

WHAT IS THE DECEMBER 8 AFFAIR?

The « 8th of December 2020 affair » is an anti-terrorist operation led by the interior ministry against activists they have dubbed « ultra-left activists » and indicted for « terrorist criminal association ».

The general direction for home security (DGSI), accompanied by militarized police units (GAO, RAID), arrested nine people – whom we group together as « anti-authoritarian » – whose political commitments were diverse and in different regions: support for refugee families, autonomous and collective projects in the countryside, support for victims of state-sponsored murders, squatting for political and counter-cultural activities, ecology and defense of the animal cause, involvement in Zones A Défendre, activism in the punk scene, feminism, etc.

These nine people don't all know each other. Some had only met once in their lives (during lockdown). But they all had one person in common, targeted by the DGSI since his return from Rojava in 2018, where he had taken part in the fight against Daesh.

ALLEGED FACTS

Though they were living in different regions at the time of their arrest, the DGSI claims to have thwarted a « vague plan to attack law enforcement officers », and the media echoed these suspicions in no uncertain terms for several days.

However, the accused, their relatives and their lawyers deny these accusations, which are based on « wild extrapolations ».

The defendants are accused of several « material elements » spanning barely two months and involving different people: possession of weapons, making explosives, practicing AirSoft and using secure communication tools.

These facts are either perfectly legal, or offenses which fall under the jurisdiction of ordinary law, and the accused are ready to accept the consequences. But the DGSI and the Justice Department are doing everything in their power to make it appear « terrorist ».

To do this, all their other activities which do not align with the accusations (professional, militant or family projects) are swept under the carpet, to retain only the « incriminating » elements that have been extracted by intruding into their private lives. According to the testimony of one of the accused, « the case is based on a collection of disparate elements which have nothing to do with each other, but which, when decontextualized and put together, make it possible to build a case ».

Weapons possession.

A few weapons were seized in this investigation. Unusable collectors' weapons and a few hunting rifles belonging to four defendants (or their families). Nothing that can compare with the war arsenals seized

in June 2022 in Alsace or in November 2021 in Eure at the homes of neo-Nazis and members of the military, without the anti-terrorist national board (PNAT) taking any interest.

Two of the defendants were members of a shooting club and had hunting licenses for self-sufficiency. Their participation in the sport was by no means hidden; they talked about it regularly on the phone, and the club manager was stunned when he learned of the arrests. The weapons they had, apart from a shotgun, were reserved for the shooting club, as they are not lethal enough for hunting. Another defendant had almost unused rifles, which were occasionally used to shoot music videos.

Four illegal weapons were held (a common law offence): one sawed-off shotgun and three rifles. The first was stored in Libre Flot's home. He had bought it at a garage sale years ago for target practice before leaving for Rojava.

The rifles, belonging to another defendant, had been recovered several years ago for the purpose of hunting or scaring pests on a piece of land. In the case of one of the rifles, it was used for its « 30s » aesthetic, for the shooting of a music video. In both cases, they did not possess much, if any, ammunition.

Preparation of explosives.

In the course of the investigation, there were two instances of explosives being made. One took place between two defendants during a weekend reunion after many years apart. One of them was an explosives expert specializing in special effects. A very small quantity was produced, and no stock was kept.

The second moment came a few weeks later when, due to the lockdown, several defendants found themselves living together in a large collective place in the countryside for three weeks. To kill time (and not people!), one afternoon was spent trying to make TATP using a recipe found on the internet. A tiny quantity was finally made (it wasn't easy!) and the firecracker was lit in the woods. For most of the accused, it was their first experience of an explosion, and they didn't particularly like it. Their curiosity satisfied, no further attempts were made until the arrests were made (8 months later!).

The possession, manufacture and transport of hazardous materials is a punishable offence under common law. Once again, it's the trial of intent and opinion that allows the Justice system to transform this into « terrorism ».

AirSoft practice.

Three of the seven defendants occasionally practiced AirSoft, a shooting simulation sport using « replicas », i.e. plastic ball pistols. This practice is perfectly legal, yet the defendants are accused of two AirSoft games, which the DGSI considers to be paramilitary training. Here again, the DGSI claims that Libre Flot used the game to train his friends in guerrilla warfare. This begs the question: what legal practices become illegal if you have war experience?

Secure communication tools.

La Quadrature du Net recently demonstrated – provoking an international outcry in the world of free computing – how the DGSI was transforming banal digital self-defense practices into « clandestine behavior » and a « culture of secrecy » that would demonstrate the alleged terrorist intentions of the

accused. The same kind of paranoid extrapolations can be found at every level of the case, reaching dizzying heights in the presumption of guilt.

The use of WhatsApp, Signal, Tails, Tor, eOS, Jitsi, Telegram, (etc.) are equated with pre-terrorist behavior. Three defendants are also being prosecuted for « refusing to communicate its decryption conventions », a new offence introduced by the June 3, 2016 law « strengthening the fight against organized crime, terrorism and their financing ». This offence undermines the fundamental right not to incriminate oneself (the right to remain silent).

PREVENTIVE DETENTION (AND WHITE TORTURE)

These preventive arrests led to five preventive incarcerations under extreme conditions. Detentions ranged from 4 and a half months as DPS (special concern detainee) to 16 months of solitary confinement (ending with a grueling hunger strike).

Several « anti-terrorist » measures were illegally administered against the defendants, including 15 months of solitary confinement for Libre Flot, and incessant strip searches for Camille. The state has recently been (timidly) condemned for some of this devastating violence.

Support committees, relatives and lawyers have consistently denounced the use of solitary confinement as « white torture ». Throughout his incarceration, Libre Flot was careful to warn of the effects of solitary confinement on his health. While he testified to severe memory loss, inability to concentrate, chronic migraines (etc.), the judge responsible for the investigation continued to (knowingly) conduct interrogations, sadistically exploiting the situation. In April 2022, he deigned to release him (wearing an electronic bracelet) « for medical reasons », after 36 days of hunger strike, an international day of mobilization and a tribune demanding his release. A year after his isolation, the damage remains.

LOADED INVESTIGATION

From the outset, the judges appointed for the investigation have made this a personal affair. From their first interaction with the defendants, their hatred is tangible. It's illustrated by their exasperated tone, their contemptuous comments, their class contempt, all of which bear witness to their baser instincts protected by the sacrosanct « palace secrecy », the old law of judicial omerta which dictates that « what's said off the record stays off the record », at the risk (for the lawyers) of losing the trust of the entire apparatus.

The first obstruction to the defendants' defence was (in addition to detention) the refusal to give them access to their own case files. The first defendant to be released had to appeal to finally gain access to it.

The purpose of this initial obstruction was to prevent the defense (which requires an informed perspective on the defendants' side) from filing motions for nullity (i.e., from having irregular elements cancelled). The legal deadline for lodging such requests is six months after the arrests. The first defendant only had three weeks before the end of this deadline to help her lawyers scrutinize the file and challenge the legality of several elements. In the end, all the motions were rejected.

At the beginning of September 2021, the judges were challenged by an open letter from « families and friends and defendants » denouncing the practices of the DGSI and calling for the release of the latest defendants, to no avail.

Libre Flot has also testified on several occasions to Jean-Marc Herbaut's outrageous behavior in his office: outbursts of anger, insults, and so on. In his hunger strike statement, he denounced « the same tortuous techniques as the DGSI: he manipulates, decontextualizes, omits and invents words and facts in an attempt to influence the answers. »

Despite this effort to demonstrate the unprovable, the investigating judge was at least forced to admit that « there was no plan for any immediate action ». The initially « vague » plan to attack members of law enforcement or the army was finally wrecked on the quicksand of political accusation. The case opened as a « criminal » case is now being deflated into a « correctional » case. There is no project! But refusing to sink definitively, the prosecution clings to the buoy of the islamophobic jurisprudence of recent years.

Without an ounce of shame, Jean-Marc Herbaut writes in his committal order:

« Participation in the group or conspiracy alone is punishable, without any need to demonstrate participation in the crimes or their preparation. Similarly, there is no need to demonstrate precise and concrete knowledge of the plans instigated by the group. »

To sum up: no group formed, no preparation for action (neither crime nor sabotage), no political agreement, no preparation for clandestinity, but still guilty?! The ideology of certain magistrates has definitively capsized the law into murky waters...

The DGSI and the PNAT have no qualms about resorting to the most dishonest conspiracy theories to make up for the emptiness of their dossiers (we'll save the best for later!). It has to be said that the fledgling PNAT has its first ultra-left case on its hands, and it has no intention of letting go. It has regularly leaked totally false information to the radical right and far-right press.

An article in Le Figaro mixed up Libre Flot with another internationalist activist and was modified under threat of legal action. Then, following the publication of an investigative dossier by Quadrature du Net on the assimilation of encryption to terrorist behavior, representatives of the PNAT asserted at a conference on digital issues that « there will be a response in the press ». The response came a few weeks later, with an article on France Info that once again lashed out at Libre Flot, adding non-existent weapons and explosives into his truck.

BACK TO DECEMBER 2020

To this day, the defendants, their lawyers and supporters are left wondering why the arrests were made on that December 8th. The defendants lived in different regions and had different life plans and activist commitments. Eight months after the acts of which they were accused, it was clear that there was no group or organization planning to carry out any violent action.

So why this case?

Striking out against the critique of police violence

Given the political and media communication that followed their arrests, it's easy to understand why Darmanin seized the opportunity (since the DGSI is under the orders of the Ministry of the Interior, he had been aware of this developing case for many months). Our comrades were used as media avatars in the service of an ideological project: the advance of fascism.

In June 2020, just after lockdown, the BlackLivesMatter movement was at its peak in France, with a historic mobilization outside the Paris Tribunal. The issue of police murders and state racism was on everyone's lips. The courts condemned the state for « gross negligence » in cases of police violence, and the European Council condemned France for police violence against journalists. The video of the racist lynching of Michel Zecler was shown on every screen, two weeks before the December 8 arrests. Teknivals were being violently crushed by police intervention, and the management of the health crisis was causing serious gnashing of teeth.

The government hastily responded with a security overkill, passing two particularly serious laws: the separatism law and the global security law. And in response to the growing discontent as the government repeated « there's no police violence » and « we're going to crack down on vandals », it was time to find an out.

What better way to divert attention than the old fable, backed up by no facts, of demonstrators who could kill cops, and more generally of police in constant mortal danger? What better way to stifle criticism?

So the authorities launched this unexpected arrest. « Vague plans for violent action » allegedly targeting « police officers or members of the military », « violent ultra-left activists were preparing an attack », and so on. From Darmanin to Laurent Nunez and Eric Ciotti, the radicalized right applauded the 8/12 arrests, promoting the militarized police teams involved.

To illustrate these anxiety-provoking fables, the mainstream media broadcast images of « rioters », even though the accused were not charged with any act of protest. And the PNAT (or DGSI) was quick to leak elements of the case to Le Point, along with photos of three of the accused.

Authoritarian laws and a renewed focus on security

The December 8th affair takes place against a backdrop of the criminalization of struggles, the use of the criminal association charge as a tool of political repression and the rise of the far right in a pre-fascist atmosphere. Since 2015, and even more so in the last two years, the authoritarians shifts of successive governments have been particularly worrying.

As repression becomes more violent, the « violence » of political opponents is amplified and demonized, making it possible to justify subsequent waves of repression and security laws. It's a perfectly observable process which, in the end, justifies future police killings. The same mechanisms can be observed for all state violence (prison, judicial, police), in what post-colonial theorist Achille Mbembe calls necropolitics.

It began with the criminalization of Muslims and foreigners, which led to the indiscriminate targeting and repression of an entire community (with mosques and schools closed, the CCIF and Baraka City dissolved, thousands of anti-terrorist raids carried out in a vacuum, etc.), before extending today to all social protest movements, militant and anti-fascist organizations.

In the space of a few months, we've seen the dissolution of GALE, Bloc Lorrain, Collectif Palestine Vaincra, Comité Action Palestine, les Soulèvements de la Terre; and the attempted dissolution of Nantes Révoltée and Defcol.

The tools of administrative repression (under the authority of internal security, and therefore directly that of the Ministry) are also deployed against activists. Bans from the french territory and placements into CRAs (Administrative Retention Centers), intensive surveillance, house arrests. Today, we can see how the judiciary (even the so-called « ordinary law » judiciary) has become militarized, working hand in hand with anti-terrorist police units to indiscriminately crush supposed rioters. Here's a look at the latest legislative tools used to suppress any challenge to the established order.

SILT Act (October 30, 2017)

The law reinforcing home security and the struggle against terrorism (SILT) was passed as an extension of the State of Emergency decreed by Hollande in the wake of the Bataclan attacks. Coming into force on November 1, 2017, its purpose is to bring a range of administrative police measures into common law, in the name of the « fight against terrorism ».

State of emergency powers become permanent:

- protective perimeters in public spaces
- administrative closures of places of worship
- individual administrative control and surveillance measures ("MICAS", facilitating house arrests and travel bans)
- administrative searches, known as "home visits" (no warrant, anti-terrorist police, arbitrary seizures, etc.).

This law removes many of the checks on government power that existed to protect the population. It confers extensive and particularly authoritarian prerogatives to the administration, with no judicial oversight. A police state.

It legalizes the use of coercive measures with no basis other than police presumptions, and allows the massive return of the use of « white notes ». Repression no longer requires proof of actual participation in a criminal offence, or details of the motives invoked.

The law also strengthens the powers of the intelligence services, making mass surveillance commonplace and giving them new powers of border control.

Law of July 30th 2021

The law « relative to intelligence and the prevention of acts of terrorism » presented by the Castex government while the French are at the beach, again extends a set of temporary security measures provided for by the SILT law.

Their necessity, effectiveness and proportionality have not been demonstrated. But the constant talk of the « terrorist threat » in the media and political discourse is still going strong.

Darmanin decrees (December 4th 2020)

These three decrees issued by the Ministry of the Interior are designed to broaden the possibilities for record keeping for police, gendarmerie and administrative investigations.

Initially, the prevention of threats to public safety (PASP) and GIPASP files targeted « persons likely to take part in terrorist activities or to be involved in acts of collective violence ».

This already broad definition made it possible to include, in addition to individuals displaying « radicalized behavior », people who had taken part in « illegal demonstrations » or « acts of violence or vandalism at sporting events ».

Following the publication of these decrees, the range of the content and targets of these files has been considerably broadened, since they can now record information concerning legal entities or groups, such as associations, militant collectives or trade unions.

The decrees also allow police and intelligence services to collect « political opinions, philosophical or religious convictions, trade union membership, as well as health data revealing a particular dangerousness », further paving the way for the political purge currently underway.

These decrees broaden the scope of surveillance to include threats « on State security » and « on the integrity of the territory or institutions of the Republic ». In addition to the use of a totally vague term, « threat », it is no longer just the prevention of crime that can be the target of intrusions by the secret services, but anything that would run counter to respect for institutions.

A semantic shift is thus at work, enabling the administrative authorities, and therefore the executive, to considerably broaden the scope of their data-filing and surveillance measures, with the aim of criminalizing and neutralizing any political opposition. In addition to being a dangerous drift towards authoritarianism, these decrees allow the intelligence services to be redeployed on emerging areas of social protest.

Global Security Law (April 2021)

The National Assembly rushed through the proposed Global Security Law (LSG) in November 2020. Put forward on October 20, 2020, it went from the Law Commission to a vote on first reading in barely a month, at a time when the parliamentary agenda was already overloaded. This law extends the possibilities for generalized and indiscriminate surveillance of all people living in France.

It also redefines policing according to the militaristic concept of the « security continuum »: a way of encompassing all repressive or reactionary actors (from the army to vigilant neighbors) in a common dynamic.

Its main provisions include :

- The transfer of judicial police powers to municipal police (under the authority of the mayor, not the judiciary).
- The extension of video surveillance to municipal police officers, municipal agents in charge of a police service, and certain agents of the prefecture.
- Continuous transmission of images from police and gendarmerie pedestrian cameras to the command center, with potential use of facial recognition.
- Authorization of image capture by drones, with potential use of facial recognition.
- Article 24 is a ban on broadcasting images of police officers or gendarmes in action. This article provoked the greatest outcry and was retracted by the Constitutional Council, before being partially reinstated in the Separatism law passed a few weeks later.
- Elimination of sentence reductions for prisoners convicted of violence against public officials.
- Authorization for law enforcement officers to carry weapons in public places.
- A broadening of the powers of private security and surveillance companies.

Numerous demonstrations took place during the examination of the law, and numerous condemnations of the text were issued, notably by the CNCDH, the UN Human Rights Council, the Office of the United Nations High Commissioner for Human Rights, the Council of Europe, the Défenseure des Droits, the European Commission, the Conseil des Barreaux, and others.

Only article 24 was deleted. A few weeks later, it was reintroduced in a slightly modified form by article 18 of the Separatism Act.

Separatism Act (August 2021)

The broad outlines of the Loi Séparatisme, which reinforces respect for the principles of the Republic, began to be unveiled in early October 2020, at the same time as the LSG. It was presented to the Council of Ministers on December 09th 2020. The government initiated an accelerated procedure to examine the text in the National Assembly.

It is a **racist and Islamophobic law** which provides for :

- The extension of anti-terrorist files.
- Political control of associations via the Republican Commitment Contract.
- Article 18 on the offence of "endangering the life of others by disseminating information relating to private, family or professional life", exploiting the murder of Samuel Paty to criminalize the dissemination of images of police violence and CopWatching.
- Stricter control of home schooling, private schools and sports federations.
- tighter control of places of worship.
- Extension of the scope of the automated judicial files on terrorist offenses (FIJAIT).

Since its enactment, this law has been used first to dissolve Muslim organizations, then to crack down on anti-fascist, anti-racist and environmentalist activists.

In particular, it was this law that justified the dissolution of GALE, Bloc Lorrain, Collectif Palestine Vaincra, Comité Action Palestine, as well as the attempt to dissolve Nantes Révoltée.

BACKGROUND ON ROJAVA

To understand the anti-terrorist operation of December 8th 2020, we need to go back to January 2014, when Rojava's autonomy was proclaimed. The Syrian part of Kurdistan, Rojava is a territory claimed by the world's largest stateless people: the Kurds.

The PYD (Democratic Union Party), close to the PKK (Kurdistan Workers' Party), takes control of the area and on January 9, 2014 announces the establishment of an autonomous administration inspired by libertarian socialism and democratic confederalism. The Rojava constitution was adopted on January 29, 2014.

In 2015, the Rojava revolution enjoys unparalleled media coverage in Western countries. Numerous international tribunes (signed by the most recognized left-wing personalities) called for full support for this nascent utopia. Some thirty French people answered Rojava's call to « protect peace by taking part in the war of self-defense against Daesh and the Turkish army », which is not to the liking of the French state, which maintains close ties with Turkish dictator Erdogan, notably via NATO.

The importance of Rojava was quickly demonstrated in France when the attacks hit Charlie in 2015. The Kurds were on the front line of the fight against DAESH, since they were on the ground. The International Coalition (and the Western media) praised them for their exploits.

Their democratic model nullifies the authoritarian attempts of Daesh. Their multi-ethnic model (Kurds, Arabs, Assyrians, etc.) thwarts violent identity-based divisions and temptations. Their ecological model, based on reforestation and food self-sufficiency, tends to reduce food insecurity and dependence on the climate and world markets. Their feminist and parity-based heritage counteracts the nauseating effects of patriarchy. In short, being closely confronted to the development of Daesh, but also of other authoritarian and militaristic regimes surfing on Islam (Iran, Turkey), their model has been built as radical opposition, and they have shown themselves to be unrivalled in their effectiveness in the fight against terrorism.

Despite a very hostile context (Turkey's planned desertification, poverty, earthquakes, the after-effects of war, constant armed aggression, terrorism, etc.), this model has been a source of hope and inspiration for millions of communists, socialists, anarchists, feminists and ecologists the world over.

THE CRIMINALIZATION OF INTERNATIONALIST VOLUNTEERS

It's within this context that hundreds of people have joined Rojava, including around 30 French nationals. Some, clearly far-right, went there to « kill Muslims ». Others, former soldiers in particular, claimed to be apolitical and only interested in the armed struggle against terrorism. And finally, left-wing comrades also went with the pride of participating in such a social revolution. Libre Flot was one of them. He spent a few months there, and had a little experience on the frontline: the liberation of Raqqa.

The Collective of francophone fighters of Rojava (CCFR) explains:

« Our comrade was in Syria fighting Daech. In 2017, he took part in the liberation of Raqqa, the capital of the jihadist group. Raqqa is also the city where the Paris attacks were planned and where most of its perpetrators were trained. If France has not seen any large-scale attacks for years, it's thanks to the liberation of Raqqa, in which our comrade took part at the risk of his life. By fighting in Syria, he made a direct contribution to the security of the French people, something the media tribunal was careful not to mention. Indeed, how can they fit into their prosecution narrative the fact that the accused gave far more to the fight against terrorism than the police, prosecutors and journalists who are now accusing him of being a « ultra-left terrorist »? »

Libre Flot is not the only internationalist volunteer to have been targeted upon his return to Europe. Despite their contribution to the fight against terrorism, the DGSI immediately considered left-wing volunteers as threats, while ignoring others. Here again, the CCFR explains that:

« The DGSI immediately sorted between the « bad » volunteers, claiming a revolutionary ideology, and the « good » volunteers, ex-military or apolitical, some of whom were not even interviewed on their return to France. Those identified as potential members of the « ultra-left » systematically had « security files » made for them and were subjected to active surveillance, despite being guilty of nothing more than a crime of opinion. Arrests at the airport, threats in the form of paternalistic advice, pressure on our families – many of us have been subjected to more or less veiled attempts at intimidation by the security services. »

A repressive policy towards pro-Kurdish internationalism can be observed throughout Europe. In December 2021, Maria, a Spanish activist, was expelled from Germany and banned from the country for 20 years on the grounds that she would use « her presence in Germany for the sole reason of being able to participate in political activities linked to the international Kurdish liberation movement »; and that her skills (in communications technology and the Kurdish language) would enable her to « build a network and thus serve as a link between the radical left in Germany and the Kurdish liberation movement » according to a communiqué from the Solidarity with Maria! collective.

On April 14, 2023, in Sion (Switzerland), an internationalist activist was put on trial on charges of « undermining the country's defensive power » and « military service abroad » for joining Rojava. The Red Help network testified:

« On several occasions in his file, the confederation's intelligence services mention his membership of the extreme left as well as his political commitment. The bourgeoisie's aim is to intimidate and silence revolutionary activists.

In England, comrades have had their passports taken away and have been banned from entering the Schengen area. In Italy, several activists went through lengthy legal proceedings because of their travel to the region.

In 2016, as André Hébert was preparing to return to Rojava, he had his passport and identity card arbitrarily withdrawn by the DGSI, on the grounds that he could be the cause of « serious disturbances to public order » and was likely to use his military experience « in attacks against French interests, in connection with the revolutionary ultra-left ». This defamation and harassment is supported by certain left-wing media, such as Médiapart.

Once again the CCFR testifies:

« These completely fanciful charges were dismissed by the Paris Administrative Court a few months later. The Ministry of the Interior was then forced to return his identity papers and pay him compensation. Despite this legal victory, we knew that the DGSI would keep us in its sights and was prepared to do anything, including making unfounded accusations, to make us fit the mold it had created: that of dangerous ultra-left veterans seeking to import the violence of the Syrian conflict back home. »

REPRESSION OF THE KURDISH DIASPORA

France has a long history of repression against this people. The Kurdish diaspora has been the incessant target of anti-terrorist laws since the founding of the PKK in 1978. The dissolution of Kurdish cultural associations, the arrest of 200 people resulting in general acquittal, the complicity of the Turkish secret services in the assassination of Kurds in Paris (2013 and 2022), and so on.

In 2013, two Turkish intelligence officers murdered three Kurdish activists in Paris: Sakine Cansiz, Fidan Dogan and Leyla Saylemez. In March 2020 in Greece, under the guise of « fighting terrorism », the Solidarity Committee for Political Prisoners in Turkey and Kurdistan and the Anti-Imperialist Front were the target of a police raid: between 26 and 35 people were arrested.

On March 23rd 2021 in France, the biggest raid on Kurdish activist networks in the last 10 years took place: 13 people were arrested by the DGSI, their homes were violently searched, as was the headquarters of the Kurdish association in Marseille. In total, more than 800 members of the Kurdish community were questioned by the DGSI, an unprecedented number. In the end, 11 alleged members of the Kurdistan Workers' Party (PKK) were heavily convicted on Friday April 14th 2023.

According to a communiqué from internationalist comrades in Marseille, Macron and Erdogan had spoken a few days earlier, and a meeting had taken place between the two foreign ministers on the occasion of the European Council on international geopolitics.

This repression is made possible by the geopolitical balance of power between Turkey and the European Union, which considers the Kurdish people's main self-defense organization (the PKK) to be a terrorist organization. Despite an international « Justice For Kurds » campaign calling for the PKK to be removed from the list of terrorist organizations, the European Union's Court of Justice declared that the Kurdish people could not defend themselves with weapons, a decision that could not be more intolerable for a people who are still on the front line against the Islamists, and who have no other choice than weapons to survive the perpetual colonization of their ancestral territory.

This decision is also reinforced by Finland and Sweden joining NATO, which have accepted the deportation of Kurdish political refugees as a condition imposed by Erdogan.

THE FASCIST REGIME IN TURKEY

Turkey is a member of NATO. It is a powerful, privileged and indispensable partner. Turkey is a state driven by a genocidal ideology linked to Islam. Turkey provides proven support to Islamists, for example by organizing their escape from Kurdish prisons, who then act as a relay for repression against the Kurds.

Its political project is to purify its territory along religious and ethnic lines. It has carried out the Armenian genocide and numerous massacres against Kurds and Yezidis. The Kurdish people were forced to take up arms to survive.

Since then, Turkish anti-terrorist legislation has meticulously extended its powers: first against Kurdish guerrillas, then against the Kurdish people in general, and finally against any left-wing opposition party. It has carried out massive and arbitrary political purges, to the point of banning the country's main left-wing party and imprisoning thousands of its members (the HDP). The response from the European left has fallen far short of what might have been expected.

This is also a country that officially considers LGBTQI+ people as « degenerates », that receives billions of euros from the European Union to « fight immigration » (an investment that translates into purchases of military, not humanitarian, equipment).

Examples of state terror in Turkey are abundantly documented, but too numerous to recount here. The West is perfectly complicit in the Kurdish genocide, mainly enabled by the establishment of the Treaty of Lausanne 100 years ago and military collaboration through NATO.

WHY DOES IT ALSO CONCERN YOU?

« The more governments are discredited, the more support for the policies being pursued collapses – and it continues to crumble year after year – the more governments will resort to states of emergency and the so-called « fight against terrorism » to maintain order and nip in the bud increasingly logical revolts. »

What every revolutionary should know about counter-terrorism - The Tarnac defendants –

- The December 8th 2020 affair marked a milestone in the militarization of repression. People were imprisoned for their – alleged – affiliations with so-called « ultra-left » ideology or international movements. The absence of widespread solidarity has given Darmanin a free hand to continue down the path of equating political opponents with terrorism. Authoritarian experiments are always carried out on the backs of minorities or figures of guilt. The perfection of repressive tools for one group always allows for the repression of others. The 1936 law dissolving the far-right leagues is the clearest example of this today. This law, created to combat fascism, was turned against decolonial movements in just a few years. Another example: the development of DNA profiling used the argument of the fight against pedocriminality, only to extend it to all demonstrators. The same argument is now being used to monitor the telephones of European citizens. In terms of counter-terrorism, the post-2015 sequence has led to an unprecedentedly rapid rollback of fundamental freedoms. Jurisprudence on « terrorist criminal associations » has been delirious. They allow anything and everything, and have been decried for years by defenders of the rule of law. Reversal of the burden of proof (it's no longer up to the prosecution to prove what you're accused of, but up to you to prove that it's false), preventive repression (arrested before you've committed anything), presumption of guilt (you're punished before you've even been tried), etc. It's in nobody's interest, on the Left, to let the law and public opinion establish that activists who are partners in social movements and environmental struggles are terrorists. The political opinions of the accused comrades are criminalized with the specific aim of assimilating the very idea of Revolution to a terrorist threat. The Tarnac defendants have already written that the vague legal definition of terrorism allows for the inclusion of anyone who inevitably constitutes... a revolution. The security strategy tends to criminalize activism. Those who break the law are treated as criminals in order to depoliticize their actions. This is a recent phenomenon, whereas political offenses were considered as such just a few decades ago. Anti-terrorism is the next stage in this dynamic, bringing radical activism within the ambit of « threats to internal security », which would tend towards terrorism if left unchecked, and allowing the deployment of military means against simple material sabotage (as we've just seen with the Soulèvements de la Terre, but SDAT had already carried out operations against other comrades: Ivan, 15th of June convicts in Limousin, etc.). The development of administrative repression (including political and expeditious repression) is very dangerous. We are witnessing an unprecedented use of administrative measures: deportations, house arrests, territory bans, MICASs and so on. Activists from neighboring countries have been thrown into CRAs in recent months. These measures make it possible to crack down on activists simply on the basis of « notes » from the Ministry of the Interior. Just a few years ago,

repressing activists because they might one day have considered organizing for action was the stuff of dystopia. Even violent actions were treated less virulently in the media 40 years ago. To base accusations on the mere notes of intelligence services is very serious. These services are protected by defense secrecy, they can happily lie, it has always been part of the techniques used by secret services. The fact that the justice system is not taking any steps back or taking any precautions when dealing with secret accusations, while the accused are forcefully and meticulously denouncing the lies, manipulations and pure inventions of the DGSI, is very worrying for the future of social struggles in France. There is a misconception in militant circles today that exceptional measures such as anti-terrorism only target genuinely dangerous people. This idea reflects a lack of understanding of the dynamic at work: the militarization of the state. Keeping the population in line is essential to the proper functioning of a military regime. In such a regime, there is no room for opposition (be it political or religious). The slightest grain of sand in the machinery becomes a threat. The DGSI also targets journalists and trade unionists. Members of the CGT EDF were arrested by the DGSI and treated as criminals. As part of a strike action, they were charged with cybercrime. Regularly, investigative journalists reveal elements of French geopolitical agendas and corruption at the highest levels of government. Some journalists have come under pressure from the DGSI in recent years.

Today, by brandishing the threat of imaginary plots, France is sinking deeper into the camp of illiberal regimes.

More than ever, we need to stand together to fight against the judicialization of emancipatory political ideas and the criminalization of political action.

They want to terrorize us, but we won't let them!

Solidarity with all targets of repression!

TIMELINE OF THE CASE

THE DGSI SPIES ON LIBRE FLOT 2018 – 2020

Surveillance was set up against our friend Libre Flot as soon as he returned from Rojava, as was the case for many internationalist volunteers. *« A comrade on vacation in South America found himself accused of trying to make contacts with a Colombian guerrilla group, another frequenting the ZAD allegedly fired a flare at a gendarmerie helicopter, damage to telephone masts, Vélib terminals or police vans were also associated with us. These anxiety-provoking fables, completely disconnected from any reality, confirmed what we already knew: until it found the ideal culprit, the Ministry of the Interior would not give up its demonization of us. »*

There is strong reason to believe that Libre Flot was already subject to several intelligence techniques: at the very least, the geolocation and tapping of his vehicle.

PRELIMINARY INVESTIGATION February 7 – April 20, 2020

On February 7th 2020, the DGSI unwraps its mix of secret accusations in a « judicialization report » that it forwards to the PNAT. The latter, which loves blank notes, jumps right in. The same day, Benjamin CHAMBRE (1st Deputy Public Prosecutor) takes up the case and applies to a liberty and detention judge (JLD) for the use of the most intrusive means of surveillance. These were immediately granted by JLD Anne-Clémence COSTA.

Microphones in an inhabited van, telephone interceptions, real-time geolocation, IMSI catching, tailing, etc., were all used.

These two months enabled the DGSI to obtain sufficient information to open a judicial investigation.

JUDICIAL INVESTIGATION april – december 2020

Not much happens, techniques are implemented, the accused keep on living their separate lives.

ARRESTS & INCARCERATION

December 8, 2020 – April 7, 2022

December 8, 2020

At 6 a.m., various elite units under the leadership of the DGSI (GAO, RAID) simultaneously arrested nine people all over France: Toulouse, Rennes, Vitry-sur-Seine, Cubjac (Dordogne), Plestin-les-grèves (Finistère). Doors were kicked in, and dozens of hooded, over-armed robocops rushed into each home. The bomb squad and the canine brigade were also present.

Searches take place all day long, and some defendants are held for up to 12 hours at a time. Humiliation, violence, the searches extended to the families of those arrested.

The nine people arrested were taken to the DGSI cells in Levallois-Perret in a variety of ways: some were shackled in a straitjacket and hooded, and taken away by car; one was handcuffed and transported by train, wearing an opaque ski mask; others were handcuffed and taken by plane. No means were spared in this large-scale operation.

4 days of police custody followed, with numerous hearings. Threats, insinuations, manipulation, sleep and food deprivation, transformation and omission from the minutes of the interviewees' statements of everything that discredited the DGSI scenario. Lies were told « off the record » to some of the interviewees, in order to influence their answers and provide material for the prosecution.

Two people were released without charges at the end of police custody, while the other seven were charged and brought before an anti-terrorist examining magistrate, Jean-Marc Herbaut.

Two of them were placed under judicial supervision, while the other five were incarcerated on December 11, 2020 in five different prisons in the Paris region, with DPS (particularly significant detainee) status. One of them is placed in total isolation.

February 8, 2021

New arrests at 6am at two people's homes in Ustaritz (Euskal Herri) and Festalemps (Dordogne) by the RAID, on the orders of the DGSI. One of them had the door to her studio smashed in. She was held at gunpoint, handcuffed to her bed and taken away for 3 days in police custody. At the end of their custody, they are both released without charge.

March 2021

Libre Flot's solitary confinement is renewed for 3 months.

The examining magistrate, Jean-Marc Herbaut, orders a waiver giving the DGSI carte blanche to interview the defendants' entire entourage (family, friends, colleagues, etc.). This derogation did not expire until November 2022, when the investigation is completed.

April 23, 2021

After another appearance before the examining magistrate, the request for release (DML) is accepted for two defendants, who were at the time imprisoned at the Fleury-Mérogis women's prison and the Osny prison.

They were released under strict judicial supervision. They spent more than 4 months behind bars, under DPS status, with a several week period of total isolation (no contact with other inmates) for one of them.

The requests for release of the other incarcerated defendants were refused. An appeal to the Paris Court of Appeals was also refused. Three remained in prison.

June 2021

Libre Flot's solitary confinement is renewed for a further 3 months, despite the ever-increasing psychological and physical effects.

September 2021

Libre Flot's solitary confinement is renewed for a further 3 months.

A new arrest takes place: a person is arrested on arrival in France after several months abroad. Although she had repeatedly stated her willingness to be interviewed by the DGSI and the examining magistrate, she was arrested at the airport on arrival and spent 2 days in DGSI custody, before being released without charge.

October 15, 2021

The DML of a defendant still behind bars is accepted. He is released under strict judicial control (obligation to work, limited to a single department for travel, check-in twice a week at the police station). Only two left behind bars!

December 2021

Eric Dupont-Moretti, Minister of Justice, renews the solitary confinement of the last defendant behind bars (Libre Flot). After 12 months in solitary confinement, it is up to the Minister of Justice to make the decision on renewal. Libre Flot's situation is becoming increasingly critical.

Return of the nullity requests filed by the lawyers a few months earlier. All the nullities (based on non-proportionality in the use of surveillance techniques, errors in the minutes and other shenanigans) are categorically refused.

February 27, 2022

Libre Flot's DML is refused, despite a feasibility file for an electronic bracelet validated by the SPIP (penitentiary insertion and probation services) in two different départements.

He goes on hunger strike and explains his demands, which he publishes in a text. He sends daily requests for release.

October 27, 2021

The National Anti-Terrorist Prosecutor's Office (PNAT) appealed against the judge's decision to release a defendant who had been released from prison 5 days earlier. The case on whether to return him to prison or uphold his release is held on October 27th 2021 in front of the Paris Court of Appeals. The Court of Appeals confirms the decision of the judge: he remains « free »!

March 2022

Dupont-Moretti renews isolation while Libre Flot goes on hunger strike.

November 05, 2021

The defendant imprisoned at Fleury-Mérogis is released under strict judicial control (check-in once a week, mandatory SPIP and psychologist appointments once a month, travel restricted to three departments in the Paris region). PNAT does not appeal this time...

March 24, 2022

After 25 days on hunger strike, Libre Flot is hospitalized and transferred to the Fresnes prison hospital. He had been waiting for this medical hospitalization in order to have direct access to doctors and the necessary care.

His lawyers learned a few days later that his solitary confinement had been lifted on the day he was transferred to hospital. Nevertheless, despite the lifting of his isolation, he is not allowed to go for a walk, as he is too weak. He is also allowed to communicate with one of his co-defendants.

However, this did not put an end to his hunger strike, since his only demand was that his imprisonment be ended. His state of health is becoming critical: he has lost 16 kilos and is now on life-support.

April 04, 2022

An international day of support for Libre Flot is organized: numerous rallies take place in France (Lille, Albi, Paris, Toulouse, Limoges, Strasbourg, Rennes and other cities), but also in many European countries (Greece, Switzerland, Germany, England, Ukraine, Portugal, Denmark, Finland...) and in Rojava.

At 6pm that same day, he decided to end his hunger strike.

07 April 2022

It is with great relief that Libre Flot's family and supporters learn of his transfer to a civilian hospital in the Paris region, as he was risking his life at any moment.

His doctors, worried that they would not be able to ensure his medical care, asked for him to be transferred to another hospital. To do this, they had to negotiate with the courts to allow him to leave the prison services. After negotiations with the lawyers, the examining magistrate agreed to his release on medical grounds.

He was released wearing an electronic bracelet, with a period of rehabilitation in a hospital specializing in nutrition.

END OF THE INVESTIGATION

august – november 2022

August 26, 2022

Jean Marc Herbaut, examining magistrate, ends the judicial investigation of the December 8th case. This puts an end to the rogatory commission that allowed the DGSJ to use « all means at their disposal » to harass the accused and their families.

It also means that the case is closed, leaving a 3-month deadline for the defendants and their defense to provide the final elements (request for documents, etc.). Once this period has elapsed, it will be up to the PNAT to make its demands.

September 28, 2022

The judge agrees to the removal of Libre Flot's electronic bracelet. However, he remains under strict judicial supervision, like the other defendants (work obligation, restricted to one department, weekly check-in).

November 2022

Numerous reliefs from the judicial control have been granted, especially as regards the extension of travel zones. A new request to communicate between two defendants was accepted.

The PNAT requests the correctional tribunal and not a jury court for the trial.

TRIAL PREPARATION

until october 2023

April 04, 2023

During his imprisonment, Libre Flot lodged numerous appeals against his solitary confinement. The hearing before the Versailles Administrative Court took place on April 4th. The solitary confinement was found to be illegal, and the state was ordered to pay €3,000 in compensation.

We hope that this will set a precedent, although we doubt that it will have any real impact on the prison administration when we see the willingness to drag out this kind of procedure.

July 04, 2023

Fixing hearing. This is the first time in almost 3 years that the accused have seen each other. It's also the first time they meet the PNAT and the judge who will preside over the trial. They asked for the restraining order to be lifted and for the judicial control to be enlarged. The judge refused everything.

ZINE REALIZED IN AUGUST 2023

