

Friday the 13th: The Symbolic Power of Trials on Countering Terrorism with Democracy

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Abstract

Several years after the outbreak of the Coronavirus pandemic, we are now used to new ways of delivering conferences, new codes of conduct and online etiquette. We are now familiar with the good practices of holding virtual meetings, have improved our knowledge of blended learning and have perhaps challenged the future directions of group debates. However, are virtual interactions within these new technological tools effective substitutions for real interactions? How about rituals and levels of presence? Have these new constraints increased the separation and segregation of audiences? This article aims to explore the implications of the ethics of digital justice when confronted with a particularly traumatic event; that is, the trial of 14 defendants accused of planning and executing attacks on the *Stade de France*, the Bataclan theatre and bars and terraces in the 11th arrondissement of Paris on Friday, 13 November 2015. The trial is referred to in France by the acronym V13, which stands for *Vendredi* (Friday) 13, a particularly nightmarish emblem indelibly marked by extreme violence.

Keywords: Terrorism; Vendredi 13; *Stade de France*; V13.

Introduction

This article examines how the trial of 13 November 2015 attacks in Paris has transformed our ways of seeing and experiencing with terrorism trials. In Western culture and the resulting art history, terror is always a path to pity. The images of extreme violence that stun us need to enter into a symbolic framework to allow for compassion. In this way, such images can be contrasted to those produced by Islamic State of Iraq and Syria (ISIS) propagandists, which even if they are based on Hollywood staging and the scopic impulse inherent in our desire to see, are in themselves attacks on the very function of testimony. When the *Vendredi* (Friday) 13 (V13) trial was held, a strict code governed access to the sanctuary itself. A courtyard was specially built to accommodate the words of the accused, victims, police and experts. The V13 trial marked a real evolution. Criminal law was renewed from within and acted in a hybrid forum in which emotions had an important place.

This article analyses the V13 trial from the angle of judicial symbolism to show the importance of reflecting on the symbolic forms of the judicial space in the long term. Since the advent of digital technology, one element has brought about a major break; that is, the profound diversification of the temporal regimes of narration and the possibility of broadcasting images on the internet in real time.¹ The V13 trial, in which 2,568 people were recognised as civil parties, was a scene of sustained efforts to build justice ‘for the victims’. During the first five weeks of the trial, the civil parties were given the opportunity to give evidence *without time limits*. Many deponents also chose to post photographs of the deceased at their weddings, at their graduations or on their holiday. The resources and time allocated to this extraordinary trial were a response to the extremely raw and violent images of the events, such as the ‘confetti’ of the body of the terrorist whose explosive belt was triggered by a police officer’s shot.

¹ See Sherwin’s work on the visual in the courtroom and how law as image shares broader cultural anxieties concerning the mimetic capacity itself: Sherwin, “Visual Jurisprudence.”



Nowadays, we take out our phones very often to take wordless pictures. The act of producing and transmitting the image is in itself a conversation. It is because we exchange images, photographs and videos that disappear 10 seconds after being seen that V13 needed to enable a re-inscription of the power of images into a shared symbolic space. Images of V13 served as tools for conversation, tools of memory and tools of sharing.

This article aims to explore the implications of the ethics of digital justice when confronted by a particularly traumatic event; that is, the trial of 14 defendants accused of planning and executing attacks on the *Stade de France*, the Bataclan theatre and bars and terraces in the 11th arrondissement of Paris on Friday 13 November 2015. The trial is referred to in France by the acronym V13, for *Vendredi* (Friday) 13; however, Friday the 13th is also the title of a 1980 slasher film². Thus, it is a particularly nightmarish emblem indelibly marked by extreme violence. The trial received the legal qualification of being ‘historic’ under the law,³ and consequently, the trial was recorded for archival and pedagogical purposes. The ways in which trials are recorded are closely connected to the historical practices of filming exceptional trials. In France, Klaus Barbie’s trial in Lyon (1987) can be considered as a precedent for V13, but in the information age, old technology has been replaced with better technology, delivering new ways of seeing and filming the trial scene. This article attempts to understand the filming strategies involved and whether the operational filming strategies used for mediating the trial of V13 have (or have not) increased implicit hierarchies, causing new disruptions in our economies of attention.

The incompatibility between the law’s *modus operandi* and historical approaches or narratives is well known and much debated.⁴ Because the V13 trial was built on an accumulation of individual stories forming a choral narrative of shared trauma,⁵ a number of observers have emphasised its characteristic length and its distinctive features in contrast to Guantánamo’s exceptional tribunal hearing in response to the 9/11 attacks in New York.⁶ If the American response was modelled as a ‘War on Terror’ governed by a military judicial apparatus in a distant location from where terrorist attacks were perpetrated, one of the main challenges addressed by the French State was to guarantee a fair trial and due process within a highly securitised location, inside the very iconic judicial heart of Paris, on the little island in the middle of the Seine, where *Notre Dame* is also located.

During the hearings, the *Sainte-Chapelle*, originally built to house Louis IX’s collection of religious relics, including the Crown of Thorns, was still accessible to visitors. During this extraordinary trial, a high-technology video wall was created to enable the filming of hearings. Rooms were filled with video projectors to capture images of the trial (close-ups, two-way television, and off-screen shots).

Bombarded with images of extreme violence, flickering icons of mass atrocities, one cannot help but wonder how these new technologies may have diffracted our sense of interaction. Some observers have cited V13 as an example of ‘slow justice’ that is aimed at a new type of cathartic and restorative justice. The Bataclan trial sought to produce a shared account of mass political violence. Violence may feed on the violence inherent in images; however, the images of terrorism trials should mobilise recent reflections on the visual in the courtroom. This is all the more true given that those who produce and disseminate images of violence are not unaware of them, as terrorists aim and act within the horizon that images constitute for all of us.

This article will first examine some of the blind spots of the screening apparatus and how the omnipresence of screens released a new diffracted experience of the trial process. It will then try to understand the symbolic valences of the hearing venue, the *Salle des Pas Perdus*. Finally, the article considers how the constraints of filming terrorists’ trials for historic purposes can lead to all kinds of unintended effects or consequences.

A) *Split Screens and Parallel Gazes: The Here and Now of a Highly Securitised Trial*

Many of our current theoretical approaches to filmed trials are built—directly or obliquely—on a long-term history of the gaze. This study arises from several *in situ* inquiries, such as the examination of the challenges posed by the introduction, into the newly built Renzo Piano Paris Courthouse, of an apparatus of cameras whose images can be broadcast on large screens, a major

² Cunningham, Friday the 13th.

³ Loi No 85-677 *tendant à l'amélioration de la situation des victimes d'accidents de la circulation et à l'accélération des procédures d'indemnisation* du 5 juillet 1985 (*Loi Badinter*).

⁴ See Wilson, “Judging History,” 914, which states “because law follows its own exceptional principles rather than those of historical enquiry, it often ends up reducing complex histories to a defective legal template for social reality, thereby producing distorted or even incorrect versions of history.” See also the approach of legal anthropology and Geertz’s pronouncement that “Whatever it is the law is after, it’s not the whole story” in Geertz, *Local Knowledge*, 173.

⁵ Weill, “Le Procès V13,” 41–57.

⁶ Salas, “France et États-Unis.”

change in the co-presence of the parties in a trial. Two recent issues of *Les Cahiers de la Justice*⁷ have highlighted the common benefits of adopting a multidisciplinary approach to understand the societal aspects of the 13 November 2015 trial. To produce a collective narrative that would serve both as a type of truth commission and a blueprint for rehabilitation, many civil parties refused to lump terrorists and Muslims together. The values of secularism (*laïcité*) and tolerance were frequently put forward, as was the desire to qualify or reject a narrowly religious explanation of the terrorist act.

The images of extreme violence conveyed by terrorists deliberately abolish the effect of fiction (they say, ‘We kill, we don’t just show it, we do it’); however, within the confines of the judicial space that seizes such images, it is crucial to regain the necessary distance to elaborate various interpretative foci as well as their inscription in a historicity (memorial, the construction of proof or the drawing of a hearing with an artistic aim). During the trial, several types of effects were also reworked by imaging processes. From the documentary images of the evocation on the stand of the socio-political context of radicalisation and international jihadism, for which the investigators often relied on PowerPoint presentations, to the penetrating gaze of a grieving mother who pushed one of the defendants, who had previously remained silent, to speak, the visual dimensions of the trial were perceived and seen in various ways.

It is precisely because images of extreme violence mediate through a disturbing hyperrealism, a reality that goes beyond any possible fiction, that they go beyond genres such as photo-reportage or the usual montages of our European Christian culture. During the V13 trial, the nightmarish images that were shown, do not, unfortunately, belong to our dreams, as we cannot wake up from them. Jihadists’ images seek to produce flabbergasting fear without the pity to overcome it. We thus need to reinvent new montages, new strategies to make these images part of history. Pity teaches us a great deal, as it contributes to our inscribing in ourselves engrams, memorial traces in the form that a culture lends to salient images.⁸ At times, the judicial space during the enactment of the trial, resembled a memorial.

In November 2022, a courtroom artist, Noëlle Herrenschmidt, a Bataclan survivor, Arthur Dénouveaux, and a judge, Antoine Garapon, published, in lavish print, a richly illustrated account of this extraordinary and painful trial.⁹ This iconic rendition of the trial narrative ends with a celebration of democratic values, as they are rooted in a specific way of life; that is, going out freely and safely to share a drink on a terrace. An ideal of civil manners that is embodied by a tried and tested allegorical scheme: ‘That night (i.e., the last night where all the actors involved in this painful process met for a final moment on the terrace of the café *Les Deux Palais*), Peace and Justice kissed each other’.¹⁰ This article will try to put its remarks about the new custom-built courtroom, especially designed for this exceptional trial, in a *longue-durée* perspective, as the author’s interest lies in judicial symbols, virtual rituals and the ways in which the ubiquitous presence of screens within the court trial has disrupted our experiences of legal performances.

1. Paris or the Tale of the Two Courthouses

For more than a thousand years, the Paris court has been located at the hyper-centre of Paris, on the *Île de la Cité*, which used to be an island, an enclosure contained by walls. In 2013, the decision to relocate the court from the *Île de la Cité* to build a new contemporary courthouse in the distant district of *Les Batignolles* represented a major shift. In this decision, an institution, whose history and symbolism had flourished for two millennia in the historic centre of Paris, was relegated to its periphery. The signature Behemoth designed by the Renzo Piano Building Workshop has been described as a ‘hospital’, excessively embedded in architectural sophistication with minimal symbolic capital.¹¹ The old medieval *Palais*, whose construction had been initiated as early as the 10th century, did not have any facilities for the safe holding of exceptional trials. Only the *Cour de Cassation* and the Court of Appeal would remain at the central location, which would be reconfigured according to their needs, without having to deal with the constraints of the lower courts (*tribunaux d’instance*).

Here, a first paradox comes to light. As Laurent de Sutter has shown and analysed, the staging of what is a courthouse according to the conceptual specifications of the Renzo Piano Building Workshop consisted of affirming a new model of *civitas* based on transparency, fragility and lightness. This moral discourse was embodied in steel, this idea of hospital-ity (*‘hôpitalité’* is the neologism used by de Sutter) that aimed to get rid of the architectural model that had prevailed until then, of the neo-classical palace intimidating the litigant. Everything was thus ready, it seemed, in terms of efficiency and security, to welcome V13 to the newly built courthouse located in *Les Batignolles*. In other words, from a strictly organisational point of view, it seemed appropriate that this brand-new court should host the largest trial ever held by a special assize court in the history of French

⁷ See especially contributions to Akorri, “Le Procès du 13 novembre.”

⁸ Cohn, “L’évidence du cauchemar,” 68–75.

⁹ Herrenschmidt, Judging on November 12.

¹⁰ Herrenschmidt, Judging on November 12, 204.

¹¹ de Sutter, Post-Tribunal; Christian-Nils, “Le Tribunal de Paris.”

criminal law. What happened was rather unexpected. It was quickly decided that the longest ever trial in French penal history would be hosted within the historical heart of Paris, where the staging of such a moment of high drama, which would serve the ends of collective memory and historical pedagogy, would gain special momentum.

Paris, as a symbol of peaceful, democratic life, had been torn apart during multiple attacks aimed at an exhibition of the gruesome massacre of a certain western way of life. The symbolic response to the perpetrators of this tentacular atrocity had to coalesce to focus anew on the special assize court established by the *Parquet National Anti-Terroriste* (PNAT). The solution was to set up a new *ad-hoc* court, for a temporary period, inside the ancient *Salle des Pas Perdus* of the 19th century *Palais de Justice*. The symbolic legacy of such a choice is impressive. The re-territorialisation of V13 within the heart of Paris, where much time was spent to host a particularly stressful process, can be seen as a way to revitalise the symbolic capital of our democratic polity.

2. A New Scenography for the Court: The Omnipresence of Screens

Until the building of the Renzo Piano courthouse, while the necessary publicity of the proceedings allowed the presence of the public and journalists, cameras were kept out of the courtroom, except in exceptional cases. Several things follow from this observation. By equipping the courts with screens, the scenography of the trials is modified. In the courtroom, the people present can see each other directly or if they prefer, look at the screens, while in the trial court, glass walls separate the defendants. Direct interaction is lost in favour of a more visual, indirect, shifted presence. Thus, a visual approach to jurisprudence is needed and a meticulous description of the visual apparatus deployed becomes highly significant. How is body language affected? How does the confrontation between the parties benefit from this new situation? In this context, where the image, systematically taken during the hearing, may eventually be broadcast in spaces specially designated for this mediation, or even outside the walls, the evolution of justice towards greater transparency indicates that it is increasingly difficult to contain the judicial debate within the confines of its space.

The experience of international justice shows that the transformation of the courtroom into a place almost equivalent to an office environment, or even to a type of hospital, equipped with computers and video screens, trivialises judicial work. Hearings now take place in a space in which justice is seen through parallel gazes and kaleidoscopic forms. This transformation carries a significant risk that the ways in which we perceive the legal performance will become distorted.

In the face of oversized screens and the gradual relaxation of judicial symbolism, judicial roles are seen in a different light. The overwhelming presence of screens within the judicial space can be both debilitating and traumatising. For example, the V13 court initially decided to avoid showing explicit violent images to protect the victims from a traumatic reiteration of their suffering; wounded bodies were indicated by abstract icons (crosses or dots) and photographs of injured or dead bodies were not shown. However, this initial approach was later abandoned, when associations of victims demanded that these images not be kept from their eyes.

The day-to-day operations of the Specially Composed Assize Court (comprising professional judges rather than a lay jury)¹² thus operated in an in-between where victims' centrality was nearly sanctuarised (e.g., the photographic portraits shown as evidence of the ordinary beauty of the victims' lives acted as a memorial liturgy), but also operated between moments where the court served as a cooling chamber for outspoken cathartic emotions (anger, fury, rage and despair) and the explosion of tears (of victims and perpetrators alike).

The emphasis on extended oral testimony and the focus on understanding what 'radicalisation' meant stood in contrast to the established practices of French criminal law. The victims became the central focal point of all the hearings.

3. The Biggest Ever Courtroom Space Built in France: The 'Salle des Audiences' of the 13 November Trial Inside the Historic Palais de la Cité

The building of the courtroom built especially for this monumental trial was first and foremost a logistical and technological challenge. It had to accommodate 14 accused (three of whom accessed the court through the same corridor as the public), 400 lawyers, and 2,700 civil plaintiffs. Located within the historical *Palais de la Cité*,¹³ inside the ancient *Salle des Pas Perdus*, the

¹² The Belgian State opted instead for a different solution, as a lay jury had been selected for the ongoing trial of Salah Abdeslam on trial for criminal association of a terrorist nature.

¹³ Before becoming law courts, the *Palais de la Cité* was originally a defensive fortress, established on an island wedged between the two arms of the Seine in the 4th century. As early as the 6th century, the Merovingian kings settled there during their stay in Paris. Justice was introduced at the beginning of the 11th century when the *curia regis* met in the King's Hall. Major work was undertaken in the 12th century

space is 53 meters long and 15 meters wide. It was necessary to ensure that the circulation between the defendants, the public, the magistrates and the lawyers was perfectly separated. According to Beatrice Mouton, one of the architects involved in the design of the courtroom, as there was no underground passageway linking this room to the *dépôt*, ‘we had to imagine having the defendants arrive from above. A walkway, located above the *Salle des Pas Perdus*, covered with a mirror coating, provided a secure route for them, totally invisible to the public’.¹⁴

At the beginning of the trial, 25 other rooms were devoted to the broadcasting of the trial, mediated through various camera settings, in real time to the general public. Soon enough, only five rooms remained. The *Salle des Criées* was reserved for journalists, archivists and researchers, the *Salle Marie-Antoinette* and the First Chamber of the Court of Appeal were reserved for civil parties and lawyers, and the *Salle Odette Dumas* and the *Salle Diderot* were reserved for the public. In September 2021, the author attended some of the trial hearings in one of these rooms. In this particular setting, the attendees were not spectators of the trial itself but were only telespectators of it. An audio-visual version of the V13 trial is preserved in the National Archives in Paris (which comprises approximately 700 hours of recording), as this recording will enable the way in which the justice system is viewed when judging acts of terrorism to be questioned in the future.

The rooms in which the hearing was broadcast to the public in real time were sometimes only half empty, and the cameras showing the trial only provided a small glimpse of what could be seen (e.g., a close-up on the court and the assessors and a shared screen of what the experts or the witnesses called to the stand were disclosing to the court). As soon as a camera is filming, it produces off-screen effects. Even in the room reserved for the press (*Salle des Criées*), there were two cameras, one pointed at the dock, the other at the person speaking on the stand. The images transmitted to the press were thus images that the wider public in the *Salle Odette Dumas* or in the *Salle Diderot* did not see and that the public allowed to directly witness the hearings did not see either.

Coronavirus Disease 2019 also disrupted the trial. Noëlle Herrenschmidt notes how difficult it is for the courtroom artist to draw masked faces; emotions have to be expressed through the eyes alone. Such measures are of course understandable. The French judiciary was highly aware that to prevent terrorist trials to become platforms for propaganda,¹⁵ it needed to ensure that the filming of terrorists before civilian courts would not turn into a ‘political show’ or a performative springboard for new provocative statements from Salah Abdeslam, Mohamed Bakkali or Osama Krayem and their own refashioning of narratives of injustice. As video recordings of the V13 trial fall under the French legislation (*Code du Patrimoine*), these screenings will not be freely broadcast to the public for 50 years.¹⁶

In terms of mobility and urban city planning, the security agenda was particularly strict. The whole area around the court was blocked off (including the *Quai de l’Horloge* and the *Quai des Orfèvres*) and armed police with dogs were on patrol ahead of the proceedings. Those attending the trial had to pass through several checkpoints before being allowed into the purpose-built courtroom, which could accommodate 550 people. The police were particularly vigilant, as they were aware that some jihadists might try to commit another attack while victims were called to give testimony. A security perimeter, searches and a ban on road and pedestrian traffic were thus part of the unusual arrangements that were put in place on the *Île de la Cité*. In symbolic terms, this reinforced an ideal of ‘Sanctuarised Justice’.

when Philippe Auguste made it his residence. Saint-Louis built the *Sainte-Chapelle* and a new adjacent building, the *Trésor des Chartes*. The Royal Palace was considerably enlarged by Philippe le Bel, who commissioned Enguerrand de Marigny to build, from the end of the 13th century onwards, the *Chambre des Enquêtes*, the *Grand Chambre* and then the Towers of Caesar and the *Tour d’Argent*. The Parisian revolt of 1358, which will be forever linked to the name of Etienne Marcel, marked the end of the *Palais de la Cité* as the main royal residence. The Parliament then gradually took possession of the premises. The current appearance of the *Palais de la Cité* dates mainly from the 19th century, the age of the major works of the *Palais de la Cité*. Of the old *Palais de la Cité*, only two Gothic masterpieces, which are managed by the *Monuments Historiques* services, remain today (i.e., the *Sainte-Chapelle* and the *Conciergerie* rooms). Nevertheless, the *Sainte-Chapelle* was extensively modified in the 19th century (between 1837 and 1857) by the architects Duban and Lassus. Beyond these historical vicissitudes, the coherence of the *Palais de la Cité* as a whole is rooted in the genius of the place: a city within a city, the enclosure of the *Palais de la Cité* is defined by the perimeter of a compact quadrilateral, which has evolved from reconstructions to new constructions, from modernisations to extensions or isolations. The very idea of the urban development of the *Ile de la Cité* dates back to the Age of Enlightenment. In the 19th century, the architects of the *Palais de la Cité* redesigned a completely reimagined Middle Ages, drawing inspiration from existing buildings, to produce a complex whose original design dates from the 19th century.

¹⁴ Herrenschmidt, Judging on November 12, 8.

¹⁵ Choblet, “Courtroom or Stage?”

¹⁶ Article L. 221-1 Les audiences publiques devant les juridictions de l’ordre administratif ou judiciaire peuvent faire l’objet d’un enregistrement audiovisuel ou sonore dans les conditions prévues par le présent titre lorsque cet enregistrement présente un intérêt pour la constitution d’archives historiques de la justice. Sous réserves des dispositions de l’article L. 221-4, l’enregistrement est intégral.

B) The Historical Aura of Paris against the Performative Strategies of ISIS and Penal Populism

1. A Secular Cathedral

V13 involved around 2,700 civil parties. Under French law, civil parties can have the status of victim and seek redress for the damages they suffered from terrorist attacks. One distinctive feature of V13 was the new emphasis devoted to the hearing of victims, who were able to make a declaration before the court. The sense of the French verb '*déposer*' (literally 'to drop off', 'to set down' but also 'to deposit for safe keeping') also allowed them to be able to attest, give evidence, and be heard before the court as well as to confront their offenders. Generally, in the French penal system, the defendants are heard at the start of the trial; however, the Assize Court's President had the investigators, experts, witnesses and civil parties testify for more than five weeks at the start of the trial. To provide a stage for victims and their families, the physical court was protected from the risks of being turned into an echo chamber for the broader public. Because of the highly polarised media coverage of terrorist trials in general and V13 in particular, the civil parties and their lawyers expressed the need for a common history to be built, a counter-narrative aimed at responding with shared collective values against two dangers; that is, fanaticism and penal populism.

According to Denis Salas and Sharon Weill, the central 'nave' of the audience room recalls the pattern of a secular cathedral.¹⁷ At the opening of the trial, when Abdeslam used the courtroom as a platform for Islamic State Propaganda by responding to the character investigation ('*interrogatoire de personnalité*') with the following statement, 'I abandoned any profession to become a fighter of the Islamic State', Presiding Judge Jean-Louis Périès interrupted him immediately with the powerful retaliation that 'we are not an ecclesiastical tribunal but a democratic one'. Beneath the unique symbol towering over the stage, a pair of scales symbolising the judgement of souls as a universal standard for all religious traditions, the court heard and facilitated the safe hearing of the wounded. Many victims, especially of Muslim faith, were able to deconstruct the radicalised values misused by the terrorists and exploited at times by divisive media within the public sphere.

2. Transitional Justice within a Transitional Space?

Since the mid-15th century, Justice has been administered in Paris on an island, a place first surrounded by natural barriers (the arms of the river Seine) and thereafter by man-made barriers and security guards. This symbolic apparatus was all the more important since the court had set to deliver an exemplary account that could provide the foundations for subsequent trials (for Brussels Nice terrorist attacks). The criminal acts against Paris citizens committed on 13 November 2015 were planned and perpetrated in multiple nation-states and locations (Brussels, France and Syria) over a period of several years. Given the enormous quantity of the pre-trial written dossier (more than a million pages), what follows is only a small outline of the stakes involved.

Early on, it was decided that the trial would be held within the historical setting of the ancient Paris courthouse. Given the titanic nature of the trial, the Chancery decided that it was necessary to reinscribe this multitude of atrocities in a place with strong symbolic value, in the impressive room of the *Pas Perdus*, in a place still inhabited by symbols and statues. One of the strategies of the jihadists was to perpetrate their attacks at the same time in a multiplicity of places (*Stade de France*, the Bataclan and bars and terraces in the 11th arrondissement of Paris, including *La Belle Equipe*, *Le Carillon* *Le Petit Cambodge*, *La Bonne Bière*, and *Casa Nostra*). Other attacks were planned in Amsterdam. The terrorist agenda was explicitly meant to instil panic and terror by hitting several targets at the same time. It was thus decided to hold the hearings in the historic heart of Paris ('*unité de lieu*'), inside a place of great historical significance, but also within the transitional space of the *Salle des Pas Perdus*.

The decision to turn a hall into a courtroom is not new. This had already occurred for the Barbie trial, the first trial to judge a crime against humanity. Expected and awaited by the survivors and their families, the Barbie trial, which was highly publicised, was exceptional in terms of its repercussions, which resonated worldwide. At the end of a two-and-a-half-year investigation, the case file was then 23,000 pages long. It was an extraordinary trial, which was already summarised by an avalanche of figures testifying to the constraints of its logistical organisation. As the *Palais de Justice* in Lyon was not suitable to try Barbie, the *Salle des Pas Perdus* was converted into a courtroom to accommodate the civil parties and the public who came en masse. In total, 800 journalists were accredited, 107 civil parties were constituted, and 42 lawyers appeared, including three for the defence (Jacques Vergès, assisted by a Congolese and an Algerian lawyer). For this trial, a jury (which comprised four women and five men drawn by lot) was required.

¹⁷ Salas, "France et États-Unis," 8.

3. *The Judicial Symbolism of the Salle des Pas Perdus*

This room is traditionally situated between the outside world and the domain of justice. Vast and imposing with high ceilings, these halls are usually places of constant coming and going. These spaces are the most frequented places in the law courts. It is here that lawyers and their clients have their final discussions before entering the courtroom. It is also here that journalists used to interview the different actors in a case. Choosing to erect a purpose-built courtroom in the ancient *Salle des Pas Perdus* of a historical courthouse may also have served as a new way to revitalise our symbolic capital.

Democratic regimes do not have an indefinite quantum of symbolic capital. When France awoke the day after the Paris attacks in November 2015, stunned by the atrocity of these scenes of war, the fragile sketch of the scales (somehow slightly unbalanced) chosen to represent justice in the new Batignolles courthouse may have seemed very derisory. There was no sword for Justice. The *jus gladium*, a prominent feature of our European judicial symbolism, appeared to have vanished. Moreover, because France's heritage is embedded within a multi-secular history of Christian faiths and religious dissents balanced with Republican ideals (of Liberty, Equality and Fraternity) and a notorious sense of the defence of freedom of speech and *laïcité*, a sense of transcendence has been lost. Instead of a distant ideal of 'civitas' built in the peripheral district of Les Batignolles, V13 showed a vibrant reaffirmation of the principles of a fair trial, a new centrality for the hearing of victims and an astute use of the trial calendar that would ensure procedural equality.

C) *The Renewed Ideal of 'Civitas' Coalescing from the Performative Strategies of French Citizenship*

1. *From the Multipurpose Room to the Historical Palimpsest*

In 19th-century architectural history, a *salle des pas perdus*—literally, a room of the lost or wasted steps—would not originally have been designed to host a courtroom; rather, its function would have been multipurpose. The phrase is sometimes translated as 'waiting hall' or 'lobby', as it is not specific to the judicial universe. For instance, think of the *salle des pas perdus* of Antwerp Central Station, which is visited by the narrator of *Austerlitz*, a novel by W. G. Sebald.¹⁸ At the start of this novel, the narrator, who includes several pictures and maps in his own text, expresses his inability to recall the experience of being there. As he penetrates the particular space of the *salle des pas perdus*, he insists on the description of countless places and objects that themselves have no power of memory, as they were never heard, described or passed on.

V13 has clearly shown that the ongoing building of memorials can be used to share various perceptions of (in)justice with the broader. The appellation of '*Pas Perdus*' is used in the case of train stations or administrative buildings; however, it has a greater specificity in the judicial universe. Nonetheless, it is first and foremost a transitional space. One extreme example of a *salle des pas perdus* is the vertiginous grandiosity of the *Palais de Justice* of Brussels (built by Poelaert in 1883 above the popular district of Marolles, a colossal landmark visible from afar). The main entryway and thoroughfare under the dome, leading to a maze of courtrooms, is also named *La Salle des Pas Perdus*. The floor of this vast cavernous area spans nearly 100 meters in length and 40 meters in width. It strikes the visitor as a muffled echo chamber of unusual width and height interspersed with weighty columns.

¹⁸ Sebald, Austerlitz; see Fry, "Lost Time."



Image 1. Arras. Hôtel-de-Ville. Salle des Pas-Perdus, photograph by B. D. Roubaix



Image 2. Noëlle Herrenschmidt's courtroom drawings of the *Salle des Pas Perdus* before the 13 November trial and after, when the new audience room was finished, in August 2021

How did the architects of this new courtroom in the Parisian *Salle des Pas Perdus* bestow solemnity and dignity on what was once a thoroughfare and waiting area? One strategy was to build a new structure on metal beams, which were supported and founded on the base of the pillars of the *Salle des Pas Perdus*. Thus, the imposing foundations and pillars of this long passage gallery were emphasised rather than its transitional aspect. First, it was necessary to bring serenity and light, as moments of absolute distress followed one another in this very painful, very stressful trial. The room was particularly long, and screens were thus used as mediators between the audience seated at the back of the room and those seated on the front stage. The whole courtroom is symmetrically positioned around the axis formed by the presiding judge and his assessors. In front of the judges, desks lined with long microphones seated 24 defence lawyers on one side and 42 civil parties on the opposite side. The 14 defendants who appeared in custody were seated in a long, single, glassed-in box, largely surrounded by gendarmes. The three defendants who were not in custody were seated on chairs or folding seats in front of them. Opposite them, were the three magistrates of the *PNAT*. Then, dozens of rows of benches were installed along a central corridor to accommodate the more than 400 lawyers expected, as well as the civil parties and journalists.

The most significant symbolic detail of this room, mounted in a large box, was that in the dock, one of the historical pillars of the old *Salle des Pas Perdus* could still be seen crossing the dock, to address this issue, the architects purposely built around it. Paying close attention to the contrast, Noëlle Herrenschildt depicted the allegorical statue of Fidelity (1826), easily recognisable above the dock, adding the following text: ‘The Statue of Fidelity, 1826. She listens to victims with benevolence’. The new courtroom, which was specially built to hold this major trial of democracy against terrorism, was thus conceived as an enclosure within the courtroom’s most functional space. However, the symbolic envelope of the *Île de la Cité* remained inaccessible to the general public. The *Île de la Cité* is itself constructed as a paradoxical threshold, as it is a territory within which a specific power can deploy its demands on those who inhabit it. The security wall that hermetically protected the holding of the trial was both a protective measure intended for the actors of the trial and a defensive measure against those who did not have access to it.

One of the limitations of the trial for those who while physically present at the scene of the courtroom, did not have access to the space of the courtroom itself (but were invited to attend the trial in the adjacent rooms opened to the public), was to devalue the live remediation of the hearings, which was limited to a pure television spectacle. The court created a ‘sanctuary’ for itself, its proceedings and its evidence. Conversely, for those researchers, students or curious individuals who followed the remediation of the trial in the adjoining rooms provided for this purpose, a new sociability was created on the steps of the *Palais de Justice* and on the monumental staircase in the heart of the *Cour du Mai*. Many of these individuals were able to exchange ideas and reactions, even if their vision of the hearing was reduced to a blind perception of the event.

Some criminal law students chose to attend the trial instead of their classes, even though experiencing it on screen was very different from directly observing the hearing. The room in which the hearings of this extraordinary trial was held was thus physically inaccessible to the public. The press and researchers attended, via a screen, from the *Salle des Criées*, and the public, who had neither a direct role to play in the trial nor the accreditation required to enter the *Salle des Criées*, were thus relegated to attending the ‘spectacle’ of the trial and not the ‘play’ according to the distinction made by Hannah Arendt.¹⁹ According to the philosopher, a distinction must be made between a play, the outcome of which is the result of the action of each of the protagonists of the trial, and a spectacle, which stages a libretto written by a character outside the trial.

From the end of November 2021, when the hearings were devoted to the Franco-Belgian investigation. The Belgian police officers did not attend court in person; rather, they chose to deliver the results of their investigations by videoconference from Brussels. In response, the defendants protested and refused to attend the hearings. Here, we see the limits of the technologies that are supposed to facilitate the work of justice. In a case like V13, the levels of presence and physical engagement in a trial that takes place in the here and now of a shared space became a ground for dissensus and symbolic guerrilla warfare.

2. The Web-Radio Device: An Aural Dimension to Heterotopia

A control room was built high above the room itself to record this trial for history. A web radio was set up for the civil parties who did not wish to attend the trial in person. One of the innovations of this extraordinary trial was that, for the first time, more than 2,700 civil parties were able to follow the hearings remotely via this channel. As a precautionary measure, a 30-minute delay was introduced to provide time to respond in the event of an accident. Victims and their relatives could follow the 10-month trial without being forced to travel.

For those with deep psychological wounds, ‘being in that courtroom, surrounded by all that misery, can be heavy, emotionally confusing,’ said Stéphane Sarrade, 56, a research director at the French Atomic Energy Commission, who lost his 23-year-old

¹⁹ Arendt, *The Human Condition*; Arendt, *Eichmann in Jerusalem*; Bilsky, “When Actor and Spectator Meet,” 137–173.

son at the Bataclan. Sarrade chose to organise listening sessions, but he felt more alone on the web radio than he would have felt in the courthouse. As he explained, ‘We have been managing our pain better for six years. When I go there, this individual grief also becomes collective. I am in a group, a community, with a lot of suffering but also a lot of benevolence’.

However, web radio (as a traumatic replay of the event) can also cause panic attacks, which can be triggered by the content of the proceedings. Whenever the court was about to broadcast violent audio material, such as the first few seconds of the Bataclan attack, a lawyer for the prosecution would stand up and read out a dedicated telephone number for the victims should they require psychological guidance or support. Listening to witnesses without seeing them can also cause deep discomfort. As the lawyer Virginie Le Roy, who insists that it is the essential role of the lawyers to accompany the listening of the debates, noted that ‘Without images, an expert’s speech can seem very cold and technical. The web radio does not allow us to grasp the gestures of compassion, the looks.

3. *The Role of Courtroom Sketches*

Images of Justice and in this case, courtroom sketches, bring to the fore certain aspects of what the V13 trial revealed in a compelling way. Because sketches aim to restore a multifaceted account of the trial proceedings, their structure and technique is a powerful aid for all parties. The presence of artists in the courtroom is a consequence of the ban on bringing cameras into the court. In France, cameras were banned from courtrooms by the law of 6 December 1954, which itself amended the law of 29 July 1881 on the freedom of the press. The law states that ‘all devices permitting the recording, fixing or transmission of speech or images’ are forbidden. After a series of trials were disturbed by journalists, this law was passed to preserve a serene atmosphere during debates so that justice could be rendered. Section 308 of the *Code de Procédure Pénale* reminds us that the law applies ‘as from the opening of the hearing’ and defines the sanctions for offenders. The law of 11 July 1985 modified these requirements by authorising recording for the constitution of historical archives. The discreet artists were the only people authorised to capture moments of the trial, in picture form, as their work was considered an interpretation.²⁰

A courtroom sketch is usually needed to tell in images what happens in the courts because cameras are forbidden. In the case of V13, because of its historical significance, such drawings may serve as a distinct medium to capture the blind spots of a trial in which the centrality of the focal point has been lost to the omnipresence of screens. At its most legitimate, a courtroom sketch has to fulfil a high ambition that is, to offer the public another vision of a judicial event, before the press and the television news programmers use it or instrumentalise it for various purposes, including penal populism. These drawings provide a more complex memory of what happened during a trial, as they aim to resurrect not only the image of a key moment but also every gesture of empathy, every sound or emotion, down to the minutest sensation, that was experienced as an indelible part of that moment. Because of its interpretive nature, a courtroom sketch may sometimes do better justice to that which needs to be memorialised in the first place. When trauma is irreversible, sometimes even photographs are ‘no more than spaces of projection, approximation, and affiliation; they have retained no more than an aura of indexicality’.²¹ No longer held back by the highly polarised political slogans and the foibles of penal populism, courtroom sketches can grasp the imaginal nature of the terrorist trial.

As the Belgian investigators made the questionable decision to testify anonymously, their faces were sometimes blurred. Here, video-conferencing technology showed its limits. Some have strongly criticised the decision of these witnesses not to show their faces. In a case such as this, where the forms and degrees of presence define much of the symbolic power of speech, these faceless testimonies carried by screens blatantly showed their inefficiency.

In this specific context (i.e., a challenging democratic response to major terrorist attacks), one issue comes back in a particularly challenging way. For Walter Benjamin, revealing the quiescent images of history is a specifically theological task. As Benjamin notes, ‘in remembrance we have an experience that forbids us to conceive of history as fundamentally atheological.’²² This

²⁰ See the online exhibition “Traits de Justice,” which is an online exhibition in French and English that was created by *Centre Pompidou Biliothèque Publique d’Information* in partnership with the *Institut des Hautes Etudes sur la Justice* in 2010 and curated by Valérie Bouissou, Marion Loire et alii. Courtroom sketches are a type of observational exercise, known as “drawing from life” and are a very specific type of reporting in which texts and images collide. The artists are meant to represent what they see, but, through their drawings, a detailed account of what happens in the courtroom is made. These drawings provide portraits of not only the different characters of the trial (e.g., the defence lawyers, prosecutors, judges, the accused and witnesses) but also the decorum and architectural space and any event that might take place during the trial. The artist’s subjectivity or the editorial line of the media that commissioned the drawings often determines the viewpoint of the images produced. The authors of this type of work rarely control the final use of their drawings, neither the selection to be published and the layout, nor the frame for television.

²¹ Hirsch, “The Generation of Postmemory,” 123.

²² Benjamin opposes scientific conceptions of history with history as a “form of remembrance (Eingedenken). What science has ‘determined’, remembrance can modify. Such mindfulness can make the incomplete (happiness) into something complete, and the complete (suffering) into something incomplete. That is theology; but in remembrance we have an experience that forbids us to conceive of history as

notion of history, which is remembered and actualised, is tied to the religiously inflected hope that we can ultimately *redeem* the past. If we now lack the theological or redemptive element that is crucial to Benjamin's *Jetztzeit*, what will replace the necessity of some sort of transcendence?

Conclusion

If the main purpose of V13 was to argue before history how liberal democracy is able to face terrorists' attacks by nevertheless ensuring due process and a fair trial, the question of public access to the audience in the courtroom is problematic. From the outside, it seems that justice was performed in a highly fragmented space and the audio-visual flux only served to unite a disparate array of fragmented split screens.

The video recordings of the trials are now inaccessible for 50 years. This means that the pedagogical uses of historical accounts of this trial will be left to the good will of appointed historians aiming to convey a collective narrative of this event. How can a historical account of this specific event be symbolically effective? If the main challenge of this exceptional trial in many ways was to transform a titanic investigation file (of almost a million pages) into a series of contradictory oral debates, historians will now need to confront their research with a particularly difficult exercise, the one of writing 'immediate history'. For those who are survivors, wounded or psychologically affected by this barbarity, it is an opportunity to *find a framework*, to turn the page by coming to voice their testimony. It is really a question of giving one's story so that it no longer belongs to an individual, but so that a collective truth can emerge, before any journalistic editorialisation has overtaken this narrative.

The live trial, *in situ* and in person, happened in the timeless now, the moment in which present experience, mental representations and memories became indistinguishable. In so doing, the oral debates were able to revive the uncanny space of simultaneity, in an effort to restore some sort of collective truth. The overall aim of the trial was to transform a heterotopia²³ space into a communal space, the here and now of the courtroom and to then establish the common narrative of a past event, which nevertheless will leave long scars on our contemporary history.

Moreover, this staging of the trial appears to reveal a more fragmented society that increasingly defies traditional labelling or categories. Some defendants have even challenged the legitimacy of the justice system by refusing this 'circus', this 'illusion of a fair trial', shouting at the judges that they had already been condemned. Beyond these provocative narratives, we need to reflect on the dangers of visual heterotopias, where the spaces of real events are increasingly blurred with the imagined. This intermediate space, so masterfully studied by Chiara Bottici²⁴, is populated by images or (re)presentations that are presences in themselves. Our perceptions of a fair trial and fair justice are challenged by a world in which the rich symbolic capital of judicial imagery has been forgotten.

During V13, the power of the gaze has seemingly been intensified, while the courtroom space itself and the shared imaginary values needed to rebuild a polity has suffered from a great void in imagination. The risk is that mediating a mosaic of images may function in some sort of disquietingly heterotopic space. The construal of a common narrative might only be possible at the expenses of a paradoxical ordeal, a utopian and perhaps un-thinkable space in which images and words might be rendered relatable.

fundamentally atheological, little as it may be granted to us to try to write it with immediately theological concepts," Benjamin, *The Arcades Project*, 479.

²³ In the Order of Things, Michel Foucault provides the notion of "an unthinkable space ... in which fragments of a large number of possible orders glitter separately in the dimension, without law or geometry, of the heteroclite."

²⁴ Bottici, *Imaginal Politics*.

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