French Judge Retires His Robes in Protest at ‘Catastrophic’ Decision in Sarah Halimi Antisemitic Murder Case

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A French judge with more than 25 years of experience on the bench resigned from his post on Monday, citing the decision earlier this month of France’s highest court to excuse from trial [the accused antisemitic killer](https://www.algemeiner.com/2021/04/14/now-we-can-torture-and-kill-jews-with-impunity-fury-among-french-jews-as-top-appeal-court-rejects-criminal-trial-for-killer-of-sarah-halimi/) of a Jewish woman in her Paris home in 2017.

82-year-old Jack Broda — an associate judge at the judicial tribunal in the city of Nancy — told media outlets that he could no longer serve the French judicial system following the April 14 decision of the Court of Cassation not to try 31-year-old Kobili Traore for the brutal murder of Sarah Halimi, a 65-year-old educational specialist, on the grounds that his consumption of marijuana had rendered him temporarily insane on the night of the killing. Under the French penal code, an accused person deemed by court-appointed psychiatrists to have lost their “discernment” cannot be held responsible for any crimes subsequently committed, even if the accused entered this mental state through the voluntary consumption of drugs.

 “I am Jewish, but it is less the emotion I feel than the catastrophic dysfunction of the instruction in this case, that made me make this decision,” Broda told his local news outlet, L’Est Republicain, on Monday.

In an extensive interview with the national newspaper Le Figaro, Broda revealed that “my first reaction as a judge [to the Halimi decision] was to say to myself  ‘I’m dreaming!'”

 “To protest, I decided to resign from my post,” he said. “My resignation was accepted and … regretted.”

Broda added that “as a Jew, this obviously troubled me. What is this justice which takes up the cause of what appears to be an antisemitic assassination?”

Broda then urged an amendment to the French penal code that allowed Traore to evade criminal responsibility for his act. The “discernment” rule should not apply if the mental disorder in question “results from the use of narcotics or alcohol” — as was the case with Traore. He invoked the legal maxim “Nemo auditur propriam turpitudinem allegans,” which rejects those who seek to use their own depravity as a means of avoiding justice.