

France's Justice System Is Cracking Down on Israel's Critics

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France Insoumise election candidate Rima Hassan has received a police summons over possible “apology for terrorism” charges. She’s the latest of a string of pro-Palestine activists to face inquiries, in a blatant judicial offensive against Israel’s critics.

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It’s a major escalation in France’s clampdown on solidarity with Palestine — and the latest sign of the politicization of the country’s justice system. Two prominent left-wing figures will soon face questioning before state investigators for possible charges of “apology for terrorism.” It’s a controversial infraction under French law, which criminalizes forms of expression said to support acts of terrorism or paint them in a positive light.

On April 19, Rima Hassan received a summons for preliminary questioning in an investigation over her statements on the Israel-Palestine conflict. A prominent human rights activist and a France Insoumise candidate in June’s elections to the European Parliament, Hassan is scheduled to meet with investigators in Paris on April 30. Then the prosecutor’s office will decide to either pursue charges or drop a potential case against her.

The announcement of an investigation concluded what was already a turbulent week for the Franco-Palestinian jurist, whose criticism of Israeli colonization and its devastating war on Gaza have made her into a *bête noire* for both political opponents and France’s right-leaning media landscape. Under pressure from local and national figures, the president of the University of Lille cancelled Hassan’s scheduled [appearance before students](#) on April 18 alongside Jean-Luc Mélenchon. A rally was ultimately held in a public square in Lille after a substitute meeting was banned [under orders of the local police prefecture](#).

After Hassan, it was Mathilde Panot who found herself in the crosshairs of what now appears to be a coordinated attack on France’s leading left-wing opposition force. Panot is president of the France Insoumise group in the National Assembly and therefore the ranking MP of the largest left-wing party in parliament. On April 23, her office released a [statement](#) announcing that she too had received a summons for an investigation into “apology for terrorism.” This is allegedly in response to the written declaration issued by the France Insoumise parliamentary group on October 7, in the immediate aftermath of the Hamas-led attack on Israel.

“There is a desire to silence voices that are denouncing the French state’s complicity in Israel’s war,” said Hassan. She highlighted that, just before she took *Jacobin*’s call, a student group at the University of Paris-Dauphine alerted her that state officials were trying to force the withdrawal of an invitation for her to speak [on May 6](#). “The pressure on the French government and on Israel’s

remaining allies is growing by the day.”

Hassan told *Jacobin* that she plans to respond to questions from investigators. But she has no qualms about decrying the maneuver as an attack taking place at the height of the European Parliament election campaign. It is aimed against a staunch critic of Israeli’s colonization of internationally recognized Palestinian territory, of Benjamin Netanyahu’s war, and of the acquiescence of Emmanuel Macron’s government.

“The Macronist regime will have transgressed every conceivable limit,” Panot declared in the April 23 press release following her own summons, warning of a “serious instrumentalization of the justice system, aimed at gagging political expression.”

“We will not be silent,” the statement continues. “No summons, no intimidation of any kind will prevent us from protesting against the ongoing genocide of the Palestinian people. I call on everyone to realize the extent of these alarming attacks on freedom of opinion and democracy.”

Since October 7, France Insoumise’s position on the Israel-Palestine conflict has turned it into the target of much of the French political class, including a pro-Israel faction on the center left, who have used the crisis to pursue the ostracization of the left-wing force founded by Jean-Luc Mélenchon. They’ve pointed to statements like France Insoumise’s [October 7 communiqué](#) as definitive proof of the “antisemitic,” “Islamist” extremism that supposedly runs rampant on the Left — making it into a threat on par with Marine Le Pen’s Rassemblement National, or perhaps an even more dangerous one.

The prosecutor’s office has yet to publicly explain its reasons for summoning Hassan or Panot. Panot’s press release, however, claims that the cause is indeed the party’s October 7 communiqué, a text which referred to the day’s attacks as an “armed offensive of Palestinian forces led by Hamas,” one coming in “the context of an intensification of Israel’s policy of colonization in Gaza, the West Bank and East Jerusalem.”

“We mourn the lives of dead Israelis and Palestinians,” the October 7 statement continued, before calling for an immediate cease-fire and peace negotiations.

Disgust

France Insoumise has sought to position itself as the political outlet for French people disgusted with their government’s support for the Israeli state and its refusal to bring pressure to bear on Netanyahu. In that regard, the possible targeting of two of its spokespeople is an extension of the French justice system’s growing recourse to “apology for terrorism” charges against critics of Israel, which have surged since October in response to the outpouring of protest provoked by the siege and invasion of Gaza.

In [an October 10 policy circular](#) issued to state prosecutors, justice minister Éric Dupond-Moretti called for a “rapid and firm penal response” against “public statements that praise the aforementioned attacks, presenting them as a legitimate resistance to Israel, or the public dissemination of messages inciting favorable judgement of Hamas or Islamic Jihad.” The circular likewise recalls that Hamas is on the European Union’s official list of terrorist groups.

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Dupond-Moretti's circular has provided the justice system and pro-Israel groups with a wide net for legal harassment and attacks against activists and critics of the war.

On April 18, Jean-Paul Delescaut, general secretary of a department-level branch of the Confédération Générale du Travail (CGT) union, was [handed](#) a one-year suspended prison sentence for "apology for terrorism." The far-left New Anticapitalist Party has likewise been the target of an investigation and has faced threats of a possible dissolution. Anasse Kazib, a union organizer and former presidential candidate of the Trotskyist group Permanent Revolution, received [a summons in early April](#) for an October 7 tweet in which he evoked "apartheid" and referred to Israel as a "bloodthirsty state." On April 18, prosecutors in Nanterre dropped charges against popular comedian Guillaume Meurice for "provocation of antisemitic violence" brought by the Organisation Juive Européenne (OJE), a lobbying group that has been the instigator of many of the complaints filed since October. [Meurice](#) had called Netanyahu a "Nazi without a foreskin" in a sketch aired on the public radio network *France Inter* in late October.

Scores of others, further from the public eye, have also found themselves in the path of this judicial harassment campaign. [According to Mediapart's count](#), as many as 385 tips were assessed by state prosecutors between October 7 and the end of the calendar year, leading in most cases to the opening of criminal investigations.

"Based on the information that I have of Rima Hassan's statements, I don't see the slightest shred of a criminal offense," Vincent Brengarth, Hassan's attorney, told *Jacobin*. "She has never incited any terrorist act whatsoever. And neither has she been an apologist for acts of terrorism."

Hassan's summons, consulted by *Jacobin*, states that she is being asked to respond for "facts committed between November 5 and December 1, 2023." That period preceded the announcement of her candidacy for the European parliament. But by then, she had emerged as one of the leading opponents of the current war and of President Emmanuel Macron's feet-dragging on demanding a cease-fire. The dates detailed in her summons likewise exclude [the main scandal surrounding Hassan](#): the January 22 release by the website *Le Crayon* of a video that included a snippet in which she responded "true" to the question of whether Hamas's October 7 attack on Israel was "legitimate."

Hassan has claimed that the interview was [heavily edited](#), leading to a distorted version of her response and views. In line with *France Insoumise's* position, Hassan maintains that her "compass" is the [United Nations' appraisal](#) of the Israel-Palestine conflict as a military occupation in an active colonial conflict, one in which war crimes and international law violations committed by any actor must be condemned.

Activist Lobbying

Many of the investigations into “apology for terrorism” have resulted from state-instigated pursuits arising from interior ministry tracking or tips submitted via its online platform, Pharos. The summons targeting Panot and Hassan appear to have officially originated, however, in complaints filed by the pro-Israel lobbying group Organisation Juive Européenne. In its post to X following the announcement of Hassan’s summons, [the OJE celebrated](#): “Good news, the complaints that we’ve filed since October 9 are being investigated and often result in convictions.”

“Pro-Israel lobbyists want to preserve the image of the Israeli state,” said Hassan of the OJE’s campaign against her. “Anyone who challenges the discourse and image of [the state of Israel] can be targeted.”

“We’re entering into an absolutely staggering phase of all-out repression,” said Brengarth.

But the timing of these investigations has many legitimately wondering whether these charges are solely being leveled in response to the concerns of a third party. If organizations like the OJE have been pushing for criminal investigations against public critics of Israel, the decision to open these cases now was made by state officials. Moreover, it comes weeks before an election that many across France’s political spectrum hope will deliver a decisive blow to France Insoumise — the dominant party on the Left since the 2022 elections and the main force arguing for a shift in French policy on the Israel-Palestine conflict.

“We’re entering into an absolutely staggering phase of all-out repression,” said Brengarth. “It’s all the more staggering because it’s taking place in a very turbulent political context, one in which France’s position on the Israeli state’s actions in Gaze is not clear, as we waver between a form of condemnation and support, despite everything.”

For the attorney Raphaël Kempf, who has also defended individuals accused of “apology for terrorism,” the growing reliance on this infraction speaks to an instrumental use of the justice system in order to shut down an important political debate.

“What’s becoming punishable is the fact of proposing a politico-historical and a social understanding of what happened on October 7,” Kempf told *Jacobin*. “‘Apology for terrorism’ criminalizes the work that historians could be doing in twenty, thirty, or forty years’ time — or the work that some are already doing! Any attempt to describe October 7 as anything other than the result of bloodthirsty, antisemitic barbarism is somehow considered apologism for it. We’re being deprived of the possibility of any attempt to provide a deeper explanation and analysis.”

Author of the 2022 essay *Violences judiciaires* and a specialist on the illiberal tendencies in French criminal law, Kempf suggests that the current moment marks a new chapter in the justice system’s use of “apology for terrorism.” The infraction can be traced to the late 1890s and the fear of far-left organizing and intellectual activity — viewed as responsible for a spate of attacks and assassinations that targeted leading political figures.

As the French public’s attention has turned towards the problem of Islamist terrorism, the infraction

was given a boost thanks to a 2014 law that removed it from a special code reserved for press offenses. Following the 2015 and 2016 terrorist attacks, the use of the infraction exploded: at its peak, [421 guilty verdicts](#) for “apology for terrorism” were handed down in 2016 alone, before dropping down to 171 by 2019, still far above the historical norm.

Against the backdrop of national crisis set off by a wave of terror attacks, the surge in the use of this charge in the mid-2010s targeted people largely on the margins of French society. This shift attracted little attention beyond activist circles, independent media and civil liberties organizations like [Human Rights Watch](#) and [Amnesty International](#). But for Kempf, today’s developments point to something of a return to the origins of such laws.

“‘Apology for terrorism’ is now being used against figures in the political opposition,” he said. “It’s almost as if we’re back in the same situation as in the late nineteenth century. The purpose of this offense was to target political opponents.”

Some even want to see the legal regime strengthened. A bill approved in late January by the Senate, controlled by the right-wing opposition, seeks to create a specific [offense](#) for the “possession” in private of material or documents providing an “apology for terrorism.” This would target, for example, content distributed in closed chat or messaging groups.

The National Assembly has yet to take up the proposed law — and the Constitutional Council blocked a similar push in 2020. But when it comes to the French state’s experiments in criminalizing dissent, it sometimes seems like the sky’s the limit.

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P.S.

- Jacobin. 04.27.2024:
<https://jacobin.com/2024/04/france-insoumise-hassan-panot-palestine-censorship>
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