Israel blasts French ruling keeping Sarah Halimi’s killer from trial

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Israel blasted on Tuesday the ruling by France’s highest court that the murderer of Sarah Halimi was not criminally responsible because he had smoked marijuana before the crime.

“Sarah Halimi was murdered for clearly anti-Semitic motivations, for the sole reason that she was a Jew, ” said Foreign Ministry spokesman Lior Hayat to the Times of Israel. “This was a despicable murder that harmed not only the victim herself and her family, but also the entire Jewish community’s sense of security.”

“The way to confront anti-Semitism is through education, zero tolerance, and heavy punishment,” Hayat continued. “This is not the message that the court’s ruling conveys.”

Halimi, an Orthodox Jewish woman in her sixties, died in 2017 after being pushed out of the window of her Paris flat by neighbor Kobili Traore, who shouted “Allahu Akbar” (“God is great” in Arabic).

But in a decision last Wednesday, the Court of Cassation’s Supreme Court of Appeals upheld rulings by lower tribunals that Traore cannot stand trial because he was too high on marijuana to be criminally responsible for his actions.

Traore, a heavy pot smoker, has been in psychiatric care since Halimi’s death. The court said he committed the killing after succumbing to a “delirious fit” and was thus not responsible for his actions.

French President Emanuel Macron expressed support on Sunday for the country’s Jewish community and its efforts to bring Halimi’s killer to trial. He said he would seek a change to laws to prevent such a case from happening again.

In a rare and controversial critique of France’s justice system, Macron said that taking drugs and “going crazy” should not take away criminal responsibility.

Having criticized a lower court’s insanity finding in January last year, [drawing a sharp riposte](https://www.timesofisrael.com/judges-rebuke-macron-for-criticism-over-case-of-slain-jewish-woman-in-france/) from the country’s top magistrates, Macron on Sunday expressed support for the battle to bring Traore to trial for the killing.

“It’s not for me to comment on a court decision, but I would like to express to the family, to the relatives of the victim, and to all our Jewish citizens who were waiting for a trial, my warm support and the Republic’s determination to protect them,” Macron told Le Figaro.

Macron said that France “does not judge citizens who are sick, we treat them… But deciding to take drugs and then ‘going crazy’ should not, in my opinion, take away your criminal responsibility.”

He added: “I would like Justice Minister [Eric Dupond-Moretti] to present a change in the law as soon as possible.”

An appeals court had said Traore, now in his early 30s, had anti-Semitic bias and that the killing was partly connected to it. But it also accepted the defense claims that Traore was too high to be tried for his actions and he was placed at a psychiatric facility.

Macron has previously said there was “a need for a trial” even if a judge then decided there was no criminal responsibility.

The court decision, which means that Traore cannot stand trial in any French court, provoked anger from anti-racism groups who say the verdict puts Jews at risk.

Stoking debate over a new strain of anti-Semitism among radicalized Muslim youths in predominantly immigrant neighborhoods, the handling of Halimi’s slaying has been a watershed event for many French Jews, who say it underlines the French state’s failures in dealing with anti-Semitism.

 “This is an additional drama that adds to this tragedy,” the International League against Racism and Anti-Semitism (LICRA) said after the ruling.

“From now on in our country, you can torture and kill Jews with complete impunity,” added the president of the Representative Council of Jewish Institutions in France (CRIF), Francis Kalifat.

The Simon Wiesenthal Center’s director for international relations, Shimon Samuels, called the decision a “devastating blow,” which, he said, “potentially creates a precedent for all hate criminals to simply claim insanity or decide to smoke, snort or inject drugs or even get drunk before committing their crimes.”

French Jews have been repeatedly targeted by jihadists in recent years, most notably in 2012, when an Islamist gunman shot dead three children and a teacher at a Jewish school in the southern city of Toulouse and in 2015 when a pro-Islamic State radical gunned down four people at a Jewish supermarket in Paris.

Following Wednesday’s verdict, lawyers representing Halimi’s family said they intend to refer the case to the European Court of Human Rights.

“It’s a bad message for French Jewish citizens,” said the lawyer for Halimi’s brother, Muriel Ouaknine Melki.