French airline steward detained for nine months in US

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22 January 2003

A 25-year old French airline steward, Michael Philippe, was held for nine months in the US on trumped-up charges of terrorist activity. On a January 2002 London-to-Orlando, Florida flight he discovered messages written in liquid soap in an airplane bathroom. The messages were: “Bin Laden is the best, all Americans must die,” and “There is a bomb on board—Al-Qaida.”

Philippe immediately notified the pilot, who landed in Reykjavik, Iceland. The plane was searched but no bombs were found, and the plane safely proceeded to Orlando.

Two months later, on March 28, 2002, the FBI arrested Philippe at Newark International Airport, charging him with “threatening to use weapons of mass destruction to annihilate the United States.” In violation of US law, he was not read his rights at the time of his arrest.

Bail was set at $250,000, but when his parents arrived on April 1 to post bail, they were notified that they could do so only at a court in Orlando. After a meandering voyage from prison to prison that took him halfway across the US to Oklahoma City, Philippe arrived in Orlando on April 18.

On April 19 a judge, while noting that the charges against Philippe were highly circumstantial, claimed that his French citizenship made him a flight risk. He reset bail at $500,000 and insisted on jailing Philippe, despite his parents’ request that he be allowed to stay under electronic surveillance with a host family in Orlando.

Thanks to a fundraising campaign in Philippe’s hometown of Aix-les-Bains in the Savoie district of southeastern France, his parents were able to post the $500,000 bail on April 22. On the 23rd Philippe was allowed to stay with the Orlando host family, but forced to wear an electronic bracelet enabling authorities to monitor his whereabouts.

Philippe protested his innocence during the entire ordeal. His lawyer, Olivier Morice, commented at the time that he was “the victim of the law-and-order phobia which currently reigns [in the United States].”

The FBI’s “evidence” against Philippe rested on four essential points: 1) Philippe’s fingerprints on the airplane bathroom mirror, 2) his fingerprints on a paper bag, 3) claims that handwriting analyses showed he had written the messages, 4) claims that inmates of an Orlando prison had heard him confess to having written the messages.

Each point turned out to be either inconclusive or bogus.

1) Philippe admitted to touching the mirror to determine the substance with which the message had been written. However, French police demonstrated that his fingerprints on the message were made when the soap had already dried, at least 13 minutes after the message was left.

2) French police also demonstrated that the position of Philippe’s fingerprints on the bag were consistent with someone holding it to read the message, not someone writing on it. The French police pointed to an unidentified palm print in a position consistent with someone writing on the bag. The FBI did not investigate the palm print.

3) The FBI initially relied on a private lab to certify that Philippe’s handwriting matched that on the bag. When a police lab in Orlando reanalyzed the sample, it claimed that the test was inconclusive because Philippe was altering his handwriting style. Philippe’s lawyer then hired two US experts, including the former national head of FBI handwriting analysis, who certified that Philippe’s handwriting did not match that on the bag, but that three passengers on the plane had similar handwriting, and that three other passengers were altering their handwriting in their handwriting samples.

4) The FBI obtained statements from prison inmates concerning Philippe’s alleged confession during interviews that were not recorded, under circumstances that the FBI refused to describe to Philippe’s lawyer. Philippe’s parents claimed that their lawyer had shown one of the inmate’s stories to be bogus, and suggested that the FBI had offered to reduce inmates’ sentences in

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exchange for manufacturing evidence against their son. Other inmates maintain that Philippe never confessed.

During these proceedings, Aix-les-Bains Mayor Dominique Dord led a letter-writing campaign to free Philippe. In late October and November of 2002, articles criticizing the case began to appear in French regional newspapers such as *La Voix du Nord,Savoie-Hebdo*, and *L'est républicain*. Journalists, writers, athletes, and airline workers' unions from France and Italy publicly came out in support of Philippe. Eventually, French Justice Minister Dominique Perben and President Jacques Chirac personally called their American counterparts, Attorney General John Ashcroft and President George W. Bush, to ask them to intercede in Philippe's favor.

In December Philippe agreed to plead guilty to the charges. He explained: "I was told that the American justice system would never want to lose face by admitting its errors. The prosecutor harassed me and pressured me enormously. He threatened to bring new charges against me, with falsified evidence if necessary. If you are risking 15 years in jail without parole by pleading not guilty, but with parole by pleading guilty, the choice is easy."

As *France-Amérique*, the New York edition of the conservative French daily *Le Figaro*, dryly commented, "The honor of the American criminal justice system had been saved."

Philippe was sentenced to five years in jail with parole and a $176,000 fine, to be paid to his employer, the British airline Virgin Atlantic. He was released from jail shortly after the sentencing, but the fine still stands. In addition, the court is keeping $50,000 of the bail posted by his community.

Philippe returned to Aix-les-Bains for Christmas and has vowed to fight the fine, saying, "I'll never pay, I don't have the money...I don't have anything anymore, I've lost my job, I'm back to square one."

He added: "What happened to me was scandalous and unworthy of a great country... After what happened to me, I am never coming back to this country, which I loved and admired. I was persecuted, treated like dirt, maybe because I was French."

While legitimately pointing out the injustices perpetrated in Philippe's case, a few French papers ventured self-congratulatory comparisons of the US and French criminal justice systems. Such comparisons might have given pause to their readers.

The current government of Prime Minister Jean Pierre Raffarin was elected by a minority of eligible voters on a law-and-order platform that appealed to ethnic, especially anti-Muslim, prejudice. It has massively built up the police powers of the state since coming to power.

A recent case that made headlines in France showed that the law-and-order atmosphere there is taking its toll. A baggage handler at Paris' Roissy airport, Abderazak Besseghir, was held from December 28 to January 11, accused of planning terrorist attacks.

Police found guns and explosives in his car. They claimed that documentation concerning airline pilots and pro-Palestinian literature found in Besseghir's possession were "further evidence."

Besseghir and his family immediately claimed he was the victim of a frame-up by his in-laws, but the press reported that the police viewed this as highly unlikely. The media also widely disseminated police claims that Besseghir was an Islamic militant, despite his family's insistence that their Western lifestyle would have made Islamic fundamentalists wary of them. A few days later the press reported that police had found the numbers of several Islamic militants on Besseghir's cell phone.

The charges against Besseghir fell apart when it became clear that a former military officer, Marcel Le Hir, had planted the guns, explosives, and pro-Palestinian literature in Besseghir's car while in contact with Besseghir's in-laws and a private investigator they had hired. Police had apparently suspected Le Hir from early on and placed him under surveillance, while continuing to drag Besseghir's name through the mud. They sent a special envoy to free and apologize to Besseghir.

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