

ANALYSIS OF THE BERLINER INCIDENT FROM AN INDEPENDENT PERSPECTIVE

INTEGRITY OF THE INVESTIGATIONS WAS COMPROMISED IN BERLIN?

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It is always a risk to provide analysis while the events are unfolding. We are aware of this.

However, our Counter-Radicalisation Research Team decided to produce this analytical document because the dramatic incident in Berlin raises several questions concerning the new way critical events are investigated by some police forces in Central and Northern Europe; the consequences of these investigations on the political panorama; the competences of some police and intelligence forces to resist to the negative climate produced by the exploitation of forensic cases by the media and political establishments, in the name of their independence and professionalism; and the role of media as involuntary collaborator of terrorism- all these factors need to be addressed right now for the relevance of the problem concerned and for this reason we accept the risk to propose a counter-analysis on the critical events in Berlin from a non-terrorist perspective.

This short analysis is also a call to the German police to revise its analysis on the case and at the same time an ex post document for future reference when the events will be more clear and the media dust settles, with the objective to implement our capacity to carry out serious and independent investigations without media and political interferences. The risk is that the killing of the alleged perpetrator(s) may cancel for ever the motivational evidences behind the critical event and pave the way to misleading decisions of the political decision-makers.

1. Incongruences

Analysts and LEAs (Law Enforcement Agencies) decided arbitrarily from the very first hours of the incident that this was a terror attack due to the similitudes with the Nice case but in absence of any tangible evidence in this direction.

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With this assumption, the local police started an unusual public communication campaign through social media orienting worldwide the public opinion and the media. This arbitrary assumption granted surely visibility but was based neither on evidences from the spot, nor on analysis, at least at that early steps of the investigation.

As a matter of fact, the Berliner Police with this *political and ideological arbitrary* assumption, not based on evidences, seriously damaged the integrity of the investigations which were directed only in one direction under the pressure of the public and political opinion, they contributed to form.

The PolizeiBerlinEinsatz (official Twitter account) and the head of the Berliner Police, in absence of any evidence and while investigations were running, declared publicly the incident as a ‘terrorism attack’ and even alluded to Islamic-inspired forms of terrorism. They allowed the publication of tweets and media information within this framework without any prove and *in absence of any typical indicator of Islamic-inspired terrorism*. This was a big mistake caused by excessive desire of prominence and lack of professionalism, which lead to one-way investigations thus undermining the timely integrity of the forensic case, that could have many alternative outcomes.

The result of this superficial approach, considered from a methodological point of view, was firstly the arrest of a young immigrant belonging to the Baloch Pakistani minority, thus generating an unproven connection between immigration+Islamism+terrorism, an explosive mixture for the polarized European societies obsessed with immigration and security. When this path revealed its inconsistency, a new Tunisian immigrant was focused based upon false documents found in the truck. This consistent investigative track which required confidentiality and suggested caution was immediately and directly sold to the public opinion as a Tunisian Islamist threat, disregarding the criminal past of Anis Amri and his criminal motivations, already present in his file in Italy. Also this news was launched with full steam through the media and this reinforced the idea of a terror act managed by the usual immigrants-Islamists. Of course, this is possible, but is only one of the investigative hypothesis to be investigated.

This unhealthy and unproven equation de facto established by the Berliner Police and reinforced by the media industry, in absence of any factual basis, confirmed then by the German Ministry of Interior and reinforced by the Verfassungschutz, provoked a cascade of political reactions worldwide and a spasmodic attention of the media industry around the criminal case, with a huge political and economic impact far beyond the borders of the critical event and with an International outreach.

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This chain of dangerous procedural mistakes and inaccuracies with wide-ranging impact on the political, security and economic landscape at national, European and International level, lead also to an underestimation of some contractions coming from the crime scene, which should have been better considered and analysed by the German police and the International intelligence community to grant the integrity of the investigation and apprehend the real perpetrator/s; to explore the motivations behind the criminal act or at least to allow timely investigation in multiple directions.

The most evident contradiction is offered by the fact that the modus operandi of the alleged perpetrator(s) are not in line with the profile of previous Jihadi terrorists at this state of the information and for this reason the decisions of the German police can be considered as arbitrary.

Surprisingly some key elements were apparently unforeseen by the German investigators:

1. If the alleged Jihadist had a small-calibre gun, he didn't need to steal a truck to commit a relevant attack. Usually even home-grown Jihadists use the simplest way to reach the public effects, they are looking for. With a 22 mm gun a Jihadist can provoke serious critical events, and high casualties within very symbolic contexts. The recourse to a truck is not necessary, if you have access to weapons, as in the case of Anis Amiri.
2. *Suhada'* Jihadists, including home-grown terrorists, usually are instructed to or prepare and plan with attention their actions, thus carefully avoiding any law violation before committing their suicide actions, in order not to compromise the result.

For this reason, instead of stealing a truck, they would have rented one vehicle or used one in their possession, especially considering the complexity of this operation. The decision to abduct a truck driver (a tall man of 130 Kg. of weight); to steal the vehicle; and carry out the operation with this by-passenger on board is fully unusual, irrational even for unstable Jihadists and too risky for the wanted results. So far a reasonable reason explaining why the Polish driver was abducted is not provided by the investigation.

Contrary to this, this behaviour is a typical modus operandi of truck thieves operating within the organized mobile crime organisations in different European countries.

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The truck with its products belonging to the Polish company Zurawski was a new Scania model with only 70.000 Km and is a very attractive booty for the mafia operating in several European countries.

It is not illogical to figure out that the tall driver of 130 Kg., a relative of the company's owner, may have tried to protect his vehicle and engaged in a fight with the thief (or the thieves) which lead the truck to crush against the Christmas market in the Breitscheidplatz, a few meters within the pedestrian area.

Also, the fact that the truck has travelled only a distance of 80-100 meters from the main street into the crowded Christmas market after a short zig-zag (evidence of a fight), is another contradictory indicator speaking against a terror attack and the intention to crush civilians and attack Christmas symbols.

Indeed, we don't have to forget that the alleged driver(s) drove the heavy Scania TIR-vehicle for many Km within very trafficked avenues and streets in downtown Berlin, thus proving clear experienced driving skills which could have done much more damages in the Breitscheidplatz if he really wanted intentionally to kill as many as innocent visitors as possible. The initial zig-zag approach and the short penetration into the pedestrian areas should have suggested cautions on the real intentions and motivations of the perpetrator(s).

3. The decision of the driver to run away from the crime scene after the action, without *takbir*, finger pointing to the sky or *ruk'a* (some of the typical external behavioural signs of religious-inspired motivations) is also not in line with the intrinsic logic of a Jihadist actor. Having a gun and a knife a jihadist would have easily completed his massacre after the clash against the Christmas tree and eventually committed suicide in front of the media with hostages, thus 'glorifying' his action with typical ritual behaviours, including the most cruel one. The ritual dimension of the '*istishad*' is an essential component of the terror acts committed so far, as well as the media dimension granted by the high number of victims and the symbolic acts that always accompany these actions. This meaningful and well established context was fully absent from the crime scene and this should have suggested caution to the investigators before pointing out towards terrorist motivations.

Contrary to well establish Jihadi pattern, the Berliner perpetrator(s) escaped from the crime scene, avoiding any contact with the helpless population, any ideological indication. It should sound strange to investigators that a well-motivated Jihadi able to acquire weapons, kill a driver, confiscate and drive a heavy truck and crush people in a Christmas market then refused to complete the

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‘sacred’ ritualism of the *‘istishad’* and escaped from the crime scene *like a normal criminal*.

4. Usually then the Jihadi modus operandi is accompanied by the broadcasting of the ‘allegiance’ (*bay’ah*) and his ‘testament’, carefully prepared in advance and then distributed by its inspiration movement or by himself.

After several days *A’maq* published only a skinny communique saying nothing, while the alleged ‘Soldier’ (*Jundi*) is supposed to be still at large. This is an unusual behaviour for the *Da’ysh* Media Publisher.

5. Last but not least the truck was active in a route which is very important for human beings traffickers, from Italy through Germany to Denmark. This suggests also to orient part of the investigations towards the organized crime and its CaaS modus operandi.

In conclusion, we are wondering WHY the police forces didn’t pursue this normal logic and evident tracks and contrary to evident investigative and forensic elements decided to follow the terrorist track only, announcing it to the world.

2- Consequences of the Critical Event in Berlin

We don’t know today whether what happened in Berlin is a terrorist attack or a theft attempt with serious consequences, as we tend to believe. The profile of the alleged perpetrator allow both interpretations, as well as the initial analysis of the crime scene. We don’t know, also, if the perpetrator(s) is Muslim, immigrant, Arab or what document he has. ***What we know for sure is that his criminal behaviour is NOT TYPICAL for a Jihadi terrorist and this should have suggested caution to the LEAs for the broader implications of this accusation.***

For this reason, the critical event was certainly improperly managed by the German police and improperly exploited by the International media industry. This lead to one-way investigations and forensic and judiciary mistakes with a number of consequences far beyond the relevance of the single critical event.

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The most evident consequence is the impact of these arbitrary decisions of security forces on the European political and economic panorama, similarly to what happened in the States when the FBI launched an investigation on a presidential candidate few days before the election. It is very clear that security and judicial decisions have a dramatic impact on the political scene and may alter the democratic game, if not properly balanced and controlled. We can pay very high prices for arbitrary decisions in this field and for this reason special caution, confidentiality and adherence to the institutional role is required to police force, investigators and intelligence agencies, as well a sense of responsibility is required to the media industry in these cases.

From a security point of view, the critical event in Berlin can be analysed as a normal criminal act or as a terror act, both are possible interpretation depending from the motivations of the perpetrator(s). However, the modus operandi is typical of the mobile organized crime groups and NOT jihadi terrorists at the state of the art of the information and this possibility should have been disseminated along the information pipeline.

The early unmotivated labelling of this critical event as a form of terrorism (and Islamic-inspired terrorism, more in particular) provoked several chain-effects:

1. Geopolitical dimension of the case, up to the point to connect this critical event with other fully unrelated cases in Turkey and Switzerland. This paved the way for the exploitation of the case by the ISIS Insurgency in Syria and Iraq but also by other governments and political groups strongly opposing the European way;
2. Political exploitation by right-wing radical parties, thus increasing the already high level of polarisation among the European societies and altering the political balance in Germany and Europe;
3. It compromised the timely integrity of the investigations, which should have considered the tracks of the mobile organized crime and timely analysed its logistic and connections;

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4. Contributed to criminalize immigrants and asylum seekers, spread fears and anxiety, and finally produce serious consequences for the ruling German parties in front of a long electoral campaign. Germany as a whole was damaged by this arbitrary decision of the local police force;
5. By contributing to increase the level of alert at European level, this critical event had also a relevant financial and economic impact on public spending and contributors, thus compressing the already depressed Christmas expenses and further militarising leisure locations, travels, and holidays in absence of the minimal evidence of a clear forensic prove attesting the terroristic nature of the event;
6. Even worst, it paved the way for further imitation effects by vulnerable individuals and criminal organisation in Europe, who are seeking to gain the headlines for different reasons. We face again the paradox that improper security initiatives become push factors for radical escalations and dynamics.

What happened in Berlin, no matter who is responsible for the critical event, is the indicator that the security policy in Europe needs to change its approach, return to be a professional discipline based on evidences, integrity, and independency of the investigators under the control of judiciary authorities and clearly separated from the politics and the media industry.

On the one hand, LEAs and police forces as well as intelligence need to be better trained on Jihadist modus operandi and patterns, thus discriminating between real and perceived risks, based upon clear and sound threat analysis.

On the other hand, also infiltrations of xenophobic right-wing tendencies within LEAs in several Central and Northern European countries should be carefully monitored, to grant a proper equilibrium between security and fundamental rights, thus avoiding the exploitation of security cases for unexpressed political reasons.

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