

# Letter from Julien Coupat to the Judge<sup>1</sup>

Madame Judge,

One of my lawyers has informed me of the summons to appear in your office on Thursday. Unfortunately, I cannot be there; please excuse me.<sup>2</sup>

Furthermore, I have recently become aware of the progress of the investigatory dossier that concerns us, you and I. From what I've been able to see and thus to deduce, the interview to which you've summoned me appears superfluous or hasty. As you have been able to see by reading the dossier, my version of the facts hasn't changed in what is now five years. You now know that my comrades, my attorneys and I have made extremely serious accusations about the police and the manner in which the investigation has been conducted to date. Although we don't have too many illusions about the functioning of the counter-terrorist justice system, we hope, by getting rid of Mr. Fragnoli,<sup>3</sup> to benefit from a balanced investigation [*une instruction à charge et à décharge*]. Without presuming to know the quality of your work, of which I haven't been able to see much, the "dismissal" [*décharge*] seems to be forthcoming.

Do not consider this letter as an instance of blackmail but rather as a strike declaration. A kind of judicial strike. Let's say that the minimum condition for meeting is that we have something new to discuss. Who would accept being a simple extra in the staging of his own execution?

Thus I and my comrades would be thrilled to meet you when the most indispensable [*incontournables*] acts of an exculpatory investigation have been accomplished. For the present, I will allow myself to be a little more precise. It has now been a year and a half that our former attorney, Jérémie Assous, came to visit you in order to indicate his discovery in the investigatory dossier of a bank withdrawal by Yildune Lévy, which was placed there only recently. This

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<sup>1</sup> Dated 18 December 2013. Source: Laurent Borredon, "Tarnac, Une Instruction française: Episode 47: dernier interrogatoire avant clôture":

<http://tarnac.blog.lemonde.fr/2014/08/05/episode-47-dernier-interrogatoire-avant-cloture/>.

Translated from the French by NOT BORED! 28 July 2015. All footnotes by the translator.

<sup>2</sup> Yildune Lévy chose to attend. Cf. her exchanges with the judge, conducted 23 January 2014: <http://www.notbored.org/yildune.pdf>.

<sup>3</sup> Thierry Fragnoli, who was forced to recuse himself from the case due his lack of impartiality. Cf. "A Well-Educated Judge," in *Bye-Bye St. Eloi! Observations Concerning the Definitive Indictment Issued by the Public Prosecutor of the Republic in the So-called Tarnac Affair*: <http://www.notbored.org/bye-bye.pdf>.

withdrawal poses major difficulties for police report D104, which is the basis of your investigation. In point of fact, the police's determinations are materially incompatible with this material proof. At the moment that the cops claimed to have spied her in the middle of nowhere, Yildune was withdrawing money in Pigalle.

As you know, too, it has been four years that we have been striving to show that the police report is a fake.<sup>4</sup> And we sincerely do not imagine for a second that you yourself are convinced. What other explanation can there be for the 50 crude contradictions that pepper the four successive and different versions of the facts presented by the police? It has recently amused us to learn that these very same police officers conceded their report was a fake in an off-the-record interview with some journalists. You have learned that this past summer, in the framework of a complaint for "falsifying public records" that we lodged, the officers from the SDAT and the DCRI<sup>5</sup> decided to adopt a new strategy. Backed into the corner of their third and fourth contradictory versions, mired in their successive layers of little lies and crude arrangements with the truth, they have quite simply and perhaps quite reasonably decided to keep quiet by invoking the sacrosanct and very expedient "secrecy defense." If more weight needed to be given to our statements of falsification, they couldn't have done any better. No, reasonably, if you've read the files, you know that they're laughing at everyone. And if they haven't conceded it to you, they're laughing at you, too.

Let me return to the visit by Mr. Assous, who came to tell you the good news. According to him, but perhaps he exaggerated a little, you responded, "Oh, that bank withdrawal! Yes, I know about it, but no one cares." Whether you said this or not isn't of great importance, but it is certain that *we* don't care at all. Put yourself in our place: there have been several analyses of the tire tracks that demonstrate that they couldn't have been made by our car, tons of DNA analyses that have exonerated all of us, plenty of searches during which no criminal weapon has been found, and rivers of interrogations in which each [of the accused] has vividly contested the police's manipulations, but [somehow] until now we haven't seen any material proof that has purely and dramatically exonerates us.

This seems very important to us. No one having thought it would be good to interrogate the police on this point, it is in the press that we have been able to discover their "version," which is as embarrassed as it is desperate. It can be summarized in two arguments: (1) why haven't Coupat or Lévy mentioned this

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<sup>4</sup> On 28 March 2015, a court of appeals ruled that the police report wasn't fake. Cf. [http://www.lepopulaire.fr/limousin/actualite/departement/correze/2015/03/28/affaire-tarnac-non-lieu-confirme-sur-le-pv104\\_11381884.html](http://www.lepopulaire.fr/limousin/actualite/departement/correze/2015/03/28/affaire-tarnac-non-lieu-confirme-sur-le-pv104_11381884.html) (French only).

<sup>5</sup> The *Sous-Direction Anti-Terroriste*, a police counter-terrorism force attached to the French judiciary, and the *Direction Centale du Renseignement Intérieure*, the French equivalent of the FBI, respectively.

withdrawal of cash? and (2) she could very well have loaned her bankcard to a friend.

In order to avoid useless and long roundtrips between our declarations and theirs, but also to keep them from breaking their necks by once again messing up their pirouettes,<sup>6</sup> let's put a little order and good sense into all this. If we have preferred not to respond to the police's twisted and dishonest questions, it would be strange to respond to those that they *haven't* asked us. But also and especially, not having any access to the police report and thus the timeframes proposed by the SDAT, we've had no reason to imagine that an act as anodyne as the withdrawal of 40 Euros could exonerate us. No, we wouldn't suppose that the cops' fake was accompanied by fantasized timeframes. It is also remarkable that, at the time of our GAV,<sup>7</sup> there were no questions concerning timeframes. The cops endlessly questioned us about our political ideas and tried to make us say that we had placed the hooks [on the catenaries], but they never asked us about what we did afterwards. And so: yes, we've been able to think about that withdrawal, but no, we weren't in a position to imagine that it had had greater importance than the hour at which we went to the bathroom before going to bed. In sum, we couldn't contest a police lie that we didn't know about yet.

A puckish spirit might emphasize that a year and a half later, when we took police report 104 apart, we could have insisted on this new element. That's true and, believe us, we regret it. Unfortunately, we had to stick to demonstrating – despite the investigating magistrate – that what the police had written was false and physically impossible. We didn't have the presence of mind to flush out the lies in what they *hadn't* written down.

But all this, certainly, is secondary. To understand the cops' argument, one must grasp the truth that it hides and turns upside-down. The real question, the one to which no one at present has given even the hint of a response, is, Why have the cops and the judges not mentioned this embarrassing element? To be more precise, why is it that the details of the banking operations of all those who are accused [in this case], as well as those of the people close to them, were demanded, received and analyzed on and after 14 November 2008, but the bank records of Yildune Lévy never appeared? And this despite the fact that she is one of the principal defendants.

It was only on 16 November 2010 that “BM” from the SDAT, “pursuing the execution of the letters rogatory dated 21 November 2008 and 16 November 2009,” re-did the judicial requisitions that concerned Yildune Lévy's accounts. The response would be received that same day. This time, it was the entirety of the

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<sup>6</sup> The word *pirouette* can also mean an about-face or an evasive reply.

<sup>7</sup> *Gardés à vue*: police custody.

accounts that she'd ever opened in her life that appeared.

Let's look at the date of that new requisition: 16 November 2010, that is, two years and eight days after the withdrawal was made. We suggest a hitherto unknown question for next years' edition of *Trivial Pursuit*: how long are the videotapes from automated teller machines kept? A hint: the answer is in the riddle [itself].

It would take eight more months, until 7 July 2011, for the same person to proceed to "the examination of the activities that took place in the bank accounts of J. Coupat and Y. Lévy before 7 November 2008": he made use of my records, entered into the dossier in December 2008, and those of Yildune, received in 2010. In his analysis, "BM" studied Yildune's "banking behavior." This was a punctilious exercise during which he interpreted the variations of up to 200 Euros from one month to the other as strange. Despite his suspicious presentation, he wasn't able to come up with any criminal hypotheses about that curious bank activity. And so he concluded: "Finally, we specify that there was no activity on 7 November 2008 in [any of] the different accounts of Yildune Lévy."

Furthermore, his analysis confirmed that Yildune was indeed the user of her bankcard; his analysis was appended to his report. How could "BM" – the author of [police report] D104 – miss the withdrawal at Pigalle on 8 November [2008] at 2:44 [AM]? So many puzzles with so little suspense.

It was only three and a half years into this long and treacherous voyage that the providential account statement ended up in the dossier and thus at the disposal of the defense. That was in June 2012. It was only after several months that, meticulous as always, we discovered the transaction that was so cleverly [*habilement*] emphasized by the cops in charge of studying it.

All joking aside, we have the disagreeable feeling that the cops have done everything to hide the only material proof in the [whole] dossier. A curious moment in which maneuvering is added to the lies.

Now let's come to the second argument: Yildune Lévy had loaned her bankcard to a friend. If this bank statement revealed a cash withdrawal [from an ATM] in the proximity of the train tracks or some kind of hardware store, it could be presented as "the proof" of our guilt. What would have been thought if she'd claimed that she'd loaned her card to a friend? That's the irony of a completely unbalanced investigation, one that is ready to wring the necks of reality and common sense in order to cover up its own lies with the most lamentable bad faith.

After we'd demonstrated that all of the police's allegations were false, it would then be up to us to demonstrate that the only material proof in the entire dossier was authentic! In sum, we would have to do everything by ourselves.

No problem! Here are a few things that will allow you to confound the police when you interrogate them about this matter: in point of fact, Yildune's

bankcard didn't turn up during the searches of her belongings and person at the time when she was arrested, while in bed, at her parents' house, where she's lived since her birth. She shouldn't still be in her nightgown at 6 o'clock in the morning, nor should she sleep without the preferred means of payment in France. The absence of this bankcard was in fact due to the men and women who each day accomplish remarkable work by keeping from us the always-imminent threat of terrorism. You've met them: the SDAT.

The results of the search of Yildune's person in fact merited several explanations. Found upon her were "two packages of Philip Morris-brand cigarettes, one unopened and the second containing 11 cigarettes; a cigarette lighter with the photograph of a cat on it; five tampons; a French passport in the name of Yildune Lévy, number \_\_\_\_\_;<sup>8</sup> the sum of two hundred and twenty Euros (220 Euros), which can be broken down this way: one 100-Euro bill; one 50-Euro bill, five 10-Euro bills and one 20-Euro bill; three pairs of socks, brown, burgundy and black; two long-sleeved sweaters, brown and blue; two pairs of black pants, one with DP designs."

This quirky list represents the only body search of those who were arrested in which changes of clothing and tampons appear, but no other personal document than a passport. To understand this, we must return to what took place that morning. Arrested at 6 o'clock while sleeping in her home, Yildune was in a state of shock. So much so that the SDAT agents immediately called SOS-Médecin.<sup>9</sup> During their search of the premises, these agents placed all kinds of things under seal. At the same time, two plastic bags were packed: the first containing warm clothes and changes of clothing befitting her psychological and physical state (she was freezing cold, trembling and starting to have her period); her mother also put inside it Yildune's passport, the sum of money previously mentioned and two packs of cigarettes. (This followed her parents' request to give her money and cigarettes. An agent from the SDAT went as far as saying, without laughing, "Yes, it could be useful for her return by taxi after her custody is over.") The second plastic bag contained a lot of little things: a paperback organizer; her address book; a notebook; a few supplementary USB thumb drives; and her purse, in which all of her cards could be found, such as transportation cards (it has been proven that Yildune possessed a Pass Navigo card, since agents from the SDAT proceeded to investigate it, as well), business cards, credit cards, postage stamps, a telephone card and, quite obviously, the subsequently famous ATM card!

What became of this second plastic bag? Did Yildune swallow it while heading down the stairs that led to the police cars? No: the agents from the SDAT

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<sup>8</sup> Redacted from the text being translated here.

<sup>9</sup> A network of doctors who provide emergency and long-term care.

quite simply forgot it in her room! She carried her bag of clothes in her hands, as can be seen in the images of her arrest, which were shown on all the principal TV networks. It was only when they arrived at their offices in Levallois-Perret, when Yildune's body was searched, that the cops perceived their slight blunder.

It certainly isn't Christmas every day for the agents of the SDAT. Let us remark that, several years later, Mr. Fragnoli would forget his nice little leather pouch, containing all the cops' phone numbers and brand-new and pre-stamped police reports at the home of Charles T.<sup>10</sup> In any case, no one thought it would be good to make a return trip to look for the officially sealed bag. If it can be imagined that this was one small omission like any other, one would have to be impervious to both shame and intelligence to imply or suppose, based on the "absence" of her bankcard during the search, that Yildune must have loaned it out.

We would also like a certain number of other points to be elucidated before we meet. We await the appeal of our motion concerning Mark Kennedy.<sup>11</sup> Your refusal to clarify this episode appears incomprehensible to us, as it goes to the fairness [*équité*] and thus the legality of these proceedings. Furthermore, it is astonishing to see that the press is more interested in this notoriously mythomaniacal British spy than the judges who are in charge of the investigation at which this same spy is at the origin. Must we recall that you yourself utilized some of the fantasized information coming from Mark Kennedy in your refusal to re-qualify my status from accused to assisted witness<sup>12</sup>? How could one argue that these declarations that have been confirmed by the investigation and that no dissimulation took place, when his name only appeared on the initiative of the defense and all the little manipulations to dissimulate this now-embarrassing source have been logically demonstrated?

We don't doubt that it is complicated to make honorable amends with the counter-terrorist police. Unfortunately, in the dossier, there's the possibility for a balanced investigation [*une enquête à charge et à décharge*], that is to say, an investigation that follows legal requirements. If the possibility that we might contest the deeds that have been imputed to us is systematically refused, why bother with some provision in the Legal Code of Procedure? But especially: why should we trouble ourselves with an investigation on which "we" must work? If all this is merely cosmetic, don't hesitate to indicate it to us; we would be very happy to make a completely different use of our time.

Furthermore, in a motion that we filed last year, we asked you for the ability

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<sup>10</sup> Charles Torres was incorrectly thought to have had something to do with the fashioning of the metal hooks used in the sabotage. Cf. "A Well-Educated Judge," in *Bye-Bye St. Eloi!*: <http://www.notbored.org/bye-bye.pdf>.

<sup>11</sup> Cf. "A Rapist in Scotland Yard," *Bye-Bye St. Eloi!*: <http://www.notbored.org/bye-bye.pdf>.

<sup>12</sup> Someone who testifies as a material witness in the presence of his or her attorney.

to confront witness X.<sup>13</sup> You know, the prosecution's only witness. It seems that such a confrontation is part of our rights. It's a year later, and we still haven't received any response from you. Is there a problem with the mail? Because every one knows – you, too – that it seems that the testimony of this fellow must be subject to a bit of caution, given that, in another affair, he was accused of denouncing imaginary crimes. A dreary story of horses that he himself had massacred and a young woman that he himself had threatened with rape (his own daughter, it turns out). How should this absence of a response from you be interpreted, if it was deliberate?

Perhaps you yourself have said that Mr. B must in fact be a little crazy and that his testimony has no bearing upon the investigation. It would be really fortunate if, contra the skullduggery of your predecessor, you would join our opinion on this subject. If such becomes the case, do not hesitate to put this feeling forward during the proceedings, by responding to our motions, for example, but also by drawing the [logical] procedural consequences. I remind you that this testimony is the only tangible element that justifies the charges against me as the leader of a terrorist enterprise. There have already been two declarations, [allegedly] from Aria T. and Bertrand D.<sup>14</sup> (which they have fully addressed [(*sur lesquelles ils sont amplement revenues*)]), which say that, during collective discussions, people listened to me. But let's be reasonable: everyone knows quite well that the central charge in this case can't rest upon these two statements, whose origins among the police forces (and nowhere else) has already been demonstrated. No: the phantasmagoria surrounding my pseudo-role as leader – it has been the investigation itself that has revealed the absurdity of it all. With the exception of the testimony by Mr. B, of course. Thus I have come to the conclusion that, if you no longer take B's declarations seriously, the [alleged] leader of the accused must also disappear. Along with all the other references to B's remarks and analyses, quite obviously. Thus, if you refuse us this confrontation [with this witness] because you no longer judge his testimony to be credible, please tell us as soon as possible so that we can help facilitate the task by sending you a list of references to the hundreds of instances in which his declarations are cited or taken up as an argument.

Finally, I remind you that the commissioned [*diligentée*] investigation of the Tribunal de Grande Instance in Nanterre into the allegation that police report D104 is a falsified public document is still going on, despite all the diligent [*diligentés*] efforts on both sides to have it end in a dismissal in favor of the cops at the

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<sup>13</sup> Jean-Hugues Bourgeois. Cf. "A Nut in The Combrailles," in *Bye-Bye St. Eloi!*: <http://www.notbored.org/bye-bye.pdf>.

<sup>14</sup> Aria Thomas and Bertrand Deveaud, two other people charged in the "Tarnac Affair."

SDAT.<sup>15</sup> Thus it seems logical to me to await the ruling in that investigation, which, we hope, will pull everyone out of the mire by establishing what everyone knows to be true, namely, that the police report is a fake. And, whatever the ruling, you will be reassured to find out that accused cops lie neither less nor better in Nanterre than in Paris.

Based upon these new pieces, we might all be able to agree upon the conditions for a reconstitution of the entirety of D104. This would be a matter, with the police report in hand, of determining the improbability of almost all of it. And to do this, nothing would be better than a visit to the site. This time, there would be no need to block off a perimeter with dozens of gendarmes or to call for assistance from a helicopter and K-9 units. A lawyer, a court clerk, and a bodyguard would be enough and everyone could return in a single car (my five-seat Volkswagen). It would cost you several hours of work, but it would spare you from so many others. In fact, I can guarantee that, at the end of this jaunt, you will only have the heart to draft a courageous but unshakeable order of dismissal.

Our most recent request will be communicated to you shortly. But I can sketch it out for you here. You aren't ignorant of the fact that, for several years, a police officer from the DCRI had done a number of rather strange things.<sup>16</sup> From dozens of anonymous emails addressed to journalists that claimed that we were the AZF group,<sup>17</sup> to the usurpation of our identities, including the maintenance of seven anonymous blogs in which he related prejudicial details about our private lives and posted photos on which a target had been placed on the door to our home. We know that this officer is at the origin of the surveillance [directed] against us since 2007, at least. We have his reports in our possession and we know that he unleashed the preliminary investigation. We know that he was present at the searches executed on 11 November 2008 and we know that he'd met with your predecessor several times, even advising him on investigatory actions (the arrest of M. T.,<sup>18</sup> for example).

You also know that there are no rules or laws against "befogging journalists" [*"enfumage de journalistes"*], police harassment or calumnious denunciation in the

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<sup>15</sup> Cf. footnote #4 above.

<sup>16</sup> Christian Bichet. Cf. "A Situ Among the Cops." in *Bye-Bye St. Eloi!*: <http://www.notbored.org/bye-bye.pdf>.

<sup>17</sup> An *obvious* instance of spectacular or artificial terrorism, i.e., terrorism conducted against the State by the State itself (by one of its secret services or by non-State actors whom it controls), the AZF Affair saw alleged terrorists use the threat of violence against train lines to extort money from the government. Cf. Arnaud Ardoin, *AZF : une affaire au sommet de l'Etat*, éditions du Rocher, 2013.

<sup>18</sup> Perhaps Mr. Torres.



offices of la galerie Saint-Eloi.<sup>19</sup> You are therefore the only judge who has even investigated these practices by the DCRI and the only person whose case is directly concerned with these malfeasances. In addition, it turns out that the task is quite easy; it would be sufficient to search about in this fellow's different [voice] mailboxes and then listen to them. Of course, we can furnish the proof for all that we've advanced. If you will agree to draw the appropriate legal and judicial consequences from this evidence, one of us would be thrilled to transmit and present it to you.

I hope that, given so many coinciding reasons, you will understand and thus excuse my absence. For us, there is only sense in responding to your questions if the exculpatory investigatory work that we have conducted at the same time finds its place in the investigation and unblocks the necessary clarifications. You know that we can't wait for a trial to have these facts adequately examined.

Waiting to meet you under better conditions,

Julien Coupat

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<sup>19</sup> The headquarters of the French counter-terrorist judiciary, located within the Palais du Justice.