



French anti-terrorism law and the securitization of the Internet

Mapping a security controversy in the age of global terrorism

BENJAMIN DUCOL

POST-DOCTORAL RESEARCHER, INTERNATIONAL CENTRE FOR COMPARATIVE CRIMINOLOGIE (CICC), UNIVERSITÉ DE MONTREAL
RESEARCH ASSOCIATE , CANADA RESEARCH CHAIR IN CONFLICTS AND TERRORISM, UNIVERSITÉ LAVAL

I. Why taking French anti-terrorism law as a case study ?

- At least 69 individuals have been arrested for “apologie du terrorisme” (*glorification of terrorism offence*) since the Charlie Hebdo and Paris attacks.
- Arrests carried under the new French anti-terrorism law (Nov. 2014), that moved the “apologie du terrorisme” offence from the press law (1881) to the criminal code with several consequences.

I. Why taking French anti-terrorism law as a case study ?

« Glorification of terrorism » is now to be prosecuted as a « terrorist offence » not as a « press offence » (like defamation) anymore.

Consequences :

- The police may use special techniques to identify the perpetrator(s) of the offence (including online monitoring and surveillance)
- Extension of limitation periods and reduction of procedural guarantees (detention)
- Differentiation of penalties between offences related to the « glorification to terrorism » offline (= 5 years imprisonment and a fine of € 75,000) and the « glorification of terrorism » online (= 7 years imprisonment and a fine of € 100,000).

I. Why taking French anti-terrorism law as a case study ?

Current trends :

- Extension of terrorist offences from behaviors to opinions => blurring what exactly can be considered as « terrorist activity » and creating a regime of exception
- Transition from an anti-terrorism law focusing on « terrorism prevention » to an anti-terrorism law aims at « radicalisation prevention »
- Treating the Internet as an « exception » milieu => growing paradigm

... paradigm shift has itself been an object of controversy.

II. Security, crime and the Internet

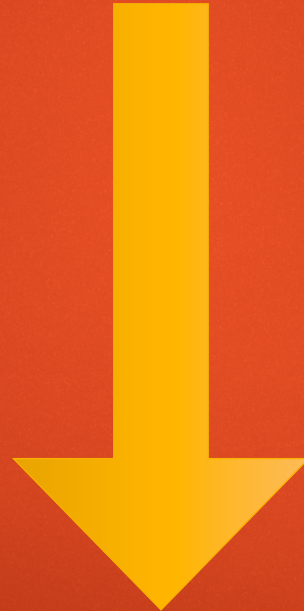
- November 2001 : Law on Everyday Security (LSQ) extends to a year the period that records of Internet activity and e-mail traffic were to be kept by ISPs.
- August 2002/March 2011 “Internal Security Guidance and Planning Law” (LOPSI I & LOPSI II) allows police, with a judge’s permission, to have “direct access to data deemed necessary to establish the truth = to make remote online searches of ISPs and their records of customers’ Internet activities and private and professional e-mail traffic.

Justifications : operational matters from a broad security and crime prevention prospects

II. Paradigm shift in security, crime and the Internet

6

Crime (terrorism) prevention



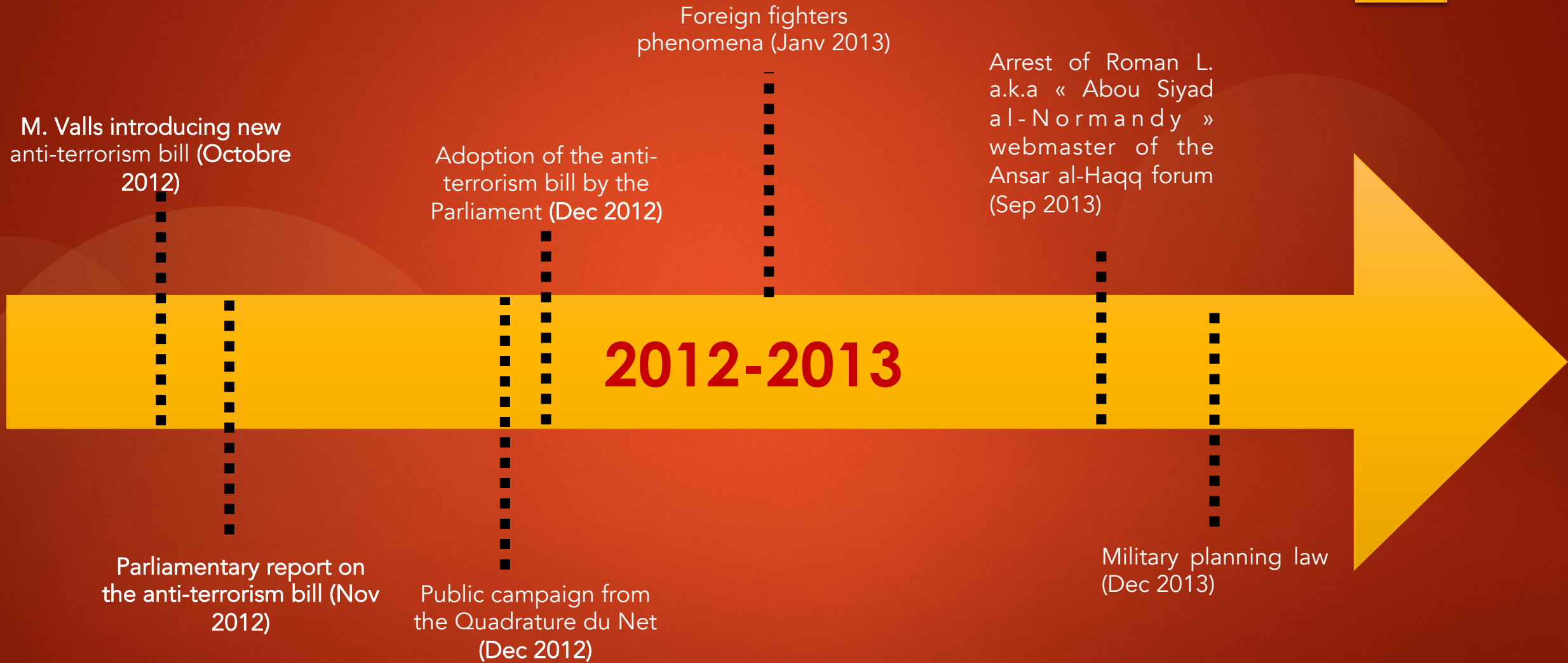
Exploring through controversy ?

Pre-crime (radicalisation) prevention

III. Chronology of a controversy – Act I : The birth



III. Chronology of a controversy – Act II : The rebirth



III. Chronology of a controversy – Act III : The controversy

Trial of Romain L.
a.k.a «Abou Siyad
al-Normandy »
(Mars 2014)

“Présumés-terroristes”
campaign (Sep 2014)

M. Valls introducing new
anti-terrorism bill (Jul
2014)

2014-2015

IV. The “Présumés terroristes” advocacy campaign

10



LOI TERRORISME

Sacrifier les libertés sous prétexte de lutte contre le terrorisme ? NON !

[Le projet de loi » sur le site de l'Assemblée Nationale](#) | [Notre analyse »](#) | [Ressources »](#) | [Qui s'y oppose ? »](#) | [Comment agir ? »](#)

Merci à toutes les personnes qui se sont mobilisées contre ce texte. Il a malheureusement été adopté.

À quoi répond ce projet de loi ?

Est-ce que ce projet de loi est efficace ?

La porte ouverte à la surveillance administrative sans contrôle judiciaire

L'interdiction de sortie du territoire est-elle respectueuse des libertés individuelles ?

Pourquoi sortir l'apologie du terrorisme du droit de la presse est-il dangereux ?

Que veut dire « entreprise terroriste individuelle » ?

Que penser du blocage des sites Internet ?

Est-ce cela que nous voulons dans une démocratie ?

À quoi répond ce projet de loi ?

Ce projet de loi est destiné à lutter contre l'embrigadement dans des « parcours de radicalisation » terroristes. L'objectif affiché est d'empêcher les gens de rejoindre des zones de combat, ou de se radicaliser sur internet.

Le gouvernement se défend d'en faire une loi de circonstance, mais se justifie en permanence par les départs de français en Syrie pour rejoindre les groupes djihadistes.

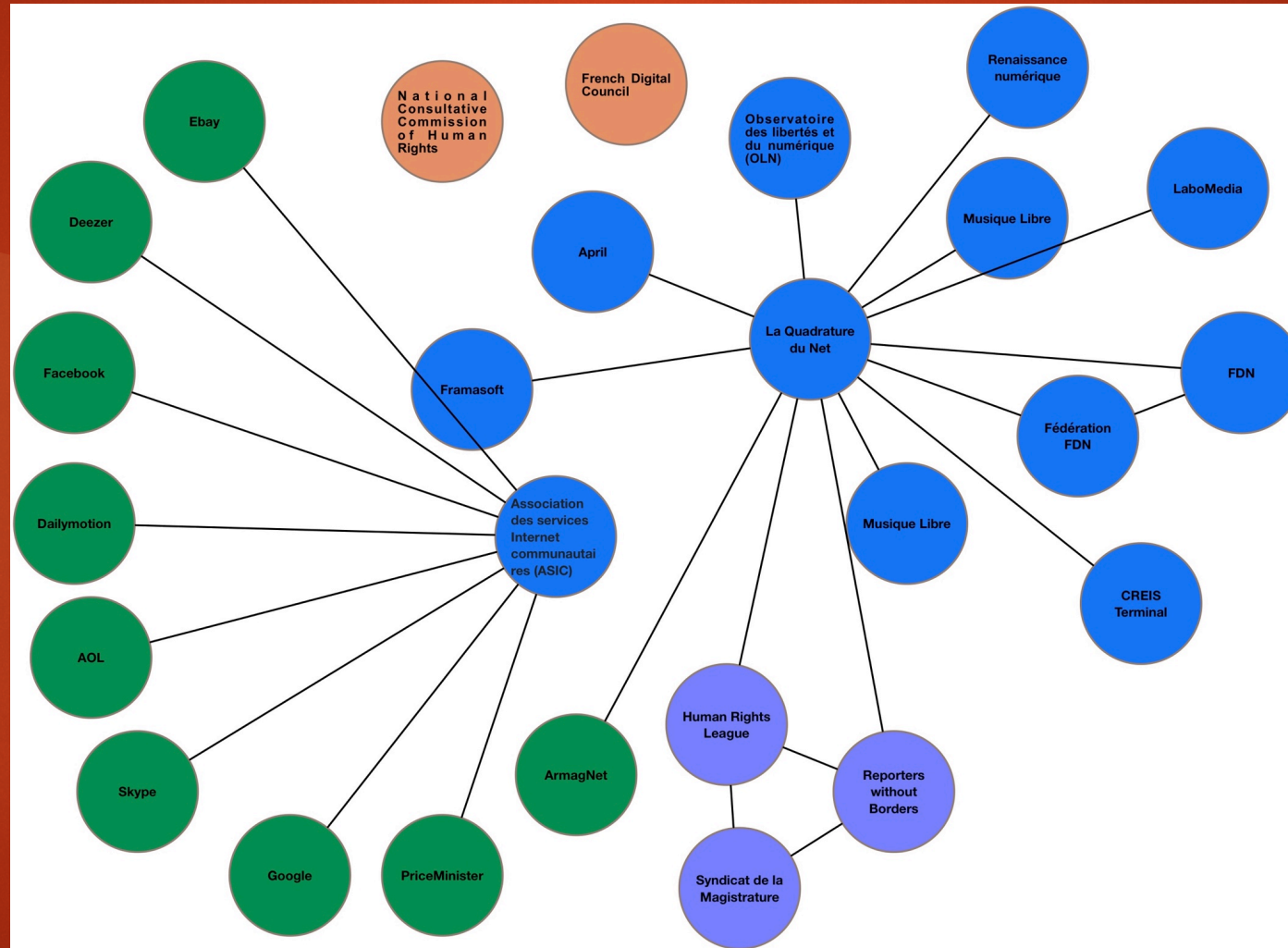
Est-ce que ce projet de loi est efficace ?

Non, ce projet de loi est globalement inefficace. Il part du principe que



presumes-terroristes.fr
(presumed-terrorists.fr)

IV. Controversy landscape : from “La Quadrature du Net” to a broad coalition



III. Chronology of a controversy – Act III : The controversy¹²

Trial of Romain L.
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(Mars 2014)

“Présumés-terroristes”
campaign (Sep 2014)

Charlie Hebdo and Paris
shootings (Jan 2015)

2014-2015

New anti-terrorism measures announced
by French government for the Internet
and social media (Jan 2015)

M. Valls introducing new
anti-terrorism bill (Jul
2014)

Adoption of the anti-
terrorism bill by the
Parliament (Nov 2014)

V. French anti-terrorism law (Nov 2014) and the Internet

Main elements :

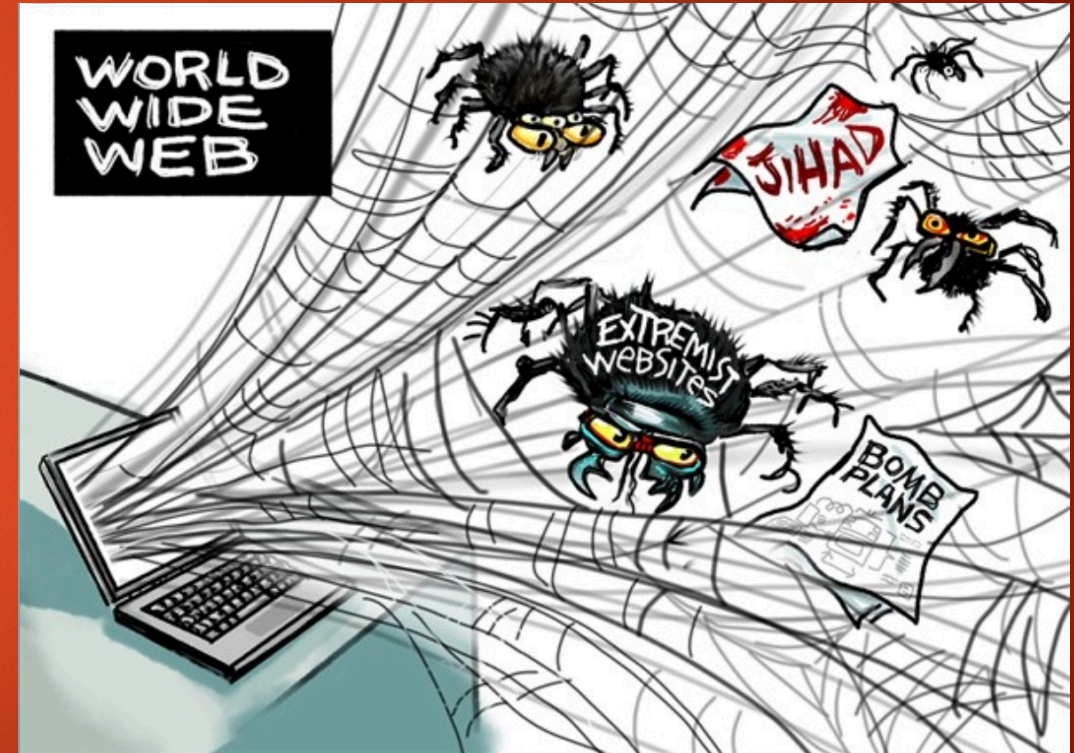
- Allows the administrative filtering to be imposed on ISPs for websites advocating terrorism :
 - => Filtering action(s) without judicial oversight process
 - => Posteriori control of the filtering actions by the National Commission on Informatics and Liberty (CNIL)
- Punishes the consultation of websites praising terrorism
- Aggravates « glorification of terrorism » offence when done online

VI. Towards a securitization of the Internet ?

14

Issues :

- Creation of new offences that are specific to Internet : why ?
- Exception regime (in comparison to hate speech) ?
- Extra-judiciary /private policing ?
- Effectiveness ?



VI. What next ?

Last French anti-terrorism law might be challenged by :

- European Commission approval
- French Constitutional Council (with the priority question on constitutionality)

Thank you.

Contact :

benjamin.ducol.1@ulaval.ca