serious risk. One of them, only one, did refuse and he was left in peace. Nonetheless, and despite the fact that they were not forced to do so, all the others accepted.

Were they former military men, recently established in their judicial functions ? No.

Were they, at least, attracted by a large sum of money ? No.

Were they promised special honors in reward ? Not even.

The torment for us today is that there is nothing in the personal histories of these judges which distinguishes them from other judges. They were ordinary men who shared the ideas of their times. Given the responsible nature of their everyday job, one would suppose them to be men of character - and they were. It is with the same motion that they relentlessly reject the retition from below and welcome with sympathy that sent from above. Everything that should have led them, through an instant and scornful reflex reaction, to refuse such a task had been taught to them; everything, that is, but the reflex of refusal.

August 1941, March 1975. More than 30 years have gone by. Nothing has been introduced into the texts or into judicial practices that would permit judges to oppose the dictates of power without risk of personal danger. It is mere folly to expect individuals to be heroic just because they are honorable officials.

If there existed today a political will to achieve the result desired by the Germans thirty years ago, it would not be difficult to assemble in a judicial team, the descendants of the Attorney Guyenot and President Benon.

As for the executioner, his name was Obrecht and he asked nothing but to grow old and grey.

■ **Thierry LÉVY.**

## in connection with "SPECIAL SECTION"

Is the recourse to a court of exceptional jurisdiction necessarily of fascist inspiration ? Does it not, rather, represent the reflex of all power, of any ruling group, at the moment the times call for an immediate solution to a congested situation ? Such questions are even more crucial if one considers that, for the previous thirty years, the left had a tendency to immediately and indiscriminately put the fascist label on all sorts of enterprises known to be against liberty and democracy.

Today, it is unacceptable to talk about Fascism (with a capital F) when experience has proved, and on several occasions in France itself, that there exist excellent methods of substitution to arrive, with lower costs and while retaining some appearances of democracy, at the same goal : the monopolization of power for the benefit of one group.

Nowadays, to talk about fascism is not only an abuse of the language, but a form of lethargy, the sign of our inability to adapt to new realities. It would be far better to intelligently analyse, blow by blow, the new perils which, for being hardly less fearsome in their consequences than was fascism, are fascist neither in form nor in content. On the contrary, the difficulty in recognizing these new dangers lies in their subtlety and their economy of means.

The affair of the Special Section, apparently so monstrous, yet in fact, rather ordinary if considered from the point of view of the administration - an administration which continued to function normally, that is, smoothly, at Vichy - reveals that the famous separation of powers in the judiciary also remains a pure fiction for someone can always be found. From among the small number of high officials who could pose a problem to the new Government by objecting to the special court, the power, or ruling group, would choose those who dream of the end of their career, one last promotion, one last bit of decoration, and of nothing more. Once circumstances returned to "normal" it would seem as though there were never a lack of people to sit in the courts of exceptional jurisdiction which, as far as the law is concerned, differed little from the Special Section.

Here again, the presumed national interest made its way with no difficulty.

The film borrows the detour of History in order to discover, from a distance, from a greater height, exactly where the threat originates, and to involve us in a process that began long ago, but whose ravaging effects we are only now beginning to understand.

■ **Georges CONCHON.**





