Weekly Report – Lafarge Trial, Paris Criminal Court

Hearings of November 4–5, 2025

Overview

On November 4th, a major trial opened at the Paris Criminal Court: French cement company Lafarge SA (now part of Holcim), four of its former top executives and four managers and intermediaries are all facing charges of financing terrorism, with the former executives also accused of violating international sanctions. After two days of hearings addressing constitutional and procedural matters, the court postponed the trial on the merits to November 18th.

Equality before the law and right to an effective remedy

An unprecedented number of constitutional questions *(Questions Prioritaires de Constitutionalité, QPCs)* – seven in total –, were discussed over the first day of the trial, filed both by the defense and civil parties. One was raised by attorney Élise Le Gall on behalf of former employees of Lafarge Cement Syria (LCS), challenging 2021 and 2022 decisions in which the French Supreme Court (*Cour de cassation*) ruled that individuals cannot claim individual prejudice in cases of financing terrorism. Le Gall argued that the current interpretation of the offence denies victims equal access to justice and individual remedy compared to victims of other terrorist offences, even though "*the legislator did not intend to distinguish between victims depending on the weapon used — bombs or bank transfers.*" The court ultimately dismissed all *QPCs*, finding no grounds to transmit them to the French Constitutional Council.

Alleged irregularities of the order for trial

The defense team for former LCS director Bruno Pescheux challenged the validity of the Order for Trial before the Criminal Court (*Ordonnance de Renvoi devant le Tribunal Correctionnel, ORTC*), arguing it introduced new elements for which their client had never been formally indicted. They warned against "*building a judicial edifice on a crumbling base*". After reviewing the matter, the Court instructed that the file be returned to the prosecutor, but only regarding a two months extension (August and September 2014) added to the order for trial. The investigative judges removed this timeframe from the revised order for trial two days later, on November 7th.

Other defense teams argued that the case had "*metamorphosed*" during the investigation, pointing to how the judges had added details while elaborating on the facts retained against the defendants. ECCHR and Sherpa's attorney Grégoire Rialan countered that in such complex

and lengthy criminal investigations, re-indicting the defendants each time investigative judges reformulate and clarify the indictment is unrealistic. He warned that further delays "*would create suffering for many* [...] *especially for the former employees of Lafarge, who have been waiting for years*."

The shadow of the guilty plea concluded between Lafarge and the U.S. Department of Justice

Several defense lawyers emphasized that the guilty plea agreement reached by Lafarge and LCS in the United States in October 2022 had compromised their clients' right to be presumed innocent. The plea, they argued, was an "*opportunistic transaction*" designed to protect the company's access to U.S. markets, at the cost of "*throwing its executives to the wolves.*". The Anti-Terrorism Prosecutor's Office (*Parquet National Anti-Terroriste, PNAT*) responded that the plea was cited in the French procedure "*only as a factual element,*" comparable to foreign judgments referenced in other terrorism cases. Grégoire Rialan added that the order for trial had mentioned the guilty plea only "*as a matter of track record*", on a few pages out of over 260 pages.

Allegations concerning the French intelligence services

A significant part of the debates centered on the relationship between Lafarge and French intelligence services. The defense described the latter as "*opportunistic and cynical*," reflecting a "*schizophrenic dynamic*."

The defense argued that further investigation was needed into the role and influence of French secret services in encouraging Lafarge to remain in Syria for counter terrorism purposes, particularly for gathering intelligence on the Islamic State. Despite several requests for declassification, the defense lamented that only "*very few documents*" had been declassified. The Prosecutor, however, insisted that "*never before in a terrorism case have so many classified documents been disclosed*," including 58 documents and a 100-page report. She deemed the defense's scenario "*sensational but groundless*", and stated that after eight years of investigation, no element in the file pointed to an instruction from the French State to Lafarge, nor any explicit validation of Lafarge's decision to keep its factory running.

The Prosecutor added: "*had the French secret services instructed Lafarge to remain in Syria, it would anyway not have justified the payment of terrorist groups.".*

Conclusion and next steps

These first two days highlighted the inherent tension between the defense's procedural challenged and efforts to finally address the merits of the case. As the Prosecutor put it, proceedings in this and other cases are delayed by "*the massive and widespread use of artificial procedural challenges by the defense*".

Ultimately, the Court invoked Art. 6 of the European Convention on Human Rights – right to a fair trial within a reasonable time – while noting that France had already been condemned by the ECtHR for violating this provision. It decided to postpone the proceedings to 18 November 2025, allowing time for the correction of the order for trial regarding Pescheux's indictment timeframe, (see above) while merging all other challenges with the merits of the case. This outcome prevents the trial from being indefinitely delayed – important given that nine years have already passed since ECCHR and Sherpa filed the complaint along former Syrian employees.

Additional information on the case is available in our Q&A about Lafarge in Syria: https://www.ecchr.eu/fileadmin/Q_As/Nov-2025-QA-Lafarge-EN_layout.pdf