

“Tarnac: the prosecutor wants Julien Coupat  
back in jail for terrorism”  
By Soren Seelow<sup>1</sup>

Seven years after a turbulent and highly publicized investigation, the Public Prosecutor’s office in Paris has released its definitive indictment in the so-called Tarnac Affair.<sup>2</sup>

In November 2008, 10 young people from the ultra-Left who’d gravitated around a unifying intellectual, Julien Coupat, were placed under formal examination for “criminal association in relation to a terrorist enterprise.” The police and intelligence agencies suspected them of being involved in a series of acts that sabotaged high-speed train lines during the nights of 25-26 October and 7-8 November 2008.

In the indictment, which *Le Monde* has been able to consult, the public prosecutor asks that only three of the principals – Julien Coupat, his companion, Yildune Lévy, and his ex-girlfriend, Gabrielle Hallez – should be called back before the criminal court for acts of sabotage “in relation for a terrorist enterprise.” The indictment seeks dismissals of the charges against two of their companions, as well as three of the five cases of [alleged] sabotage, of which the investigation “has not been able to identify the perpetrators.”<sup>3</sup>

As for the other five presumed members of this “criminal association,” the public prosecutor’s office, which failed to find evidence that linked them to the damage,<sup>4</sup> rejected the aggravating circumstance of “terrorist enterprise.” Nevertheless, the prosecutor demands their appearance in court for “attempts to falsify administrative documents,” “receipt” of stolen documents and “refusal to submit to biological sampling.” It will be the

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<sup>1</sup> Published in *Le Monde* on 7 May 2015. Translated into English by NOT BORED! on 9 May 2015. All footnotes by the translator.

<sup>2</sup> For background, see this webpage: <http://www.notbored.org/tarnac.html>.

<sup>3</sup> This implies that Coupat, Lévy and Hallez have been identified as the perpetrators, which, of course, *still* has yet to be proved.

<sup>4</sup> If there’s no evidence linking them to the attacks, then there is also no evidence that they belong to a “criminal association,” for, even according to the cops, this alleged association has not carried out any other attacks since 2008.

examining magistrate, Jeanne Duyé, who will make the decision of whether or not to send all [10 of] those under investigation back to jail. The ordinance must be signed [or not] before the fall.

Politicized from the start by the Fillon Administration,<sup>5</sup> which had made the “ultra-Left” a police priority, the Tarnac file has been an uncontrollable media-judicial football all through the investigation. In official report after official report, the investigatory methods of the brand-new Direction centrale du renseignement intérieur<sup>6</sup> (DCRI), created on 1 July 2008, have been shredded by the press, which has weakened the investigation a little more each day.

If this file has provoked so much passion and tumult, it is because of its political charge and because it questions the very foundations of the French anti-terrorist arsenal. In such a heated context, the public prosecutor’s office knew its indictment was expected. Has it also taken care to review in detail the flood of criticisms that this investigation has received and the most thorny question that it raises: is Julien Coupat a terrorist?

The iron rods that had been placed on the catenaries of the five high-speed train lines in October and November 2008 caused many delays, but no injuries. According to the experts, this method, borrowed from the tactics used by German anti-nuclear activists in the 1990s, can neither cause derailments nor threaten the security of the travelers [onboard].

The relatively benign nature of the damage was raised by the lawyers for the defense, who contested its “terroristic” character. The public prosecutor responded, “the terroristic purpose of the little group wasn’t at all affected by the absence of human victims,” because Article 421-1 of the Penal Code specifies that “property damage” can, in French law, constitute acts of terrorism if they “aim at seriously disrupting public order through intimidation or terror.”

In August 2014, a completely similar act of sabotage – the placement of a metal hook on the catenaries of the Lyon-Paris high-speed train line – was treated as a simple “criminal act.” According to information received by *le Monde*, it was the prosecutor’s office in Châlons-sur-Saône that opened a preliminary [terrorist] investigation into that affair; the anti-terrorist section

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<sup>5</sup> François Charles Armand Fillon, a “center right” politician close to Sarkozy, was Prime Minister from May 2007 to May 2012.

<sup>6</sup> Central Directorate of Domestic Intelligence.

of the public prosecutor's office in Paris didn't feel it would be useful to open a file.

If Julien Coupat, Yildune Lévy and Gabrielle Hallez reappear in court for “criminal association in relation to a terrorist enterprise,” it will uniquely be in the light of their ideology and their relationships, which were brought out by the surveillance that they had been the objects of since the beginning of the sabotage. That's the context that allows the prosecution to project a terrorist intention upon the damage that, in other circumstances, would have been covered by common law.

The preliminary investigation into the members of the Tarnac group [in fact] began on 16 April 2008, six months before the acts of sabotage. It was based upon a note from the anti-terrorist division that described this community as a “clandestine anarcho-autonomous structure that maintains conspiratorial relations with activists with the same ideology established abroad and plans to commit violent actions.”

The intelligence services were the recipient of a tip that Julien Coupat had met anarcho-autonomes “in a New York apartment” in January 2008. It was this trip that, on the strength of intelligence from American authorities, caused the opening of the investigation [in France]. According to the public prosecutor's office, these [alleged] links with the “international anarchist movement” constituted one of the arguments that justified the “terrorism” classification.

But the pivot of the prosecution rests upon the thinking of the principal person under investigation, that is to say, on his writings. The prosecutor's office considers it established that Julien Coupat is the “principal author” of a *pamphlet*<sup>7</sup> titled *L'Insurrection qui vient*, published by le Comité invisible in 2007.<sup>8</sup> This text advocated an “organized blockade of the axes of communication,” in the first rank of which were the railroads, by groups that had adopted a communitarian way of life, in order to bring down “the architecture of flux” that the modern world has become.

For the prosecutor's office, this “opus, presented in a falsely blissful fashion by several witnesses as a simple book of philosophy,” is, in a reality, a theoretical guide that seeks to “overthrow the State by violence.” If it

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<sup>7</sup> English in original.

<sup>8</sup> It was in fact published by La Fabrique and written by the Invisible Committee. Translated into English as *The Coming Insurrection* by Semiotext(e)/MIT in 2009.

recognizes that the passage to violent action “at first appears to be of a relatively weak intensity,” the prosecutor’s office estimates that this is only a matter of an “initial phase,” which the interrogation of the suspects managed to interrupt, thus avoiding the taking hold of “a feeling of terror and intimidation” in the country.

On 25 March 2009, lawyers for the defense contested the very broad definition of “criminal association in relation to a terrorist enterprise” with respect to international law, estimating that it was being improperly applied to their clients.

“It isn’t enough for the prosecution to put common-law infractions into the perspective of a critical political discourse to characterize the existence of a terrorist infraction,” they argued. “To state the inverse allows one to describe as a terrorist enterprise any action that is supported by a political or unionist politics that seeks to denounce political choices or to express exasperation, even anger.”

“If the ideological promotion of the necessity to change society is a political position protected by free of speech, the implementation of it by intimidation or terror falls under delinquency,” the public prosecutor’s office retorted. “Terrorist infractions are political by nature because the instilling intimidation or terror has, as its purpose, the exercise of a form of power over society.”<sup>9</sup>

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<sup>9</sup> “Nowadays there is a pretense of wishing to preserve a purely political crime, like some inexpensive luxury, a crime which doubtless no one will ever have the occasion to commit, since no one is interested in the subject any more; except for the professional politicians themselves, whose crimes are rarely pursued, nor for that matter no longer called political. All crimes and offenses are effectively social. But of all social crimes, none must be seen as worse than the impertinent pretension to still want to change something in this society, which thinks that it has only been only too kind and patient, but which *no longer wants to be blamed.*” Guy Debord, Chapter IX, *Comments on the Society of the Spectacle* (1988).