



SUPPORTING VICTIMS IN LEGAL PROCEEDINGS FOR TERRORIST ATTACKS

INTRODUCTION

In France, the mission of supporting victims is entrusted to the non-profit sector more than 40 years ago, and it is within this framework that the Federation France Victimes - INAVEM at the time - was created in 1986.

As of 2021, the France Victimes Network has 130 associations throughout France, mainland and overseas, and each year welcomes more than 300,000 victims.

It is a network of generalist associations which means that France Victimes helps and welcomes anyone who considers themselves a victim, whatever the offense suffered: damage to people, to property, domestic violence represents a quarter of the public helped, traffic accidents also, and victims of terrorism.

In terms of terrorism and to have an idea of the last 10 years, the France Victimes Network intervened following 53 attacks between 2011 and 2021: 23 in France and 30 abroad involving French victims, which represented more than 10,000 people helped by the France Victimes associations.

The intervention of France Victimes' victim support associations is part of a very precise framework, since systematically in these situations, the Federation is mobilized by public authorities, mostly by the Ministry of Justice: the Ministry of Justice at the national level mobilizes France Victimes, and the Public Prosecutor's Office mobilizes the local association. Regarding terrorism, a Prosecutor's Office dedicated to terrorism has been established in 2019 and is located in Paris (the National Anti-Terrorism Prosecutor's Office): it systematically takes action when a terrorist attack occurs in France.

The mission of France Victimes' associations of helping and supporting victims of terrorism needs to be ongoing, is long-term, and will concern the time of the trial specifically.

The requisition of the local association for assistance to victims on the basis of article 41 in fine of the Criminal Procedure Code (which is valid for all offenses, not only terrorist attacks), extends indeed from the urgency phase to the judgment.

The time of the trial indeed requires special attention for victims of terrorism: it is obviously a moment often awaited for a lot of them, maybe feared for others, hence the importance for victims to be prepared and then supervised and accompanied by victim support professionals.

In the **trials for terrorist attacks**, there will be **some parameters** to take into account, requiring an organisation of Justice long before the opening of the trial:

- the trial will often last a long time, several weeks or even several months,



- many victims will be concerned and all of them must be able to access and be welcomed at the tribunal,
- often, these victims come from all over France, or even from abroad, and do not necessarily speak French,
- and finally the media influence: the national impact of the event and the omnipresence of journalists during the trial is an aspect to be anticipated, because if some victims wish to speak to the media, others on the contrary might want to avoid them and it is essential to protect these victims from all contact with the media.

In view of all these elements, but also regarding the gravity of the offense judged (a terrorist act), these trials for terrorism are qualified by the Ministry of Justice as “sensitive trials”, or even “exceptional trials”: this qualification has above all financial implications, since the support set up by the local France Victimes association will result in a special grant from the Ministry of Justice. That is absolutely essential, because of the length of the trial, the number of professionals that must be mobilized and all the steps to be taken both before, during and after the trial, so that this time is lived in the least painful way by victims.

There are no "privileges" for victims of these exceptional trials, regarding criminal proceedings: they have the same rights as any victim of crime.

It should be noted, however, that in these situations, the **place occupied by victims** has perhaps even more of a perspective of an active participation in the judicial truth (shedding light on the circumstances of the commission of the attack) than of compensation; 2 events bear witness to this:

- victims occupy the criminal scene both individually and collectively: there are thus almost systematically victims associations which are created following a terrorist attack and which can intervene in the criminal process through becoming a civil party to the proceedings, like federations of victims' associations (French Association of Victims of Terrorism - AFVT and National Federation of Victims of Terrorist Attacks and Mass-Casualty Accidents - FENVAC). This allows victims who wish to come together to do so, and to have more weight when carrying the voices of victims;

- during the criminal trial, victims of a terrorist attack will not be able to obtain compensation for their damages: the criminal judge has no jurisdiction on these issues. Most of the victims of a terrorist attack often arrive at the trial having already been compensated by the Guarantee Fund. For those who would not be, or not yet, in particular because the Guarantee Fund does not recognize them as victims of the terrorist attack or because there is a disagreement on the amount of compensation proposed, a civil court will deal with this dispute. There is a judge dedicated to their compensation (the judge for compensation of victims of acts of terrorism), created in 2019, who is exclusively competent in the litigation of compensation for victims of terrorist attacks. This is an important point to keep in mind, because it means the issue of compensation for civil parties is not addressed at all in a criminal trial for terrorist attacks.

In case of a terrorist attack, the trial will always take place in Paris, as the National Anti-Terrorism Prosecutor's Office is competent. Therefore, within the victim support network,



the Parisian victim support association, Paris Aide aux Victimes (PAV), is systematically mobilized in these situations.

PAV has a real expertise in this area; if each trial results in an adapted and “tailor-made” process, some common elements can be found.

First, **the victim support association is systematically mobilized by the Public Prosecutor's Office on the basis of article 41 in fine of the Criminal Procedure Code**: this gives a framework for the intervention, a legitimacy to the action of the association and also allows it to request dedicated funding.

Second, **support begins well in advance of the trial** in order to best prepare the victims: a dedicated email address and telephone line were thus opened by PAV, to provide information on victims’ rights and the organisation of the trial.

Third, **a preparatory meeting is organised for the civil parties** by the association, with the collaboration of the judicial tribunal of Paris, with a visit of the courtroom.

Lastly, **during the trial, a professional team from the association is mobilised daily** to work with the victims throughout the hearings: receptionists, legal officers, psychologists, to supervise the victims on all subjects during the trial (listening, information, psychological support etc).

These remarks can be illustrated in a very concrete way, through the examples of trials for terrorist attacks that took place recently: in 2017 and 2019, there was the trial of the attacks in Toulouse and Montauban (Mérage Case), and in 2020, that of the attacks of January 2015. This trial was a "first step" in the perspective of the future trial regarding the attacks of November 13, 2015, which will begin in Paris in September 2021.

Some information on the attempted terrorist attacks abroad involving French victims will also be developed.

France has thereon also set up specific mechanisms involving the France Victimes network, so that French victims who wish to take part in the trial can do so, even if it takes place abroad, which can result in a lot of obstacles (like geographic distance, language barrier, ignorance of the legal system of the country concerned).

I- THE TRIAL OF THE ATTACKS OF JANUARY 2015

- Context

On September 2nd 2020, the trial of the 14 accused of the terrorist attacks perpetrated on January 7th, 8th and 9th 2015, respectively against Charlie Hebdo, in Montrouge, at the printing company of Dammartin-en-Goële and at the store Hyper Cacher, opened at the judicial tribunal of Paris. These attacks resulted in the death of 17 victims and over 200 physically wounded and mentally injured.

10 of the 14 accused were placed in pre-trial detention, 1 is under judicial control and 3 are subject to an international warrant. They are facing between 20 years of criminal imprisonment and life imprisonment.



This trial is out of the ordinary for three reasons.

First, because **the Assize Court is made up only of professional magistrates**. This is the rule since a 2017 law which provides that in the event of terrorist attacks, the First Instance is made up of the president of the Assize Court and four assessors. The hearing is chaired by the First President of the Chamber, at the Paris Court of Appeal. The prosecution is represented by two attorneys general: the assistant anti-terrorism public prosecutor and the deputy anti-terrorism public prosecutor.

The Assize Court, which judges terrorist crimes, is "specially composed" and not "special". The difference is important: the Assize Court is specially composed because the popular jury, drawn by lot from among the citizens, is replaced by professional magistrates, to avoid any risk of pressure on jurors and their families.

However, it is not a "special Assize Court" as it is not an exceptional jurisdiction (like children's jurisdictions for instance) because the procedure is identical to the common procedure to judge any other crimes. It is important, the accused of terrorist acts have exactly the same rights as those accused of common crimes.

It is also an extraordinary trial by its **organisation**: 171 volumes of proceedings, 200 civil parties, 94 lawyers, 144 witnesses, 90 accredited media including 27 foreign media. To comply with the rules of social distancing (due to Covid-19), and given the high amount of people present for this trial, 4 rooms have been set up for the retransmission of the trial.

Finally, this trial is out of the ordinary because **it is the first time that a terrorism trial is being video recorded**. The National Anti-Terrorism Public Prosecutor's Office requested for the trial to be recorded, in order to create historical archives.

At the end of the trial, all recordings will be forwarded to the National Archives which are responsible for their preservation. The audio-visual recording of a trial can be communicated for historical or scientific purposes, as soon as the proceedings have ended and the decision has become final.

The deliberations of the trial of the attacks of January 7th, 8th and 9th 2015 were to be delivered on November 10th 2020, but due to Covid-19 and lockdown measures, it was postponed until December 16. After 54 days of trial and 48 hours of deliberation, the Assize Court condemned the 11 accused present to 4 to 30 years of imprisonment. For 6 of the accused, their acts were not qualified as terrorist acts.

- **PAV's framework of action and actions implemented before the opening of the trial**

Exceptional support measures have been implemented for this trial: the Parisian victim support association Paris Aide aux Victimes, has been requested by the National Anti-Terrorism Public Prosecutor's Office to support all 197 victims who were civil parties to the trial (by the end of the trial, 292 victims became civil parties), meaning that almost 200 victims were part of the proceedings.

The organisation of the trial was planned over a period of two years, during which PAV and all those involved in the trial as well as court services (prosecution, Ministry of Justice, security



and technical services, etc.) met to coordinate, organise the system and ensure the best possible care for victims.

In order to effectively contact all victims and identify their willingness to be present at the hearings, PAV sent a questionnaire to the civil parties and their lawyers via a dedicated email address 6 months before the opening of the trial. A telephone line was also specially created to respond to requests from victims related to the trial.

An information meeting for victims was held at the judicial tribunal of Paris, where the trial took place, under the aegis of the national anti-terrorist prosecution and in the presence of the President of the judicial tribunal and PAV, in particular.

This meeting was an opportunity to provide the victims with all the necessary information regarding the progress of the trial, practical information (going through security, dedicated entrance, etc) as well as the support system put in place by PAV.

The victims present were also able to visit the courtroom during the meeting.

At the end of the trial, the victims' lawyers mentioned that this meeting was greatly appreciated by the victims, who, having learned of the location ahead of the hearings, did not feel lost within the court. The work carried out by PAV, to explain the course of the hearings and the placement of each actor in the room, also helped to reassure them.

Other visits have been organised in the weeks leading up to the trial for victims who were unable to attend the meeting.

A rehearsal of the trial was also organised, ahead of its opening. This rehearsal brought together all those involved in the trial, who were able to ensure that everything was operational, in particular with regard to technology and security measures.

- **Supporting victims during the trial**

At the beginning of the trial, 6 psychologists and 2 receptionists of PAV were present within the tribunal during all hearings, to welcome, listen and psychologically support all victims.

After a couple of weeks, as the amount of victims present decreased, only three psychologists were needed and remained available.

PAV had 2 rooms to accommodate victims, as well as two rooms dedicated to psychological support, separate from the courtrooms, allowing victims to isolate themselves when they felt the need.

An external psychologist was also present for the PAV teams.

The PAV team was well identified by the victims (initial contact or meetings, and identification via a chasuble), which facilitated their accompaniment, whether it was to welcome them on their arrival at the tribunal or to provide them with a psychological support during hearings.

The team's constant presence throughout the trial was a continuous benchmark, reliable and reassuring for victims.



Exceptionally, the trial began with the testimonies of the victims civil parties, which is not the "normal/usual" course of a trial, where the civil parties do not have the floor immediately. This choice by the President of the Court enhanced the importance of the victims' words, who were able to express themselves freely from the opening of the trial. This has proven to be very beneficial for the victims.

The association was informed in advance of the dissemination of photos and videos of the attacks by the President of the Court and the lawyers, in order to warn the victims who could then make an informed decision as to whether to stay in the courtroom or to leave the room. Of the 352 interviews conducted by PAV during the entire trial, half of these interviews were conducted during these 10 days of trial dedicated to victims' voices, where the victims were the most present.

The civil parties were again more numerous during the prosecutor's requisitions and the verdict, which necessarily resulted in a strong solicitation of PAV teams to support the victims. The interviews of the civil parties with PAV took place mostly informally, in the courtrooms or the rooms dedicated to the support of victims by PAV. The proactive approach of the professionals, through meeting the civil parties every day, taking news, exchanging a few words, and helping according to the needs of victims, and their permanent presence and their containing support represented a permanent and reassuring benchmark throughout the trial. This calming factor is essential to take into consideration, as the context of the pandemic weighed heavily on the already emotionally charged atmosphere at the trial (fear of suspension of hearings due to Covid). In addition, the occurrence of 2 attacks during the trial (the first in Paris, rue Nicolas Appert, right next to the former premises of Charlie Hebdo and the second against a professor) also revived the fears and anxieties of many civil parties.

Some victims were satisfied with the verdict, others were angry (some acts committed by 6 accused were not qualified as terrorist acts), but for the most part, the end of the trial gave way to relief but also to sadness.

It should be noted that this trial had the particularity of judging people complicit in the attacks, as all direct terrorists died during the attacks. This point is important in terms of the expectations of victims in relation to the trial: some were disappointed by the examination of the accused. The victims had to be well prepared, in advance, as to the fact that they could not get all the answers to their questions from the defendants present.

Every evening during the first weeks of the trial, then once or twice a week, all those involved in the trial and court services met in order to coordinate, adapt and adjust the system put in place.

- **After the trial**

After the victims will have processed the trial and everything that happened, PAV has planned to set up feedback as well as a support group, for victims who would like it and feel the need, in order to conclude this step that was the trial. However, civil parties said it was still too early for them.



The association naturally remains at the disposal of victims who feel the need for support, on whatever level. PAV will have the opportunity to come forward to the civil parties once again, as there has been an appeal filed by two defendants out of the 11 present at the trial: a new trial will therefore take place shortly, again with a support system provided to victims civil parties by the association.

II- LESSONS LEARNED AND IMPROVEMENTS

- **Conclusions of the January 2015 attacks / what was learned on supporting a large number of victims**

The hearings were filmed, which allows certain testimonies of great importance and value to last through History.

However, filming did not facilitate the debates and hearings, which were rather stiff, when the strength of the French Assize Court lies in the fluidity of speech. For instance, to be heard you had to speak into a microphone, otherwise the intervention was neither heard nor recorded. There were also a number of technical incidents and the recording of the proceedings sometimes took over from the proceedings themselves.

This is why those involved in the trial met regularly to take into account these technical difficulties and find solutions, so that the trial could run as smoothly as possible.

The fact that the hearings were filmed could also sometimes have an **impact on the attitude of professionals and witnesses**.

Some witnesses gave very different testimonies from those given in the case: on several occasions, the question was raised whether filming the hearings was the cause of these changes in statements.

Civil parties must also be fully aware that their testimonies will be recorded and that in this way, in several years, researchers will be able to bring them out, study them and analyze them. This aspect may have held back a number of civil parties from intervening, as they did not want their words to be revisited years later.

The trial was **also over-publicized**: all the media (radio, TV, etc) were present and kept newsfeeds written on the internet, simultaneously reporting on the moments of the hearing. The strong media presence and the recording of the hearings may have put additional pressure on the victims. It is therefore essential to inform victims of the conditions under which they will attend the proceedings and will be given their testimonies, to protect them from overexposure to the media in front of and in the courtroom.

It is also necessary to inform them well about the security measures and controls to enter the tribunal, and to show them the entrances put in place specifically for them (which were different from those of the media).

In addition, organising a visit of the tribunal in advance proved essential and avoided an additional stressful situation. The **organisation of the courtroom**, with the many defendants



lined up on each side and the overwhelming number of lawyers, may have been particularly brutal.

The courtroom tours organised by PAV enabled them to identify the premises and anticipate the hearings.

The trial took place in a main courtroom and 3 retransmission rooms, considered as courtrooms: however, considering the large number of civil parties and the capacity of the main courtroom, the victims civil parties could not be accompanied by a member of their family or by a relative who was not a civil party to the proceedings. The latter were to remain in the retransmission room; this will also be the case for the trial of the attacks of November 13, 2015.

Their accompaniment must therefore be carried out in advance by the association, before and during the hearings so that this support from their loved ones, which is essential for them, is no longer so.

Furthermore, some victims had a hard time not being in the main courtroom, but having to watch the trial from one of the retransmission rooms. They felt that they were not fully part of the trial.

For the future trial of the November 2015 attacks, the associations will have to “demystify” their physical presence in the main room and work collectively so that the civil parties inevitably have priority in the main courtroom when the facts for which they are concerned are examined.

Support for civil parties who are victims of the attacks is stronger and more important than ever because these hearings are real additional hardships.

This is why it is essential to inform victims as much as possible about all practical, organisational and procedural aspects, and to set up reception rooms and long-lasting psychological interviews allowing victims to leave the courtroom whenever they need to.

This is precisely the whole purpose of the support system provided daily by the association present at hearings, with receptionists, psychologists and legal officers (which should be all the more so for the trial of the November 2015 attacks).

- **Upcoming trials and presentation of the preparation for the trial of the attacks of November 2015**

For several months, there has been a real "challenge" for the Parisian jurisdiction, regarding the preparation and organisation of the trial of the attacks of November 13, 2015:

- 131 deceased victims, more than 400 victims physically injured and thousands of others psychologically impacted, on various crime scenes (Stade de France, Bataclan, Terrasses of the 10th and 11th arrondissements of Paris): currently, more than 1750 of these victims have become civil parties to the proceedings, but this number will undoubtedly change considerably as the trial approaches;

- at least 300 lawyers;

- approximately 8 months of hearings;



- 20 accused including Salah Abdeslam, the only member of the terrorist commandos still alive. This is an essential difference with the trial of the attacks of January 2015, where all the direct terrorists were killed. However, some victims are awaiting explanations from him, hope that he will speak. This would grant them access to their right to the truth, essential for many of them, meaning that they would know exactly what happened, why these attacks occurred and how the terrorists were able to organise themselves.

- **Organisation of hearings**

The trial is scheduled to open on Wednesday September 8, 2021 before the Paris Assize Court. The hearings should start every day at 12:30pm, and will run continuously, without interruptions. There will be no hearings scheduled on Mondays (the weeks would be very busy otherwise). The trial will therefore be in session for 6 to 8 months every day from Tuesday to Friday from 12:30pm onwards.

A "civil parties" working group was set up some time ago by the Parisian Court of Appeal: PAV and France Victimes are associated to this group, along with victims' associations, in addition to all the professionals of the tribunal of Paris. The group must address and resolve all questions relating to victims and their access to the trial: general framework of support but also interpretation, access for disabled people, etc.

- **Courtrooms**

Work is currently underway at the Parisian Court of Appeal to better adapt the premises to receive a large number of people; the trial will not be held in the judicial tribunal where the trial of the attacks of January 2015 took place, because there are not enough rooms to accommodate such a large number of civil parties.

The main courtroom was under construction, and was completed in May 2021. It has a capacity of 600 people, and has around 550 seats for civil parties and lawyers.

Particular attention is paid in this room to acoustics, which is essential to follow the debates. The room is equipped with several screens and sound so that the people seated at the back will not lose any of the exchanges at the bar.

There will also be ten other retransmission rooms in the jurisdiction, available to civil parties as a priority, and to anyone wishing to follow the trial, the hearing being public.

The subject of courtrooms is a central problem for victims, and there is no truly satisfactory solution that has been found: all victims would like to be in the main room, but it will not be possible. As a result, they may feel that they are "relegated" to retransmission rooms, where the trial is not unfolding before them in person. It will also be difficult for them to communicate with their lawyer when they are not in the same room.

All actors have to work collectively, with lawyers in particular, through the creation of a schedule, to allow equal access to the main courtroom for each victim, when they will be



directly concerned by the debates (for example depending on the sites of the attacks mentioned that day).

As with the trial of the attacks of January 2015, the civil parties may not be accompanied in this main room by a member of their family or by a close relative who is not a civil party.

Finally, this trial will also be filmed for historical purposes and then be kept in the National Archives.

▪ The Internet-radio

The law of December 24, 2020 regarding to the European Public Prosecutor's Office and specialized criminal justice, created 2 mechanisms intended to facilitate victims' access to certain hearings (terrorism, collective accidents, etc), especially when there is a very large number of civil parties:

- the first relates to trials in France, to access the trial remotely,
- the second relates to trials abroad, to allow the presence of French victims to tribunals abroad when they wish to attend the trial.

This law creates the possibility of a **non-interactive audio retransmission of the trial for the civil parties**, for “exceptional trials” in France: this is the Internet-radio system, which means that the civil parties will be able to hear the trial (but not see it), and will not be able to speak. Only the sound will be broadcast, to prevent sensitive images from ending up on social media.

This system will be tested for the first time for the trial of the attacks of November 13, 2015: 2 solutions will be possible for the civil parties who wish to attend the trial: either come "physically" to the hearings in Paris, or follow the trial from their home, via an “Internet-radio”.

Each civil party and their lawyer will have an access code to a dedicated channel to listen to the full proceedings (with a slight delay); this necessarily implies that the civil party has an Internet connection, otherwise it will not work.

Each civil party has a single personal code, which they already or will receive (upon request) before the beginning of the trial. Giving this personal code to a third party will be liable to criminal prosecution. Users will sign a charter, and the Court of Appeal will be able to track connections.

The presiding judge of the Paris Court will have full power over this system: for instance, he may cut the recordings if necessary, at his sole discretion, in order to guarantee the serenity of the debates and to prevent a disturbance of public order.

This system had been requested by victims' associations, considering that it was the best compromise to allow victims to follow the trial "remotely" over a very long period, as many victims work and therefore cannot be away for too long.



If this solution also partially resolves the difficulties related to the reception capacity of the Paris Court, it will be essential to adapt the methods of support for victims by the associations. Indeed, how will react a civil party who follows the trial alone via the Internet-radio, from their living room for instance?

Certain court times can indeed trigger strong emotional reactions, and it is important that all victims can be helped. Psychologists from the association will be present continuously during the trial, but the support will be much more complicated for victims in isolation and lonely, facing a screen without images.

Starting September 8, 2021, PAV will therefore also open a dedicated telephone line related to the Internet-radio: psychologists will thus be available to listen to any victim who calls, and above all, if necessary, a connection can be ensured with a network of specialised psychologists but also with their local association. Let us not forget that the civil parties live throughout France, 102 France Victimes associations had been mobilised immediately after the attacks of November 13, 2015, which shows that victims live all throughout France and even abroad. At the same time, the Federation has mobilised its network of associations so that they can offer all the necessary local assistance to victims living on their territory.

- **Legal expenses**

In France, in order to facilitate access to the trial for civil parties, the legislator has provided for a mechanism to cover the costs of the hearing. **Civil parties are assimilated to witnesses to cover their expenses relating to the trial**, unless the court decides otherwise; this is not a reimbursement of all costs incurred, but a fixed compensation.

To benefit from it, the victim must be a party to the proceedings, meaning being a civil party, otherwise they will not be reimbursed. All civil parties are concerned, regardless of their nationality: this is important to note because not all countries have such a system.

For the trial of the attacks of November 13, 2015, foreign victims who are civil parties can therefore also be reimbursed for their legal expenses. As a reminder, 26 foreign or binational victims were killed in these attacks.

These fees cover:

- attendance fees (which means being present at hearings),
- compensation for loss of salary,
- transportation costs,
- daily subsistence allowance (accommodation and meal expenses).

Transportation costs and daily subsistence allowance only concern civil parties living outside the Parisian region.

Civil parties will be required to check in with a badge given to them before the start of the trial every day upon their arrival at court, which will certify that they were present at the trial. Without this, they cannot be reimbursed.



The number of victims must be taken into account here again: first of all, victims will have to manage their reservations themselves, and pay the legal expenses first to be reimbursed afterwards, upon providing supporting documents (or according to reimbursement scales). The only exception will be a possible advance payment for transportation costs, in the event of insufficient financial means. The request has to be made to the court of the civil party's place of residence.

However, given the number of files, it will take months to the dedicated services of the Paris Court to process their request.

Furthermore, in France, you can become a civil party at any time, even when the trial has started and until the prosecution's requisitions. Therefore, for the victims who will become civil parties at the opening of the hearing, it will take even longer to reimburse their legal expenses; but first, they will have to be declared admissible. This decision will be taken during another hearing (a civil hearing), which will take place well after the end of the criminal trial. For instance, for the attack of January 2015, the civil judgement on civil parties was handed down almost four months after the criminal judgement.

- **Accompaniment of civil parties**

As with all these exceptional trials, the association Paris Aide aux Victimes has been mobilised by the judicial authorities for many months to set up a system to support victims civil parties during the trial.

There is already a lot of work for the association before the trial: PAV has sent a letter to the civil parties, in preparation for the trial, to find out if they intend to come and attend the hearings in Paris. It is about getting a global overview of victims' "attendance" of the trial, although of course nothing will ever be set in stone and victims will be able to change their mind at any time.

The questionnaire has so far been sent twice, in August 2020 and February 2021, to obtain as many responses as possible; a little over a third of the civil parties responded: around 20% of the civil parties indicated that they wished to come. Their opinion can of course still change at any time.

It is important to know that 1800 victims are currently civil parties but there are still as many who are not civil parties yet and who could become so, even after the opening of the trial (since French law provides that one can become a civil party at any time until the requisitions of the Public Prosecutor's Office).

More than 60% of the civil parties also indicated that they would like a preparatory meeting to be organised beforehand. As mentioned previously, a visit of the premises before the trial has a reassuring effect on the victims, so they better identify the premises and anticipate the hearings. It will also be the opportunity to give them their badges to enter the court. Given the number of victims, several court meetings and visits will take place during the summer, organised with PAV.



PAV has also wrote a “civil parties” Vademecum, along with the services of the Court of Appeal; this document contains a certain amount of practical information for civil parties: a map of the tribunal, where to register at the beginning of the trial upon arrival at the Court, information on the reimbursement of legal expenses, on requests for legal aid, etc. Finally, it provides explanations on the conduct of a trial for a terrorist attack and the role of the different parties who will be present. It has been disseminated to victim support association, victims’ associations, lawyers, and is intended to be handed over to as many civil parties as possible before the trial so that they can anticipate all the practical and legal aspects of their participation in the hearings. Another document was also written about the Internet-radio.

In addition, during the trial, PAV will deploy a support system for civil parties that will be:

- **adaptable:** receptionists, lawyers and psychologists will be constantly involved; their number will vary and will be adjusted according to the number of civil parties present and the phases of the trial: for instance, 40 days of the trial will be devoted to the testimonies of civil parties: this phase will without any doubt generate a strong demand from the PAV team, like during the trial of the attacks of January 2015;

- **mobile:** teams will rotate continuously between all courtrooms (main room and retransmission rooms) and support rooms dedicated to victims. This will allow them to hear the proceedings at the same time as the victims, if they have any questions afterwards; the purpose of their presence outside the courtroom is to ensure a presence for victims who would feel that it is too difficult for them to follow the proceedings for instance, and also to offer psychological support by the association.

- **identifiable:** the victim support team will wear Paris Aide aux Victimes badge and chasuble, so that victims can identify and talk to them more easily.

- **easily reachable:** PAV has opened a special telephone line and e-mail for many months, which will also be accessible during the trial. A support system will also be offered for victims who will follow the trial via the Internet-radio.

- **Victims' lawyers**

Civil parties’ lawyers must also adapt to this "extraordinary" trial and organise themselves collectively.

If all the civil parties come to testify at the bar, the trial will become "unmanageable": the Paris Court is counting on the fact that all civil parties will not attend the trial, that all those present will not want to speak, and for those will that their lawyers organise everything with their clients and between all lawyers beforehand. Civil parties should not be deprived of their freedom of expression, but at the same time, we need to properly frame and anticipate this time of the trial which can be complicated for some victims.

Working groups have been set up, for instance to consider creating a single list of civil parties who would speak or even organise a collective oral argument: in fact, the objective is not to



have all lawyers at the bar one by one, but rather to have a group of experts who would take the floor for the most important questions. These collective oral arguments would have the advantage of mentioning clients in their singularity and individuality, but at the same time to bring them together and in this way be able to deal with the things targeted through the victims (values, Western democratic model, etc).

III- TRIALS HAPPENING ABROAD

When a terrorist attack happens abroad, the trial usually takes place in the country where it occurred; these cases, which recently involved French victims and their families, can place victims in difficult situations.

On the one hand, it results in practical difficulties, because it is not always easy to be able to move abroad. The foreign country must also "tolerate" the presence of foreign people at the trial,

On the other hand, it can also result in financial difficulties, because these victims cannot generally benefit from the payment of their expenses in connection with their coming to the hearings, unlike the system provided by French law regarding victims' legal expenses.

As mentioned, when a trial for terrorist attacks takes place in France, the expenses for all victims involved in the procedure, called civil parties, are covered, regardless of the nationality of the victim.

There was therefore an unequal treatment for French victims of an attack, depending on whether it had been linked to France, and the victims of an attack abroad.

As a result, the French Ministry of Justice has organised, along with the assistance of France Victimes and its network of associations, an exceptional system to bear the victims' legal expenses when victims have to travel abroad to attend their trial.

Initiated in 2018 for the first hearing of the trial of the terrorist attack at the Bardo Museum, it has been repeated several times in 2019 and 2020.

- Trial of the terrorist attack at the Bardo Museum

Following this attack on March 18, 2015, 4 French victims died and 48 were physically or psychologically injured. France Victimes had been mobilised by the French authorities, the Ministry of Justice and the Ministry of European and Foreign Affairs in particular.

The first hearing took place at the end of 2018, and 3 other hearings were held during 2019. In agreement with the Tunisian justice system and in order to allow the victims and families of French victims to attend the trial without going to Tunis, a specific system has been established by the Ministry of Justice (DIAV and SADJAV):

- a real-time, non-interactive retransmission set up at the Paris Court of Appeal;
- the covering of expenses related to the arrival of victims in Tunis or in Paris.



In view of the hearings regarding this trial, the Interministerial Delegate for Victim Support has thus requested France Victimes:

- To inform all victims and families of victims of the trial and the procedures (retransmission, costs covered, etc);
- To ascertain their wish to attend (in Tunis or in Paris);
- To accompany them during the trial;
- To reimburse the costs linked to their coming to Tunis or Paris.

France Victimes concluded a specific partnership with the Ministry of Justice about this action, and was reimbursed for the expenses of victims after the trial.

For the 72 French victims or families of victims, the Federation then systematically:

- informed each victim of the future hearing date,
- collected everyone's wish to attend, either in Tunis or by videoconference in Paris,
- organised the logistical arrangements for the victims' travel (booking plane and train tickets, drawing up a list of hotels in Paris),
- make this complicated period as easy as possible for the victims: drafting of an information notice regarding the bearing of costs, quick reimbursement of the sums still due as legal expenses after hearings, summary of the main points discussed during each hearing, sent by email to the victims who wished to have this information,
- ensured the presence and support of victims at each hearing held by videoconference at the Paris Court of Appeal, accompanied by psychologists from Paris Aide aux Victimes.

In total, out of the 4 hearings, 44 victims came to one (or more) in Paris, a few others, much rarer, wished to make the trip to Tunis.

Finally for the verdict, delivered overnight by the Tunisian justice, the information transmission was organised between the liaison magistrate stationed in Tunisia, the Interministerial Delegation for Victim Support and France Victimes, who relayed the elements in real time by email to the victims and their relatives.

An identical system was put in place for the appeal trial.

This organisation proposed by France was very beneficial for the victims, because concretely without its existence, the majority of French victims would not have been able to follow this trial in Tunisia (no strength to travel abroad, and/or no financial means either). France Victimes has been a real facilitator for victims, in terms of information, support, intermediary in post-trial care for those in demand, and also on a financial and logistical aspect.

- **Trial of the terrorist attack on the London Bridge**

The same modus operandi was thought out for the trial of the attack on the London Bridge.

On June 3, 2017 an attack occurred in London, in which 3 French people died, 8 others were injured, along with other victims of different nationalities.



In view of the trial, France Victimes, in conjunction with the Interministerial Delegation for Victim Support and the Ministry of Justice (SADJAV) was again mandated to organise, with the French families of victims and injured victims wishing to attend the trial, their coming to London during certain periods, and accompanying them there.

Once again, France Victimes has carried out this drastic but fundamental work in terms of support and compassionate and professional accompaniment for the victims and their families, with regard to this hearing in London.

Indeed, France Victimes organised the travels of victims and their families, by booking their transportation, hotels and reimbursing afterwards the costs incurred, on a principle similar to that of legal expenses for a hearing in France. The presence of French victims at the Coroner hearing in England was discontinued, because they wished to attend only certain parts of the debates which concerned them, which therefore increased their trips to London and impacted the entire organisation that ensued.

France Victimes also carried out the crucial mission of supporting victims, through regular contacts with each of them, providing them information in terms of reports of hearings for which they were not present. A representative of the Federation also went to London at the opening of the trial: this presence was reassuring and structuring for the families and victims.

The Federation also established a close partnership with the French liaison magistrate in London and the French judicial authorities as a whole.

A relay was also operated with the French victims residing in London to communicate to them all information regarding the trial.

At the end of the trial, connections between families, victims and local associations were created or renewed, in particular for psychological support and sometimes also for explanations of the compensation process via the Guarantee Fund in France.

This work was particularly phenomenal for this attack, but above all, it went beyond the framework of the traditional missions of the Federation and victim support associations, making us wonder whether it is up to the victim support network to book transportation and accommodation in London for the families.

These requests are multiplying more and more: in October 2020, France Victimes was again requested by the Ministry of Justice to organise a similar mechanism for the French victims of 2 attacks that occurred in Mali in 2015 (reimbursement of their legal expenses and psychological and logistical support during the 2 days of broadcast of the trial at the Paris Court).

Each time, France Victimes has carried out this mission without hesitation, to facilitate the procedures for victims and extend a hand to them, but it was fundamental to be able to frame things legally.



- Current Law

This has been the case since **the law of December 24, 2020 related to the European Public Prosecutor's Office**: its article 8 for instance provides for a new mission now given to the Guarantee Fund (FGTI), which is providing "financial assistance" for certain offenses to victims summoned to a trial which takes place abroad, therefore applicable to trials of a terrorist attack abroad.

From now on, the travel costs bore by victims who go abroad to be present for the trial of a terrorist attack, will be covered by the Guarantee Fund, for the time of the trial. It involves financial assistance for travel expenses, compensation for appearance and daily subsistence allowance, as if the trial had taken place in France.

However, this new mission falls somewhat outside the scope of The Guarantee Fund's traditional actions to compensate victims, and this new organisation has yet to take effect.

French law is now also concerned with the expenses for its nationals who are victims of terrorism with a hearing abroad, which is essential for victims who often feel even more abandoned, more quickly forgotten because the facts took place far away.

The right to participate in one's trial is thus very broadly recognised in French law in the event of a terrorist attack.

CONCLUSION

The timing of the trial can be liberating for victims, but the risk is also that they expect too much. However, a trial does not heal anyone, whether the trial is for a terrorist attack or for another crime. On the other hand, it is an important step in victims' recovery, hence the importance of this support provided and set up by the France Victimes Network.