

## “Counter-Terrorism: It Doesn’t Judge Enemies; It Fights Against Them”<sup>1</sup>

Mr. Cazeneuve’s<sup>2</sup> new summer-time law, which seeks to reinforce the “dispositions relative to the fight against terrorism,” opportunely reminds us of this fact: if there’s a domain in which France intends to keep its position as Europe’s *leader*,<sup>3</sup> it is counter-terrorism. Unfortunately, it is not widely known that French counter-terrorism is by far the most productive in Europe, that is, if we admit that the “terrorist” is something that doesn’t exist in a natural state, but is in fact produced by an abundance of speeches, procedures and staged events; by a police and judicial apparatus whose results are measured, accounted for and compensated. According to a recent report by Europol,<sup>4</sup> in 2013 France produced 20 times more terrorists than Germany and three times more than the United Kingdom.

It must be to maintain this advantageous position that today France equips itself with the legal means to flush out “individual terrorist enterprises,” uses purely administrative measures to shut down the places that the police have suspected of “supporting terrorism,” and pursues the *hackers*<sup>5</sup> from *Anonymous*<sup>6</sup> under organized crime statutes. Let this be said in passing: if two and two makes four, then those who put up support sites for us, although we were – and still are – accused of terrorism, were bound to see these sites get shut down,<sup>7</sup> at least if such a disposition had been in force at the time of our arrest. That would certainly have been a job for the police [*Ce qui aurait certes fait l’affaire de la police*].

But if you truly want to know what the future has in store for us in matters of counter-terrorism, it isn’t towards France, but towards Italy that you must turn. It is there that trends [*les tendances*] are born, in silence. On this side of the Alps, we hardly ever hear about the trial that’s going on right now in Turin. This is regrettable, because its outcome will determine nothing less than the possibility of being opposed to a governmental decision in Europe without being immediately treated as a terrorist.

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<sup>1</sup> “L’antiterrorisme: on ne juge pas un ennemi, on le combat.” *Libération*, 21 July 2014. Written by Christophe Becker, Mathieu Burnel, Julien Coupat, Bertrand Deveaud, Manon Glibert, Gabrielle Hallez, Elsa Hauck, Yildune Lévy, Benjamin Rosoux, and Aria Thomas. Translated by NOT BORED! 30 August 2015, All footnotes by the translator.

<sup>2</sup> Bernard Cazeneuve became the French Minister of the Interior in April 2014.

<sup>3</sup> English in original.

<sup>4</sup> The European Police Office. Founded in 1999.

<sup>5</sup> English in original.

<sup>6</sup> English in original.

<sup>7</sup> Circa 2009.

Four young people<sup>8</sup> have been accused of damaging a compressor and a generator at the site where the Lyon-Turin high-speed train line is being constructed; they [allegedly] did this during one of the innumerable attacks against this train line perpetrated by the inhabitants of the Susa Valley. In conformity with the morals of the times, they were accused of an “attack with a terrorist purpose” and, if they are convicted within that framework, they will have to serve between 20 and 30 years (their approximate ages today) in prison. According to the prosecution, when they [allegedly] attacked the construction site of the TAV (*Treno ad Alta Velocità*:<sup>9</sup> the high-speed train), they’d not only “caused serious damages to the country,” but they’d also “seriously damaged its image.” In addition, these young people tried to “constrain the public authorities to accomplish or to abstain from accomplishing any act,” that is, to abstain from constructing an unwanted train line through a valley that already has one. And *that’s* constitutive of terrorist conduct. “To constrain the public authorities to accomplish or to abstain from accomplishing any act” – reforming social security or getting a memorandum from the Troïka, for example – isn’t that what *every* social movement and *every* general strike tries to accomplish? Yet that is the definition of terrorism that the [European] Commission adopted at the European level in 2002 thanks to the pretext of September 11th. At just the right time, too, because the famous Lyon-Turin line is precisely what had motivated that decision;<sup>10</sup> it would be regrettable to not have the legal means to pursue its devastating goals.

People will say: but all this is taking place on the other side of the Alps, in a country that has always used a certain inquisitorial force whenever necessary. How does this threaten us? Well, *we* haven’t forgotten that Manuel Valls, freshly nominated to be the Minister of the Interior, foresaw, during an Interpol<sup>11</sup> summit in Rome in 2012, more [inter-agency] cooperation in the face of “forms of violence coming from the ultra-Left, from anarchist or autonomous movements” and cited the “violent groups” gravitating around such projects as the Lyon-Turin high-speed

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<sup>8</sup> Just three weeks before this article was published, that is to say, “On June 27, 2014 the Supreme Court rejected the accusation of ‘actions aimed at terroristic attacks’ at the TAV construction site against four No TAV activists arrested in December 2013. Following the appeal lodged by the defence [*sic*] lawyers, the Court affirmed that the modest scale of damage attributed to the NO TAV members does not correspond to an event of extreme risk and thus not to the legal notion of terrorism. In detail, the Supreme Court criticized the presentation of events as not sufficiently reasoned and that conclusions were legally incorrect. The accusation now has to be reformulated.” EJOLT (Environmental Justice Organisations, Liabilities and Trade), 11 July 2014.

<sup>9</sup> Italian in original.

<sup>10</sup> Resistance to the building of this train line dates back to the late 1990s.

<sup>11</sup> International Criminal Police Organization, founded in 1923.

line and the airport at Notre-Dame-des-Landes in France.<sup>12</sup> And so, in the aftermath of a demonstration in Nantes on 22 February [2013], the maneuvers that consisted of trying to reduce any grass-roots [*populaire*] movement that's determined to not give in, to a small "Black Bloc"<sup>13</sup> of hardliners who certainly come from other countries and of then using photos to occasionally [identify and] arrest alleged rioters who've already been condemned by a diligent system of justice that encounters no opposition – all that didn't come out of nowhere. It is in fact the [same] rhetoric and the [same] strategy that were developed by the Italian Minister of the Interior himself<sup>14</sup> when faced with the demonstration on 3 July 2011 against the TAV in the Susa Valley, a demonstration that completely overwhelmed him. All this is inaccurate [*grossier*], people will say.

No one is fooled. And yet it continues. A little like the authorities waiting two years for the Tarnac Affair to "cool down" and for everyone to forget all about it so that, without any exculpatory investigation, they can haul us in front of a counter-terrorist tribunal sometime between 14 July and 15 August [2015] and act as if nothing happened. And certainly with the idea of convicting us come 31 December [2015]. All this is heavy handed [*grossier*]. No one is fooled. And yet it continues.

Following the demonstration of 3 July 2011, the spokesperson from the "No TAV" movement had the nerve to say to the Italian Minister of the Interior, "If all that's true, then we're all members of the Black Bloc!" To which the Minister replied via the ongoing prosecution, "Well, in that case, you are all terrorists."

There is no *juridical* definition of terrorism, which is why there are so many [other] definitions of it, nearly a hundred, in fact. "Terrorist" isn't a juridical category; it is the impossible translation of the *political* category of the "enemy" into the language of the law. The idea of a "criminal law that covers enemies," which could de jure justify all kinds of "extra-judicial measures" when it comes to "terrorists," is, unfortunately, nonsense with a rosy future. They don't judge enemies; they fight against them. Treating this or that [social] movement as an "enemy," as "terrorism," is, at bottom, one of the last properly *political* decisions that will be taken by today's governments – by those who are preoccupied with managing the current state of affairs and trying to convince us that the space for authentic decision-making no longer exists.

To deflect blame for such a gesture onto the justice system is an instance of cowardice that goes far in a vile landscape. All illusions about the nature of the justice system are accompanied by the last illusions about "democracy." So much

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<sup>12</sup> In the case of the latter, a ZAD (*zone à défendre*) (defense zone) was established.

<sup>13</sup> English in original.

<sup>14</sup> Robert Maroni, since replaced.

the worse for it.