

French Magistrate Caught in Princess Diana Murder Cover-Up

by Jeffrey Steinberg

More than three years after the death of Diana, Princess of Wales, which shook British public support for the Windsor monarchy to its foundations, the lid which was placed on the investigation of her death has come open, threatening the French presiding judge in the cover-up, himself, with criminal investigation.

Court testimony by a Paris Public Prosecutor at the Second Criminal Court of the Court of Appeals of Paris on Sept. 15, 2000, showed that Judge Hervé Stephan had willfully suppressed evidence and an investigation into the case. The testimony further made clear, that Judge Stephan had committed fraud, by making false statements to attorneys in court, that the aggressive surveillance and harassment of Diana on the day of her death, was being investigated. In fact, the evidence shows that Judge Stephan himself had already secretly cancelled that probe, which never took place.

At the hearing, the French government was forced to admit that Judge Stephan, from the outset, had suppressed a vital part of the investigation into the events of Aug. 30-31, 1997, and that he had lied to an appellate court to conceal his suppression of that investigation.

The dramatic disclosures now cast a dark shadow over the entire probe of the deaths of Princess Diana, Dodi Fayed, and their driver, Henri Paul. They give new force to the charges of Dodi Fayed's father, Mohamed Al Fayed, who argues that the couple was murdered, on orders of the British royal family, and with the complicity of British and French security services.

Basis of the Mystery

The backdrop to the new, startling revelations is summarized as follows.

On Sept. 2, 1997, within days of the fatal car crash in the Place de l'Alma tunnel in Paris, and the convening of a formal French investigation into the causes of the crash, attorneys for Al Fayed filed their first civil suit. This was a request that the proceedings be broadened to cover "attacks on the intimacy of private life" on the part of the paparazzi and others who stalked the couple from the moment their plane landed near Paris. This seemingly arcane civil filing expanded Judges Stephan and Marie Christine Devidal's mandate to include

the activities of the paparazzi and others during the entire period that the Princess and Dodi Fayed were in Paris, and during the prior week that they were vacationing in the Mediterranean, and were hounded by the same gang of photographers.

Indeed, from the moment that the couple arrived at a small airport near Paris, during the afternoon of Aug. 30, 1997, they were hounded by a mob of paparazzi, who seemed to be constantly informed of the couple's itinerary in advance. (European Parliament and U.S. House of Representatives investigations into a joint U.S.-British electronic surveillance system, called ECHELON, has already confirmed that all of Princess Diana's telephone conversations, including cell phone conversations, were monitored. A number of the paparazzi who were stalking the Princess in the weeks leading up to the Paris crash, have confirmed that they were being fed advance information about the couple's whereabouts from MI6, the British secret intelligence service.)

As Diana and Dodi Fayed were driving into Paris from the airport, several paparazzi in cars and on motorcycles attempted to cut off the Mercedes, in which they were driving, nearly causing a serious accident. This was less than 12 hours before the fatal incident in the Place de l'Alma tunnel. During the rest of the day, the couple was constantly hounded by paparazzi, who got into a series of physical confrontations with Dodi Fayed's security guards.

When the couple was forced to abandon plans to dine at a Paris restaurant, and returned, instead, to the Ritz Hotel, the crowd of paparazzi were joined by a team of seven men, who staked out the plaza in front of the hotel, the lobby area, and the rear of the hotel. To this day, the identities of these men, at least two of whom were apparently British nationals, has not been determined. French police have established that they were not paparazzi. It was the activities of all of these persons, Al Fayed asserted, that should be a key part of the criminal probe. Al Fayed's attorneys also provided French investigators and Judge Stephan with reliable source reports that senior officials of MI6 had been dispatched to Paris in the days before the Diana-Dodi visit. All of these matters would have been highly relevant to an "attack on privacy" probe.

But despite the civil filing by Al Fayed, Judge Stephan

never initiated the “attacks on the intimacy of private life” probe, focussing instead, exclusively, on the issues of whether the paparazzi or others were guilty of manslaughter, or violation of France’s strict “Good Samaritan” law, which requires accident witnesses to assist the victims. After two years of ostensible non-stop investigation, Stephan abruptly concluded that there was no basis for charging any of the paparazzi with either offense.

As the result of the terse, one-paragraph ruling, issued in September 1999, tens of thousands of pages of investigative material have been kept from the public. It was as if the Warren Commission, investigating the assassination of President John F. Kennedy, had issued a brief report and failed to publish the 26 volumes of evidence.

When Stephan failed to expand the investigation, based on Al Fayed’s civil suit, attorneys for the owner of Harrods and the Paris Ritz Hotel filed a criminal complaint on Oct. 10, 1997, reiterating their demand for the broadened probe into violation of privacy count.

It was not until Feb. 10, 1999, eighteen months into the investigation, that Judge Stephan finally commented on this second investigative track, which he had by now been assigned to pursue by a higher court. In response to a letter from Al Fayed’s attorneys, Judge Stephan indicated orally that he had filed *letters rogatory* to the French police, ordering them to initiate an investigation into the charges of “attack on the intimacy of private life.”

On Feb. 18, 1999, Al Fayed’s attorneys filed a request to Judge Stephan to join the two investigations — manslaughter/failure to assist, and the invasion of privacy — into one. In the words of the filing, “Said offenses [the invasion of privacy] are characterized and said facts are utterly inseparable from the facts now being investigated under the terms of manslaughter by negligence.”

Case Closed

Judges Stephan and Devidal never did join the two investigations, despite the court filings by Al Fayed’s attorneys, and on Sept. 3, 1999, acting on the recommendations of French prosecutors, the judges issued a terse one-page finding, dismissing all charges against the paparazzi and others unnamed, on the manslaughter and failure to assist matters. On Sept. 7, 1999, Al Fayed filed an appeal against this outrageous ruling by Judges Stephan and Devidal.

In June 2000, with the statute of limitation about to run out on the invasion of privacy investigation, attorneys for Al



This photo, published in EIR of Dec. 19, 1997, was taken by closed-circuit cameras near the Ritz Hotel in Paris on Aug. 30, 1997, shortly before Princess Diana and Dodi Fayed were murdered. The men to the rear are believed to be part of a team that was surveilling the couple.

Fayed again went to court in France, to demand access to the investigative files in the second case, none of which had ever been made available to the plaintiff (in French courts, “interested parties” are given full access to the magistrates’ investigative files). Al Fayed’s attorneys did gain access to what they had *thought to be* the complete files in the first, manslaughter/failure to assist probe: They were soon to learn, however, that these files were not complete.

Judge Devidal, now the sole magistrate in charge of the Place de l’Alma tunnel appeals, failed to respond to the Al Fayed requests about the second investigation. After 30 days, Al Fayed’s attorneys went to the higher court to force Judge Devidal to turn over the material.

A Shocking Turn

It was there, in the higher court, that the new and shocking turn in the case suddenly unfolded. On Sept. 15, 2000, a hearing took place before the Second Criminal Court of the Court of Appeals of Paris, on the files request, and other matters relating to the Al Fayed appeal of the court decision to shut down the manslaughter case.

The startling revelation was contained in government papers filed in advance of the Sept. 15 hearing. Assistant Public Prosecutor Annie Grenier informed the Appeals Court that, while there were *letters rogatory* submitted to the French police authorizing an investigation into the invasion of privacy charges, these *letters* were not issued until Feb. 15, 1999, five days *after* the hearing at which Judge Stephan had falsely stated that he had already ordered the second police probe.



John McNamara, director of Security for Harrods, at a press conference in Washington on Aug. 30, announcing a lawsuit by Mohamed Al Fayed, who is demanding that U.S. agencies make available their classified files on the deaths of Dodi Fayed and Princess Diana.

This was the first falsehood in which Judge Stephan was caught.

In the same filing with the Appeals Court, Grenier also reported, according to papers filed by Al Fayed, that “the said *letters rogatory* had been returned to the judge who issued the order [Stephan], without having been the object of any execution whatsoever, on 20 September 1999. . . .” Al Fayed’s attorneys further noted, “It is particularly surprising that among the multiple *letters rogatory* delivered by Judge Hervé Stephan, only one such was completely neglected by the investigators.”

At the hearing before the Second Court of Appeals, attorneys for Al Fayed demanded some account as to why the second probe had never been initiated, despite Judge Stephan’s written order, and why the *letter rogatory* had been returned, immediately following the close of the manslaughter probe.

The attorneys recounted what happened next at the hearing: “Taking the floor, Assistant Public Prosecutor Mrs. Annie Grenier then indicated, to general stupification, that *it could be seen from the file that the examining magistrate [Stephan] had formally told the investigators not to execute the said letter rogatory.* She also expressed doubts about the notion, as believed by the party filing the civil action, that the totality of the proceedings regarding prosecution for manslaughter had been regularly attached to the file henceforth being investigated by Mrs. Devidal” (emphasis in the original).

Judge Stephan, throughout the two years of the probe, had repeatedly assured attorneys for Al Fayed and other interested parties, that all of the investigative material had been included in the magistrate’s files and thus provided to them. Now, the Assistant Public Prosecutor had stated, unequivocally, that an undetermined amount of material had been withheld!

Not only was Judge Stephan caught in official statements by French prosecutors suppressing a crucial feature of the investigation into the circumstances of the tragic deaths of Princess Diana and Dodi Fayed, as well as Henri Paul. But also, evidence had been withheld from the official record. And, Judge Stephan had lied and concealed the fact that he had never actually initiated the second investigative track that would have broadened the probe

far beyond just the few moments leading up to the fatal car crash.

New Motions

Three days after these astonishing revelations, attorneys for Al Fayed filed a complaint, demanding a variety of actions, including criminal sanctions against Judge Stephan, for failure to open the violation of privacy probe, and “compensation caused by defective functioning of the justice system, in case of a serious fault or of a denial of justice.”

Al Fayed’s attorneys asserted, based on the filings and testimony of Assistant Public Prosecutor Grenier, that Judge Stephan had filed the *letter rogatory* “for the sole purpose, now apparent, of avoiding application by the petitioner to the criminal court to denounce said lack of investigation.”

At the time that Judge Stephan shut down his investigation and issued his one-page dismissal of all charges, Al Fayed was awaiting action by several U.S. intelligence agencies, which admitted to having secret files on Princess Diana, and had been ordered by a U.S. Federal judge to make those files available. Judge Stephan, perhaps under pressure of the no-holds-barred campaign then being waged by the British royal family, had also thus clamped the lid on these leads to evidence on the United States intelligence side. A new fight is now under way in the U.S. courts in Washington, to pry open the secret U.S. government files. With the light now thrown on Judge Stephan’s sabotage, it may be that the cover-up is, at last, coming undone.