



May 4, 2012

French Scientist Sentenced to 5 Years in Terrorism Case

By SCOTT SAYARE

PARIS — A Paris court on Friday sentenced a Franco-Algerian particle physicist to five years in prison, one of them suspended, on the charge of “criminal association with the intent to prepare terrorist acts,” ruling that the man’s online correspondence in 2009 with a presumed member of Al Qaeda constituted a criminal act.

The scientist, Adlène Hicheur, 35, did not deny the exchange of messages, in which he suggested possible targets for terrorist strikes in France, but maintains that he never intended to act on his words. The trial has raised difficult questions about the possible excesses of French antiterrorism law, which in effect treats intent as a criminal act.

A researcher at the [Large Hadron Collider](#) project at [CERN](#), the European Organization for Nuclear Research, in Switzerland, Dr. Hicheur met his interlocutor on an Internet forum dedicated to radical Islam while on sick leave, nursing a herniated disk at his parents’ home in southeastern France.

Dr. Hicheur been in prison since his arrest 2 1/2 years ago; that period will be counted as time served, his lawyer said Friday, adding that they would decide in coming days whether to appeal the verdict.

Judicial authorities say French law allows them to intervene while apparent terrorist plots remain in the planning stages. Dr. Hicheur’s supporters, by contrast, contend that the legislation oversteps the bounds of civil rights, that matters of pure intent should not reach the courts, which they call ill suited to plumb the vagaries of the human psyche.

Dr. Hicheur, it has been widely noted, never acted on his words — he purchased no weapons and offered no direct assistance.

“This decision seems to me to constitute a veritable judicial scandal,” said Dr. Hicheur’s lawyer, Patrick Baudouin, following Friday’s verdict. “It’s in light of simple words exchanged that Adlène Hicheur finds himself

condemned to this sentence,” Mr. Baudouin said, without the “slightest beginning of a start” to terrorist acts.

Over three decades, hundreds of people have been convicted and jailed on charges of “criminal association,” though Dr. Hicheur’s appears to be the first conviction based solely on Internet activity, according to Mr. Baudouin.

Dr. Hicheur was born in Algeria and has been described as an observant Muslim who integrated in French society but was angered by the wars in Iraq and Afghanistan, as well as the Israeli-Palestinian conflict. He was employed by the Laboratory for High Energy Physics at the Ecole Polytechnic Federale de Lausanne, with an office at CERN, where he was involved in work on antimatter, in an effort to explain why the universe is made of matter and not its opposite. Colleagues viewed him as a talented researcher.

James Gillies, a spokesman for CERN, said in an e-mail message that the laboratory does not interfere in the affairs of its member nations, but that “CERN remains committed to its policy of inclusion.”

In 2009, Dr. Hicheur exchanged about three dozen messages, some of them encrypted, with a man French officials have identified as Mustapha Debchi, a representative in Algeria of Al Qaeda’s regional affiliate, Al Qaeda in the Islamic Maghreb. Dr. Hicheur maintains that he never knew the man’s identity, as the messages were exchanged via online pseudonyms, he under the name “Abou Doujana,” the other man under the name “Phenixshadow.”

In a message in June 2009, the man inquired: “Are you disposed to work in an operative unit in France?”

“Yes, of course,” Dr. Hicheur replied, though he repeatedly hedged, never committing to any specific plan, according to Mr. Baudouin.

During a two-day trial in March, Dr. Hicheur acknowledged that while his e-mail correspondence might appear troubling, it was the fruit of intellectual curiosity and not the aspirational writings of a budding jihadi. He was on morphine at the time, and passing through a “turbulent patch,” he told the court, according to news reports.

“I can understand that certain passages might cause worry,” he said, though he never explicitly repudiated their content.

Dr. Hicheur’s brother Halim, a physiology researcher in Grenoble, France, criticized the case. He said “All this has been scandalous and outrageous

from the beginning to the end.”

Asked whether Dr. Hicheur would try to resume his physics career, his brother Halim said he did not know, but doubted that it was a realistic prospect in France.

The directors of France’s national police and domestic intelligence agency accuse the physicist of planning an attack at the base of a French alpine infantry battalion that has been deployed in Afghanistan.

“The target was chosen — we had to intervene,” the police director, Frédéric Péchenard, told the newspaper *Le Monde* shortly after Dr. Hicheur’s arrest.

In a sharply worded column in *Le Monde* earlier in the week, several of Dr. Hicheur’s supporters, including his former doctoral adviser, contested that assertion, and denounced the trial as absurd.

“With a bit of perseverance, soon we will realize that the most harmless virtual forums are filled with unpunished criminal intentions,” they wrote mockingly.

Defending the legitimacy of the case in a 2011 letter to support committee for Dr. Hicheur, a top Justice Ministry official insisted that France’s antiterrorism legislation strikes the “necessary balance” between “the procedural guarantees of a State of Law” and the “imperatives of protection for its citizens.”

Charges of “criminal association,” first defined in legislation dating from 1986, are central to the functioning of French antiterrorism efforts, judicial authorities say.

“It’s a redoubtable tool,” said the antiterrorism magistrate Marc Trévidic, in an interview last year.

Standards for admissible evidence are lower in France than in the United States, Mr. Trévidic noted. Wiretaps and other surveillance are far more common and easily authorized, as well, allowing authorities to build cases that might be impossible elsewhere.

Mr. Trévidic acknowledged, however, that the system “can produce abuses.”

Nor is it fail-safe. In March, just days before Dr. Hicheur’s trial, police commandos in Toulouse killed [Mohammed Merah](#), the 23-year-old self-proclaimed jihadi [who killed seven people](#) in a series of shootings that

month.

Mr. Merah had been under surveillance by French intelligence.

Maïa de la Baume contributed reporting from Paris, and Dennis Overbye from New York.