

Interrogation of Yildune Lévy by Judge Jeanne Duyé 23 January 2014¹

Judge: In the course of the surveillance effectuated upon the person of Julien Coupat on 7 and 8 November 2008, (...) it was noted that the aforementioned vehicle stopped at 4:45 at the foot of a bridge over the Marne [River] situated in the Commune of Trilport. You've explained that you were in this vehicle during this journey. The vehicle remained stopped for several minutes, then headed off in the direction of Paris, via Meaux. Questioned on this stop in the course of your first interrogation before the examining magistrate, on 8 January 2009, you responded, "I do not remember this stop. Perhaps I had to urinate at that moment; I no longer recall." Do you stand by your declarations?

Response: Yes.

Judge: I remind you that, in the course of this interrogation, the only one in the course of which you agreed to respond to certain question that were posed to you, you didn't at any moment question the essentials of your various movements in Seine-et-Marne that night, nor on the occasion of your custody hearing on 14 November 2008. Do you have observations?

Response: At that moment, I still didn't have access to my dossier; it was only later that I was able to become interested in the details of that police report.

Judge: When you were informed of the merits of the case by the examining magistrate in January 2009, you had access to the proceedings.

Response: Yes, I had access to the proceedings. But what I meant was that, at the time, I didn't have the opportunity to understand; I wasn't interested at the time. All these questions, like those about the vehicle's tracks and many other things that are, no doubt, recalled in the framework of this interrogation, I haven't mastered them.

Judge: For his part, Julien Coupat declared in an explicit way when he responded

¹ Source: Laurent Borredon, "Tarnac, Une Instruction française: Episode 47: dernier interrogatoire avant cloture": <http://tarnac.blog.lemonde.fr/2014/08/05/episode-47-dernier-interrogatoire-avant-cloture/>. Translated from the French by NOT BORED! 23 July 2015. All footnotes by the translator.

to the questions of the examining magistrate that he wasn't only at Seine-en-Marne during the night of 7 to 8 November 2008, but also that he was in your company.

Response: Yes, yes, I was indeed with him.

Judge: In the interest of understanding the stop observed at Trilport, at the foot of the “Marne Bridge” at 4:45, the examining magistrate, on 5 November 2009, asked the investigators to verify by underwater investigation perpendicular to that stop as well as 30 meters upstream and downstream if any objects that could relate to the accused and the alleged deeds [*les faits reprochés*] could be found down there, in which case they should seize them and placed them under seal. Divers were hired to do the investigation in the riverbed in this zone, on 15 February 2010; 23, 24 and 26 March 2010; and on 7 April 2010. (...) It is fitting to specify that the experts' tests on the papillary and genetic traces on the tubes and under the adhesive strips proved to be fruitless. Do you have any observations?

Response: I confess that I don't understand this tube business very well. I never saw nor touched those tubes. I have the impression that they appeared to be a little like the [Holy] Grail to the examining magistrate at the time.² For someone who is an archeologist,³ coming to find tubes that have spent a year and a half in the water – that truly doesn't make any sense. I have the impression that, implicitly, people have wanted to believe that we could have purchased the tubes, used them to accomplish some kind of circus trick, and then threw them into Marne even though we were being followed by the elite of the French police and that no one, not a witness nor a [surveillance] camera saw us with the tubes, use them or throw them away. This whole thing was done as if by magic. No, not by magic, but by the mind of Thierry Fragnoli. For me, this seems to reveal an intellectual construction. (...)

Judge: The divers who found the tubes specified that, concerning the tube marked MAR/FOUR, it was laid out flat, jammed between the rocks 5 meters from the riverbank and that the tube marked MAR/FIVE was set upon the rocks that cover the bottom 1 meter from the riverbank. Do you have any observations?

Response: I have undertaken underwater investigations as an archeologist, and I

² Thierry Fragnoli. Cf. “A Well-Educated Judge,” in *Bye-Bye St. Eloi! Observations Concerning the Definitive Indictment Issued by the Public Prosecutor of the Republic in the So-called Tarnac Affair*: <http://www.notbored.org/bye-bye.pdf>.

³ Yildune Lévy has an advanced degree in archeology.

can tell you that this doesn't make much sense. In any case, it isn't very meaningful and I don't see how it could be meaningful. One would have to study the sedimentation, the pluviometry, the behavior of the river and its banks

Judge: The investigators have been interested in the Bricorama in Châtillon to the extent that this business is located 180 meters from the intersection of avenue Pierre-Brossolette in Châtillon and avenue Marx-Dormoy in Montrouge, there where the vehicle eluded police surveillance on 7 November 2008 from noon to 2:50 and to the extent that they found the "logical" route that may have been taken by the vehicle from la Porte de Châtillon until the moment it was lost from view, it having been specified that at 2:50, the Mercedes was again observed by the [police] presence that remained at a fixed point at the level of la Porte de Châtillon, taking the outer-ring road in the direction of la Porte de Bercy. Do you have any explanations for this period of time?

Response: I have never gone to the Bricorama in Châtillon.

Judge: It is understood that, concerning this episode, you indicated without saying anything further that on 7 November 2008 you went to the university in Nanterre where you spent the morning and that you then met up with Julien Coupat around lunchtime at a subway station. You looked for a place to eat and finally opted for a bar. After eating, you returned to the car at the beginning of the afternoon. Do you stand by these facts?

Response: Yes.

Judge: Can we not believe that you were nearby Châtillon since, according to your declarations, Julien Coupat had "picked you up by car at a subway station" and that you had the impression that the bar at which you ate "was located in a nearby suburb." Thus the car occupied by Julien Coupat was lost from view at la Porte de Châtillon at noon and reappeared at la Porte de Châtillon two hours and 50 minutes later. What do you say about this?

Response: I don't see what it proves, that I was at Châtillon, and this is the reason why I won't respond again to this question that has already been posed to me. I don't think that the time that has elapsed [since then] can help me answer this question.

Judge: The entirety of these findings (places, times, the absence of surveillance, the particularity of the sale) tends to render materially possible the acquisition by

the occupants of the Mercedes PVC tubes and sleeves identical to those marked MAR/FOUR and MAR/FIVE discovered on 26 March 2010 immersed in the Marne at Trilport. Do you have any observations?

Response: The notion of [what's] "possible," even though . . . Many things are possible in life. You are attributing "possible" things to me that I have never done.

Judge: Investigations have been effectuated into your bank accounts and especially on your current account, N °30004017470000087815788, opened on 19 July 1999 at the BNP PARIBAS agency, located at 4 place Saint-Fargeau in Paris, 20th arrond., account closed on 18 September 2009. It resulted from the study of the transactions involving this account between 1 October and 12 November 2008 that on 8 November 2008 at 2:44 AM, during the night in the course of which a hook was placed on the catenaries of the TGV-East train line, a withdrawal for the sum of 40 Euros was effectuated by an Automated Teller Machine (ATM) located near Paris, in the 'Pigalle' neighborhood. What can you tell us about this bankcard and this withdrawal?

Response: It's simple, it's what it says: I withdrew 40 Euros in Pigalle. Three years later I discovered this withdrawal in the dossier and the hour it was made. I didn't know the hour. For me, withdrawing money is a harmless act; it's an act one does regularly. It was to buy cigs because I'm a big smoker.

Judge: Why haven't you spoken of it previously? Isn't it because you didn't make that withdrawal?

Response: I have always said that I returned to Paris. I don't know at what time and no one has ever asked me what I did after I returned to Paris.

Judge: Don't you find that this withdrawal is in contradiction with your declarations and those of Julien Coupat?

Response: Not in the sense that we – me, in any case – never knew what time it was and I have never provided times, except perhaps that of a meal.

Judge: You have in fact recognized having passed a good part of the night in the proximity of Dhuisy. (...) If we keep in mind that you 'slept in the car,' that you were 'freezing cold' and that you then went to a place that was even more isolated to 'cuddle,' don't you find that this is difficultly compatible [*sic*] with your presence in northern Paris at 2:44 in the morning?

Response: Um, no.

Judge: The study of your cash withdrawals reveals that customarily it is a question of operations effectuated at the ATMs principally located in the 20th arrond., where you live, for amounts between 20 and 120 Euros, with a dozen withdrawals per month. We can determine that the latest withdrawal on your statement, except for the one at 2:44, was effectuated on 3 November 2008 at 11:38 PM at Alexandre Dumas (Paris, 20th arrond.). Do you have any observations?

Response: No. It's just that I'd run out of cigs, it was late, and that I knew that in Pigalle there'd be plenty of places that were still open. I have always lived in East Paris.

Judge: How do you explain the fact that your bankcard wasn't mentioned at the time of your [initial] questioning, in the police's investigative report or in the course of the search?

Response: I think that it would be necessary to pose this question to the police. I was arrested that day at six in the morning, a gun to my head. I was in a state of shock. I was having my period. SOS-Médecin⁴ was alerted; my parents were present. During that search, two bags were prepared. One by my mother, in which there was money, because a cop told my mother that money could be useful, especially when I wanted to take a taxi after getting out of custody; my passport; cigarettes; clothes and tampons. I was never without that bag. A second bag was prepared by the agents, as is done in all searches; it contained a wallet, an address book, keys, all kinds of little things. They left this bag at the apartment.

Judge: What you are telling me is that your bankcard was in that second bag on the day of your interrogation on 11 November 2008.

Response: Yes.

Judge: Did someone steal that card from you?

Response: No.

Judge: Did you lose that card?

⁴ A network of doctors who provide emergency and long-term care.

Response: No.

Judge: Did you loan that card?

Response: No, I have never loaned out my bankcard.

Judge: In February 2012, the examining magistrate was the recipient of exhibits in response to his letters rogatory dated 26 October 2009 and 3 November 2011 [which were then] delivered to the American authorities. Concerning the attack perpetrated on 6 March 2008 at around 3:43 [AM], local time, against the recruiting center of the American Army located in Times Square in New York, which was attacked with an improvised explosive device (IED), a video recording and a short statement about the event were communicated. It is fitting to recall that this statement claimed no links between the attack and the *meeting*⁵ of anarchists in New York that took place between 11 and 13 January 2008 could be established and that no claim of responsibility was formulated by any group or individual. Do you have any observations?

Response: Obviously there's no connection between the Times Square attack and us!

Judge: Where the “Anarchist Meeting – City of New York” was concerned, the surveillance was effectuated by a video surveillance team from the FBI, which recorded movements in the proximity of (...)⁶ in New York, between 2:00 and 9:21 PM on 12 January 2008. Several images have been printed out. In the images from the video surveillance, you appear in the company of Julien Coupat. I will show you these photos. What can you say about them?

Response: I have nothing important to say about them.

Judge: Don't they establish your participation in this meeting?

Response: I wouldn't call it a meeting.

Judge: What would you call it?

⁵ English in original.

⁶ It appears that the specific location was suppressed by the court.

Response: For me, they were discussions. We were invited by friends of friends. It wasn't more important than the rest of what I experienced during this trip to New York. I had never been to New York, so I visited all the museums, a bunch of exhibitions . . . There were discussions. Furthermore, since there are notes on this subject, you will see that there was nothing secret in the sense that, if it had been secret, there wouldn't have been any notes. This is a question of good sense.

Judge: This is what the Americans have said about this meeting: "(...) These individuals as well as others connected to the *Network of Worldwide Anarchist (NWA)*⁷ were present during these meetings and they discussed the facilitation of the collapse of capitalism and the creation of a space for the convergence of extremists so that social agitation could be planned. The object of the international presence at these meetings was to establish confidence in the most direct actions and to constitute a quite strong group to 'paralyze' a metropolitan city in the future." Do you have any observations?

Response: I didn't experience it like that at all. I do not know of any "global network of anarchists." I was there, likewise, because people were discussing things, which interests me, as I am interested in geography, in the culture of a people; I am interested in their social history. That interests me, as do lots of things. But this has nothing to do with the events or with an intention to do something.

Judge: Since you have mentioned notes, I will re-ask the question about the manuscript transcription of a meeting that seems to have been made by you and about which you also refused to respond during your interrogation on 12 October 2009. It was question number 16. Do you want to respond?

Response: I am not even sure if those notes represent the transcription of that meeting. It's full of different things [in any event]. There were ideas that got written down. It's been six years already.

Judge: Do you want to add anything?

Response: There's something about the bankcard that surprises me: the chronology of the evidentiary filing. If the analysis of my bank accounts had been done back in December 2008, we would no longer be here. I don't understand how an agent could miss it, could miss making an analysis of my accounts. More generally, the

⁷ Bad English in original; no such "network" exists.

reason I've come here today is because I wanted to break out of police report/dossier logic and the difficult relations [we had] with your predecessor. I wanted to meet you because we didn't know you. To understand the situation. For five years now, this affair has colonized my existence. I want it to stop. Everyone is in a complex situation. It is very complicated. But I wanted to understand the investigations made by the DCRI.⁸ For example, the story of X,⁹ who put a target on my former residence [in a picture he placed] on his blog, and whom, it turns out, is a police agent. There must be an investigation into the investigation. I know that this is exactly what you absolutely want to avoid, but we feel that a great deal of effort is needed for an exculpatory investigation, that exculpatory evidence has never been sought. All the tracks that you must still follow, I recognize that they are enormous and complicated, but this is my life. (...) My life has been turned upside-down.

⁸ Direction Centrale du Renseignement Intérieur (“Central Directorate for Internal Intelligence”), an intelligence agency affiliated with the Ministry of the Interior.

⁹ Christian Bichet. Cf. “A Situ Among the Cops,” in *Bye-Bye St. Eloi! Observations Concerning the Definitive Indictment Issued by the Public Prosecutor of the Republic in the So-called Tarnac Affair*: <http://www.notbored.org/bye-bye.pdf>.