

“Two people alleged to have damaged a water reservoir in Charente-Maritime are on trial this Thursday in La Rochelle. Phone bills, tailing and geolocation... To identify them, the investigators have deployed methods that are out of the ordinary.”

Overview of police investigations tied to a combative demo against mega-basins

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transmitted for three days (from the day before to the day after the demonstration), and the identity of its user was not known to the operators. A meticulous cross-checking allows them to identify a potential owner. This person was not prosecuted in this trial, but the police were interested in him because “he used techniques that allowed him to remain as anonymous as possible” and that “given the number of contacts and the route taken, we can assume that he was linked to the organization of the trip”.

Lise-Marie Michaud and Pierre Huriet, lawyers for the five defendants, denounce the “logic of criminalization” that underlies this case: “The mere fact of participating in these anti-basin movements is suspicious, there is surveillance of all these networks and an incredible zeal. [...] The prevention of public order problems cannot justify such a level of surveillance”, they deplore.

When contacted by *Libération*, the Niort prosecutor confirmed that “the investigations relating to the offences committed [during the Mauzé-sur-le-Mignon mobilization] have not all been completed”. Comments made by the emblematic spokesman of Bassines non merci, Julien Le Guet, who said that for “one basin built, three basins will be destroyed”, have already resulted in his arrest.

Mega-basins: how the justice system tracks down environmental activists

*Libération*¹, January 4, 2023

Two people alleged to have damaged a water reservoir in Charente-Maritime² are on trial this Thursday in La Rochelle. Phone bills, tailing and geolocation... To identify them, the investigators have deployed methods that are out of the ordinary.

Suspects geolocated in real time, their tax, social security or health insurance statements dissected, their telephone bills analyzed in minute detail, their social circle identified; a woman followed and photographed by police even though her cell phone did not locate her at the scene of the crime (she will be exonerated)... This array of methods was deployed by the police in order to find the people suspected of having damaged an agricultural basin in November 2021, in Cram-Chaban (Charente-Maritime). Even though this water reservoir, which was supposed to be used for irrigation, could not be used and was ultimately judged to be illegal.

These investigations resulted in the referral to the criminal court of La Rochelle, this Thursday, of Nathanaël B. and Romain R., who the police believe to have identified from images taken during the action. They risk up to five years of imprisonment and a 75,000 euros fine. *Libération* has covered a preliminary investigation which illustrates the extent to which the State and the justice system will go in order to repress those suspected of material damage in the context of environmental protests. A dedicated police group has been established at the Poitiers research division - a unit usually in charge of the “upper spectrum” of delinquency and crime.

Genetic profile

On November 6, 2021, opponents of the basins, these water reservoirs that have been the focus of a lively opposition for more than a year, organized a demonstration against the construction of a structure in

¹Translator's Note (TN): a french mainstream newspaper

²TN: a department in the southwest of France

Mauzé-sur-le-Mignon (Deux-Sèvres) but were prevented by the police from reaching the site. The demonstrators then bypassed the roadblocks and crossed a river on foot to get to an already built reservoir - of which there are many in the former Poitou-Charentes region - in the neighboring department of Charente-Maritime, at Cram-Chaban. The tarpaulin of this reservoir, managed by an authorized irrigation association (Asai) bringing together farmers, is cut up and partly burned. "This reservoir is now unusable," lamented one of the farmers when he filed a complaint with the police. An estimate for a "complete replacement" puts the cost of the work at more than 500,000 euros.

"The demonstrations, which until then had been peaceful and 'good-natured', have probably been joined by organizations related to the ultra-left and radical ecology," warns the summary report, drawn up last summer after eight months of investigations. These began with on-site observations on November 7, 2021. The tags on the site set the tone of the previous day's demonstration: "Acab", "murderous basins", "omnia sunt communia" ("everything belongs to everyone" in Latin), etc. Several objects are collected by police scientists: remains of fireworks, stickers, a hat, and even an apple core. Another object was also collected near the basin: a knife. Was it used to cut the tarpaulin? Yes, affirms the official of the territorial intelligence, present at the demonstration, who recovered the blade. A female genetic profile is discovered on the object, but it will not be identified.

The police continue their investigation by viewing numerous photos and videos of the events. These were "taken by the security forces involved, as well as by regional or national media, and by participants who were part of the collective or of groups involved in the fight against this type of project (Soulèvements de la Terre, Reporterre, Confédération paysanne)," write the investigators, placing activists, agricultural unions... and journalists on the same level. The images "make it possible to isolate twelve individuals committing property damage on the replacement reservoir of Cram-Chaban", summarizes a police report. Each of them was given a letter: "individual A" "individual B" etc. The job of identifying them remains. To do this, screenshots are given a "national diffusion within the units of gendarmerie and national police". Three identities are then passed to the investigators.

of the vehicle owner. In one, we read: "Known GMO demonstrator" or "NDDL" (Notre-Dame-des-Landes). "There are 23 individuals unfavorably known to our services," say the police. In the table devoted to them, we learn that one mowed GMO corn in Beauce in 2004, that another is a member of the civil disobedience group Extinction Rebellion, or that a third is identified "as being a part of 'communist forces'".

Telephone operators requisitioned

The police combed even more widely. From these 23 "unfavorably known" individuals, they identified "170 people [registered in the TAJ as] other perpetrators who had committed similar acts" to those they were investigating (violence against public authority personnel and vandalism). The cops then drew up a new table, about thirty pages long, including photos of the "other perpetrators". For what use? It is difficult to say. None of the 170 people listed are being prosecuted in the context of this trial.

In this investigation with drifting nets, the police also note the numbers of all the telephones used at the time of the demonstration and near Mauzé-sur-le-Mignon. This requires numerous requisitions to the various operators, to know which antennas cover the area, then to identify the numbers associated with the phones that were connected to them, on September 22, 2021, between 3-7 pm.

The interest? The investigators are interested, for example, in a masked individual, whom they suspect of having committed vandalism, and who can be seen using their telephone in a video dated at 4:30 pm. An analyst from the departmental brigade of intelligence and judicial investigations (BDRIJ) is therefore going to look for which numbers, among the "349" used in the area between 4:00 and 4:30 pm, are activated precisely at that time. Despite this outpouring of resources, the investigation did not succeed in identifying the suspect.

"Logic of criminalization"

The telephone enables the investigation to go even further. Using a complex criminal analysis system (called Anacrim), the investigators identified a number that particularly intrigued them, because it only

masks inspired by the cartoon *PAW Patroll*. Some of these disguised people are then filmed committing offences. A thorough cross-checking effort then starts.

The investigators assigned a letter to eleven suspects - disguised, masked, or not - and tried to identify them. In the end, only seven were identified, including the five men on trial this Friday. Some of the suspects have had their photos added to the database of the Treatment of Judicial Background (TAJ). This file, which records people who have had run-ins with the police, has a facial recognition function. If this method does not output anything, dissemination forms with pictures are sent to other gendarmerie or police services.

“Known GMO demonstrator”.

This is how Thomas U. is recognized by the police who had controlled him a few weeks before near the building site. On this occasion, the thirty-year-old had “claimed” to be a member of the collective Bassines mon merci (BNM), a group of activists fighting against water reservoirs that has spread throughout western France. Consequently, a “simplified information sheet” (FRS) is written, “in accordance with the instructions received from our hierarchy concerning the reservoirs”, underlines the investigator. Several such forms punctuate the trial. The information produced by the brigades in the course of their daily work feeds both police intelligence and the judicial investigations. Libération contacted the general direction of the gendarmerie to know the volume or the frequency with which such files aiming at environmental protest are created, but received no answer.

The license plates are of particular interest to the investigators. They noted them on all the 200 vehicles present at the picnic in Niort, which constituted the first part of the rally, then those of the vehicles parked near the water reservoir under construction, where the demonstration continued. In the aftermath, about a hundred people will receive tickets for illegal parking, according to BNM’s count, which the prefecture of Deux-Sèvres does not dispute.

But this systematic recording of plates allows the investigators to identify the drivers and to query the TAJ about them. Several tables summarize the known information: one line per license plate, with a photo

Tailing

First, there is Carole (1), who lives in the northwest of France. From her phone bills, the police found that “the phone has not connected to any relay antenna in the region” during the last four months of 2021. Not enough to exonerate her, even if the crimes were committed on November 6 in Charente-Maritime. In order to establish “a possible physical correspondence [of Carole] with the individual named A”, the police travelled several hundred kilometers from Poitiers. They went to Carole’s home to set up “a surveillance device on the public road in order to take photographs”. In short, a tailing. The police observed her dropping off a child at the nursery, then going to the supermarket. At the parking lot of the supermarket, they photograph Carole without her knowledge, to conclude that it is indeed a false lead: her “morphology does not correspond at all to that of individual A” - who will ultimately never be identified.

Another identity that came to the attention of the police after the national broadcast of the images of the destruction of the tarpaulin: that of Julien (1). Requisitions concerning him were sent to the family welfare fund of his department, to the tax authorities, to the URSSAF, to the landlord of his housing. The police also scrutinize his phone bills between September and December 2021. The most frequently called numbers are the subject of additional requisitions, from telephone operators, to find out their owners. With this information, the investigators draw up an outline of the suspect’s personal relationships. But this sub-file is abandoned when the police determine that the “individual D” visible on the videos is not Julien, as had been suggested to them, but Romain R.

This lead is opened because Romain R. is a member of the same small association of nature protection as Nathanaël B. The name of the latter is the third to be brought to the attention of the investigators following the national diffusion of the images of the vandalism suspects. These are the two men of 28 and 31 years who appear in court this Thursday in La Rochelle. During the investigation, the police sent requisitions concerning them to the tax authorities, the family welfare fund, the agricultural social security fund, and even to unemployment offices, to collect what each administration knows about them. The police also resorted to “international cooperation” to obtain information

on a trip by Nathanaël B. abroad as part of his work, at the beginning of the year 2022.

The police extensively deconstructed their phone bills over the last five months, which allowed them to map their social network and to note that each of them “was very mobile”, wrote the prosecutor who directed the investigations. This is how the magistrate justifies contracting a company to geolocate Romain R. and Nathanaël B., in real time, in the days preceding their hearing, in the spring of 2022. However, there is no need to be cautious: the police will only have to call them for them to show up at the police station. During their custody, these two close friends, environmentalists and animal caretakers, refused to answer the questions of the investigators, especially those concerning their opposition to the basins, or their behavior on the day of the demonstration. The converted vehicles in which Romain R. and Nathanaël B. live are searched.

(1) The first names have been changed.

Trial of anti-basin protesters: investigators use techniques worthy of intelligence services

Libération, January 5, 2023

Five men are on trial this Friday, January 6, in the Niort court. Accused of committing violence and vandalism on September 22, 2021 during a demonstration, they were identified thanks to very sophisticated police methods.

In thirteen months of investigations, the police have filled 1,200 pages of procedure. They took down the license plates of the cars parked near the events, analyzed hundreds of videos and photos taken at the time, made dozens of requisitions to find the telephones that had been used in the area, and used police files to compile a list of people who might have been involved...

This investigation, directed by the Niort (Deux-Sèvres) public prosecutor's office, illustrates once again the intense efforts made by the State to prosecute the demonstrators suspected of having committed offences in the context of the protest against the basins which are supposed to secure the irrigation of a handful of farms. Even if it means resorting to

methods similar to those of the intelligence services, or the fight against organized crime, as *Libération* reveals.

Police armed with cameras

When the demonstrators arrived at the construction site, the machines had been removed by the workers. Except for one. Surrounded by the demonstrators who cover it with tags, a backhoe is filled with stones, and one of its tanks stuffed with grain: nearly 9,000 euros of damage, according to a repair estimate. At the time, a detachment of mobile police tried to secure the machine, without success. Three were injured, receiving from one to four days of work leave.

It is for these events that five men appear in Niort. Christian D., 60 years old, farmer in Loire-Atlantique, is prosecuted for having wounded a cop by throwing a stone at him, just like Anid S., 31 years old, student in Rennes. Yann V., 42 years old, farmer in Deux-Sèvres, is accused of having punched a cop. As for Franck M., 31 years old, unemployed, and Thomas U., 32 years old, in the process of setting up as a farmer and baker in the Deux-Sèvres, they are being prosecuted for the vandalism of the construction machine. They are facing up to seven years in prison and a 100,000 euro fine each.

In order to bring these charges to the criminal court, the investigators of the Niort research brigade relied in particular on an impressive quantity of images of the September 22, 2021 rally, produced by the media, the activists, but above all by the police. About fifty videos were recorded by the mobile police, whose law enforcement units are accompanied by a “public order image team” (Ciop). The images were taken from the police helicopter deployed that day, from the video surveillance footage of the municipality and of a parking lot in Niort, or were captured by the “PJ group” (“judicial police group”), a unit in charge of investigations.

As an illustration of this practice, a Twitter post from the local daily *La Nouvelle République* shows at least four officers positioned on an embankment, armed with cameras, video cameras and phones. The investigators film some of the demonstrators leaving the clothes they were wearing at a picnic in Niort - which preceded the demonstration at the basin site - to cover themselves with overalls, white suits, or animal