

On February 27, 2020, two friends are intercepted by the BKA, one at the airport and the other at work, in order to take their DNA on the spot. They are accused by court order of arson against cars belonging to Deutsche Bahn about ten years ago. Afterwards, the two friends are sent tens of thousands of pages of files. These include criminal investigations from over 15 years, some of which have been discontinued. The contents described here are based exclusively on the files available to us.

Dangerous Friendships

First insights
from more than a decade
of BKA proceedings



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Dangerous Friendships: First Insights From More Than a Decade of BKA Proceedings

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Gefährliche Freundschaften: Erste Erkenntnisse aus über einem Jahrzehnt BKA-Verfahren

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May 2010: House search of a Berlin apartment on suspicion of “causing an explosion” at the SWP and other crimes, including §129. The BKA takes over the investigation. A DNA trace is found in a bag in the apartment, along with a letter claiming responsibility for the arson attacks on DB cars.

August 2012: Security guards discover bags filled with paint-filled fire extinguishers at the GÜZ. The LKA Saxony-Anhalt investigates for “attempted sabotage of military equipment.” DNA traces are found on the bags, one of which matches the DNA trace from the 2010 house search.

September 2012: First “War Starts Here” camp with a day of action against the Combat Training Center (GÜZ).

January 2015: Spontaneous demonstration in Berlin-Neukölln on the 10th anniversary of Oury Jalloh's death. DNA traces are found and match with the DNA of the hair in the bag (from the 2010 house search) and with the DNA found at the GÜZ in 2012.

July 2015: Arrest of another defendant from the DB proceedings. She makes statements about 10 cases, but apparently without naming any accomplices (she was arrested in a case unrelated to the DB proceedings).

October 2017: The other defendant in the DB proceedings is sentenced to 3 and a half years in prison in Switzerland for actions in an unrelated case.

February 2020: DNA samples are taken from the two friends in Berlin.

March 2020: Both DNA samples are entered into the BKA database.

May 2020: One DNA match for one friend and three matches for the other friend.

March 2021: After an objection to the entry of their DNA, the deletion of DNA from the BKA database is approved for one of the friends.

June 2021: After a lawsuit, the deletion of DNA from the BKA database is also granted for the other friend.

December 2021: The BKA's investigation into the two friends on suspicion of arson of DB cars in 2010 is discontinued by the Berlin public prosecutor's office in mid-December 2021, due to insufficient evidence.

activities of the two friends are investigated. A huge construct is built up from acquaintances (e.g. based on shared police checks) and other defendants in other proceedings related to anti-militarism. Later on, allegations and discontinued or never initiated proceedings turn into facts. This is to justify the assumption that there is a “risk of repetition” and the commission of “crimes of considerable significance,” both of which are required for DNA storage under section §81g of the German Code of Criminal Procedure. Through the files, we learned of further investigations in which the two were and are listed as suspects. These are investigations into anti-militarist actions, one of which involves allegations of arson on a significant scale. The fact that they referenced militant actions at a public event makes the two of them “intellectual arsonists” and suspects in the eyes of the cops.

The scope of the investigation goes far beyond what is described here! Countless people and procedures appear in the files. In the last ten years, the BKA and LKAs tried to find out and reconstruct who did what with whom, who was arrested or controlled together, who crossed borders together, was at camps or demos at home and abroad. Who talked to whom on the phone, took a train or a long-distance bus, when and where?

We assume that structural investigations are being carried out to map contacts and networks. We also assume that police surveillance of the two friends continues.

We are not aware of any further investigative steps since the DNA was entered into the database, either in the DB proceedings or in other proceedings.

We use the word “friends” because the BKA repeatedly lists it as an indication of “criminal activities” when we cultivate friendships with each other. “Some are affected, but all are targeted”—we hereby call for more dangerous friendships and solidarity!

Appendix: Timeline

Please note: This timeline is based on the police investigation files!

April 2010: Arson attacks on DB cars in Berlin (“DB proceedings”).

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Introduction

On February 27, 2020, two friends are intercepted by the BKA (Bundeskriminalamt, *Federal Criminal Police Office*), one at the airport and the other at work, in order to take their DNA on the spot. They are accused by court order of arson against cars belonging to Deutsche Bahn (DB)¹ about ten years ago. Afterwards, the two friends are sent tens of thousands of pages of files. These include criminal investigations from over 15 years, some of which have been discontinued. The contents described here are based exclusively on the files available to us. The two friends and their circle have been under investigation for years. They are turned into suspects, defendants, and “intellectual arsonists” in ever new police constructions.

The BKA tried to open proceedings under section §129 of the German Code of Criminal Procedure (“membership in a criminal organisation”), which was rejected by the public prosecutor's office following an evaluation of the files in April 2020. Despite tens of thousands of pages, there are large gaps.

§129—we have seen this before

Various structural investigations are currently underway throughout the country. The State is using §129 proceedings, among other things, to intimidate and monitor networks, circles of friends and private lives. Proceedings in Frankfurt, Leipzig, Hamburg, Berlin, and the convictions against the “three from the park bench”² are just one part of the repression that is meant to stifle structures of resistance. Cops, courts, and politicians are pushing these proceedings. We don't believe in the justice system and reject the State as well as the concept of punishment. State and punishment are part of domination and thus of many social problems, such as poverty. This stands in the way of a free and joyful life. We are not fighting against their accusations, but against repression. At many

During the course of the investigation, the two friends were added as additional suspects in the DB proceedings in July 2017.

...to DNA collection

In April 2019, the BKA encouraged examining whether the charge of a criminal organization under §129 could be expanded and whether the DB proceedings could be connected with the GÜZ and Oury Jalloh proceedings.

They also wanted to obtain DNA samples and conduct identification procedures, house searches and surveillance against the two friends.

These measures (surveillance of their phone numbers, IMEI,⁸ email addresses, long-term surveillance, use of IMSI-catchers and silent SMS) were supposed to last officially for three months and were expected to yield usable information on their whereabouts and places of residence. The house searches were to specifically look for objects, documents, or data storage media that would reveal information about other people.

The Berlin public prosecutor's office refused all but the DNA samples. Those were ordered by the Berlin District Court in November 2019 and carried out in February 2020. Their entry into the DAD⁹ is said to have yielded hits with the DNA from the GÜZ proceedings, the Oury Jalloh proceedings, and the hair in the bag from the 2010 house search.

Assessment of the scope of the investigation

This assessment is based on the BKA's justification for DNA collection and analysis, which is available in the files.

Key to the justification is the acquaintance with the first defendant in the DB proceedings. After the DNA hits at the GÜZ, the anti-militarist

⁸*N.T.P. note:* An International Mobile Equipment Identity (IMEI) number is a number that uniquely identifies a phone.

⁹The DNA-Analysedatei (DAD) is a German database storing DNA profiles, established in 1998. It is operated centrally by the BKA and is also used by other police forces.

¹*No Trace Project (N.T.P.) note:* National railway company of Germany.

²<https://gefaehrlichefreundschaften.noblogs.org/links>

the hair in the bag (from the 2010 house search) and with the DNA found at the GÜZ in 2012 (GÜZ proceedings).

What happened in Switzerland?

In July 2015, the person who had their home searched in Berlin in 2010 was arrested in Switzerland and sentenced to 3 and a half years in prison for several actions. According to files and media reports, the person cooperated, and confessed to these acts. Although she appeared not to name names, it became clear from her statements that other people were involved.

From the hit reports...

Following the DNA hit reports (hair in the bag, GÜZ proceedings, Oury Jalloh demonstration), the public prosecutor's office in Berlin reopened the DB proceedings in July 2016 at the suggestion of the BKA. The prosecution was transferred to the BKA. In the search for alleged accomplices of the accused, investigations were again conducted against, among others, the 18 “close female contacts.” The BKA asked LKAs and the BfV (Bundesamt für Verfassungsschutz, *Federal Office for the Protection of the Constitution*) for general police intelligence related to the GÜZ proceedings (attempted sabotage of military equipment) and the Oury Jalloh demonstration in Neukölln. Addresses and criminal records were obtained. For some of those affected, additional requests for information were made to numerous authorities, such as job centers and social security, as well as to employers, in order to obtain personal information (phone numbers, email addresses).

Bank accounts of individuals were also evaluated and requests for information were made to Internet forums, Deutsche Bahn, etc., in order to find out further details about individuals, such as phone numbers and accounts used, other bank accounts, card contracts, payment methods...

These requests about the “18 close female contacts” and people from around the accused can be found in the files up to the year 2019.

times, we were delighted by the files because they documented acts of resistance in which actions against the prevailing conditions were visible.

We as the support group want to accompany the proceedings against the two friends.

Beware, speculations and gossip only help the repressive authorities! No cooperation with the authorities! No statements! No gossip!

The hair in the bag

On February 2, 2010, the SWP (Stiftung Wissenschaft und Politik, *German Institute for International and Security Affairs*) in Berlin was attacked by means of a “detonation” as part of actions against a police congress. A statement on this action³ can be found in Interim 705, under the title “Neuro-Enhancers for the SWP's Desk Clerks: Sabotaging Social Control and Attacking the Police Congress.” It denounces “their bloody and warlike research under the disguise of civil-military cooperation and peace-bringing bombing policy.”

In the same year, a house search took place in Berlin. The charge: “causing an explosion” at the SWP “and other criminal offenses,” and at the same time §129 proceedings were brought against the accused whose apartment had been searched.

During this search, among other things, a bag was confiscated that allegedly contained various items such as gloves, cash register receipts, animal hair, a statement on arson attacks on DB cars, animal brochures, and human hair. DNA analysis of the hair revealed female DNA that did not match the person whose apartment had been searched. The cops tried to identify other individuals and continued searching for the carrier of the female DNA.

Burning Deutsche Bahn cars

On April 23 and 24, 2010, arson attacks against Deutsche Bahn (DB) cars were carried out in Berlin-Prenzlauer Berg and Kreuzberg. According to

³<https://linksunten.indymedia.org/de/node/118728>

the cops, a letter claiming responsibility was left behind and published on Indymedia:⁴ “Our militant intervention supports the demand for compensation for victims of the Nazi regime and their relatives.” These two actions were merged in a preliminary investigation (the “DB proceedings”).

The BKA investigates

As part of the DB proceedings, the BKA continued to investigate the circle of the accused whose apartment had been searched. With so-called “criminal procedural measures” and investigations, 140 “contacts” were identified. According to the files, these measures included monitoring the accused's landline phone and cell phone (telecommunications monitoring), analysis of the connection data of phone lines and email accounts, police findings such as shared arrests, alleged crimes, civil registration data, travel movements, personnel and border controls, analysis of calendars, analysis of bank account records, prison visits (the accused had been in prison in the past).

Out of 140 supposed “contacts,” 18 females were identified as alleged “close contacts” based on frequency and intensity of contact. Among them were the two friends. This did not give the cops any insight into the origin of the hair. Two years later, something changed...

War starts here—let's stop it here!

“Join us for the international anti-militarist camp against the German Armed Forces Combat Training Center (GÜZ)! The GÜZ is a key location of the German Armed Forces, NATO and the EU. The war, which is being waged worldwide, starts here. We want this camp to be a central place for bringing together anti-militarist struggles. [...] War starts here, we want to mark it, block it, and sabotage it here!”

— *Call for the “War Starts Here” 2012 camp*⁵

In 2012, bags containing paint-filled fire extinguishers were found at the Altmark Combat Training Center (GÜZ). The LKA Sachsen-Anhalt (Landeskriminalamt Sachsen-Anhalt, *Saxony-Anhalt State Criminal Police Office*) launched an investigation into trespassing and “attempted sabotage of military equipment.” The items found were tested for DNA. Allegedly there was a trace-trace hit⁶ with the unknown DNA from the hair in the bag (from the 2010 house search in Berlin).

After this DNA hit report, the LKA Sachsen-Anhalt took a closer look at the “18 close female contacts” identified by the BKA, including the two friends. Because of their commitment against the GÜZ and their alleged contact with a suspect in the “GÜZ proceedings” (for attempted sabotage), the two came under increased scrutiny. The public prosecutor's office in Stendal added the two friends as defendants in the GÜZ proceedings. In addition, DNA samples and house searches were requested. The Stendal District Court rejected both in 2014.

Oury Jalloh, it was murder!

On the 10th anniversary of the death of Oury Jalloh, who was murdered in a police station in Dessau in 2005, a demonstration took place in Neukölln, Berlin, involving broken glass and property damage. Indymedia reports:⁷ “Yesterday, January 10, we had called for a demonstration in Neukölln to publicly denounce Oury's murder ten years after the crime and to name his murderers and the racist conditions that led to his murder. [...]”

The LKA Berlin initiated criminal proceedings for “very serious disturbance of public peace and dangerous interference with road traffic.” Items such as paving stones or bags of paint were collected nearby and tested for DNA traces.

Female DNA was found and analyzed and was entered into the DNA database. There were reportedly two trace-trace hits: with the DNA of

⁴<https://athens.indymedia.org/post/1158090>

⁵<https://autonomesblaettchen.noblogs.org/files/2014/01/nr10web.pdf>

⁶Match of DNA traces from two different crime scenes.

⁷<https://linksunten.indymedia.org/de/node/131572>