

# FRANCE BRIEFING

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## Table of Contents

|                                                                                                  |   |
|--------------------------------------------------------------------------------------------------|---|
| RIPOST LAW: IA REINFORCES ISLAMOPHOBIA WITH ALGORITHMIC SURVEILLANCE ADOPTED IN PARLIAMENT ..... | 1 |
| PRESIDENTIAL ELECTIONS: THE BRIGHT FUTURE OF THE FRENCH ISLAMOPHOBIC LEGISLATION .....           | 3 |
| FRANÇOIS BURGAT, AN EXPERT ON TRIAL .....                                                        | 5 |

## RIPOST Law: IA reinforces islamophobia with algorithmic surveillance adopted in Parliament

The proposed RIPOST legislation represents another step in the gradual normalisation of artificial intelligence within French policing. While officially framed as a response to "phenomena disturbing public order," the bill substantially extends the legal basis for algorithmic video surveillance beyond the exceptional context of the Paris Olympic Games. Rather than introducing an entirely new surveillance model, RIPOST consolidates a trajectory that has progressively blurred the distinction between temporary security measures and permanent policing infrastructure.

Article 19 is particularly significant because it authorises AI systems to process images captured by existing public surveillance cameras in order to detect predefined events considered indicative of threats to public order. These systems do not formally identify individuals through facial recognition. Instead, they perform behavioural or situational detection by automatically identifying patterns such as crowd formation, abandoned objects, unusual movements or other predefined anomalies requiring police intervention. The Senate also voted to prolong these algorithmic surveillance experiments until 2030 while expanding their deployment to indoor public spaces.

Although presented as a technologically neutral instrument, critical surveillance scholarship has consistently demonstrated that surveillance technologies rarely operate in politically neutral environments. Rather, they become embedded within existing structures of suspicion, reproducing institutional priorities concerning which populations are considered threatening and therefore warrant exceptional monitoring. Research on the "surveillance pipeline" similarly argues that advances in computer vision overwhelmingly flow toward technologies designed to extract behavioural information from human bodies and movements for surveillance purposes.

Within the French context, this expansion must be situated within over three decades of counter-terrorism legislation, which progressively normalised extraordinary surveillance powers that overwhelmingly emerged within counter-terrorism frameworks. Unsurprisingly, these legal developments disproportionately affect Muslim populations, governed through the prism of securitisation. From this perspective, AI surveillance does not create Islamophobic policing *ex nihilo*; instead, it increases the technological capacity of institutions already structured around forms of differential suspicion directed toward Muslims.

Algorithmic surveillance allows security institutions to monitor substantially larger numbers of people than traditional human observation. AI systems can continuously analyse thousands of video feeds simultaneously, flagging behaviours that match predefined risk indicators before transmitting alerts to police operators. Human discretion consequently shifts from observing public space toward validating algorithmic alerts, embedding computational systems within routine policing practices.

Importantly, the legislation repeatedly invokes the protection of “public order,” a concept that has historically functioned as one of the broadest legal justifications for exceptional policing powers in France. Unlike narrowly defined criminal offences, disturbances to public order encompass a wide range of preventive interventions before any criminal act has occurred. Expanding AI surveillance under such a broad legal standard increases the possibility of preventive interventions against already over-policed communities.

These technologies will disproportionately affect Muslims ultimately depends less on the algorithms themselves than on the contexts in which they are deployed. If surveillance infrastructures are concentrated around neighbourhoods designated as “priority security zones,” around mosques under administrative monitoring, or around demonstrations concerning Palestine, then formally neutral AI systems may reinforce existing discriminatory policing patterns without explicitly incorporating religious variables into their algorithms. This corresponds to broader sociological understandings of structural discrimination, in which technologies inherit institutional biases from the environments in which they operate.

An additional question concerns the companies supplying these technologies. One frequently mentioned actor is **BriefCam**, an Israeli video analytics company specialising in AI-assisted video analysis. BriefCam's software allows operators to rapidly search vast quantities of surveillance footage, classify objects, detect behavioural patterns and generate real-time alerts. The company became widely known for its “video synopsis” technology before expanding into real-time analytics used by police forces and critical infrastructure operators worldwide.

BriefCam has attracted particular attention because of its Israeli origins and the wider debates surrounding the export of surveillance technologies developed within the context of Israel's control and genocide over Palestinian populations. Human rights organisations and critical surveillance scholars have long argued that occupied Palestinian territories have functioned as sites for the development and deployment of sophisticated surveillance infrastructures, including extensive camera networks, biometric databases, predictive policing technologies and AI-assisted monitoring systems. These analyses suggest that

expertise developed through prolonged occupation subsequently circulates globally through commercial security markets.

Rather than viewing AI surveillance as a politically neutral technology that simply migrates between different security contexts, Mathieu Rigouste's analysis of the colonial genealogy of policing suggests that surveillance technologies circulate through enduring structures of colonial power. In *L'Ennemi intérieur* and subsequent works, Rigouste argues that techniques originally developed to pacify colonised populations are repeatedly re-imported into metropolitan policing, where they are adapted to govern racialised groups constructed as "internal enemies." The movement is therefore not one of technological diffusion alone but of the reproduction of counter-insurgency logics across different historical contexts. From this perspective, the relevance of companies such as BriefCam lies both in a direct transfer of surveillance practices from Palestine to France and in the incorporation of technologies whose operational rationality has been shaped within regimes of colonial control, permanent monitoring and anticipatory intervention. When integrated into French policing, these systems become part of a longer genealogy in which methods refined through the surveillance of colonised populations are redeployed against domestic populations framed as security risks. Within the contemporary French context – where Muslims have increasingly been positioned as objects of preventive counter-terrorism and anti-separatism policies – AI-assisted video surveillance can thus be understood not as a rupture but as the latest technological manifestation of a colonial repertoire of policing that continually updates itself while preserving its underlying logic of differential surveillance and exceptional governance.

The RIPOST law contributes to the institutionalisation of AI-mediated surveillance within French policing while extending the technological infrastructure through which existing security priorities may be implemented. If previous decades established Muslims as a principal object of counter-terrorism governance, algorithmic surveillance potentially increases the efficiency, scale and permanence of that governance. The legislation therefore illustrates how contemporary Islamophobia may increasingly operate not only through discourse or exceptional emergency powers but through ordinary administrative technologies embedded within routine public security practices. Such developments are consistent with broader international trends in which artificial intelligence transforms surveillance from episodic observation into continuous computational monitoring, raising fundamental questions regarding discrimination, accountability and democratic oversight.

## **Presidential Elections: the bright future of the French Islamophobic legislation**

One fact stands out above all others: no major left-wing party has proposed repealing the full body of legislation that constitutes the contemporary architecture of Islamophobic governance in France. Despite years of denouncing Islamophobia, racism and police violence, none has committed itself to abolishing the legislative framework that has progressively expanded state powers over Muslims since the early 90s.

The omission reveals the limits of the contemporary left's political horizon. The debate is not about dismantling exceptional powers, but about making them more transparent, better supervised or less discriminatory in their application. In other words, the legal architecture itself is largely accepted; disagreement concerns its management rather than its existence. A government genuinely committed to ending structural Islamophobia would not simply promise stronger oversight of intelligence services or greater judicial safeguards. It would commit itself to repealing the laws that made exceptional governance possible in the first place. Yet no such programme currently exists within the parliamentary left.

The bans on hijab and niqab, successive counter-terrorism laws, expanded intelligence powers, administrative closures of mosques and associations, the anti-separatism law and systematic obstruction policy, algorithmic surveillance and the growing normalisation of preventive policing have fundamentally transformed the relationship between the French state and its Muslim population. These measures were introduced incrementally, but together they form a coherent legal infrastructure that allows Muslims to be governed through exceptional security mechanisms. While left-wing parties occasionally oppose individual provisions or criticise particular abuses, they have not proposed dismantling this infrastructure as a whole.

The political forces most vocal in condemning Islamophobia have largely accepted the permanence of the security state. Their programmes seek to regulate, humanise or rebalance it – not abolish it. The objective becomes limiting excesses rather than questioning the legitimacy of the apparatus itself.

This reflects a broader transformation of progressive politics. Over the past decade, symbolic recognition has increasingly displaced structural confrontation. Political energy has focused on representation, diversity and inclusion, while questions concerning surveillance, intelligence powers, administrative policing and emergency legislation have moved to the margins. Muslims are, at times, recognised as victims of discrimination, but the institutions that produce their differential governance are rarely challenged at their foundations. Progressive discourse has become increasingly attentive to Islamophobia as a social phenomenon, yet increasingly reluctant to confront the legal and institutional mechanisms through which Islamophobia is exercised by the state. Recognition replaces rupture; reform replaces repeal.

For this reason, the next presidential election is unlikely to produce a fundamental break. Governments may change, parliamentary majorities may shift and political rhetoric may evolve. But as long as no major political force is prepared to repeal the legislative architecture itself, France's system of exceptional governance targeting Muslims will remain intact. Electoral alternation may alter the language of security policy. It is unlikely, on its own, to dismantle the institutions that sustain it.

## François Burgat, an expert on trial

The conviction of François Burgat for the offence of *apologie du terrorisme* marks a potentially significant development in France's response to pro-Palestinian speech. Although Burgat was initially acquitted, the Court of Appeal overturned that decision, signalling a judicial willingness to apply terrorism-related offences to the expression of political analysis by a recognised specialist of the Middle East.

Beyond the individual case, the ruling raises broader questions about the function of *apologie du terrorisme* within the current political and legal environment. The offence has increasingly been invoked against academics, activists and public figures whose interventions seek to explain the political, historical and structural conditions giving rise to political violence. These voices typically distinguish explanation from justification, insisting that analysing state policies, occupation or systemic discrimination is a necessary condition for understanding armed conflict. The Burgat case illustrates how this distinction may be narrowing within French judicial practice.

The growing use of *apologie du terrorisme* can be understood as part of a wider contraction of the space for public debate on Palestine. This evolution risks transforming an exceptional criminal provision into a broader instrument for policing the boundaries of legitimate political discourse.

Such a development carries important implications for academic freedom and freedom of expression. Explaining the causes of armed mobilisation – including occupation, repression or structural inequalities – does not amount to endorsing the methods employed by armed groups. Criminalising analyses that foreground these factors may discourage researchers, journalists and public intellectuals from engaging with politically sensitive subjects for fear that explanatory language could be interpreted as criminal approval. The resulting chilling effect extends beyond those prosecuted directly, encouraging broader self-censorship within universities, the media and civil society. In this respect, *apologie du terrorisme* appears increasingly capable of functioning not merely as a tool against the advocacy of terrorism, but also as a mechanism that narrows the range of acceptable public discourse on Palestine.

The Burgat ruling might signal the beginning of a more durable jurisprudential trend. The pending cases involving Elias d'Imzalène, Omar Al Soumi, Rima Hassan and other pro-Palestinian activists will be particularly important in this regard. Their outcomes will help determine whether Burgat's conviction reflects exceptional judicial reasoning or the consolidation of a broader policy of legal repression targeting pro-Palestinian voices. Nevertheless, Regardless of the eventual judicial outcomes of these proceedings, the decision to initiate criminal prosecutions is itself politically significant, as the prospect of investigation, trial and potential conviction contributes to increase the legal and personal costs associated with expressing pro-Palestinian views. The mobilisation of terrorism-related offences against academics, elected representatives and activists shapes the boundaries of permissible public discourse by imposing significant legal, financial and reputational costs long before any final judicial determination is reached. This repressive endeavour can be

regarded as a manifestation of a psychological warfare directly inspired by the French colonial legacy of governing its colonial subjects through brute force.