

# **We are conspiring: update on the current investigation**

by Meeting in solidarity with the defendants

2023



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# Introduction

With the following text, we want to give an overview of the current investigation against two comrades who were arrested on February 16th 2023 in Adlershof, Berlin. We believe that individual experiences can be of a collective use when we find the right ways to share them. Instances of repression, should especially not be the fate carried by an individual, but an opportunity for us to come together in an offensive moment. This text should be one step further in that direction.

## What happened?

In the night from 15th to 16th of February, the helicopter of the federal police ("Pirol"<sup>1</sup>) is on one of its routine surveillance flights. At 0:26am the team, with the help of thermal imaging cameras, identifies two people on the tracks south of S-Bahnhof Adlershof<sup>2</sup>. They alert the control center at Ostbahnhof<sup>3</sup>, which then sends out two patrol cars and one civil car (all of them federal police, as the railway is under federal jurisdiction) to Adlershof.

Because the two people are supposedly in and close to a tunnel, one patrol car parks at the southern exit of the tunnel, while the other cars park further away and take different routes on foot to approach the northern exit, all directed by the helicopter crew. Since modern high resolution night vision goggles give the cops the opportunity to spot people from a 10 kilometer distance, the helicopter can be well out of eye and ear shot of the suspects<sup>4</sup>. [*Note from CSRC: according to another text<sup>5</sup> published by German comrades about this case, during a 2022 routine surveillance flight close to Berlin the federal police helicopter had its position lights switched off and the sound of its rotor blades muffled to avoid detection: "Although the helicopter could still be heard, the noise was diminished. This can lead to misjudging the distance of the helicopter or, if mixed with other noise such as a highway, to not being aware of the approaching problem until it's too late."*]

Shortly after 1:00am the cops enter the tunnel and confront the comrades with weapons, ordering them to lay on the ground. They, as well as one backpack that was found outside the tunnel, are searched. According to the cops, two operating radios and a list with the license plates of civil-cop cars were found. Additionally, they confiscated one pair of leather gloves. The cops asked the comrades several times what they were up to in the tunnel without receiving an answer, so they walked the tunnel up and down a few times looking for fresh graffiti, but with no results. The frequencies of the radios were photographed (for interested Amateur radio users: the radios in question were of the model BoaFeng GT-5TP with yellow/orange Applications. The photographed frequencies were 463.425 (Ch.2) and 464.425 (Ch.13)). The civil cop handling the radios claimed to receive an incoming transmission and to hear a female voice on the other end of the line. He himself then spoke into the radio, saying that he could not talk right now because there was railway personnel close by. Excited by the prospect of catching more suspects, the civil cops rushed to their cars to search the area, also with no results.

Meanwhile, after the fourth or fifth search of the tunnel, the cops found a backpack, which they claimed to have been hidden between the wall of the tunnel and the cable trail. According

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<sup>1</sup>Note from CSRC: "PIROL" is the airline call sign used by the German federal police - a code that is used during radio communication with their aircrafts.

<sup>2</sup>Note from CSRC: a railway station in the district of Adlershof in Berlin, Germany.

<sup>3</sup>Note from CSRC: a main line railway station in Berlin, Germany.

<sup>4</sup><https://polizeibericht.info/einheiten/hubschrauber>

<sup>5</sup><https://kontrapolis.info/9821>

to the cops, they found gloves still in the original packaging and a canister for window cleaner filled with a liquid. The cops, now thinking they might be dealing with attempted arson, go on yet another search along the tracks. They call in for a sniffer-dog team and hand over the investigation to the criminal police of the *Direktion 5*<sup>1</sup>. They also search the comrades again, looking now for lighters or something similar. They do not find anything.

At 3:30am the sniffer-dog and the criminal police enter the scene. The dog, after having sniffed the scent of the comrades, runs a few hundred meters and then loses the trace. The criminal police force the comrades to cover their hands in plastic gloves, so that any traces of accelerants may later be identified. The cops also put the backpack, canister, gloves, radios and another PET bottle that was found in the tunnel into plastic bags, to be searched for DNA traces later.

Around 4:45am the cops finish up at the scene and both comrades are taken to the jail at Tempelhofer Damm<sup>2</sup>. Before either of them gets the chance to contact a lawyer, the cops issue verbal search warrants for both addresses. These are carried out at 4:00pm that afternoon. The cops use keys that they had taken from the comrades' personal belongings. Upon arriving at one of the addresses, the cops find that none of the stolen keys fit in any of the doors, so they take off again. At the other address the keys work, so the cops enter and search the apartment, cellar and a car (the key to which they found during the raid). They confiscate a laptop, pepper spray, fire cracker and suspected GPS tracker. Only after the raid, do the comrades get the opportunity to phone and meet their lawyers. They spend the night in jail. The following day they both learn from their lawyers that they have to appear in front of a judge, who will decide over their release. This takes place at 6:00pm that same day. The judge issues an arrest warrant for the two, but releases them under certain conditions, meaning that both comrades can leave the jail at 7:00pm. Upon their release, they are welcomed by dozens of people who had followed a previous published call.

## Further investigation

The consequences of the arrests and the investigations are difficult to calculate right now. We are not interested in participating in any form of speculation, but find it necessary to explain a few concrete details. For starters, there are the immediate consequences for both comrades: both of them have to report to the cop station twice a week. Just as the cops used that as an opportunity to take DNA from both comrades, they could always use it as a moment to carry out an arrest warrant. This is something that we have seen in other cases. We can also expect communication surveillance<sup>3</sup> and other surveillance<sup>4</sup> to be issued in this investigation, which may also affect more people.

The meaning that the cops will put onto this investigation, will not depend entirely on the charge they have settled on for now, but more on their theories concerning the political context. Currently, it seems that the investigators believe that they are dealing with attempted arson against cables of Deutsche Bahn<sup>5</sup>. This political praxis has a long tradition in Berlin and Germany and given the current discussion about critical infrastructure, the preventing of these kind of

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<sup>1</sup>Note from CSRC: the *Direktion 5* is the section of the local police in charge of the Friedrichshain-Kreuzberg, Neukölln and Mitte districts of Berlin.

<sup>2</sup>Note from CSRC: a road that goes through the Tempelhof district of Berlin, Germany.

<sup>3</sup><https://csrc.link/earsandeyes/index.html#bremen-2022-11>

<sup>4</sup><https://csrc.link/earsandeyes/index.html#berlin-2022-08>

<sup>5</sup>Note from CSRC: national railway company of Germany.

attacks has reached a new relevance for the State. Although it is as of yet been unable to present any real suspects.

The explosiveness of the matter might explain why certain information about the Comrades and the so called “thwarted attack” against the Deutsche Bahn, reached the press before they reached the lawyers. It might also give us an idea as to how the LKA<sup>1</sup> will now take a second look at dozens of cases concerning attacks against the railway system, to construe any possible form of connection to this current case.

## Solidarity

Even though repression is a constant companion in our struggles, an attack like this means that additionally to the surveillance and restrictions to one’s freedom of movement, comes an emotional strain on the affected people and their surroundings. We would be lying if we claimed that all of this does not affect us. Though, that does not necessarily mean that the intentions of the States repression needs to be successful. We do not wish to be hard and infallible warriors who never waver. We find it important to take these attacks on us as a chance to come together. We want to talk about our concerns, worries and uncertainties – to find a collective response. To not see this as a moment of weakness, but as a chance to strengthen our relationships and our solidarity with each other. This requires us to be aware of our inner-thoughts and emotions, to then communicate and share them with others. It also means making knowledge and facts concerning the case transparent, as best as we can. Only then can we transform repression from an individual fate, to that of a collective response to a State attack against our structures.

To create the space for such a response, shortly after the release of the two comrades, there was a call for a solidarity meeting. This meeting was used to bring everyone up to speed, share experiences and talk about needs and tasks. We found ourselves confronted with questions which turned out to be very complex: how do we deal with the fact that people in the middle of our friendship circles and comradeships are hit with massive surveillance measures? How should affected people behave around others? What does it do to people, to be marked as a security risk? Questions that are not easy to answer, but nevertheless important to ask.

## Outlook

We do not yet know what will come of this investigation. We do know though, that we are not the first ones and will not be the last who have to deal with a situation like this. Further, we have also benefited from other peoples experiences and find it always helpful when these are being shared.

For sure, we will not bury our heads in the sand and be silent. We appreciate all the greetings and solidarity that reach us in words and acts. They provide us with strength and courage.

We are conspiring!

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<sup>1</sup>Note from CSRC: the Landeskriminalamt, or LKA, is the State criminal police agency, as opposed to the federal criminal police agency.

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*Layout by the Counter-Surveillance Resource Center ([csrc.link](https://csrc.link))*