

# **137 SHADES OF TERRORISM**

## French Jihadists Before the Courts

**Marc HECKER**

April 2018



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## Abstract

This study, based on original judicial sources, assesses the profiles of 137 individuals sentenced in France for cases related to jihadism. Among other things, the study reveals several common denominators including a lower level of education, poorer integration into the labor market, higher levels of criminal activity, and stronger ties to the Maghreb and to sub-Saharan Africa than the average French citizen. Moreover, a qualitative analysis provides an understanding of the processes of radicalization and subsequent participation in terrorist activities. As such, it expounds the role played by group dynamics, the internet, and prisons. This study further illustrates the strains imposed on the judicial and penal systems by the jihadist phenomenon. Relapse is specifically explored, notably through the cases of individuals convicted of terrorism, who, after serving their sentence, launched attacks on French soil. The subject is all the more topical in light of the likely release from prison of some sixty individuals, sentenced for acts of terrorism, in the upcoming two years.

## Résumé

Cette étude, réalisée à partir de sources judiciaires originales, analyse les profils et les parcours de 137 individus condamnés en France dans des affaires de djihadisme. Il en ressort que ces individus se distinguent par un niveau d'éducation et une intégration professionnelle plus faibles, un degré de pauvreté plus important, un engagement dans la criminalité plus élevé et un rapport plus étroit au Maghreb et à l'Afrique subsaharienne que la moyenne de la population française. Au-delà des chiffres, une analyse qualitative permet de mieux comprendre les processus de radicalisation et de basculement dans le terrorisme. Les rôles joués par les dynamiques de groupe, Internet ou encore la prison sont par exemple détaillés. Cette étude permet également de mettre en lumière la manière dont le phénomène djihadiste pèse sur les administrations judiciaire et pénitentiaire. La question de la récidive est spécifiquement évoquée, notamment à travers les cas d'individus condamnés pour des faits de terrorisme qui, après avoir purgé leur peine, ont perpétré des attentats sur le sol français. Cette question est d'autant plus brûlante qu'une soixantaine de personnes condamnées pour des actes de terrorisme devraient être libérées dans les deux prochaines années.





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# Introduction

“There is no typical profile.” Countless media articles on jihadist networks have used this phrase. The diversity of profiles found in these networks has also been noted by politicians,<sup>1</sup> upper-level bureaucrats,<sup>2</sup> and people engaged in the prevention of radicalization.<sup>3</sup>

Nonetheless, since mid-2016 the idea of the absence of a “typical profile” has begun to be challenged. First, it has come up against the reality of the attacks perpetrated on French soil: many of the terrorists involved in these attacks — like Chérif K. (*Charlie Hebdo* attack), Amédée C. (killing of a police officer and the attack on the Hyper Cacher supermarket), Larossi A. (Magnanville stabbing), or Karim C. (killing of a police officer on the Champs Élysées) — share characteristics: born in France to immigrant families, a chaotic educational trajectory, relatively serious previous offences, and so on.

Second, this discourse has been undermined by two influential publications: a book by the journalist David Thomson,<sup>4</sup> and a study commissioned by the Mission de Recherche Droit et Justice [Research Project on Rights and Justice].<sup>5</sup> In his book — for which he won the Albert Londres prize — Thomson describes poorly educated jihadists, from working-class backgrounds, often raised in broken families, who have led unstable lifestyles before embracing radical Islam. He comments: “It’s even a recurring joke among them, demonstrating their awareness of their fairly low level of university and religious education. Insults like ‘cas soc’ [social

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1. S. Pietrasanta, “La déradicalisation, outil de lutte contre le terrorisme”, [Deradicalization, a Tool in the Fight Against Terrorism] report commissioned by the Minister of the Interior, Bernard Cazeneuve, delivered to the Prime Minister, Manuel Valls, June 2015.

2. Statement by Pierre N’Gahane, then-Secretary General of the Comité interministériel pour la prévention de la délinquance [Inter-Ministry Committee for the Prevention of Delinquency], to the inquiry commission on the surveillance of jihadist networks and individuals, National Assembly, February 9, 2015.

3. D. Bouzar, C. Caupenne, and S. Valsan, *La métamorphose opérée chez le jeune par les nouveaux discours terroristes* [Metamorphoses of Youth Caused by New Terrorist Discourses], report of the Centre de prévention contre les dérives sectaires liées à l’islam [Center for the Prevention of Sectarianism Linked to Islam], November 2014.

4. D. Thomson, *Les revenants*, Paris: Seuil/Les Jours, 2016.

5. X. Crettiez, R. Sèze, B. Ainine, and T. Lindemann, “Saisir les mécanismes de la radicalisation violente : pour une analyse processuelle et biographique des engagements violents” [Understanding the Mechanisms of Violent Radicalization: Towards a Procedural and Biographical Analysis of Violent Engagement], report delivered to the Mission de recherche Droit et justice [Research Project on Rights and Justice], April 2017.

case] or ‘Segpa’ — special education classes — are a constant feature in jihadist circles.”<sup>6</sup> And while the authors of the study on the “mechanisms of violent radicalization” emphasize “the plurality of trajectories and the lack of a typical jihadist profile,” they still describe recurring traits such as “dysfunctional family histories,” possession of “often limited but seldom non-existent cultural capital,” “the absence of personal experience of discrimination,” or “the absence of an automatic path toward delinquency.”<sup>7</sup>

These two publications are both highly instructive and certainly merit reading. Yet, both suffer from a major drawback: the limited size of their samples introduces the possibility of sample bias. David Thomson interviewed twenty “returnees” [*revenants*], while the authors of the report conducted interviews in prison with 13 jihadists primarily linked to Al Qaeda. While the authors were careful to avoid drawing general conclusions from such limited samples, they have not escaped criticism. For example, Jean-François Gayraud, counsel for the Coordination nationale du renseignement et de la lutte contre le terrorisme [National Coordinator for Intelligence and the Fight Against Terrorism], writes: “It seems strange to dismiss so quickly the frequent presence of criminality in these processes of ‘radicalization.’ It is true that the research is based on only 13 interviews with Islamists.”<sup>8</sup>

To limit sampling bias and gain a broader — and perhaps more accurate — view of the “true face of terrorism,” the field of analysis needs to be extended. The expression “true face of terrorism” is used in reference to the title used for the French edition of a book by one of the principal American specialists on terrorism, Marc Sageman.<sup>9</sup> For his book, originally published in English in 2004, Sageman collected data on 172 individuals, studying their socio-economic status, level of education, religious practices, professional activity, and psychiatric history. The sources he used included court transcripts.

The initial aim of the present study was to adopt the “Sageman method” in order to provide a quantitative analysis of the French jihadist movement, based on court trials from the last fifteen years. To do this, I collected judgments and decisions involving 137 individuals convicted in terrorism cases. Upon reading these court rulings, it became clear that a

6. Thomson, *Les revenants*, *op. cit.*, p. 286.

7. Crettiez et al., “Saisir les mécanismes de la radicalisme violente”, *op. cit.*, pp. 140–143.

8. See J.-F. Gayraud, *Théorie des hybrides : Terrorisme et crime organisé* [Theory of Hybrids: Terrorism and Organized Crime], Paris: CNRS éditions, 2017, p. 214.

9. M. Sageman, *Understanding Terror Networks*, Philadelphia: University of Pennsylvania Press, 2004; translated as *Le vrai visage des terroristes*, Paris: Denoël, 2005.

purely quantitative approach would not do justice to the richness of their content. Sometimes highly interesting facts would appear in only one court ruling, or were implicitly present in several cases, but without being able to be quantified. For this reason, the quantitative results here will be followed by remarks of a more qualitative nature. But before this, several methodological issues should be addressed.



# Analyzing judicial sources

Over the last few years, the number of trials linked to terrorist cases has grown considerably under the combined influence of three factors. The most evident is the deterioration of the security situation. France is the Western country most affected by the phenomenon of the Syrian jihad. Around 1,300 French citizens have spent time in the Iraqi-Syrian area, and hundreds of others have been arrested before reaching their destination. By the end of February 2018, there were 323 returnees, including 68 minors.<sup>10</sup> Upon their return, adults are systematically prosecuted. France is also the European country that has seen the highest number of attacks since 2015, successful, unsuccessful, or thwarted. In 2017 alone, more than fifteen planned or attempted attacks were recorded. The second factor is the adoption of recent legislation that has produced, as if mechanically, new fields of litigation. The law passed on November 13, 2014, for example, introduced the concept of an “individual terrorist enterprise” into the penal code. The aim of this was to allow the prosecution of “lone wolves”, acting outside of any “criminal association.” In another example, the law of June 3, 2016 banned the consultation of websites that incite or encourage terrorist acts.<sup>11</sup> The third factor concerns the evolution of judicial practices. Certain acts that would not necessarily have been prosecuted before the recent wave of attacks — or at the very least, not classified as acts of terrorism — are now frequently subject to prosecution. This is especially true for cases related to the glorification of terrorism.

Terrorism trials are public, except when the individuals being prosecuted are minors. Researchers can therefore attend trials, which provide an invaluable source of information. It is possible to hear defendants or accused appearing before courts to explain their actions and develop their lines of defense. Witnesses describe the radicalization of family or friends. The results of character investigations are presented. Extracts from psychological or psychiatric expert reports are read by magistrates. Still, for a researcher working alone, attending trials can be

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10. See the appendices of the Plan national de prévention de la radicalisation [National Plan to Prevent Radicalization] presented by Prime Minister Edouard Philippe, February 23, 2018.

11. This part of the June 3, 2016, law was struck down by the Constitutional Council. The ban on consulting websites glorifying or inciting terrorist acts was re-introduced in the February 28, 2017 law on public safety. The Constitutional Council struck this down as well in December 2017.

time-consuming. Some cases are so complex that the trials may last several weeks, or even several months.<sup>12</sup> Additionally, the public is forbidden from using computers in the courtroom, meaning that handwritten notes have to be typed up afterwards. Consequently, although I attended certain trials regularly, I mainly relied on written sources.

The written sources I focused on were transcripts of judgments. These are public and, in theory, can be easily obtained through the platform provided at [www.service-public.fr](http://www.service-public.fr). Up until the start of 2016, I received copies of a dozen judgments in this way. This source eventually dried up. In most cases, my requests did not receive a response, although I did occasionally receive a refusal letter. The official route being blocked, I explored other avenues — contacting lawyers or third parties, communicating with other researchers, and so on — which led me into a paradoxical situation: I found that it was sometimes easier to access confidential documents (pieces of a case file, referral orders, etc.) than judgments that were supposedly public. I was able to discuss this paradox with several high-ranking magistrates, one of whom finally let me access several judgments I had initially been unable to obtain.

Due to these difficulties, I was not able to collect as many judgments and decisions as I had hoped. In all, I obtained access to court rulings involving 137 individuals. These rulings had been delivered between 2004 and 2017. Major and well-known cases are included (the Buttes Chaumont network, the Artigat network, the Cannes-Torcy cell, the Strasbourg group, etc.), but so are ones that did not receive media coverage. Syrian networks represent roughly half of the sample, and among the members of these networks, sympathizers of ISIS were more numerous than those supporting other organizations (Al-Nusra Front, Ahrar al-Sham, Jaish-e-Mohammed, the Omar Omsen group, etc.). Although the vast majority of the terrorists included in the sample were unknown to the general public, it did include a few leading figures of jihadism, such as one of the perpetrators of the *Charlie Hebdo* attack and the Magnanville stabber.

To study these judgments, I used three evaluation grids, containing 72 criteria overall. The first grid was biographical, and included information on the terrorists' lives (date of birth, place of residence, citizenship, highest level of education, profession, criminal record, marital status, etc.). The second grid concerned the process of radicalization, and included criteria such as the role played by the internet, the possible presence of physical recruiters, the principal sites of radicalization, or the

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12. The trial of the “Cannes-Torcy” network, which took place from April to June 2017, is a good example. See M. Hecker, “Le djihadisme en procès” [Jihadism on Trial], *Revue des deux mondes*, September 25, 2017.



existence of group dynamics. Finally, the third grid aimed at better understanding the judicial process. It brought together information including the charges laid, the time elapsed between arrest and trial, the security measures applied, sentencing, and so on.

However, the judgments available did not allow for an even application of these frameworks. Whereas certain information, like date of birth, place of residence, and citizenship, was available in nearly all cases, other details were mentioned only sporadically. For example, political motivations (anti-imperialism, anti-Zionism, opposition to democracy, etc.) — albeit likely important factors — were indicated only rarely. The same can be said for difficulties a defendant faced during childhood or adolescence (absent father or mother, death of family or close friends, abuse, etc.), which were only specified in certain judgments. Again, a lack of information does not mean that a defendant did not face problems. The case of Chérif K., one of the two *Charlie Hebdo* terrorists, illustrates this. The judgment in his trial in 2008 for involvement in the Buttes Chaumont network, makes no mention of his childhood, and his personality assessment was not cited. One needs to consult other sources to know that Chérif K. came from a “broken family”: his father was absent, and his mother died in 1995, “probably a suicide, when she was pregnant with a sixth baby by an unknown father.”<sup>13</sup> In the present study, I have chosen to use only the information available in judicial sources. In other words, in a case like that of Chérif K., nothing would be entered into the section on childhood.

This choice calls for two remarks. First, the data collected is neither exhaustive nor totally objective. It is a reflection of what is called “judicial truth.”<sup>14</sup> Second, the fact that I did not have complete data for all 137 individuals led me to restrict the sample for certain factors. For example, for the category “highest level of education,” data is available for only 68 terrorists. In this case, statistics were calculated on the basis of this smaller sample. This is the same method Marc Sageman uses in *Understanding Terror Networks*.

To conclude this methodological section, let me highlight two more points. First, while statistical processing of the data gives an impression of scientificity and objectivity, filling in evaluation grids can still leave room for subjectivity. For example, in the “age at the time of the events” section,

13. G. Kepel with A. Jardin, *Terror in France: The Rise of Jihad in the West*, Princeton, NJ: Princeton University Press, 2017, p. 156.

14. M. van de Kerchove, “Vérité judiciaire et para-judiciaire en matière pénale : quelle vérité ?” [Judicial and Parajudicial Truth in Penal Matters: Which Truth?] *Droit et société*, Vol. 84, No. 2, 2013, pp. 411–432.

I chose to use the date of indictment as the basis for my calculations. I made this choice because it did not always seem easy to determine the precise date that events began. Other researchers might have made a different choice, for instance using the date the protagonists in a case first met, or the date of the first attempt to travel to a jihad zone. In practice, this means that the dates I record may “age” the defendants or accused by a year or two in certain cases, in relation to the time when the events began.

Secondly, I have chosen not to publish the complete collected data, because the judgments and decisions include sensitive information: addresses, telephone numbers, names of witnesses, and so on. When I refer to particular terrorists, I use their first name and the first letter of their last name. In other studies, researchers have chosen to alter terrorists’ names. Although this practice offers an additional guarantee of anonymity, it can lead to confusion: several researchers might be analyzing the trajectory of the same terrorist, but using different pseudonyms.<sup>15</sup>

These methodological details will allow a better sense of the scope and limitations of the quantitative data presented in the following pages.

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15. Comment by Romain Sèze during a public presentation of the study “Saisir les mécanismes de la radicalisation violente” [Understanding the Mechanisms of Violent Radicalization] at the École Militaire, Paris, October 4, 2017.

# Quantitative analysis of judgments in terrorist cases

Only the most significant quantitative data is presented here. Additional statistics and graphs can be found in the Appendices.<sup>16</sup>

## Gender and age

My sample is made up of 131 men and only 6 women. The very low proportion of women does not reflect their low engagement in jihadism. Rather, it is estimated that roughly a third of those leaving France for Syria have been female.<sup>17</sup> The fact that the sample is so skewed in terms of gender is explained mainly by the long-standing tendency in the courts not to prosecute women involved in jihadist networks. Women are often considered victims, dragged along by radicalized husbands. Yet, as shown in the third part of this study, women can play a driving role in the radicalization of their partners. Judicial practice has evolved over the last two years, notably as a result of an attempted attack carried out by a group of women in 2016 near Notre Dame Cathedral in Paris. Since then, women — especially those returning from Syria — have more often been considered as possible terrorists rather than as victims, and have been the objects of prosecution as systematically as men. In any case, this change in practice is too recent to be visible in this study.

The average age in the sample at the time of the events was 26. It is often said that the average age of jihadists is falling. In this sample, the jihadists convicted in 2017 were in effect younger (24 on average) than those convicted in previous years, but the drop in age is not drastic. The average age would have been lower had minors been included in this study.<sup>18</sup> However, I chose not to do this as others have already carried out

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16. The author would like to thank Manon Murray and Esther Soulard, who assisted in processing the statistics and produced the graphs and charts used in this study.

17. F. Benslama and F. Khosrokhavar, *Le jihadisme des femmes*, Paris: Seuil, 2017, p. 13.

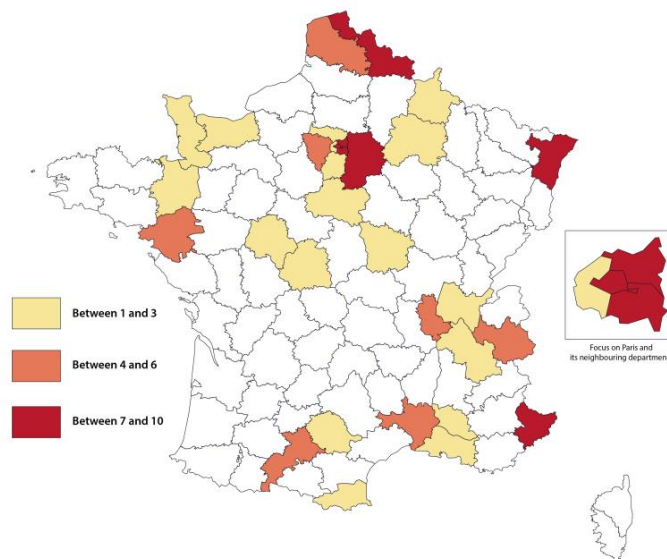
18. In June 2017 I conducted an interview with a member of the Protection judiciaire de la jeunesse [Directorship for the Judicial Protection of Youth]. At that time there were seventy-one minors being charged or sentenced for acts of terrorism in France. The highest number of trials took place from September–October 2016, after the arrest of several minors who had been in contact via the Telegram app with the French jihadist Rachid Kassim, who was killed in February 2017 in a drone strike in Iraq.

research that focuses specifically on radicalized minors.<sup>19</sup>

## Place of residence

The map shown below indicates the place of residence of 121 of the 137 jihadists in the sample. A strong decentralization can be noticed, with certain areas more affected than others. The geographic dispersion is explained at least in part, as we will see in the third section, by the significant diffusion of jihadist propaganda through the internet. As for the formation of terrorist hubs, this can be explained by the presence of recruiters in certain cities, and by group dynamics that favor the involvement of several persons in the same neighborhood. The addresses of the 121 jihadists were compared with the map of “priority neighborhoods”.<sup>20</sup> This shows that 49 (40%) of these individuals came from a priority neighborhood.

### Department of residence of individuals sentenced for acts of terrorism (sample size of 121 people)



*Data collected by the author from judicial sources.*

19. See for example L. Bonelli and F. Carrié, *Radicalité engagée, radicalités révoltées : Enquête sur les jeunes suivis par la protection judiciaire de la jeunesse* [Engaged Radicality, Radicalities in Revolt: A Study of Young People Followed by the Judicial Protection of Youth], Paris: Université de Paris Nanterre, Institut des sciences sociales du politique, 2018.

20. In France, a priority neighborhood [*quartier prioritaire*] is an area that has been identified as deprived, and as such receives additional support in order to encourage economic development, social cohesion, and to improve the quality of life of its inhabitants. Metropolitan France has roughly 1,200 priority neighborhoods. The map of these neighborhoods can be consulted on the ministère de la Cohésion des territoires' website [Ministry of Territorial Cohesion]: [www.ville.gouv.fr](http://www.ville.gouv.fr).

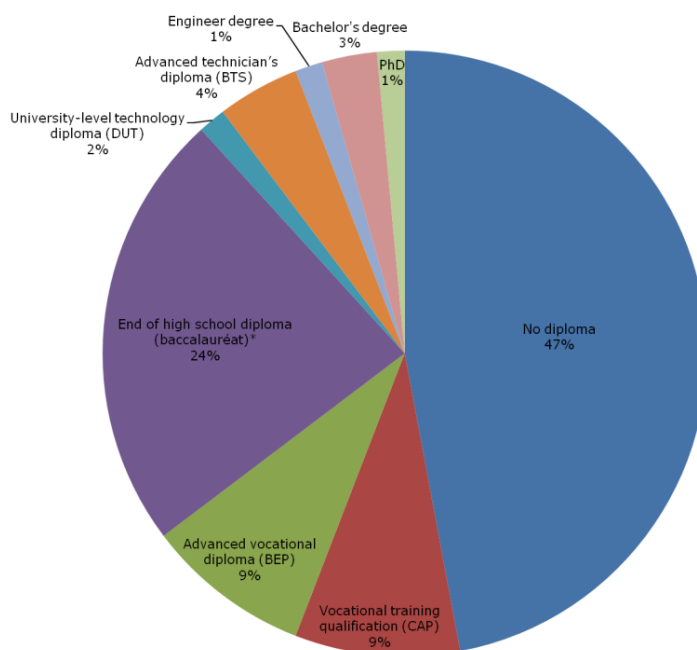
The fact that such a large percentage of the individuals studied come from priority neighborhoods shows that many individuals convicted for acts of terrorism come from underprivileged backgrounds. They also have particularly weak cultural capital.

## Level of education and integration into the labor market

Data was collected on the level of education of 68 individuals convicted for terrorism. 32 had no high school diploma, and had left the education system early; 6 had a vocational training qualification (*certificat d'aptitude professionnelle*, CAP); 6 had an advanced vocational diploma (*brevet d'études professionnelles*, BEP); 16 had an end of high school diploma (*baccalauréat* — 6 general diplomas, 4 professional diplomas, 3 technological diplomas, and 3 non-specified); 3 had an advanced technician's diploma (*brevet de technicien supérieur*, BTS); 1 had an university-level technology diploma (*diplôme universitaire de technologie*, DUT); 2 had a bachelor's degree; 1 was an engineer; and 1 was a doctor of particle physics. The following graph presents these results as percentages:

### Highest diploma awarded

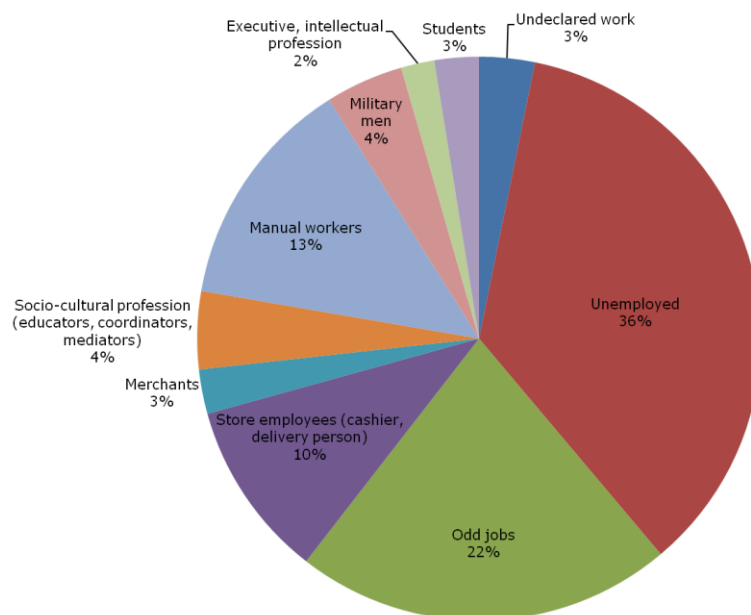
\*Among the high school graduates:  
- 6 general diplomas  
- 3 technological diplomas  
- 4 professional diplomas  
- 3 non-specified



This sample is significantly less educated than the rest of French youth. For comparison, according to the Institut national de la statistique et des études économiques [National Institute of Statistics and Economic Studies, INSEE], 13% of French people between the ages of 25 and 34 have either no high school diploma or only a certificate of general education (*brevet des collèges*).<sup>21</sup> The percentage of high school graduates is around 80%, and more than 40% of French people between the ages of 25 and 29 report having post-secondary credentials.<sup>22</sup>

With such a low level of education, it should not come as a surprise that these individuals had difficulty integrating into the labor market. Information was collected on the professional background of 124 individuals convicted of terrorist acts. The majority were in a situation of unemployment or precarious employment, as the following graph shows:

### Professional background



The official income of these individuals was consequently low, with an average of around 1,000 euros per month. Only one jihadist had very high income, which he got from selling drugs. The poverty in question here is

21. Jean-Luc Tavernier (ed.), *France, portrait social*, Paris: INSEE références, 2016, p. 192.

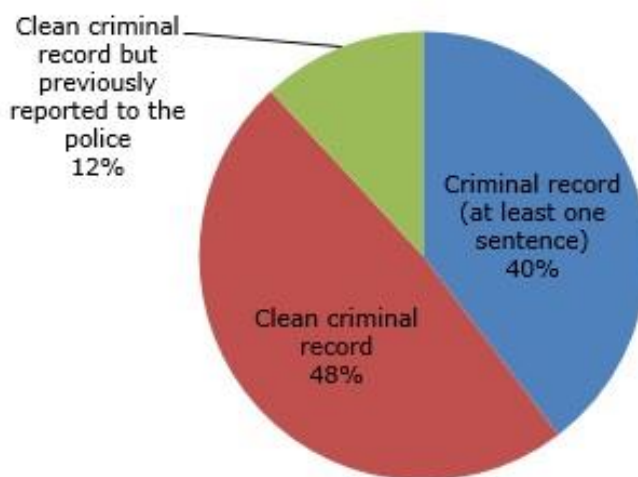
22. P. Poulet-Coulibando and I. Robert-Bobée, “Le niveau d’études de la population et des jeunes” [The State of Research on Population and Youth], *L’état de l’enseignement supérieur et de la recherche en France*, No. 10, April 2017.

relative. The judgments sometimes list the goods seized in police searches, and it appears that despite their modest income, defendants often owned smartphones, tablets, computers, and video game consoles. These seized goods, on the one hand, show consumption habits typical of young people in their age bracket, and, on the other, indicate that some of these individuals had hidden income, sometimes from illegal activities.

## Criminality

It was possible to gather data on the criminal records of 126 individuals. These showed that 50 of them had at least one prior conviction, 15 had never been convicted but had been previously reported to the police, and 61 had a clean criminal record. The most common convictions were for violence, theft or fraud, drug trafficking, and traffic violations.

**Criminal records**

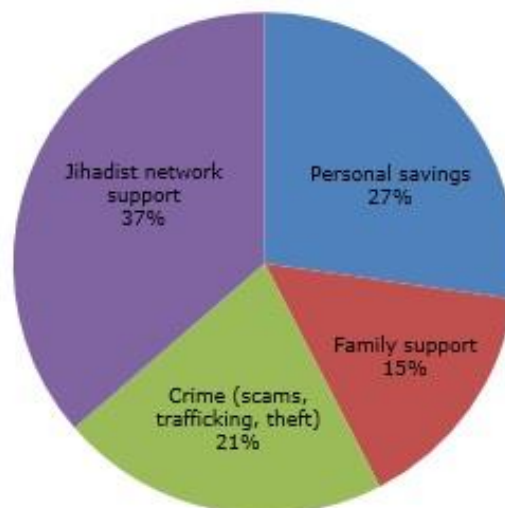


Data was gathered on the sentences given to 96 individuals. Only 22 had been sentenced to fixed prison terms, 4 of whom had accumulated sentences equivalent to more than 2 years in prison. It was not possible to determine how many of these 22 served their sentences through alternatives to prison. In any case, it appears that in the sample overall, correctional facilities were not the primary site of radicalization. Nevertheless, the most serious offenders (Chérif K., Larossi A., Salim B., Sabri E., etc.) had spent time in prison.

## Funding jihadist activities

Data was collected on the financing of 59 of those convicted for terrorism. The four modes of funding identified were, in decreasing order of importance: support from the jihadist network or sympathizers, the use of personal savings, crime (scams, trafficking, theft), and family support (without the family necessarily supporting their cause). In all cases, the amounts in question were modest, ranging from several hundred to several thousand euros. We are dealing here with a “low-cost” jihadism, which does not require the setting up of complex financial circuits.

### Sources of financial support

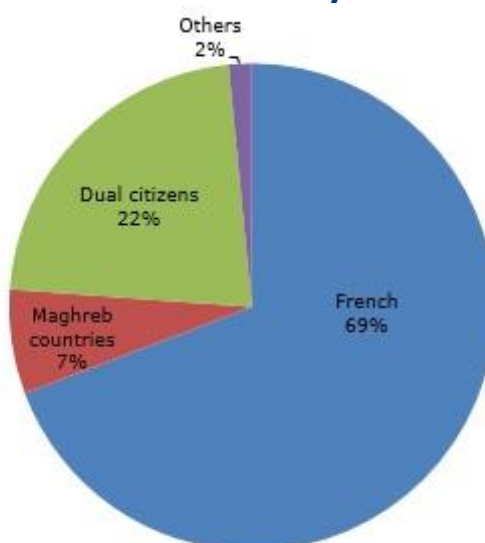


## Nationality and religion

In the sample of 137 people, data was obtained on the nationality of 130 individuals. Of these 130, there were 90 French citizens, 29 dual citizens (14 French-Moroccans, 10 French-Algerians, and 5 French-Tunisians), and 11 foreigners (3 Moroccans, 3 Algerians, 3 Tunisians, 1 Indian, and 1 Pakistani). The following graph presents the breakdown of the sample by nationality:

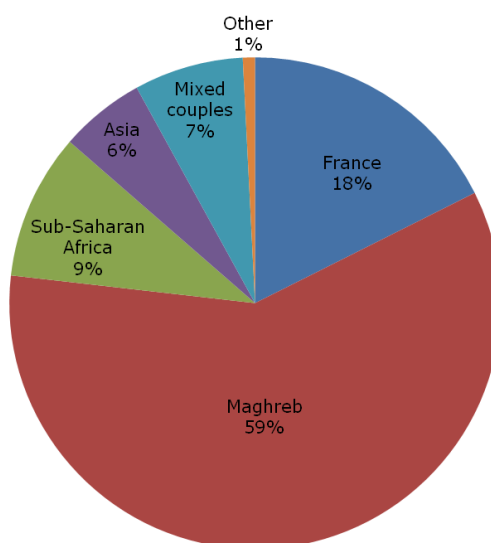


### Nationality



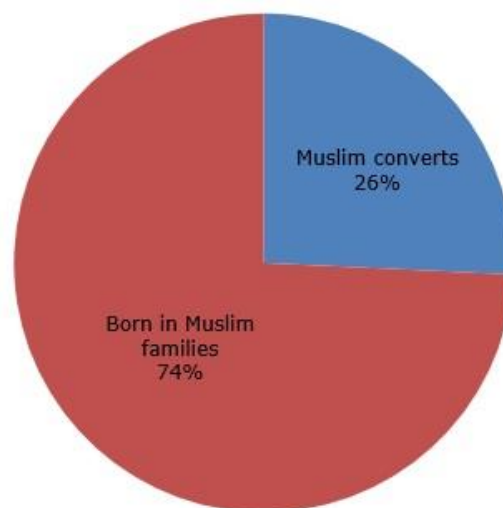
These statistics confirm a tendency observed in other European countries since the London attacks in 2005: the terrorism affecting France is essentially domestic (“homegrown terrorism”). A large majority of the convicted individuals were born in France and grew up there. The judgments provided information on the origins of the parents of 125 defendants or accused. 74 had parents originally from the Maghreb, 22 from France, 12 from sub-Saharan Africa, 7 from Asia, and 1 from Haiti. 9 came from mixed couples (8 France/Maghreb, 1 France/sub-Saharan Africa). As relative values, this gives:

### Origin of parents



Migration, therefore, is a factor that plays an important role in the jihadist phenomenon. This confirms one of the theories developed by Tobie Nathan — a French professor of clinical psychology and psychopathology — in his book *Les âmes errantes* [Wandering Souls].<sup>23</sup> In terms of religion, information was gathered on 136 defendants or accused. These included 101 persons born in Muslim families (74%) and 35 converts to Islam (26%). The proportion of converts is significantly lower than that given by other researchers.<sup>24</sup> Among the converts were mostly Christians and atheists, but also two Buddhists and one Jew. Little information was available on whether the families of the defendants or accused were practicing, but it seems that non-practicing or traditionalist families predominated.

### Percentage of converts



To conclude this quantitative section, it seems that the jihadists in this sample can be distinguished from the average French citizen by a lower level of education, poorer integration into the labor market, higher levels of criminal activity, and stronger ties to the Maghreb and to sub-Saharan Africa.

23. T. Nathan, *Les âmes errantes*, Paris: L'Iconoclaste, 2017.

24. Fethi Benslama, for instance, claims that 40% of those radicalized are converts. See F. Benslama, *Un furieux désir de sacrifice : le surmusulman* [A Furious Desire for Sacrifice: The Supermuslim], Paris: Seuil, 2016, p. 51.

# Beyond statistics, what do judgments in terrorist cases tell us?

The collected judgments contain significant facts, citations, and anecdotes that cannot be reflected using statistics. The following pages will therefore present several pertinent elements that cannot be processed quantitatively but that still merit discussion. These elements are divided into four categories: biography, processes of radicalization, issues concerning trials, and, lastly, intergenerational links.

## Biography

Three aspects of the life stories of the terrorists in this study are especially worthy of comment. The first concerns their childhoods. As I did not have access to personality assessments for the 137 terrorists, I was not able to get a precise sense of the problems they encountered during childhood and adolescence. Still, in a certain number of cases, bits of information were available and provided glimpses of complicated situations. Here are several examples:

- Karl D. never knew his father, and his mother suffered from psychological problems. He was placed in homes and with foster families;
- Paul M. had a polygamist father. His mother died when he was ten. He was raised by his older sister and treated his nephews as younger brothers;
- Nicolas M. was adopted at the age of four. His adoptive parents separated when he was twelve. A juvenile delinquent, he was placed in a juvenile education detention center<sup>25</sup> at age thirteen;
- The B. brothers were the sons of a Christian political figure from sub-Saharan Africa and a flight attendant turned manager of African companies. They were born and raised in the Parisian

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<sup>25</sup>. *Centre éducatif renforcé* in French. These are live-in institutions in France used as an alternative to prison for young offenders.

suburbs, seldom seeing their parents. They were primarily raised by one of their half-sisters;

- Jamel B. described his father as a “caïd” (a criminal boss) who had spent several years in prison. He was placed in several homes;
- Malik N. was born in France, but until the age of six lived with his mother in a sub-Saharan African country. When he returned to France to start primary school, he could hardly speak any French. He then lived with his father, who was a polygamist and violent;
- Redouane G. grew up without his father, who went back to the Maghreb after his divorce;
- Mohamed G.’s father was violent, an alcoholic, and a drug addict, and had abandoned his family after the birth of Mohamed’s little sister;
- Rached R. lived with his grandparents in the Maghreb for four years, due to his mother’s poor health;
- Youssef E. was frequently separated from his mother, who was hospitalized due to psychiatric illness;
- Nicolas R. was raised by his mother, whose own childhood had been difficult (sexual abuse, running away, institutionalization). His mother’s partner was violent;
- Ibrahim O. never knew his father. His mother had seven children with different fathers. She was given a suspended prison sentence for child abuse;
- Sydney D. never knew his father. His mother, a drug addict, died when he was twelve. He was placed in homes and with foster families;
- Karim H. lost his older sister in an accident when she was ten;
- Jonathan D. was deeply disturbed by the suicide of both his father and grandfather;
- The T. brothers lost their father when they were ten;
- Gaëtan V. had an alcoholic and violent father. His parents separated when he was fifteen. His father, who became homeless, died of hypothermia;
- Benoît R. was raised by his grandmother after his mother’s death;
- Grégory B. lost his father when he was twelve;

- Samir A. had a violent father. At the age of twenty, he lost his twin brother in a traffic accident.

Over the past few years, I have had several conversations with professionals in child protection services working in the courts. They told me they had noticed that among minors involved in terrorism cases, experiences of the death of close ones and of sexual abuse were particularly common. While the loss of close ones is clearly present in this sample, no instances of sexual abuse were mentioned in the judgments studied.

Clearly, tragic events experienced during childhood or adolescence are not enough to explain radicalization, and still less to excuse it.<sup>26</sup> That said, there seem to be a sufficient number of cases of radicalized individuals who show fragility linked to traumatic situations experienced during their early years to develop special training programs for agencies responsible for child protection.

The second biographical feature that drew my attention was that of religious practice. Many authors have noticed the low levels of religious knowledge among young people engaged in jihadism. The sociologist Farhad Khosrokhavar writes: “[I]t is not a deep preexisting knowledge of the religion that leads to radicalization in the *banlieues*; on the contrary, it is a profound *lack* of education, an exaggerated credulity, a form of naïveté resulting from misunderstanding or ignorance of Islam, that favors extremism.”<sup>27</sup> The judgments I analyzed seem to confirm this position. For instance, the lawyer for a young man who left for Syria described his client and his accomplice as “simpletons who didn’t know anything about Islam.”<sup>28</sup> In the same case, a defendant stated that the first thing he did upon returning to France “was to crack open a bottle of vodka and smoke some hash.” A psychiatric expert noted that Mehdi E. had “no idea about commitment, religious or political; he was in a sort of search for happiness without constraints.”

Two nuances still need to be made. First, a difference between generations can be observed. In groups sentenced in the first decade of the 2000s, it is sometimes possible to identify members who had spent time in a Muslim country with the goal of studying the Qur’an and, for the non-Arabic speakers, learning Arabic. The most emblematic case, well-known to specialists, is Thomas B., who studied for two years in Medina in Saudi

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26. F. Benslama, *Un furieux désir*, op. cit, p. 49.

27. F. Khosrokhavar, *Radicalization: Why Some People Choose the Path of Violence*, New York: The New Press, 2017, p. 70.

28. File no. 16/02080, Paris Court of Appeal, September 13, 2016.

Arabia.<sup>29</sup> In the sample, other destinations included Egypt, Yemen, and Mauritania.

Second, especially among more recent groups, certain individuals become known for their religious knowledge and are consequently particularly respected by the others. For example, in a case from 2014 involving a dozen individuals — mainly around twenty years old at the time of the events — one individual, referred to as “Sheikh Ahmed,” was considered the group’s religious reference. He was older than the others (around fifty) and practiced *roqiya*, or Islamic exorcism. He had treated one of the members of the group who suffered from serious stomach pains. The judgment noted: “Weirdal S. took his healing as a divine sign, declaring afterward that he would ‘rather die as a martyr than a loser.’”<sup>30</sup> Note that the idea of “divine signs” is widespread among radicalized youth. Trials sometimes take on a mystical or eschatological dimension when the defendants or their associates start talking about djinn, demons, or signs of the end of the world.<sup>31</sup>

Belief in the existence of occult forces or paranormal phenomena does not necessarily make an individual insane. The third biographical element specifically concerns psychiatric history. All individuals in the sample had been judged criminally responsible by psychiatric or psychological experts. In only one case — that of an ex-soldier who became a jihadist — two experts reached different conclusions. The first noted that the individual had such a strong “passionate sense of persecution” that this constituted a cause for diminishment of criminal responsibility. The second pointed out “psychopathological traits (impulsivity, instability, intolerance to frustration, mood swings)” but concluded there was no mental or psychological abnormality. The individual in question was sentenced to five years in prison, and was recently released after serving his sentence. In other cases, experts might judge that defendants were “immature,” “neurotic,” “paranoid,” “narcissistic,” or “depressive,” but they did not suffer from a mental illness that could justify exemption for prosecution. Lastly, it appears that few individuals in the sample died in a jihad zone. Of these, at least two showed suicidal tendencies well before leaving France.

29. R. Caillet and P. Puchot, “*Le combat vous a été prescrit*”: *Une histoire du jihad en France* [“Combat was Destined for You”: A History of Jihad in France], Paris: Stock, 2017, pp. 166–173.

30. Judgment no. 10147039015, 16<sup>th</sup> Chamber of the Tribunal de Grande Instance de Paris [Regional Court of Paris], March 10, 2014.

31. The eschatological dimension is an important characteristic of ISIS. On this subject, see W. McCants, *The ISIS Apocalypse: The History, Strategy, and Doomsday Vision of the Islamic State*, New York: St. Martin’s Press, 2015. More generally on the importance of eschatology in the Muslim world, see J.-P. Filiu, *Apocalypse in Islam*, translated by M. B. DeBevoise, Berkeley: University of California Press, 2011.

Biographical factors are not sufficient to explain an individual's move toward jihadism. Among the qualitative elements that emerge from the judgments, several can help illuminate the processes of radicalization.

## Processes of radicalization

The first striking point to note about processes of radicalization is their length. Contrary to widespread belief, the journey to radicalization usually takes place over a relatively long period of time — ranging from several months to several years — rather than being a sudden change. Only one mother (whose son, Florian L., contradicted her) described her child's "radical change... overnight," as he "let his beard grow, got circumcised, only ate halal products, started wearing a djellaba and took the name Abdelhakim." I also attended a trial<sup>32</sup> — which does not figure in the sample as I was unable to obtain the judgment — where one of the protagonists, Aymeric L., had converted to Islam and planned his departure for Syria all within the space of one month. In this unusual case, it seems that the defendant had done this to attract a young woman, whom he later married. He also stated that he had been strongly influenced by the propaganda video "19 HH" made by Omar Omsen, one of the main jihadi recruiters in France.

The second point to note on the subject of processes of radicalization relates to the internet. From the judgments analyzed, it appears that the internet alone tends to be insufficient for radicalization. Broadly speaking, the web was involved in four different ways in the cases studied. First, groups already established in "real life" draw on texts, *anashids*, and videos found on the internet. The website Ansar Al-Haqq, shut down in 2015, long served as the "jihadothèque" [jihadist library] of reference in the Francophone world.

Second, people who did not previously know each other are able to meet on the internet. These may be individuals living in locations separated by hundreds of kilometers. In this respect, it seems that criminal associations for terrorist purposes would not have been able to form in the pre-internet era. In one case, an individual — Sahd R. — consulted jihadist content on Facebook every day. He used the social network to recruit other members to the group. The judgment noted that Sahd R. had also attempted — unsuccessfully — to convince two minors to join a jihadist group. These two sixteen-year-olds were lured to jihad on Facebook, and

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32. Trial of Baptiste S., Laura M., and Aymeric L., 16<sup>th</sup> Chamber of the Tribunal de Grande Instance de Paris, November 2017.

then Sahd R. traveled to Caen and Monaco to try to persuade them in person.

Third, once individuals have been radicalized and a group has been formed, the internet serves as a means of communication. In the judgments studied, there was great variety in terms of information security measures. Some defendants seemed unaware of the traceability of their communications, whether by telephone or by digital means. In a court ruling in September 2017, we read that Djéson B., a returnee from Syria, sent the following message to a young woman: “I dreamed I was surrounded by police special units and that I shot them one by one... I killed lots of them... There was a female cop with blank eyes who tried to kill me but I shot her right in the head... Lol a real fairytale this dream. Even when I sleep it’s not boring Lol.”<sup>33</sup> Other defendants, on the other hand, took significant precautions to leave as few traces as possible on the internet. Among techniques for passing unnoticed were the use of encrypted applications or encryption and IP masking software, the creation of anonymous email accounts where messages could be left as “drafts,” or the fragmentation of conversations by switching between several applications (Paltalk, Tinchat, Gajim, Jabber, Pidgin, etc.). In the sample, two groups used the TeamViewer application, often used by information technology companies to work remotely on their clients’ computers. This let the members of groups exchange messages by directly accessing each other’s word processing software.

Fourth, the internet can be used to plan an act, whether it be a departure to a jihad zone or a terrorist operation inside of France. For example, in a judgment from November 2014, we learn that, during a three-month period, one defendant’s Google and YouTube searches included “367 searches related to Al Qaeda or AQIM [Al Qaeda in the Islamic Maghreb],” “209 searches related to jihad, mujahideen, or martyrs,” “870 searches related to preparing bombs or attacks,” “449 searches related to military or physical training,” and so on. This individual had typed keywords like “jihad death,” “Islam paradise,” “martyr operation,” “telephone detonator tutorial,” “chemical reaction black powder,” or “gas canister explosion.” He had also made twenty-one visits to

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33. The original message in French uses abbreviations commonly used by young Francophones in text messages and reads: “moi g reve ke gt entoure de plusieurs unites speciales de flics et ke j’lé fusillai lé un apr lé autres... J’en est tué plusieurs... y’avé un femm flic ac d yeux blanc ki allé me tué mé jlui est colé une balle en pleine tete... Lol un vrai compte de fee ce reve. Mm kan j dor j m’ennui pas Lol.” Judgment no. 12355060014, Tribunal de Grande Instance de Paris, September 22, 2017.



the Facebook account for the French President, looking especially at his upcoming schedule.<sup>34</sup>

The third point to note concerning processes of radicalization involves group dynamics.<sup>35</sup> The sample did not include any “lone wolf”. This idea itself is becoming increasingly contested. Many experts have gone so far as to claim that the concept should be abandoned, as very often individuals presented as “lone wolves” in reality have deep connections to a radical movement, and may have accomplices.<sup>36</sup> In the judgments I examined, many of the defendants or accused had known each other for a long time. Some of them were in the same class in high school, or played football on the same team. Others were neighbors, like Larossi A. and Charaf Din A., who lived in the same building in Les Mureaux, an impoverished suburb of Paris.

Group dynamics sometimes operate within a single family. The sample includes several jihadist brothers. In March 2016, for example, three men and a woman originally from Trappes and Plaisir, deprived suburbs in the west of Paris, were tried for having attempted to travel to Syria. Two of the three men had brothers who were already fighting for jihadist groups, and one of them had even appeared in an ISIS video. The woman had met one of the men at the end of 2013 and married him in a religious ceremony in January 2014. They had a child in November 2014. Less than two months later, the young mother bought a Renault Scénic. The whole family set off in the vehicle toward the territories controlled by the Islamic State. Their journey ended in Turkey after a traffic accident.<sup>37</sup> In this case, the woman was prosecuted, but in other cases women who played a significant role were exempted from prosecution. For example, in a judgment from December 2016, it is clear that the religious wife of one of the defendants was instrumental in his departure for the Middle East.<sup>38</sup> The woman — who had stayed in France herself — initially assured the investigators of the humanitarian motives for her partner’s trip before admitting his jihadist intentions. She went as far as to say she was proud to have succeeded in convincing him to go. Arriving in Turkey, her husband had hesitated about going further. She then tried to discourage him from returning, saying that renouncing participation in jihad would be “a serious sin.” The husband,

34. Judgment no. 12333060007, Tribunal de Grande Instance de Paris, November 13, 2014.

35. Marc Sageman writes of a “bunch of guys.” See M. Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century*, Philadelphia: University of Pennsylvania Press, 2008.

36. See for example, B. Schuurman, L. Lindekilde, S. Malthaner, F. O’Connor, P. Gill, and N. Bouhana, “End of the Lone Wolf: The Typology that Should Not Have Been”, *Studies in Conflict and Terrorism*, January 2018, advance online publication.

37. Judgment no. 15033000932, Tribunal de Grande Instance de Paris, March 23, 2016.

38. Judgment no. 13179000916, Tribunal de Grande Instance de Paris, December 14, 2016

who finally turned back before reaching Syria, was sentenced to three years in prison, half of which was suspended. The wife was not prosecuted.

Finally, the accused rarely, if ever, pointed towards cult-like environments or to brainwashing to deflect blame for their involvement, although such lines of defense were at one time highly visible in the public debate.<sup>39</sup> In fact, it appears parents were the most inclined to interpret radicalization as a phenomenon of indoctrination and mental manipulation. For example, during the trial of the “Cannes-Torcy” cell, the mother of one of the accused presented her son as “soft-hearted,” naive and emotional. She said that he had been “prey,” and that the leader of the group had “anaesthetized” him. When the General Counsel retorted that her son had been one of the leaders of the group, that he demonstrated free will, and that he had contributed to recruiting other jihadists, his mother clung to the idea of a cult: “My son is guilty but he is also a victim. He is the victim of a predator.”<sup>40</sup> It was rare for jihadists in the sample to use this argument in court themselves. On the contrary, one judgment contains an excerpt from a letter written in 2015 by a 20-year old man, Sofiane D., who explained: “Don’t believe that I’ve been brainwashed, I’ve learned about my religion, I’ve seen the hadiths about Sham, I’m grown up, I’ve thought about this for a long time and the best thing for me to do is to make the Hijrah.”<sup>41</sup> Such considerations led me to focus my study on the lines of defense used, as well as the issue of relapse.

## **Trials, prison, and the issue of relapse**

Before 2014 — the date of the first attack committed in Europe by a returnee from Syria — sentences given to jihadists were much lighter than they are today. Additionally, defendants could admit to their actions before the courts without the risk of spending a significant part of their life behind bars. If they also declared that they had been misguided and wanted to “turn around,” they might get off with a light sentence. The case of Walid O. is telling in this respect. This man — who had spent five months in a terrorist training camp in Waziristan in 2008 — did not try to deny the facts. He explained that he had been trained in the handling of different combat weapons (AK-47s, grenades, mortars, RPGs) and the making of explosives. He wanted to fight in Afghanistan but had been restricted to support roles in the tribal regions on the Afghan-Pakistani border. Walid O. felt poorly integrated due to the language barrier, and suffered from unsanitary conditions. He finally decided to return to France to join

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40. Hecker, “Le djihadisme en procès”, *op. cit.*

41. Judgment no. 15033000932, Tribunal de Grande Instance de Paris, March 23, 2016.

his wife and children. The judge noted that this kind of “theoretical and practical baggage” could be “highly dangerous in the hands of a jihadist who hoped to commit attacks outside of Afghanistan,” but he deemed that this was not the defendant’s intention.<sup>42</sup> On the contrary, he emphasized that the defendant showed a “clear change toward more respectful conceptions of public order and social cohesion.” The sentence — five years in prison, half suspended — corresponded more or less to the time he had already spent in pre-trial detention. The judgment stated: “The court obviously wishes to emphasize the seriousness of the matter, whose terrorist character is in no way denied, but also to take into account this change and to incite Mr. O. to continue along the path of a personal, family, and social integration into a society to which, whatever his past choices may have been, he belongs.” Shortly after his release, Walid O. traveled to Brioude in the Auvergne region, where Saïd A., an Algerian convicted of terrorism offences and assigned to house arrest after serving his sentence, lived. The two men then disappeared, and were killed in Syria in 2015 and 2016.

Several other defendants in the sample left for Syria after having served time in prison for criminal association linked to terrorism. These include “big fish,” like Boubakeur E. and Fabien C.<sup>43</sup> The former was found guilty in the trial of the Buttes Chaumont network, for having fought in Iraq with a group linked to Abu Musab al-Zarqawi, and for having encouraged several young French citizens to join this warzone. Three of them died in Iraq, including the defendant’s own brother. In 2008, Boubakeur E. was sentenced to seven years in prison. Upon release, he left for Tunisia, where he took part in attacks before joining ISIS in Syria. He was killed in a drone strike at the end of 2016. The latter, Fabien C., was sentenced in 2009 to five years in prison for his involvement in the Artigat network. He was found guilty of having tried to recruit susceptible youth to go to fight in Iraq, and of having participated in their ideological and physical training. The judgment presented him as “one of the ideologues of the Salafist jihadist group of Toulouse.” On his release, Fabien C. made his way to Syria. After the Paris attacks of November 13, 2015, he was the one who read out ISIS’s claim of responsibility.

Among the members of the sample who left for Syria after having served a jail sentence, one particularly interesting case stands out. This is Romain L., better known under his pseudonym Abou Siyad Al-

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42. Judgment no. 1015239014, Tribunal de Grande Instance de Paris, February 18, 2011.

43. On fishing metaphors in the fight against terrorism, see M. Trévidic, *Au coeur de l'antiterrorisme* [At the Heart of Antiterrorism], Paris: JC Lattès, 2011, p. 41.

Normandy.<sup>44</sup> In 2012, this convert, originally from Hérrouville-Saint-Clair in Normandy, northwest France, became a moderator of the Ansar Al-Haqq online forum, and then administrator of the site with the same name. He was charged for having published translations of several articles from *Inspire*, the English-language magazine of Al Qaeda in the Arabian Peninsula. He was sentenced in 2014 to three years of prison, two suspended, for direct and public incitement to commit an act of terrorism, and glorification of acts of terrorism. The classification of his acts as a misdemeanor, rather than as a crime, is worth noting. He is one of the few people in the sample to have been prosecuted for something other than criminal association with the intention of planning a terrorist attack [Association de malfaiteurs en relation avec une entreprise terroriste, AMT]. In a similar case, another administrator of Ansar Al-Haqq who had translated jihadist literature, Marion T., was prosecuted for AMT and given a much heavier sentence. Different interpretations among magistrates on the nature of the acts can thus exist. Romain L.'s case is also relevant because it illustrates the porosity of the virtual world and the real world. This individual moved from "media jihad" to physical jihad. He died in Syria in 2016.

The sentences given today are much more severe than several years ago. For certain terrorism offences or crimes, the sentences provided by the penal code have been toughened. Judges' practices have also become stricter. In the sample, the average fixed prison sentence increased from four years in 2014 (17 individuals) to four and half years in 2015 (15 individuals), six and a half years in 2016 (34 individuals), and ten years in 2017 (30 individuals). The first returnee from Syria to be prosecuted in France was Flavien M. In November 2014, he was sentenced to seven years in prison for having spent ten days in Syria. His brother, Nicolas M., also went to Syria, from February 2014 to June 2015. He was tried in 2017 and given the maximum sentence for AMT offenses prosecuted in correctional courts, namely ten years in prison. It is becoming increasingly common for individuals who joined a jihadist organization in Syria to be prosecuted for criminal AMT, rather than for correctional AMT — in which case they are judged by a criminal court composed of professional magistrates. In 2016, the chief prosecutor of Paris, François Molins, announced a "strategy of criminalization," moving trials into criminal courts.<sup>45</sup> This meant that prosecuted individuals would be liable to thirty years in prison for members, rather than the habitual ten; leaders would receive life. In practice, this criminalization has not been carried out systematically,

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44. Judgment no. 13157000132, Tribunal de Grande Instance de Paris, March 4, 2014.

45. Interview with François Molins in *Le Monde*, September 2, 2016.

and has varied based on the acts that the jihadists are suspected of having committed. In 2017, I attended two trials of returnees, several weeks apart. In one case, the jihadists were prosecuted for correctional AMT offenses and were given sentences ranging from eight to ten years in prison; in the other, they were prosecuted for criminal AMT and received prison sentences ranging from 14 to 20 years' imprisonment. As sentences have become much heavier than before, jihadists have adjusted their lines of defense, and often try to minimize their role. The subject of *taqiya* — an Arabic term that refers to a form of dissimulation — comes up often in the trials. I heard a lawyer complain that his client did not stand a chance regardless of his plea: if he admitted his reprehensible actions, he would receive a heavy sentence, and if he denied them, he would be accused of practicing *taqiya*.

In the sample, it is clear that the line of defense preferred by defendants or accused involved humanitarian action. It consisted in explaining that the persons being prosecuted had gone to Syria not to fight but to help populations under attack from Bashar al-Assad's armed forces. When material evidence aimed to prove that they had in fact participated in combat, some tried to maintain a humanitarian defense. For example, an individual who acquired a Kalashnikov explained that he bought the weapon to defend himself in case of a kidnapping attempt. In another illustration, a man who was wounded and returned to France for treatment admitted that he had been in a combat zone but claimed that he was only a stretcher-bearer.

Another line of defense aimed to prove that the defendants had solely intended to perform *Hijrah*, and not to participate in *jihad*. In other words, the aim of their departure was not to take up arms, but to live under Islamic rule. This argument was used in particular by individuals who had gone with their families, including young children. It was generally accompanied by comments on how it was impossible to live fully as a Muslim in France, and a more or less explicit rejection of secularism and democracy.

Among the other arguments used by jihadists to defend themselves in court is a supposed lack of proof. It is true that it is sometimes difficult to know precisely what individuals did in Syria. But often enough, defendants were countered with records of their communications, whether by digital means or by telephone.<sup>46</sup> I attended a particularly interesting trial of a Nîmes-based network in September 2017. Four men were being prosecuted

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46. On this topic, see especially A. Mégie and A. Jossin, "De la judiciarisation du renseignement : le cas des procès djihadistes" [On the Judicialization of Information: The Case of Jihad Trials], *Hermès*, Vol. 76, No. 3, 2016, pp. 50–58.

for having gone to Syria. The first three had not been arrested immediately upon their return to France, but had been under surveillance. The prosecutor noted that one of the defendants claimed to want to return to a normal life, but that in reality he continued to visit jihadist websites and attempt to recruit sympathizers. The fourth man, who returned several months after the others, was arrested as he left the airplane. Consequently, there was less material evidence to confront him with.

Although there is strong public pressure for returnees to be placed immediately in temporary detention, this case shows that such security measures are not necessarily advantageous to investigators. Such public pressure is understandable, given the risk that the individual will commit a violent act or will flee. The sample includes fifteen individuals who were tried in absentia, having been or still being the subjects of an arrest warrant. Specific cases varied; for example, someone may have not respected the conditions of their parole and then succeeded in leaving the country. There might also be individuals assumed dead in a combat zone but tried “for precaution” in the absence of proof of their death.

As exemplified by the case of Walid O., time spent in prison does not necessarily discourage attempts to return to a jihad zone. Still more troubling, two individuals from the sample carried out attacks in France after having served a sentence for AMT. The first was Chérif K., sentenced to three years in prison, half suspended, for having planned to travel to Iraq in 2005. It appears from the judgment in his case that Chérif K. was ready to die fighting, or even to commit a suicide attack. Among the documents found by investigators along with the defendant’s plane ticket was an article titled “Islamic Advice Concerning the Permissibility of Martyrdom Operations.” Another man from the same network, Thamer B., claimed that Chérif K. “was ready to obey any orders. He wanted to fight but if he had been asked to go further, he would have done it.”<sup>47</sup> Ten years after his arrest, Chérif K. did indeed die fighting, shot down by the National Gendarmerie Intervention Group (GIGN) after having carried out the *Charlie Hebdo* killings along with his brother. The second case was Larossi A., sentenced to three years in prison, six months suspended, for having planned to go to Afghanistan in 2011. Among the elements featured in the judgment is an exchange between Larossi A. and another defendant, in which the first confides to the second that he hoped to “set things off [*commencer le taf*]” in France.<sup>48</sup> When his interlocutor asked him what he meant, Larossi A. responded “clean up the kuffar [infidels].” We also learn that Larossi A. had taken part in physical training sessions and that, during

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47. Judgment no. 0424739024, Tribunal de Grande Instance de Paris, May 14, 2008.

48. Judgment no. 1107439011, Tribunal de Grande Instance de Paris, September 30, 2013.



one of these sessions, the defendants had cut the throats of rabbits. Several years later, Larossi A. killed a policeman and his partner in their home in Magnanville.

The cases of Larossi A. and Chérif K. show that terrorist threats should be understood in the long term. “Patience” is one of the virtues promoted in the jihadist movement, and setbacks — like a period in prison — are considered obstacles on the path of God. The notion of the “long term” also features implicitly in the sample through the presence of intergenerational links.

## Intergenerational links

Some figures in the jihadist movement have built links between several generations. We have already discussed Saïd A., who had been part of the Groupe Islamique Armé [Armed Islamic Group, GIA] in Algeria, and several other terrorist groups in different countries, and who Walid O. — twenty years his junior — visited while he was under house arrest. Another former affiliate of the GIA—born, like Saïd A., in 1965 — who received visits from young jihadists while under house arrest was Djamel B. His visitors included Chérif K. and Amédy C. (who killed a policeman in Montrouge near Paris, and was the hostage-taker in the Hyper Cacher supermarket siege in January 2015), whom he had met in prison.<sup>49</sup>

Farid B., the leader of the Buttes Chaumont network, is also an illustration of links to actors involved in the Algerian conflict of the 1990s. He began to carry out proselytism and to support the Front Islamique du Salut [Islamic Salvation Front, FIS] when he was a teenager. At that time, he was nicknamed “Imam Voltaire,” after the name of his high school.<sup>50</sup> The judgment in the trial of the Buttes Chaumont network gives details on the links that connected him to the Algerian Islamist movement: “As for Farid B.’s entourage, investigators stated that he is the brother-in-law of Youcef Z., who was involved in several operations in the splintering of the Algerian FIS. He had direct communications with Safé B. and Ali T., and had friendly relations with Boualem B., who was involved in the Paris attacks of 1995. Youcef Z. was exiled to Algeria on October 12, 2004.”<sup>51</sup> The judgment mentions the fact that Youcef Z. arranged for Farid B. to

49. S. Sayare, “The Ultimate Terrorist Factory: Are French Prisons Incubating Extremism?” *Harper’s Magazine*, January 2016. See also L. Bindner, “Jihadists’ Grievance Narratives against France”, ICCT Policy Brief, February 2018.

50. D. Bouzar and F. Benyettou, *Mon djihad : Itinéraire d’un repentant* [My Jihad: The Story of an Ex-Jihadist], Paris: Autrement, 2017, p. 41.

51. Judgment no. 0424739024, Tribunal de Grande Instance de Paris, May 14, 2008.

meet an influential jihadist preacher, Mohammed el Maghrebi (or al-Maghribi).<sup>52</sup>

Intergenerational mechanisms can also be seen in more recent cases linked to the Syrian jihad. The judgment on a network in Trappes (a deprived commune in the western suburbs of Paris), revealed that young men aged about twenty were radicalized in “Chicken Planet,” a restaurant frequented by older men who engaged in proselytism. Among these men, investigators noted the presence of Samir B., “an individual who was about 35 years old... incarcerated in Fleury-Mérogis in 2005 along with Chérif K.”<sup>53</sup>

One last example can be mentioned, that of Willy B., a convert born in 1968 in Pointe-à-Pitre in Guadeloupe, who joined a training camp run by the Pakistani jihadi group Lashkar-e-Taiba just after the September 11 attacks in 2001. He was later involved in planning an attack in Australia. Arrested in 2003, he was sentenced in 2007 to nine years in prison.<sup>54</sup> In the Forsane Alizza case,<sup>55</sup> tried in 2015, Willy B.’s name appears again, as he had many telephone conversations with the emir of the group. Although taken into custody, Willy B. was not charged in this case. He later left for Syria where he first joined ISIS and then the Al-Nusra Front. On the run from 2016 to the start of 2017, he was probably executed by the latter jihadist group on suspicion of spying.<sup>56</sup>

The issue of intergenerational links is particularly relevant today as French jihadists have had numerous children. The figure usually cited is 450 children with at least one French parent present in Syria or Iraq, half of whom were born there. These children have had a radical education, many of them have witnessed atrocities, and some have even committed crimes. In a propaganda video by the Islamic State posted in 2015, the stepson of Sabri E. — who was also convicted for his involvement in the Artigat group and left for Syria after his release — is seen executing a hostage. The boy is no older than twelve. Along with the children taken to or born in Syria, there are also those who have stayed in France but who were raised by parents adhering to Salafi jihadist ideology. For example,

52. Romain Caillet and Pierre Puchot present Mohammed al-Maghribi as “the last of the major blédards [Algerian immigrants] who spread ideas of jihadist inspiration [in France].” See Caillet and Puchot, *op. cit.*, p. 111.

53. Judgment no. 15033000932, Tribunal de Grande Instance de Paris, March 23, 2016.

54. Judgment no. 0031139018, Tribunal de Grande Instance de Paris, March 15, 2007.

55. Forsane Alizza — literally the “cavaliers of pride” — was a small jihadist group that was dissolved by the French Ministry of the Interior in 2012. It was known for public agitprop actions and for its internet activism. During searches of the homes of group members, the police discovered firearms.

56. R. Caillet, “Une ancienne figure du jihadisme français aurait été exécutée par Al Qaïda en Syrie” [A Figure of French Jihadism to be Executed by Al Qaeda in Syria], *Jihadologie* (blog hosted by *Libération*), December 17, 2017.



in a judgment from 2017 we learn that Emilie K. left two children in France, and that she had given them “cartridges” before joining ISIS in Syria.<sup>57</sup> In the Middle East, she had three other children with jihadists, including one with Axel B., a man originally from Nîmes who was killed in October 2014. It is clearly difficult to know how these hundreds of children will develop, but it is to be feared that at least some of them will follow the path set by their parents. The jihadist threat will certainly need to be managed in the long term.

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57. Judgment no. 12355060014, Tribunal de Grande Instance de Paris, September 22, 2017.



# Conclusion

It would be easy to extract individual stories from the sample to try to demonstrate that anyone can become a jihadist, and that there is no typical profile. Nonetheless, if we make an effort to see the forest instead of the trees, significant trends can be observed. Thus, a young person born in France to an immigrant family, who grew up in an underprivileged neighborhood, was unsuccessful in school, was not able to integrate into the labor market, and became involved in criminal activities, is more likely to join a jihadist group than the rest of the population. This is all the more true given that ISIS propaganda targets these types of individuals by developing a rhetoric about discrimination, humiliation, injustice, and the redemptive virtues of jihad.<sup>58</sup> Of course, nothing is automatic: the vast majority of young people with this profile will not become jihadists, and it is not possible to explain engagement in the path of terrorism solely by using social criteria. Nonetheless, the recurrence of certain characteristics is strong enough to merit target actions to prevent radicalization. For example, given the number of unemployed and temporary workers in the sample, we might conclude that unemployment services and temp agencies may have a particular role to play in detecting radicalization. If this data is combined with the map of neighborhoods in France most affected by jihadist networks, prevention efforts could be stepped up in certain areas. Additionally, targeted work could be done on the internet and particularly on social networks, beginning with looking at the preferences and connections of individuals involved in terrorist cases. A sufficiently refined targeting would make it possible to preserve the balance between security and the respect of individual liberties, without tipping over into a system of mass surveillance.

This analysis certainly deserves to be developed and refined. There is adequate data to perform an exhaustive study of the jihadist phenomenon in France, from the first stages of radicalization to the performance of terrorist acts.<sup>59</sup> Unfortunately, this data is not available to the public. Compartmentalization between ministries and part of the administration's mistrust of research prevents researchers from having access to the data.

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58. R. Basra and P. R. Neumann, "Crime as Jihad: Developments in the Crime-Terror Nexus in Europe", *CTC Sentinel*, Vol. 10, No. 9, October 2017.

59. M. Hecker, "Le djihadisme en France : esquisse de typologie" [Jihadism in France: Outline of a Typology], *Sécurité & Stratégie*, Vol. 28, No. 4, 2017, pp. 22-27.

In February 2018, as part of the presentation of the National Plan to Prevent Radicalization, the French prime minister announced that data extracted from the Fichier des signalements pour la prévention de la radicalisation [Watch List for the Prevention of Radicalization] would soon be available to select research teams. This development is a step in the right direction, as long as the information taken from the files is not diluted to the point of being unusable.

As I discovered while carrying out this study, even documents that are officially public — such as judgments — are not always easy to obtain. Still, the kind of work I carried out could be systematized. It would then be possible to establish a detailed cartography of the jihadist movement that would show the links between the people involved. Such a cartography would not only provide us with a precise image at a given moment, but probably also help to anticipate potential reconfigurations of the movement.

In terms of public policy, several lessons can be drawn from this study.

First, the social characteristics identified above show that the fight against terrorism and radicalization is not simply a matter of repression. Measures that improve schooling outcomes, promote integration into the labor market, or combat delinquency can reduce the recruitment pool for jihadist organizations.

That said, repression and coercive measures are necessary, especially to destroy terrorist sanctuaries located near Europe. The judgments analyzed, spread out over a period of ten years, clearly show that the development of an easily-accessible sanctuary at the gates of Europe has constituted a turning point. Before the start of the Syrian conflict, candidates for jihad had a great deal of difficulty reaching distant and hard to access warzones like Afghanistan and Yemen. Some judgments describe the extraordinary trajectories of French citizens who waited in Iran for several months before finding smugglers to take them to Pakistan, or who considered buying a boat to cross the Gulf of Aden. From 2011 to 2014, things became much simpler. Jihadists flocked to Syria, via Turkey, by plane, bus, or car. I even attended a trial where the would-be jihadists left France using the services of a carpooling company.

In addition, judgments contain information and anecdotes that can be used as material for counter-narratives. Up until the battle of Mosul, jihadist propaganda presented the caliphate established by ISIS as an idyllic territory.<sup>60</sup> Many of the young people who left for Syria believed the

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60. C. Winter, "Documenting the Virtual 'Caliphate'", Quilliam Foundation, 2015.

utopic accounts of Islamic State propagandists and were disillusioned upon arrival. One of the defendants from a Strasbourg-based group, for example, described having been beaten and humiliated by members of ISIS for refusing to participate in training. He was forced to eat excrement and was sexually abused. In other cases, would-be jihadists could not handle the sanitary conditions and became sick. At times, judgments show to what extent some jihadists defend their personal interests rather than a greater cause. For instance, a man convicted for having joined Al Qaeda in the Islamic Maghreb (AQIM) had promised his daughters, aged six and eight, in marriage to members of this organization in exchange for benefits in kind, like obtaining a house.<sup>61</sup>

Finally, this study shows that jihadism puts the judicial and prison system under pressure. In public debate, prisons are often presented as incubators of terrorism, and the question becomes: Should jihadists be left with other inmates or grouped together? Experiments conducted abroad<sup>62</sup> and in France<sup>63</sup> show that both solutions have their disadvantages: the former risks producing ideological contamination among “conventional” inmates, while the latter may allow terrorists to plan attacks together during their incarceration.

The substantial number of repeat offenders in the sample proves that the current system is not working. The French government has already decided to change it: in his speech presenting the National Plan to Prevent Radicalization, the prime minister indicated that “1,500 spots will be created in separated quarters, exclusively dedicated to radicalized detainees, including 450 between now and the end of the year.”<sup>64</sup> It will be important to carefully analyze the degree of danger posed by the individuals who are placed in these separated quarters, to avoid mixing hardened terrorists with less experienced jihadists. Criminal association linked to terrorism (AMT) is a useful *legal tool* that has undoubtedly contributed to preventing attacks. Still, it is not a very relevant *analytical tool*, in that individuals convicted of AMT are not all the same. The designation is broad and includes cases of various types, from would-be jihadists arrested at the airport before leaving for a jihad zone, to people who plant bombs, and including “second fiddles” restricted to logistical tasks. If all these individuals find themselves together in these “separated

61. Judgment no. 13043000874, Tribunal de Grande Instance de Paris, May 15, 2015.

62. D. Weggemans and B. de Graaf, *Reintegrating Jihadist Extremist Detainees: Helping Extremist Offenders Back into Society*, London: Routledge, 2017.

63. Le contrôleur général des lieux de privation de liberté [Controller General for Spaces of Incarceration], *Rapport d'activité 2016*, [www.cgplp.fr](http://www.cgplp.fr), accessed February 22, 2018.

64. Speech by Edouard Philippe on the National Plan to Prevent Radicalization, Lille, February 23, 2018.

quarters”, it is highly likely that the most dangerous will pull the others into their path. This is a phenomenon that has already been observed elsewhere.<sup>65</sup>

The National Plan to Prevent Radicalization also announced the opening of three treatment centers for detainees. “Deradicalization” gets bad press, but experimentation in the field seems necessary.<sup>66</sup> In the next two years, around 60 individuals currently detained for terrorist offences will likely be released<sup>67</sup> and, for those in the sample, a spike in releases will take place in 2022. If these individuals leave prison as radicalized — or more radicalized than when they went in —, we should prepare ourselves for difficult days ahead.

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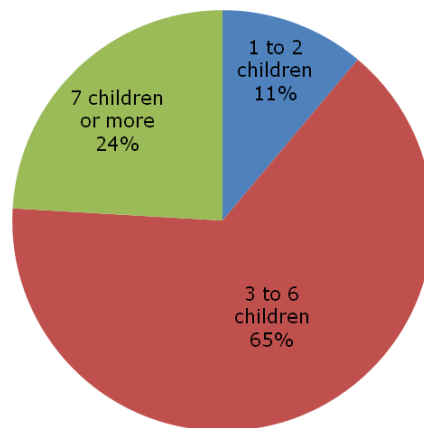
65. T. McCoy, “How the Islamic State Evolved in an American Prison”, *The Washington Post*, November 4, 2014.

66. E. Benbassa and C. Troendlé, *Rapport final de la mission d’information sur le désendocinement, le désembrigadement et la réinsertion des djihadistes en France et en Europe* [Final Briefing on the Fact-Finding Mission on De-Indoctrination, De-Militarization, and Re-Insertion of Jihadists in France and Europe], recorded at the Senate, July 12, 2017. In the National Plan to Prevent Radicalization presented in February 2018, the term “deradicalization” was abandoned in favor of “disengagement.”

67. Interview with Nicole Belloubet, Minister of Justice, in the program “Complément de l’enquête”, February 8, 2018.

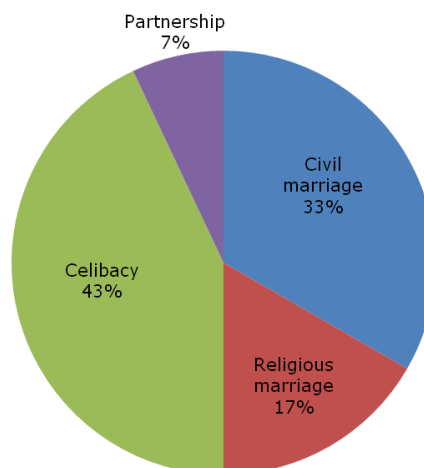
# Appendices

## Number of children per family



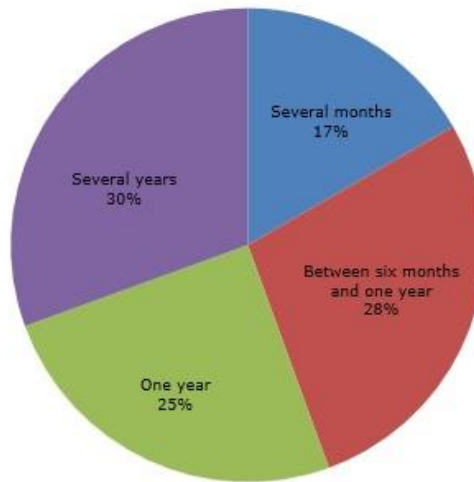
Data was available concerning the family size of only 54 individuals. It appears that jihadists tend to come from large families.

## Marital status



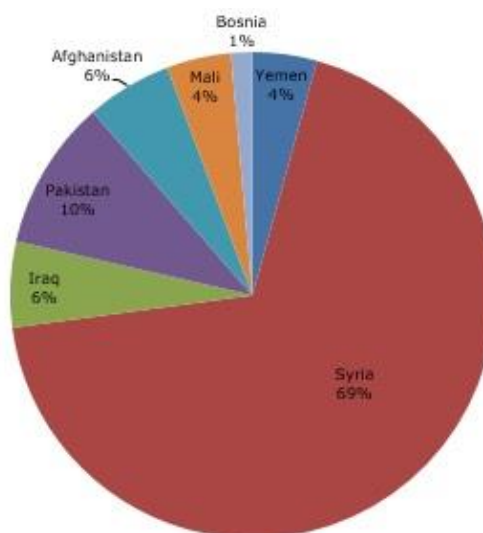
Data on marital status was available for 114 jihadists. The majority lived with partners.

### Length of the process of radicalization



Data on the duration of the process of radicalization was obtained for a limited sample of 39 individuals.

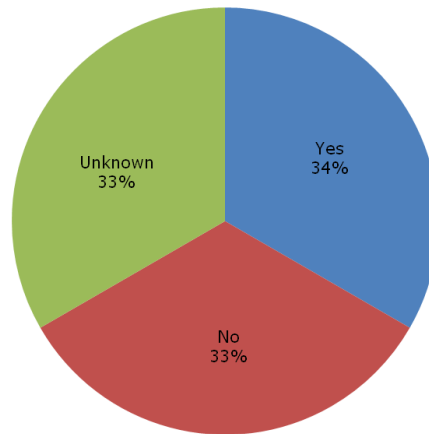
### Main destinations of jihadists



Out of the sample of 137 individuals convicted for acts of terrorism, 56 successfully traveled to one or more jihad zones. This graph presents their main destinations.

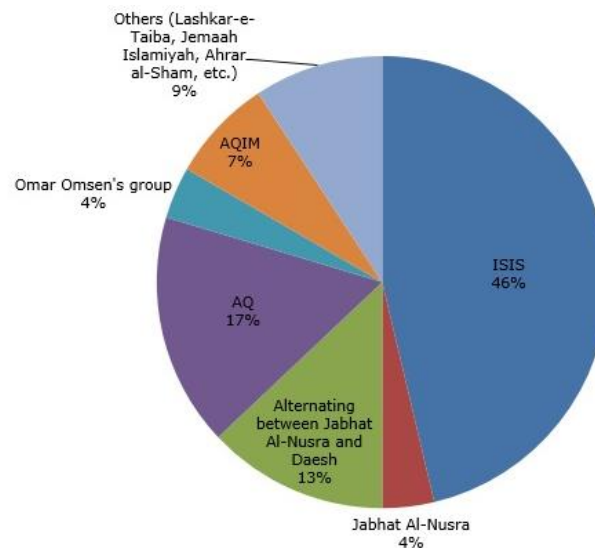


### Involved in combat in Syria



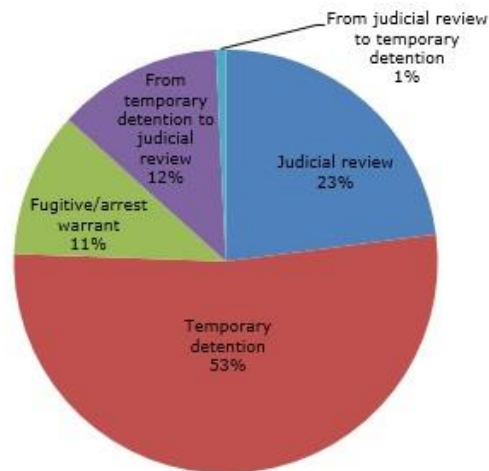
Of 48 jihadists who traveled to Syria, at least a third participated in combat.

### Affiliation with a militant organization



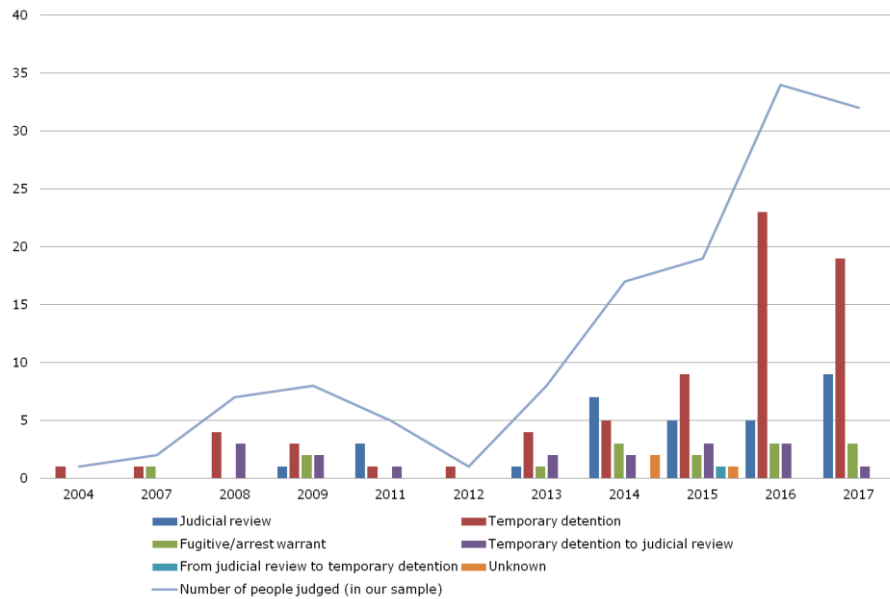
Of the sample of 137 individuals, information on their affiliation with a militant organization was available for 54.

### Security measures



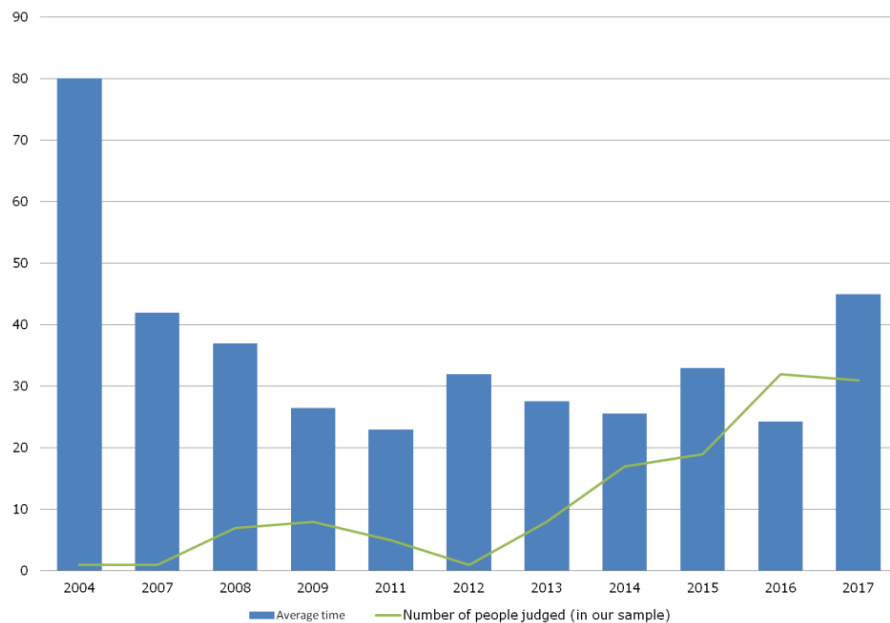
Statistics on security measures were obtained for a sample of 134 individuals. The category “From temporary detention to judicial review” designates individuals who were initially placed in temporary detention before being put under judicial review. The category “From judicial review to temporary detention” refers to an individual who followed the opposite path: he was placed in temporary detention for failing to comply with the conditions of his judicial review. The other individuals who did not comply with their judicial review succeeded in fleeing.

### Security measures



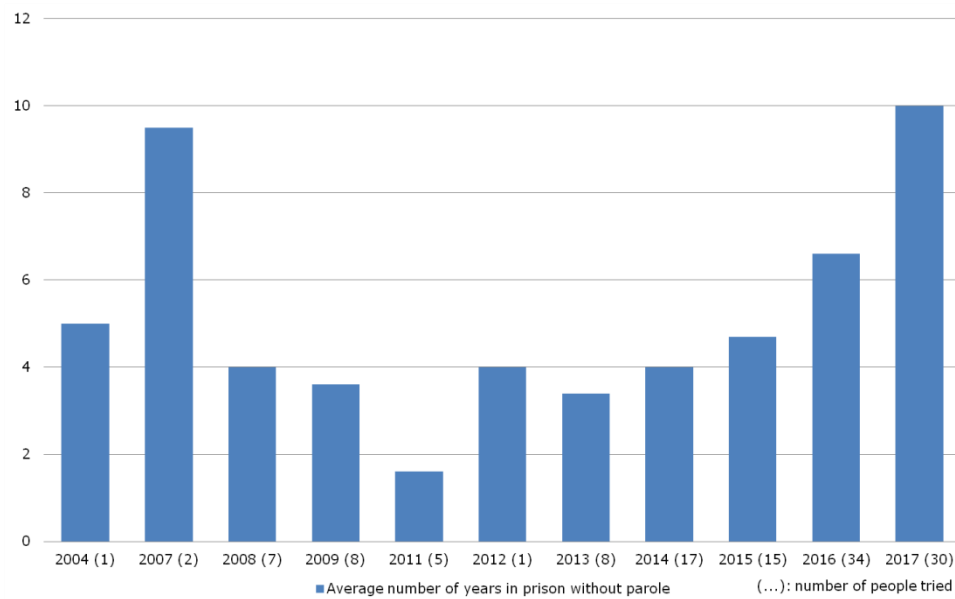
This graph shows that the majority of jihadists were placed in temporary detention while awaiting trial. This trend is particularly clear for trials that took place in 2016 and 2017.

### Time elapsed between the arrest and the trial



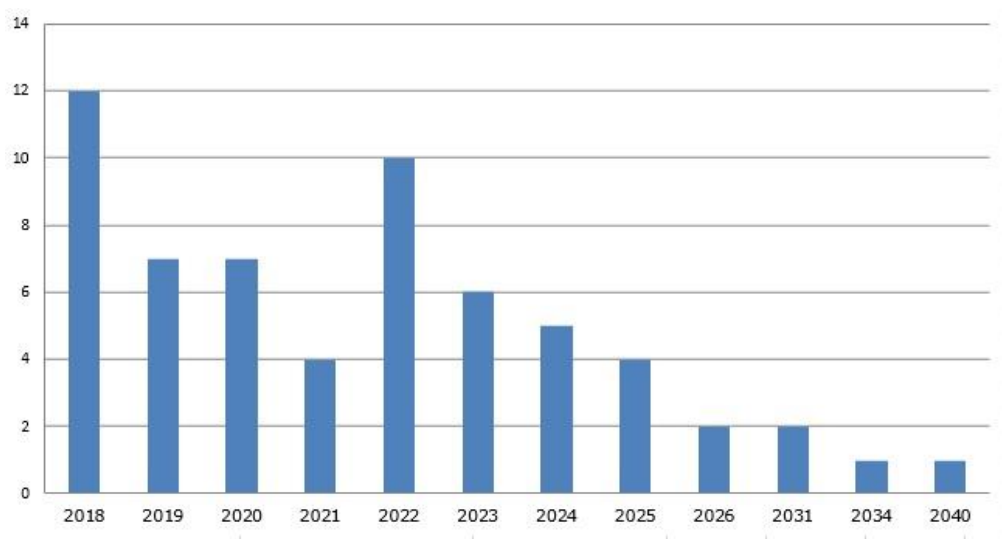
On average, across the sample, jihadists waited approximately two and a half years between arrest and trial.

### Sentences



This graph shows the trend of an increase in sentences. The spike in 2007 is not significant, as it concerns only two individuals.

### Expected dates of release from prison



This graph indicates the number of people in our sample (y-axis) that are expected to be released from prison at a given date (x-axis).



