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Did Failures By German Authorities Lead to Attack?

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German authorities identified the main suspect in the attack on a Christmas market in Berlin as a potential Islamist threat months ago. His deportation had even been ordered, but then suspended -- despite knowledge by investigators that he may have offered himself as a suicide bomber. *By SPIEGEL Staff*

It was during the clean-up operation that authorities made the most crucial advance yet in the search for the perpetrator. On Tuesday morning at 10:17 a.m., specialists retrieved the 40-ton semi-truck that had plowed into a crowded Christmas market at Breitscheidplatz near the Kaiser Wilhelm Memorial Church the previous evening. Twelve people died and many more were injured in the attack.

The salvage operation appeared to be routine, especially given that the presumed suspect had already been taken into custody. The men towed the truck 10 kilometers through the capital to the northern part of Berlin. There, in a military hall at a former barracks, investigators wanted to search the Scania truck once again for possible clues. But the forensics experts responsible had to wait. First the search dogs, the so-called man trailers, had to be brought to the scene in order to track scents. They could only scan the vehicle for DNA traces and fingerprints after that had happened.

At 2:30 p.m., German Federal Prosecutor Peter Frank held a press conference in Berlin. He said that clues were still being evaluated and that it would emerge over the course of the day whether the man who had been detained was actually the perpetrator. At that point, however, he likely knew that he would order the release of Navid B., the initial suspect. What he didn't know, however, was that investigators had taken on a case that might ultimately trigger a political firestorm.

A Rejected Asylum Request

If Anis Amri, the prime suspect, currently the subject of a Europe-wide manhunt, turns out to be the perpetrator, it would say a lot about Germany's current state. Amri was an asylum-seeker whose application had been rejected by the authorities. He was granted a residence status in Germany referred to as "tolerated," meaning his deportation order had been temporarily suspended. This happened after an initial attempt to deport the man failed. He was known to the authorities as a criminal and an Islamist and was the subject of an investigation. He had been surveilled by officials for quite some time. They had him on the radar and nonetheless failed to stop the terrorist act officials believe he may have committed.

Even if the picture isn't complete here yet, what this case is hinting at could be far graver than even the bad series of failures connected with the investigation into Jaber Albakr, a Syrian with refugee status who had planned a bombing attack on a Berlin Airport and then killed himself in October during pre-trial detention in a Dresden jail. The overall image would be devastating, underscoring as it would the helplessness of German authorities in how they handle the problem of dangerous Islamists and the inability of the immigration authorities to determine the kind of people they are dealing with and keep track of their whereabouts.

Forensics experts made their explosive discovery in Berlin on Tuesday afternoon, many hours after the attack. The document was lying in the truck's foot well between glass shards and blood stains: a letter produced by authorities in the town of Kleve in North Rhine-Westphalia granting permission for a certain Ahmad S., allegedly born in 1995 in Tunisia, to temporarily remain in Germany. It soon became clear to the German authorities that they were dealing with someone they were already acquainted with here -- a man who is on record as having used as many as six different identities. At times he claimed to be Egyptian, at other times he claimed to be Palestinian and at others a Tunisian, from different cities. It is believed that his real name is Anis Amri, and that he was born in 1992 in Tunisia.

'Strong Suspicion'

That same night, authorities launched an undercover manhunt for Amri. They wrote there was "strong suspicion that he was directly connected to events relating to the attack." They also warned police across the country against trying to stop or arrest the suspect on their own if they

encountered him. Instead, they were advised in internal mails between the police authorities to call the Berlin State Office of Criminal Investigation if they traced the man so that "special forces could be supplied."

That same evening, German Interior Minister Thomas de Maizière of the conservative Christian Democratic Union (CDU) appeared on national television saying he was "optimistic" there would soon be a positive development in the investigation. The head of the union of German criminal police expressed similar sentiment in a live talk show. And investigators, including Germany's elite GSG 9 police force, had in fact tried to locate and arrest Anis Amri. But they didn't succeed because they were unable to find the suspect. It appears that Amri has experience in going underground. When the Berlin Public Prosecutor's Office investigated him on suspicion of committing bodily harm earlier this year, they were unable to track him down.

Fooling Immigration Authorities

The tracks that Amri did leave behind with German authorities tell the story of a man who moved around a lot and had a penchant for fooling immigration authorities. They also point to a possible radical Islamist who gave security agencies the runaround.

Officials are still investigating the exact time at which Amri entered Germany and the route he took to get here. It's likely he came in 2015. The new arrival registered with the authorities in multiple places in Germany and he used different aliases to do so. He registered in two cities in the state of North Rhine-Westphalia, including Oberhausen and the town of Kleve. But he soon moved to Berlin.

It's in the German capital city that he submitted an asylum application in April 2016. He claimed to be Egyptian and that he had been subjected to persecution in his home country. When officials asked follow-up questions about Egypt, however, he showed almost no knowledge of the country. An interpreter provided by the Federal Office for Migration and Refugees (BAMF) also detected that his accent when speaking Arabic didn't sound Egyptian. Agency officials also verified this using speech analysis.

Searches using a newly installed central database system at BAMF produced information indicating that Anis Amri had registered with the authorities using several different identities and dates of birth. By this point, he was already on the security authorities' radar. Within a matter of only weeks, officials rejected Amri's asylum request, saying it was "obviously unfounded."

That might have served as evidence that the German system eventually does work. But that would have required Amri's deportation -- a step that can be very difficult if the person in question is not in possession of the correct ID documents.

German immigration authorities have been struggling with this problem for years now -- namely that they don't know who they are dealing with when asylum-seekers throw away their real passports and try to disguise their true identity. A state- and federal-level deportations working group reviewed the country's national central register of foreign nationals and determined that, "71.4 percent of current asylum-seekers are residing in Germany without proper ID documents."

If it isn't clear where a refugee came from, that person also can't be deported back. And even in cases where speech analysis and other tests help determine a person's true background, the countries of origin often refuse to repatriate their citizens if they are lacking proper documentation.

Failed Deportation

In Amri's case, the effort to deport him failed because of Tunisia. German authorities have long considered the country to be particularly problematic when it comes to deportations. A government official in Berlin complained in 2015 that the Tunisian Embassy was "uncooperative" and in most cases didn't even bother to provide a response.

That's an experience that was shared by the authorities in the southern German state of Baden-Württemberg. This summer, police intercepted Amri during a routine check conducted on a bus near Lake Constance. Amri had apparently been carrying forged Italian identity papers. Police arrested him, but he got released again only two days later. A swift deportation failed because Tunisia refused to repatriate him. According to the head of the jail where he was held in Ravensburg, the immigration authority in Ravensburg had issued a written order for Amri's release.

When Amri was allowed to leave, he provided the address of an old villa in Karlsruhe. It's located near one of Baden-Württemberg's initial reception centers for refugees. A number of organizations are based in the building that provide assistance and advice to refugees. But it's not possible he lived there. In fact, one of the groups operating there, Freundeskreis Asyl, said it doesn't have his name listed in its records. Of course, he had a little bit of experience, so perhaps he registered with them under a different name. Or perhaps he found the address on the Internet or in a refugee guidebook.

Outwitting the Authorities

The ease with which Amri outwitted German immigration authorities evokes an incident involving another terrorist who also happens to be Tunisian: Tarek Belgacem, a man shot and killed by Paris police after he stormed a police station on the anniversary of the *Charlie Hebdo* attack wielding an ax and a fake suicide belt. The man, 24 years old at the time, had spent years

traveling all across Europe using 20 different names. He committed crimes in several countries and deliberately exploited shortcomings in the asylum system.

It is also believed that Amri moved around a lot in Europe. Security agency sources say he was fluent not only in his native Arabic, but also French like many other Tunisians, as well as Italian. That would seem to corroborate reporting by several media who have quoted Amri's father as saying his son left Tunisia seven years ago.

On Wednesday night, a Tunisian police anti-terrorism brigade sealed off the Farhat Hached district of Oueslatia, a small town near the city of Kairouan in Tunisia. It's the neighborhood where Anis Amri's family lives. All of the suspected perpetrator's family members were brought in for questioning. The document issued to him by the German immigration authorities states that he was born in the desert city of Tataouine, but neighbors say he was born and raised in Oueslatia.

A Family Living in Extreme Poverty

A neighbor said the family is extremely poor. Amri's parents were separated, his mother worked as a maid and his father, who the neighbor said has a physical handicap, makes deliveries for businesses using a handcart. Amri's sister Najoua is reportedly the only person in his family who managed to escape poverty. She works as a notary public in Zaghuan around 100 kilometers away. She told the station Nessma TV, "I am shocked and I never could have imagined that Anis would become a terrorist. He always drank a lot and he was never religious."

In 2008, at the age of 16, he is said to have stolen a truck. The Tunisian authorities state that he threatened the driver with a knife and then drove away from the scene. He was convicted in absentia and ordered to serve a jail sentence. In March 2011, he boarded a boat in Zarzis and made his way to Italy. Media reports in Italy have indicated that after arriving, he was part of a group of refugees who set fire to refugee accommodations during a protest.

Schengen-Wide Entry Ban

The fact that Amri came from an area near Kairouan could be significant. The city, located around 150 kilometers south of Tunis, is considered a bastion of militant Salafism. But Amri wasn't known as being a religious person in Tunisia. He was better known as a good-for-nothing and a small-time criminal. He thus seems to fall into a familiar pattern: With a sheer lack of opportunities, many young men in Tunisia left the country after the Arab spring and headed across the Mediterranean to Europe. They would later become disillusioned and some would join up with Islamic State.

Amri reportedly spent four years in jail after being convicted of arson charges connected with the incident in Italy. If that's true, then the fact that German authorities had been unaware of this, is yet further evidence of considerable shortcomings in cross-border cooperation between European authorities. But aspects relating to his time in Germany alone are sufficient to raise serious doubts about the competence of the country's own security agencies.

The Italian authorities issued a Schengen zone-wide entry ban for Amri, meaning he shouldn't have been allowed to travel into the border-free area. But they didn't take that action until this year.

In February 2016, the security agencies ordered officers to conduct a check on Amri, "insofar as police law permits." In the letter, they placed the man "within the Islamist spectrum," and noted he had "suspected ties with IS (Islamic State)." The memorandum was created because Amri had begun hanging out in radical Islamist circles starting in 2015. He had first come to the attention of the authorities in the course of an investigation into Hildesheim-based hate preacher Abu Walaa. He had popped up in circles surrounding radical preachers Hasan C. in the city of Duisburg and Boban S. in Dortmund. For a time, it is even believed that he had a key to S.'s apartment.

It wasn't the regional authorities who had noticed the kind of company Amri was keeping, either. During the course of their investigation into Abu Walla and Hasan C., officials with the Federal Prosecutor's Office in Karlsruhe had stumbled across Amri, determining him to be a person who ran errands for the men. But they did not consider him to be a suspect.

Alarming Information

The authorities nonetheless took note of some alarming information. It appears that they concluded, on the basis of wiretapping, that Amir may have offered his services as a suicide bomber. But the language he used was very veiled and did not meet the threshold required to make an arrest. He is also said to have described to an informant to the security authorities how he could obtain a weapon.

Investigators took note of his pursuits, which they considered to be highly suspicious but ultimately not enough for them to close in on him. The information was then passed down from the federal prosecutor in Karlsruhe to the state level in Berlin, where the local public prosecutor opened proceedings against Amri. Did security officials in Berlin have indications that the Tunisian was looking for accomplices and that he also wanted to become a perpetrator himself?

Sources within the Berlin city-state authorities say they believed he had been planning a break-in and that he wanted to use money from the loot to buy automatic weapons. The Berlin authorities then began wiretapping the suspect, even organizing a major surveillance operation against Amri

and warning each place where he supposedly wanted to break in. But instead of finding evidence for that kind of crime, officials found it for another: Investigators learned that Amri had been part of a fight in a bar that may have been related to a dispute within the drug dealing scene. They followed up on the case.

After that, Amri no longer maintained any verifiable contact with his contact people in Islamist circles. The Public Prosecutor's Office suspended its surveillance efforts based on a surfeit of evidence pointing to terrorist activity. Amri then fell off the authorities' radar. That is, until Tuesday, when investigators discovered his identity paper in the foot well of the truck that struck the Christmas market.

On Wednesday, the German authorities also obtained some other documents pertaining to Amri: The replacement documents with which he could be deported back to Tunisia.