

CHARLIE HEBDO

Trial

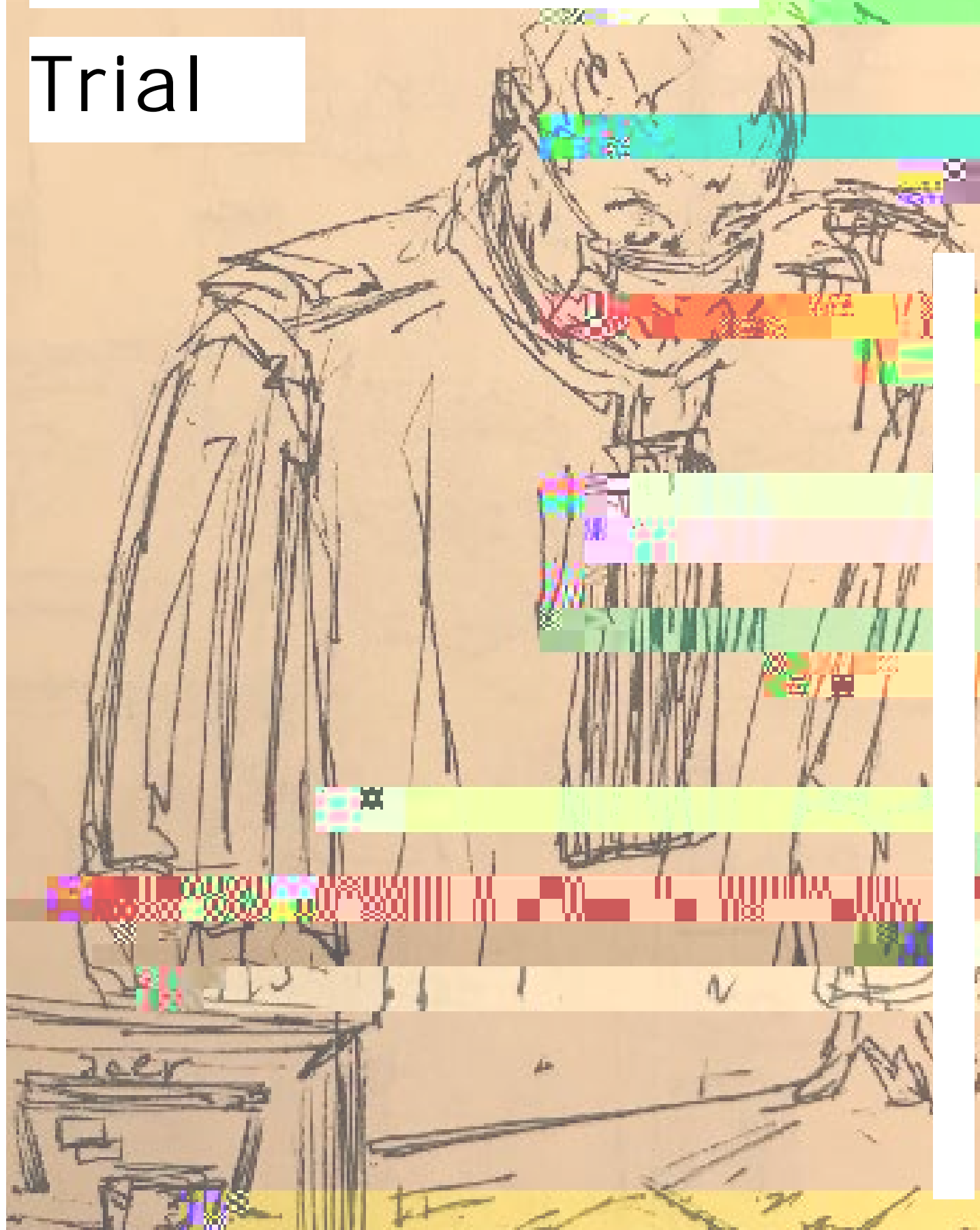


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EDITORS NOTE



Students of Professor Sharon Weill's Law and Conflict class attended the proceedings of the Charlie Hebdo trial in October 2020. This case is a historic one, part of France's grief and national memory. It is also unfolding at a unique crossroads of renewed French terror attacks, a deadly pandemic, the five-year anniversary of the Bataclan shooting, and new debates in French civil society over the state's control over religion, specifically Islam and the sacred principle in France of the freedom of expression. The Charlie Hebdo case is filmed, which is what allowed us to watch the courtroom proceedings in

projection from a separate room. The film, however, will be kept archived for 50 years before being released to the public. The fourteen defendants are commonly accused of association with an organisation des malfaiteurs, France's broadly-termed terrorism charge. This paper combines students' personal experiences and impressions, observations of the judicial proceedings, and the larger societal and legal context of this momentous trial.

There are fourteen people on trial for the 2015 attack on the Charlie Hebdo newsroom. Three of the accused are absent, having fled to Syria soon after the attack. Although the trial serves as a setting for victims to process trauma, not a single person on trial was present at the scene of the attack. Each person is accused of assisting in the attack to a varying degree.

The most serious charges are brought against Ali Riza Polat, 35, who was close friends with one of the attackers and who is said to have provided the weapons used to carry out the murders as well as the money to finance the attacks. He faces life in prison for his involvement. Despite three failed attempts to flee the country, Polat maintains his innocence.

Eight men are accused of supplying weapons to the attackers. Mickaël Pastor Alwatik's and Mohamed Fare of selling weapons to Coulibaly. Christophe Raumeil, Willy Prevost, and Said Makhlou assisted in the purchase of other supplies. And two garage owners, Metin Karasular

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THE ATTACKS THAT CAUSED THE TRIAL

The Charlie Hebdo attacks is a name that has a strong place in the western world's consciousness, describing the terrorist attacks inflicted on the city of Paris in January 2015. Although many recall the Je Suis Charlie movement that ensued in the mainstream media, this attack was not the only to wreak havoc on Paris. A hostage situation in a Jewish supermarket in the east of Paris and the murder of a police officer in Montrouge were all linked to the initial attacks on the satirical newspaper, and conducted by three men who worked in unison.

On Wednesday, January 7, one of the first working days back after the holiday season, brothers Cherif and Said Kouachi stormed the office of the magazine Charlie Hebdo, near boulevard Richard Lenoir in Paris's 11th arrondissement. The brothers moved methodically and quickly—their presence was unexpected and there was little that could have been done to prevent them from killing a barely armed security guard, the editor in chief and prominent cartoonists, among other staff who were in a news meeting. The brothers fled the office and were met with police retaliation, but it was not enough to stop them. They clashed with officers three separate times in the 11th arrondissement, finally killing a police officer who lay on the ground in surrender, on boulevard Richard Lenoir. The Kouachi brothers fled the 11th and moved north in a getaway car, where

they hijacked another vehicle in the 19th arrondissement while forcing the driver out of his car, they told him calmly, "If the media asks you anything, tell them it's Al-Qaeda in Yemen."

At this point, Paris was in a state of high alert. The killers had escaped, and French police forces were scrambling, trying to connect evidence that would lead them to find the brothers. President Francois Hollande raised the terror alert for the Ile de France region, put schools on lockdown, heightened security at houses of worship, news offices, and began conducting security searches on the metro. The state of emergency and fear in response to the attack did not stop some 35,000 Parisians from gathering at Place de La Republique, in honor of those who had been lost and in a show of strength for the French ideals of liberty and freedom of expression. Videos from the event display an overwhelming majority of white, French citizens explaining their disgust and resentment towards a more radical world growing around them. Their resentment towards those who would attack based on freedom of expression and speech seeps through my computer screen as I watch interviews from that evening. Some attendees seemed to understand that the growing stigmatization and lack of unity in French society could be part of what is to blame for the attacker's motives, while others explained that they

were hurt that they needed to explain to their children that people were killed over drawings that others did not like. A striking comment made by Frederik Hufnagel, a journalist who showed up in solidarity said that "We are not fighting Islam. We are fighting terrorists. It is important that we do not mix the two. On 9/11, we were all Americans. Today, we are all Charlie."

Unfortunately, this show of French and international unity was not the end of the terrors that would continue to unfold in the French capital. On Thursday, January 8 at 8 am, news broke of another attack in the Parisian suburb of Montrouge. A 25-year-old policewoman trainee named Clarissa Jean Philippe had been shot dead. At the time, authorities believed that the thirteenth fatality to happen in two days was unrelated to the attacks on Charlie Hebdo. Further investigation would bring links between the two groups of terrorists to light, the man that killed Clarissa Jean Philippe was Amedy Coulibaly, a French-Malian man who was a close friend to the Kouachi brothers--and he was still a suspect at large.

In the midst of further bloodshed, the French police were still on a manhunt through villages north of Paris, in attempts to find the Kouachi brothers. On Friday, January 9, the police gained headway on the brothers, prompting a shootout on a highway around 40

kilometers north of Paris. In their last futile attempt to throw the authorities off their trails, the brothers drove into an industrial warehouse complex and attempted to barricade themselves in a maze of printing machinery and supplies. While the Kouachi brothers were trying to hide from the police, Amedy Coulibaly was on the loose in the affluent suburb of Vincennes, where he entered a Jewish supermarket and had taken five hostages. Witnesses report that he was beside himself that the Kouachi brothers were freed (regardless of the fact that they had not been caught yet). While in the Hypercacher market, he ended up killing four hostages, before the store was stormed by French police, killing Coulibaly in the aftermath. By Friday evening, Francois Hollande would address the nation after what felt like centuries, to inform the world that all three gunmen in the coordinated terror attacks were dead, and that four people had also died in the Hypercacher market.

Sydney Scarpa

THE ATTACKS THAT WERE

CAUSED BY THE TRIAL

ARRIVING AT THE TRIBUNAL DE PARIS

Arriving at the tribunal itself was an awe-inspiring moment for many of us involved in this project. According to Luana Trabelsi, she remembers thinking, "Wow! It's beautiful!" upon seeing the building from outside. Jacob Rogers echoed this sentiment recalling, "In my head I think to myself how odd it is, I am so used to the architecture of the center of Paris, that seeing a large, intimidating glass building that could have been found in any modern city in Europe was a bit surprising." This ultra-chic ode to gigantism is not what many of us expected from one of the French Republic's oldest institutions. Nevertheless, one does not have to look too far to find the nods to French political heritage that inspire so much pride from the French people. As Mary McColley noted, "Written on the wall [is] 'La loi est l'expression de la volonté générale. Elle doit être la même pour tous, soit qu'elle protège, soit qu'elle punisse.' Art. 6. Déclaration des droits de l'homme et du citoyen de 1789." [Ue all e. o v o , Eb rRepubli o](#)

FURTHER STUDENT OBSERVATIONS OF THE TRIAL

Among the students who observed the trial, there was a general consensus that the proceedings did not live up to their grandiose imaginations of a historically significant trial. Many of the students come from the U.S. and are used to the dramatic theatrics of the U.S. legal system.

Thorin was most surprised by the informality of the proceedings. Unlike trials in the U.S., Prevost was dressed casually in a Nike sweater and was not handcuffed. The hearing was more about understanding Prevost's motivations from Prevost himself rather than the formal legal arguments from lawyers that make up the U.S. legal system. Prevost made arguments that struck at the humanity of the actors in the court and made the case that he was at least not guilty of inhabiting the perceived demonic image of a terrorist. Thorin was also intrigued by the humor that appeared at various points in the hearing where Prevost would have an odd response or when he referred to Ali Polat as a «fils de pute» and generated laughter from those in the transmission room and the court itself.

Launa was interested to see that when she arrived for the afternoon session, the judges for the trial and journalists covering the trial were out mingling in the lobby. She found this to be a humbling reminder of the of the

humanity of the parties involved in the criminal justice system. She also found the informal and sometimes crass language employed by Prevost shocking at times.

THE FRENCH

The divergent narratives of England and France's transition from feudalism to modernity have engendered distinct legal practices. In the 11th century, the Duke of Normandy unified England under a single monarch. The Duke, more commonly known as William the Conqueror, fashioned London to be his center of control and exported a uniform and centralized political framework throughout the nation. Most

The common thread running through the cases of all the accused is the charge of "association de malfaiteurs en relation avec une entreprise terroriste" (AMT). AMT was written into law in 1996 and is considered the keystone of French antiterrorism legislation. It is so critical because it allows authorities to intervene in groups that they believe plan to commit acts of terror before the alleged attacks happen. It comes with a heavy sentence of up to thirty years imprisonment for lower level participants and life imprisonment for leaders, however, it was not always this way. 2004 was the first time AMT became a felony, with lower level members receiving ten years in prison and leaders receiving twenty. Two years later, the sentences were increased to twenty and thirty years respectively and in 2016 it became thirty years and life imprisonment. The ratcheting up of AMT sentences reflects the wariness in France about other potential attacks, especially after the Charlie Hebdo and Bataclan attacks of 2015. AMT has been an important tool in prosecuting French citizens who travelled to fight in Syria as well as those who have carried out terrorist acts domestically.

In order to secure an AMT conviction, the prosecution must prove three key facts. The first fact is that there must be a group with a terrorist aim. The definition of "group" and "terrorist" are left intentionally ambiguous to allow the justice system to intercept any activity they suspect of having malicious aims while also avoiding the classification of certain organizations as "terrorist." The second fact that must be proven is act of participation in a terrorist group. This does not necessarily require the individual to have participated in an attack and the Court of Cassation has ruled that individuals cha

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What is defined as a fair trial varies widely among domestic legal systems around the world. However, within international law we can find the minimum requirements of a trial to be considered fair. One finds this minimum requirement in the International Covenant on Civil and Political Rights (ICCPR). The covenant, which is widely accepted to be one of the keystones of international human rights law, has been signed and ratified by 173 states. Notable states to which the treaty does not apply, due to a lack of signature or a lack of ratification, are: China, Saudi Arabia, and the UAE. The treaty provides guidance on fair trials. For the sake of brevity, Article 14.1 can be synthesized by the following definition; "All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law." Interestingly enough, it includes no mention of a time limit for when this trial must happen. In the United States, Americans possess a constitutional right to a fair and speedy trial. However, in France, specifically in proceedings of terrorism charges, the requirements for a trial is that it must occur within five years. Meaning that a defendant can be held for up

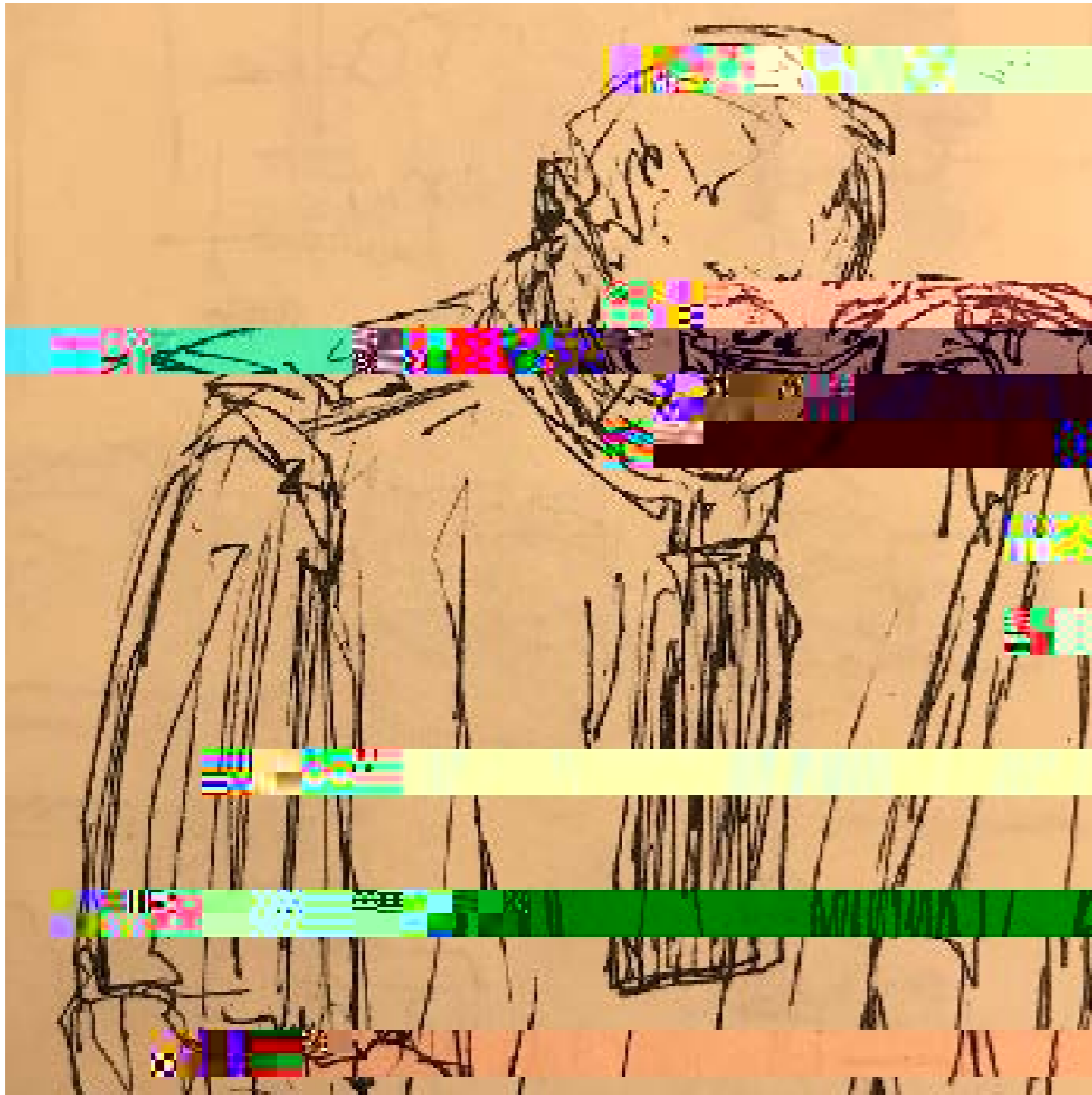
to five years while awaiting a trial. This is the case for the proceedings of the case in relation to the Charlie Hebdo attacks in 2015.

After some of the fourteen defendants were held in prison for nearly five years, they finally received the chance to tell their stories before a panel of judges in the Tribunal de Paris beginning in September 2020. There is a possibility, albeit unlikely, that one or more of these defendants will be acquitted for the terrorism charges for which they stand accused. Now, this is not to say that the defendants are not guilty of other crimes, however, they may not be guilty of terrorism, which is the exception in French law to the temporal requirements of a trial. However, the question arises of whether or not the French legal system provides a fair trial to these individuals. If any of these defendants are acquitted, it would be a significant victory for the human rights community.



PERSONAL ACCOUNTS

Over the course of two weeks students from Law and Conflict spent time visiting the Tribunal de Paris and observing the Charlie Hebdo Trial. The following pages offer a selection of their reflections and thoughts.



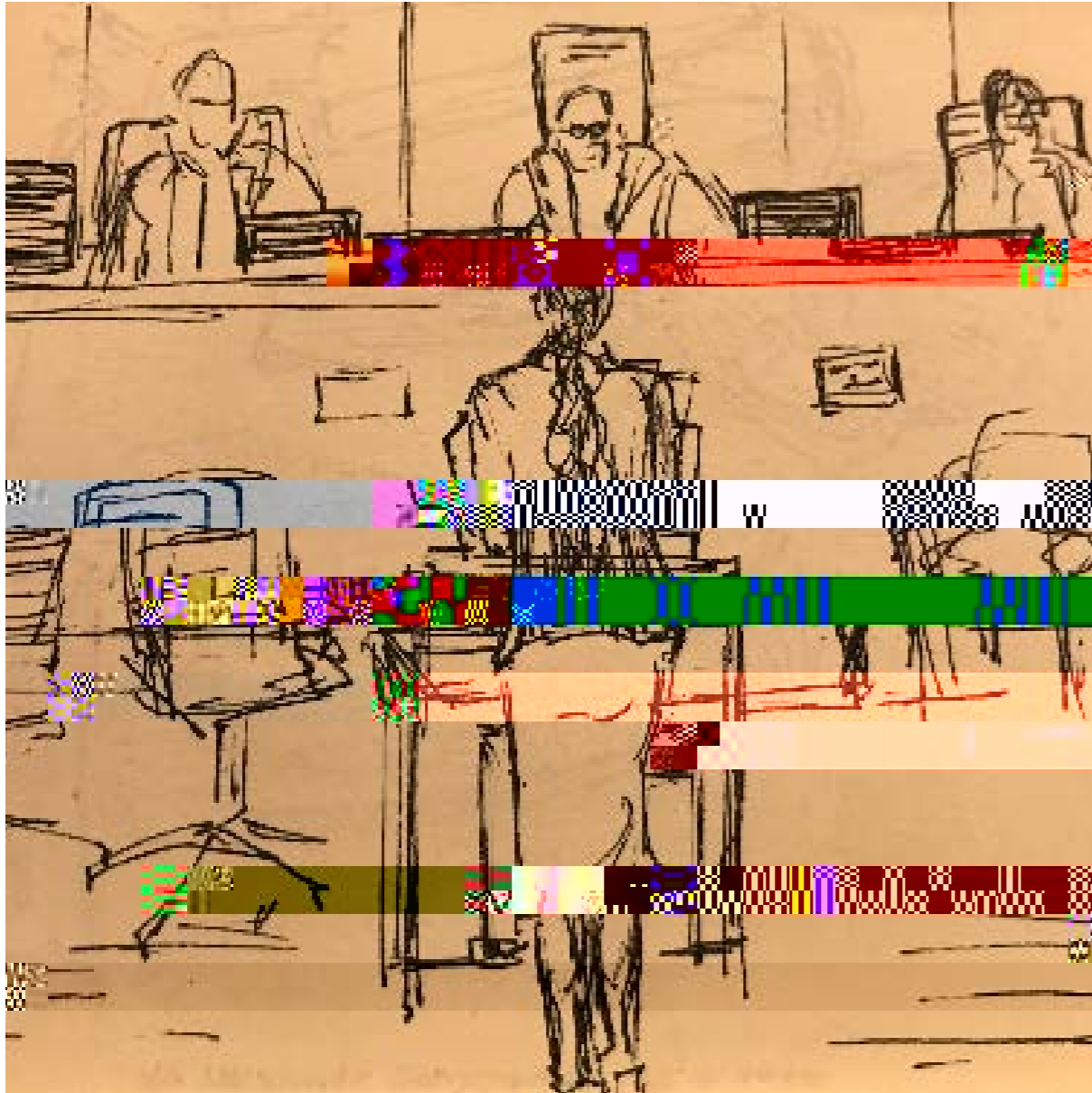
"I arrived at the court building around 8:25-8:30. It's a striking, modern glass building which
people into the building. We had to show our bags again, sanitize hands, and then wait in line
to put our bags through a scanner and walk through a metal detector.

and responding directly to questioning. Additionally, there were several humorous points in
made very human appeals to assert his innocence.

The trial began with the President addressing the court and talking about the microphones

heads down. No-one is making eye contact, and the only way to distinguish who is at the
are carrying white convocations, looking up at screens to determine which room they are supposed to be in and when. Their tension is palpable. Security and armed guards roam around, looking people up and down. Even though the building is illuminated, the light is static.

the people anyone could have been standing in line with, to enter the courtroom. Dressed in
aviator inspired glasses read through as honest and sincere.



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A woman takes the stand. She wears narrow glasses and a tight skirt; her hair is pulled in a y

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Coulibaly. He pled not guilty.

Amédy

... duties upon entering. We, on the other hand, wandered aimlessly through the building. With

ling.

...

CONCLUSION

The opportunity to attend the Charlie Hebdo trial and to see the French justice process firsthand was a striking experience which left a forcible impression upon each of us. It was an opportunity to perform valuable ethnographic research and to witness a moment of national history unfold. Although students hailed from a variety of countries, living in Paris, we were all conscious of the particular import of this trial. It has a deep significance for the French people as well as for the prosecution of terrorism cases in the context of the global war on terror. The points and questions raised by the trial became even more salient in the context of actual events, as terrorist attacks once again struck France. A professor in the Yvelines, Samuel Paty, was decapitated for showing his class cartoons of Mohammed as a part of classroom lessons on freedom of speech, using the offensive drawings direct from the pens of Charlie Hebdo journalists. A knife attack led to a police chase outside of the former Charlie Hebdo offices in Paris, then a different knife attack in Nice left three dead, one woman virtually decapitated.

France is still grappling with terrorism, and its reaction is too often knee-jerk and unthinking.