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# The Fictional Terrorist Conspiracy Being Tried in France

*Seven are accused of belonging to a far-left cell, despite the paucity of evidence.*

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The interior of Paris's Renzo Piano–designed courthouse, where the defendants are being tried. (Alain Jocard / Getty)

A 220-kilogram blend of industrial-strength ammonium nitrate, sugar, and acetone peroxide explodes in the cherished Place de la Vendôme in central Paris. The bomb, assembled by a far-left terrorist cell, sets off hundreds of meters of destruction, felling the square's famed column and damaging many of the surrounding government buildings, including the Ministry of Justice.

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None of this has happened, of course. It's one scenario sketched out—on a speculative color-graded map, no less—by the Paris police department's explosives expert on October 11, one week into France's first far-left anti-terrorism trial since the 1990s. (The infamous Tarnac 9 case of 2008 was never actually brought to trial and ended with a full acquittal 10 years later.)

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PHINEAS RUECKERT

The defendants of the so-called “*affaire du 8 décembre*”—a reference to their 2020 arrest date—had no identifiable plan whatsoever to commit acts of violence against state institutions. Seven people are currently implicated, facing charges of *association de malfaiteurs terroristes* (association of terrorist criminals, AMT), or as the judge read out on October 3, in the vague language of France's anti-terrorism laws, of “participat[ing] in a grouping or pact formed with a view to committing acts of terrorism.”

According to the lead prosecutor, Benjamin Chambre, this participation took the form of experimenting with explosives, playing Airsoft (a paintball-like shooting game with pellet guns), and communication via encrypted messaging apps like Signal. On the day of the arrests, police raids across different locations yielded materials that could be used to make bombs (many of them ordinary household supplies), and a couple of unlicensed hunting rifles. Police also seized hard drives; jam jars (allegedly for mixing explosives); feminist, anticolonial, and revolutionary reading materials; and USB sticks. The prosecution is presenting recordings of idle chatter about theoretical revolutions, guerrilla warfare, and assassinating CEOs as evidence of a serious intent to attack the institutions of the Republic.

The story they want to tell has a protagonist: 39-year-old Florian D., born in central France, is painted as the ringleader. The six others charged have tenuous connections to one another: Some knew each other socially through activist circles, and some had never even met.

After volunteering as a French teacher in 2016 at the so-called Jungle (the now-dismantled refugee encampment in Calais), Florian left France in February 2017, spent 10 months in Rojava (the de facto autonomous region of northeastern Syria). He was trained at an academy run by the People's Defense Units (YPG, a Kurdish

militia) before joining the International Federal Battalion (an armed group of foreign volunteers) to support Kurds fighting against ISIS. He returned to France in January 2018. Now he is accused of seeking out radicals and training them up using skills gained in Syria, spurred on by revolutionary fervor.

The irony of French terror laws being used against someone who formerly joined Kurdish resistance against ISIS isn't lost on him.

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"I'm content to have fought against Daesh," he said in tears from the stand during his opening hearing—which in France involves a "personality inquiry," where the judge seeks to establish a portrait of the accused. "I don't understand why I have to keep explaining that I'm proud of that."

The prosecution's case largely rests on recordings from a microphone planted in Florian's van. There is no formal record of when it was planted, but in all likelihood he was placed under surveillance upon his return from Syria. In September 2019, a high-up police source leaked to *Mediapart* that intelligence services were concerned that ex-fighters who had returned from Rojava were ready to "take action" on French soil.

In February 2020, Florian met with Simon G., 39, a friend and pyrotechnician whom he'd known for years. They spent a few days together on a strip of land Florian owned in Paulnay, in central France, getting drunk, playing around with explosives, and indulging in half-baked talk about revolutionary ideas and tactics. Between Florian, a war veteran, and Simon, a fireworks expert, the subject of explosives also came up. The two embarked on a botched mission to make some ammonium nitrate and sugar explode—for kicks, they say, plus Simon had been interested in learning Florian's recipe to expand his own professional repertoire. They also spent a lot of time fixing Simon's van and prattling on about love. They planned the theft of some fertilizer from a garden shop, but finally Florian stole it while Simon slept in his van. When the two parted ways, they vaguely alluded to carrying on their pyrotechnic experiments separately.

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Then in April 2020, Florian shared a house in Parcoul-Chenaud, a town in southwestern France, with three of the other defendants during the Covid lockdown.

Amid other group activities, they succeeded in making DIY fireworks and an outdoor ammonium-nitrate explosion. Eight months later, the seven were finally arrested; three of them were not even present for the episode in Parcoul-Chenaud.

“They’re trying to make them out as the public enemy,” says Raphaël Kempf, one of Florian’s attorneys. “They’ve stitched together a string of disparate elements, which in and of themselves pose little problem. But they’ve brought them together to build a narrative, constructing a story to prove they’re all dangerous.”

The unlicensed possession or use of explosives and hunting rifles are certainly infractions in France, and this kind of misbehavior would generally warrant trying defendants as common criminals. Drawing on a fear of left-wing radicalism, the December 8 case extrapolates isolated offenses into a claim of clandestine terrorist activity.

AMT charges are the bread and butter of France’s anti-terrorism laws, yet critics note that they transfer the burden of proof onto defendants. The accused are being judged not for concrete acts but for intentions attributed to them.

“It’s not so much about the substance of the facts,” says Laurent Bonelli, a sociologist of terrorism and radicalization. With an AMT, “the job of investigators and prosecutors is to *connect the dots*, to tell a plausible story that can back up the hypothesis of terrorist conspiracy. They have to write a realistic fiction.”

At what point can one ascribe criminal intentions to a joke about killing a police officer? Simon was grilled on October 6 for a February 2020 conversation in which Florian said of the police, “They kill us. They mutilate us,” before imagining what he’d do if a hypothetical police officer was pushed over by a crowd of demonstrators. “I’d kick him in the face,” said Simon, to which Florian replied, “Nah, I’d kill him.” Dumbfounded, Simon explained to the judge: “It’s sad to say, but put two drunk leftists in a van and this is what you get. The words don’t really mean much.”

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Even if drunken conversations putting the world to rights could really be considered evidence, the trial dossier is riddled with inconsistencies, as the group's defense counsel has painstakingly pointed out. "You really have to watch out on YouTube," the case file erroneously cites Florian as having said—implying he suspected they were being surveilled—which the defense corrected to "take a look on YouTube." Three weeks into the trial, and police investigators have still not testified before the court. There are long gaps and an apparently cherry-picked narrative; excerpts hours apart are read in court as if from the same conversation.

According to the case file: "At 10.05pm, after a disconnected conversation, [Florian] cited the necessity of guerrilla struggle: 'My absolute priority in life, at the moment, is that... Yeah I'm on it... But being two isn't enough. You have to think of it as war.'" Of his romantic life, Florian said: "I always told [my girlfriend], I'm not in a couple, the absolute priority is the cause, you'll always be second to that." CEOs should keep in mind that they could "take a bullet," Simon had joked half an hour earlier, alluding to the 1986 assassination of Renault CEO Georges Besse by the far-left militant group Action Directe.

"We're only discussing the recordings that were transcribed by investigators," Kempf told *The Nation*. "I've calculated that over the whole period between February and December...the prosecutor has taken 0.72 percent of the daily life of my client. They're taking a few isolated conversations at specific moments where he's making explosives and talking with friends about violent protests."

Indeed, as the defendants have taken the stand, it would seem that their activism, lifestyle, and class position is what's on trial. Irregular employment histories, involvement in ecological activism and land occupations, itinerant lifestyles (living in vans or squats), being a vegetarian, being a previous victim of police violence, writing a master's thesis in literature about representations of war, involvement in a punk scene: These are all things the prosecution has raised in its attempt to make terrorists of the seven defendants.

In court, the defendants have broken down in tears when speaking about the circumstances of their arrests and conditions of their subsequent detention. Bastien A. and William D., both 34, described how they were seized in the middle of the night by an anti-terror squad armed with machine guns and assault rifles, straitjacketed with ski masks taped to their heads, transported to Paris by train, slung into a car with bags over their heads, and brought to a sensory deprivation cell. Panicked and deprived of sleep, medication, water, and food, they were in extremely confused states for their first interrogations. During police questioning, cameras required by law were

frequently turned off for “technical pauses,” and defendants claim to have been bombarded with threats and off-record lies about Florian.

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M. JESUTHASAN

Extreme incarceration conditions are reserved for detainees with a “particularly sensitive” status. Such measures were clearly used to demoralize and intimidate the defendants during their pre-trial detention. They were woken up regularly during the night in intervals as short as two hours. The one female defendant, Camille B., underwent 19 full strip searches in a four-month period—despite this being during Covid, when no physical contact was permitted with visitors. She also claims to have been threatened with sexual assault after having refused to provide a DNA sample. On March 8, International Women’s Day, the court compensated her €200 for two searches the state reluctantly acknowledged as illegal. Florian was detained for 16 months in solitary confinement, despite behavior the penitentiary staff describe as exemplary, and by the 15th month went on a hunger strike for 37 days to protest his condition. He was hospitalized as a result and was ultimately compensated €3,000 for the illegal conditions of his detention.

These people have already had years of their lives taken away. Avoiding a return to prison for an AMT conviction is therefore their attorneys’ first priority. In their closing arguments delivered on October 25, the prosecutors requested a mandatory six-year prison sentence for Florian, and a series of shorter and partially suspended sentences for the remaining defendants.

But this case is also a test for France’s justice system. Civil liberties and privacy advocates fear that a guilty verdict would establish a number of worrying precedents.

For one, the case posits communicating via extremely common end-to-end encryption applications as evidence of guilt. WhatsApp, for example, has 31 million active users in France, according to a 2023 study. “There’s an old debate surrounding these tools, and we’ve long heard interior ministers say they want to break these encryption services,” says Noémie Levain of the digital rights and privacy advocacy group La Quadrature du Net. “But here we have a concrete attempt to criminal



Politically, the trial of the December 8 group is about dusting off France’s anti-terrorism statutes to target activists on the left. Gérald Darmanin, President Emmanuel Macron’s draconian interior minister, has waged a concerted campaign to harass left-wing groups deemed “anti-republican” and “separatist.” The defendants in this case were arrested amid protests over Darmanin’s controversial global security law, which sought to increase police impunity amid a media campaign about threats to officers’ safety. France’s State Council, the highest administrative court, will soon rule on Darmanin’s order to dissolve the environmentalist collective Les Soulèvements de la Terre, a group he has accused of “ecoterrorism.” In an October 5 parliamentary hearing on violent political groups, he boasted that as many as 10,000 individuals associated with the far left are currently being followed by French intelligence services.

“Anti-terrorist justice has always been in lockstep with the political humors of the day,” says Bonelli. The acquittal of the Tarnac 9 was an embarrassing defeat for officials in France’s anti-terrorist hierarchy. What’s striking to observers this time around is that the state’s sensationalistic case seems even weaker.

“For the two weeks I’ve been at this trial, what have we seen? A group of benevolent, humane people who’ve done things that, yes, are not exactly legal, but that have nothing to do with terrorism,” says Olive, Camille’s father.

Hearings are slated to draw to a close by October 27, with an initial verdict expected shortly thereafter. **N**

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