



What to do after a racist attack?

Mobile Beratung
für Opfer rechter Gewalt

Impressum

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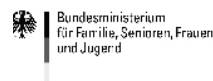
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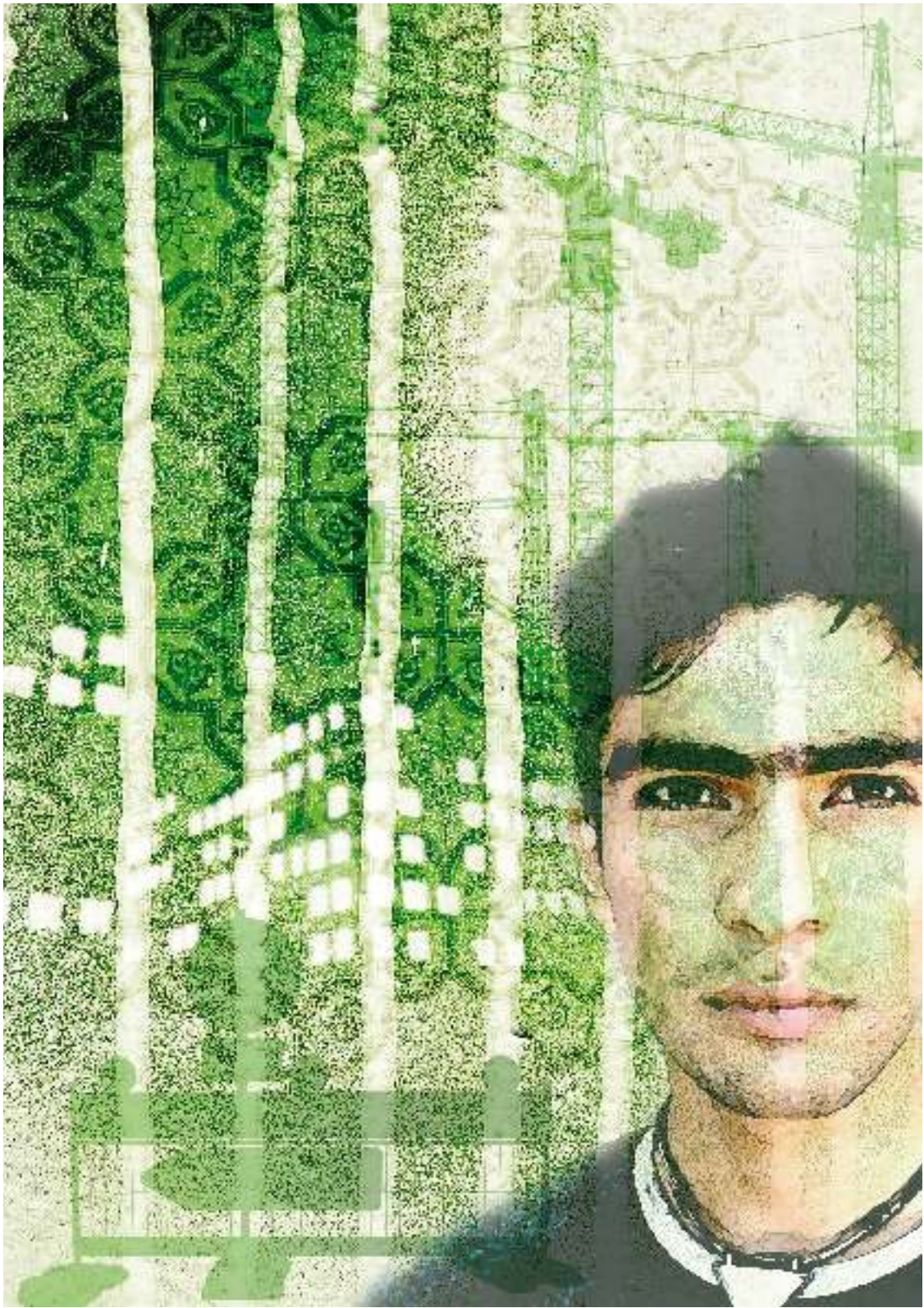


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Racist violence in everyday life

Whether you are an asylum seeker, immigrant, refugee, foreign student or a Black German, racist slander, discrimination and harassment can be a daily occurrence. Due to racism, those perceived of as non-white or non-German by members of mainstream society, can be victims of abuse that can escalate to violence. Passers-by remain silent, the police arrive too late and acquaintances say: "It's your own fault, if you are on the streets alone after dark."

Racist and right-wing attitudes aren't fringe phenomena, but prevalent in society. Individuals become targets of right-wing violence as representatives of a group who do not fit the racist worldviews of the attackers. In the majority of cases the violence committed by racists is directed against anyone who appears to be or is of non-German origin.

In order for victims of right-wing and racist violence not to be left alone it is important that the person attacked seeks support and that there is a response of solidarity. Nobody should be left on their own after an attack and nobody has to accept a violent racist attack.

This brochure provides information about what to do if you or a friend are victims of right-wing or racist violence. Additionally you will find a list of contact addresses for groups and projects at the end of this brochure (see p. 25).

What to do after a racist attack

Finding support

If you are the victim of an attack, first of all you should think about who can best support you and what is most important for you now. Often it already helps just to be able to talk to someone. There are independent local counseling projects for victims of right-wing, racist and anti-Semitic violence both in the new federal states and in Berlin. You can contact these projects and get counseling at a site of your choice; if you want the counseling can be provided anonymously. (see p. 25) If you already have contact with a counseling center for refugees and migrants or, for example, to the coordinators for foreign students at your university, you can also ask what means of support they have there.

If someone else – a friend or a relative – is affected or you have heard of an incident, then you should think about how to organize support for this person. Sometimes the first step is to find out who has been attacked. Then you should contact the affected person and brainstorm together what steps to take.

In any case it is important that you or the person attacked not remain alone.

Physical and mental consequences of the attack

If you are injured you should visit a doctor. Get a medical certificate that lists all the injuries. Often one doesn't realize the extent of the injuries directly after an attack or thinks that treatment is necessary. However, you should have all your injuries meticulously documented for a potential court proceeding and in order to file a claim for compensation for personal suffering (see p. 17). After the first treatment by an emergency unit or a doctor, if you have not been given a new appointment with the doctor, you can still seek out further treatment on your own initiative. You can take pictures with a camera or a mobile phone camera of your injuries or torn clothes (see p. 17).

If you cannot stop thinking about the attack, certain images continue to flash back again and again or if you are suffering from nightmares and overcome by fears, then you should not hesitate to speak to someone. There are counseling centers, doctors and therapeutic institutions to help you. (see p. 18)

“Memory Log”

Following the attack you might think that you will never forget what happened. But often memory gaps occur as time passes. Therefore it is very helpful to write a “memory log” for yourself to help rekindle your memory in the eventuality that you are questioned by police, must appear in court, for publicity work, or for your own research in regard to possible witnesses and perpetrators. In as much detail as possible, you should write down everything that happened and the course of events: Which hand was used to hit you and how often? Which foot was used for kicking? What were the exact words used to insult you? What were the attackers wearing and did they have any striking characteristics?

Criminal Complaint: Pros and Cons

After an attack you should consider whether you want to file a complaint with the police or the state prosecutor. If the police have already been informed of the event they may start their own investigation. In that case they might have already sent you a so-called summons for questioning as a witness. There are certain criminal acts such as ‘grievous bodily harm’ where the police must start an investigation against the perpetrators – even if you do not want to file a criminal complaint. If the police have not yet been involved, you can initiate an investigation against the perpetrators by either filing a complaint or lodging a demand for prosecution (see p. 8).

Filing a criminal complaint against the perpetrators is one possibility to show right-wing activists and racists that they will not remain unchallenged if they act violently against others. A criminal complaint may mean that the perpetrators do not just ‘walk away’ from their act of violence without consequences. Filing a criminal complaint makes it easier to make the case public and ensures that it is included in official statistics. Filing a criminal complaint is also a means to an end: Each attack that has been reported to the police gives credibility to publicity work and political actions (p. 23).

You may be hesitant to file a criminal complaint because you are afraid it will provoke revenge from the perpetrators. In general, it is true that the accused is informed of the identity of the person making the accusations or filing a criminal complaint—this is an unpleasant consequence. In many cases, however, the fact that a criminal complaint has been filed acts as a deterrent to the perpetrators. Filing a complaint makes it clear that you will not be intimidated, and in fact filing can help protect you. Most attackers realize that any further attempt to intimidate you will lead to another criminal complaint, which would have a negative effect on the ongoing criminal investigation.

You may be afraid that filing a complaint will jeopardize your residence status in Germany, if, for example:

- You are living as an asylum seeker in Germany and are afraid of negative consequences for your asylum procedure.
- You are living with an exceptional leave to remain (Duldung) in Germany and are afraid that this will speed up your deportation.
- You have applied for German citizenship and are afraid that any contact with the justice system may have a negative impact on your chances to obtain it.

Basically a criminal complaint does not have a negative or positive affect on your asylum case or your residence status. As a victim in a criminal proceeding, you have the same rights as German citizens. If you are facing prosecution in the proceedings you should absolutely contact a lawyer and/or a counseling centre if possible before you give a detailed witness statement to the police (see p. 25)

If you don't want to file a criminal complaint, this is your right. You are also not obliged to talk to the police about the attack. You are not obliged to file a criminal complaint nor to make a statement as a witness to the police. However, if you receive a summons from the state prosecution or from the court, in general you are obliged to testify. In this case you should get advice from a victims' counseling project and/or a lawyer beforehand and be accompanied when responding to the summons.

You are living in Germany without a legal residence status and therefore you wish to avoid any contact to police, justice system and other state departments? Do not forgo support that you are entitled to and perhaps desperately need. You should in any case contact the counseling projects mentioned in the address book in the back and/or a lawyer.

What to look out for when filing a criminal complaint

Criminal complaint and demand for prosecution

If you have decided to file a criminal complaint you can inform any police station or state prosecutor either personally or in writing of the incident. Some criminal offenses (i.e. simple bodily harm, slander) are only prosecuted if you explicitly state your interest in criminal prosecution. You do this by filing a demand for prosecution in addition to filing a criminal complaint and by confirming this with your signature on a form that is given to you by police. If you are not yet 18 the demand for prosecution needs to be filed by a parent or legal guardian.

What are the victims' rights in a criminal proceeding?

You don't want to go to the police by yourself? You are afraid not to be taken seriously or that the police is more interested in your residency status than in the attack against you? You can be accompanied to the police (or the state prosecution or to court) by a person of your choice who you trust – a friend, relatives or advisors from a counseling project. The person accompanying you may also – upon your request – be present during your witness interrogation. If the police refuses they must tell you the reason for their refusal and they need to make a written memo of this.

If you speak little or no German you have the right to a translator—both when filing the criminal complaint to the police, during any interrogations that follow, and during a trial. There are no fees for you. You should make use of this right because it is very important for a witness statement to be as precise and clear as possible.

When you file a criminal complaint you will be asked for your personal data—that is: name, date and place of birth, address and profession. Are you afraid that the accused might find out where you live? You have the possibility of providing an alternative address where you can be summoned, i.e. the address of your lawyer or your place of work. You must ensure that the police and justice system can summon you at any time at the given address.

When you go to file a criminal complaint, it will be to your advantage if you have already thought through and recorded in detail (see p. 6) what happened during the attack. Your testimony to the police will form the basis for the court case and you will be questioned in detail about the attack so it is very important to be as accurate as possible. If you cannot remember or you could not see the attackers very well, just describe them as you remember them as well as you can.

You are entitled to a notice of confirmation of your criminal complaint or request for prosecution. The confirmation generally lists a so-called 'log file number' or reference number. Later, you will need this number, if you want to ask for an update on the case.

If you want to be informed of the results of the case against the perpetrator(s), what the verdict of the court has been or whether the case was dropped, you can file a request for

information with the state prosecution (see attachment, p. 26). Additionally you may file a request with the state prosecution or the court to be informed if the accused is being imprisoned or released from prison (see attachment, p. 26).

Refugees and migrants often are not taken seriously by police officers. Sometimes they themselves are blamed for the racist attack. Some police officers are more interested in their residency status and want to cause them trouble. If the police officers behave inappropriately – for example, if they refuse to record your criminal complaint – then you can file a disciplinary complaint (see attachment, p. 27). You can also find support for doing this with the victims' counseling projects or lawyers.

What happens during a criminal proceeding?

Once you have filed a criminal complaint and have given your witness statement to the police or the state prosecutor, the police must start the investigation. This can take weeks or sometimes several months. Afterwards, the police will present the file to the state prosecution who decides what the next step will be: whether further investigations are necessary, whether the investigation will be discontinued because no suspects could be found or whether charges are to be laid. If the state prosecution files an indictment, the court then decides when to begin the trial.

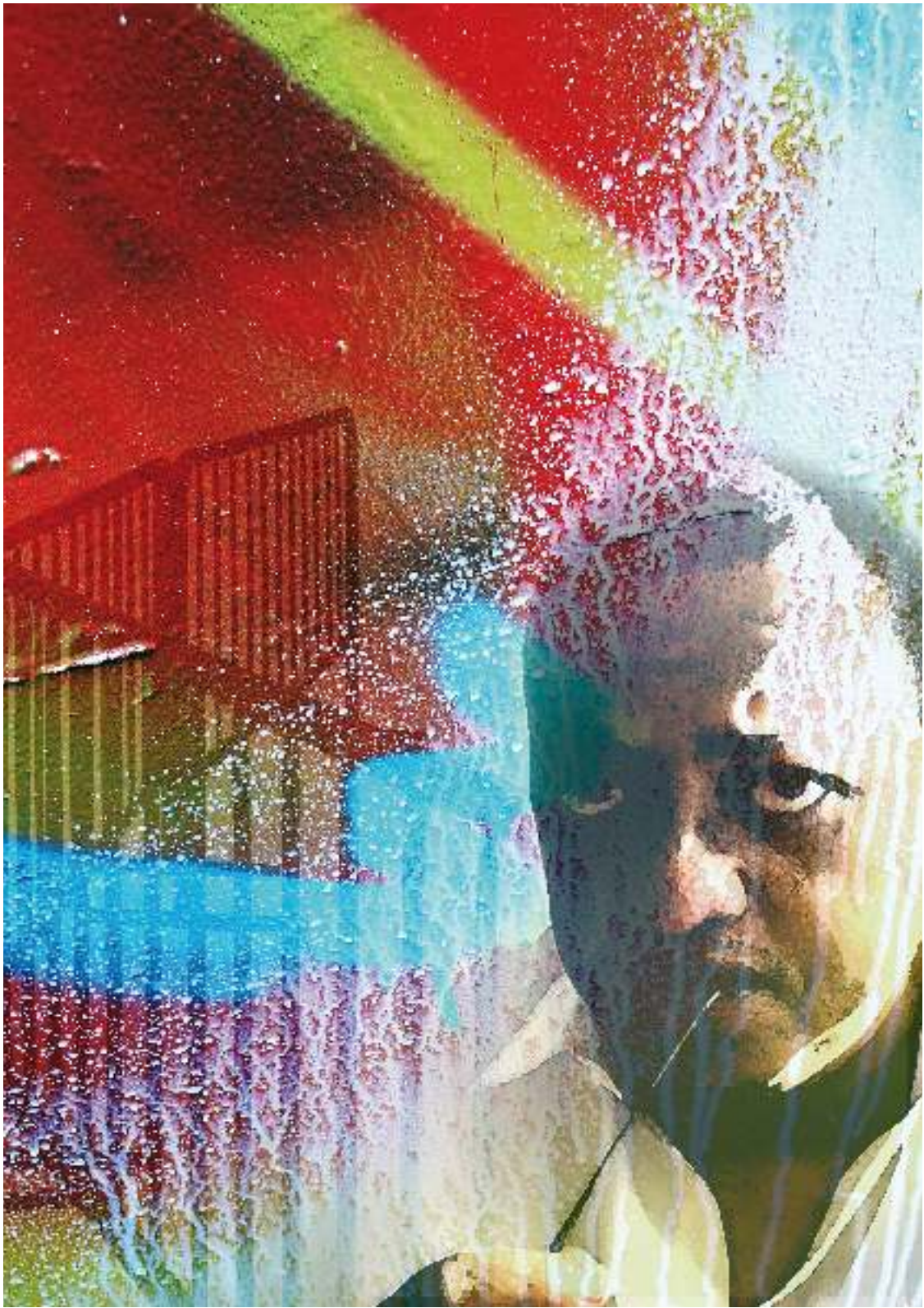
It can take a long time until a court trial begins, sometimes even years. There is one exception: if a suspect is being held in pre-trial detention then the court must, as a rule, open the trial within six months. In order to take an active part in the proceedings, you may wish to consult a lawyer so, as the injured party you may be represented during the trial as a private plaintiff (complainant). (p. 11)

In most cases, if a trial takes place, you have the possibility of acting as a private plaintiff. You can also be represented in court by your lawyer (p. 11). This makes sense for a number of reasons; for example, in order that your interests as a victim be represented during the trial. Representation by a lawyer, however, does not mean that you can get out of the duty of giving a witness statement to the state prosecutor or the court.

Why am I suddenly the accused?

It is possible that the perpetrators will file a criminal complaint against you. The police will then summon you (also) as an accused. You are NOT obliged though, as an accused person, to make a statement: not to the police, state prosecution or the court. You must respond, however, to a summons by the state prosecution or the court but you only have to give them your personal data (name, address, etc.)

If you decide to go to the police and answer to the summons as an accused, the police must inform you about your specific rights as an accused – for example, the right to remain silent and not to incriminate yourself as well as the right to contact a lawyer even



before the interrogation begins. Your lawyer can help you in such a case to gain clarity. She or he will inform you about the results of the police investigation. That does not mean, however, that you will definitely end up being a defendant in court. The police must start an investigation once a criminal complaint has been filed. For you that means first of all wait and see what really remains of the accusations once the investigation has been finished. If you assume or know that the perpetrators have filed a criminal complaint against you, it is especially important to file your own criminal complaint against the perpetrators. That way you can bring your own version of the events into the police investigation files early on.

You should also talk to a lawyer as soon as possible if you have defended yourself or someone else against a racist attack (self-defense), so that you know how to act in a subsequent police interrogation.

Why do I need my own lawyer? And what is an accessory private prosecution?

If you don't have an attorney of your own, you will not know what has happened with the police investigation except for information obtained during your own interrogation by the police (and possibly also by the state prosecution). At some point you will receive a letter that states either that the investigation has been discontinued (e.g. because no suspect was found) or that you are being called as a witness for the court proceedings. There you will be treated just as a "normal witness." You will be summoned at a certain point during the trial and that is when you will have to give your witness testimony in the presence of the defendant, the defense lawyer, the court and the state prosecutor. At some point there will be a verdict. And that's it.

If you decide to be represented by an attorney of your own — that is you join the legal proceedings in an 'accessory private prosecution' as a so-called private plaintiff —the whole picture is somewhat different.

In general, you have the right to an accessory private prosecution as the injured party. This is on the premise that one of the perpetrators was 18 years or older at the time of the attack. If the perpetrators were minors during the time of the crime an accessory private prosecution is only admissible if the deed constitutes a crime that threatened ones life, physical integrity or sexual self-determination.

Through your attorney, i.e. your accessory private prosecution representative, you can, for example, inspect the files of the investigation before the court proceedings. This way you will get to know the results of the police investigation. And you can make sure that the file contains all the important information you have given to the authorities. Another important point is that your attorney can thoroughly prepare you for what awaits you in court. Furthermore, your attorney can file motions to hear evidence before and during the trial—in order to stress the racist context of the crime for example. Thereby one can prevent the racist nature of the attack from being dismissed and one

can make sure that the specific debasement and threat that comes with a racist attack is not ignored.

Your attorney will be present throughout the trial as your private prosecution representative. This way, he or she can also question the defendants, witnesses and expert witnesses and give a closing statement. As the accessory private plaintiff you can also be present from the start if you wish to be. Your attorney can be supportive while you are in the witness stand in the courtroom. That way he or she can file a motion with the court to reject provocative or irrelevant questions from the defendants' lawyers.

If you would like to take an active part in the criminal proceedings against the racist perpetrators, then it makes sense to mandate an attorney to represent your interests in the form of an accessory private prosecution. If you are under 18 years old you cannot mandate an attorney on your own; this must be done by your legal guardians (mother, father, etc.)

And who pays for the lawyer?

As a matter of course you—as a victim of right-wing violence—should not pay one cent in order to claim your rights. Depending on your financial situation there are different options in applying for the financial support that is necessary.

If you are under 18 years old the respective applications must be signed by your mother or your father (or a legal guardian).

If a perpetrator has been sentenced by law for the attack against you then he (or she) has to pay the entire costs of the proceedings – also your lawyer's fees.

Advisory Aid

If you have a small income you may apply for advisory aid at a district court in the city you live in. Then you will receive a so-called advisory aid cheque which enables you to be counseled by a lawyer of your choice. The lawyer can only charge you 10 Euro for this, but he or she can also waive the fee.

Legal Aid

If you have a small income and you don't have any assets, in general you will be eligible for Legal Aid. This applies also if you receive benefits under the Asylum Seekers' Benefits Law (Asylbewerberleistungsgesetz) or unemployment compensation II (Arbeitslosengeld II). Additionally, the court has to be of the opinion that court proceedings would be unbearable for you without your own legal representation. In this case, the federal state's court cashier would cover the costs for your attorney. Your attorney or a victims' counseling project can give you the appropriate application form and explain it. If you are under 18 years old, then of course the income and assets of your mother and/or father will be considered.

Court-Ordered Assistance of Counsel and Accessory Private Prosecution

The court can mandate the assistance of counsel for an accessory private prosecution representative for you in cases of especially grave crimes (i.e. attempted homicide, or murder) or if your attorney can prove to the court that you cannot pursue your own interests adequately. Then your lawyer can be appointed by the court as your representative independent of your income or assets. This means: The state covers the total amount of your legal representation fees. The same is true if you are under 16 years old at the time of the application. In cases like this, it is clear from the beginning that the lawyer's fees will be covered by the state.

German Attorneys' Association—Deutscher Anwaltsverein (DAV)

If the application for Legal Aid is turned down, then your attorney can apply on your behalf to have your attorney's fees covered by the German Attorneys' Association (DAV). You can ask your attorney to file the application with the DAV. They have a specific fund to cover the fees for attorneys representing victims of racist and right-wing violence.

Deutscher Anwaltsverein

“DAV Stiftung contra Rechtsextremismus und Gewalt”

Littenstr. 11, 10179 Berlin

Telefon: 030-7261520

E-mail: dav@anwaltverein.de

www.anwaltverein.de

White Trust—Weißer Ring

There is a also nation-wide organization called “White Trust—Weißer Ring.” White Trust helps any victims of violent crime who turn to them. You can get a counseling coupon from them that will pay for your first appointment with an attorney. White Trust may cover the costs of the accessory private prosecution after an examination of your income situation in cases where the financing has not been arranged through other sources.

Weißer Ring

Bundesgeschäftsstelle

Weberstr. 16, 55130 Mainz

Tel.: 06131/83030

Fax: 06131/830345

e-mail: info@weisser-ring.de

www.weisser-ring.de

You can find the address of the nearest White Trust regional office on the following website: www.weisser-ring.de.

Where else can I possibly get financial support?

Depending on one's individual personal situation an attack can cause or incur costs that will not be fully reimbursed or reimbursed only after a huge bureaucratic effort and long wait. For example, if the right-wing attackers knock out your teeth, there will be costs for a dental prosthesis that welfare refuses to pay for because of your residency status. Perhaps you need money to travel to a lawyer who is specialized in accessory private prosecution and speaks your language but this lawyer is located in a city far away from where you live. Or your insurance does not reimburse you for the windows that were broken during the last attack by neo-Nazis on your luncheonette or your shop.

Victims Fund CURA—Opferfonds CURA

Compensation for financial losses due to a racist attack can be applied for from the Victims Fund CURA:

Opferfonds CURA der Amadeu Antonio Stiftung

Linienstr. 139, 10115 Berlin

Tel: 030/24088610

Fax: 030/24088622

info@amadeu-antonio-stiftung.de

www.opferfonds-cura.de

Fund for Victims of Xenophobic and Right-Wing Extremist Violence— Fonds für Opfer fremdenfeindlicher und rechtsextremer Gewalt

The association Miteinander e.V. in Saxony-Anhalt has a fund that offers victims of racist and right-wing violence in Saxony-Anhalt quick support after an attack if there are no other sources of financial assistance or compensation.

Fonds für Opfer fremdenfeindlicher und rechtsextremer Gewalt

Miteinander e.V.

Erich-Weinert-Str. 30, 39104 Magdeburg

Tel.: 0391-620773

www.miteinander-ev.de

If you have questions regarding how or where to apply for funds or if you need concrete assistance, you should turn to your lawyer or to a counseling project for victims of racist and right-wing violence. (see p. 25).

What happens in the courtroom?

If there is a trial, in general the following persons will be present: the defendants who sit on one side with their defense lawyers and the state prosecutor who sits on the opposite side. The state prosecutor represents the interests of the state—she or he has written the indictment. If you have decided in favor of an accessory private prosecution (see p. 11), then your lawyer will sit next to the state prosecutor and you can sit next to your lawyer. If you need a translator, he or she will sit next to you. The judges sit up front. Depending on the severity of the crime, there will be either one or three professional judges and two lay judges (jurymen). Also there is a note-taker and possibly an expert witness (often a psychologist) as well as—depending on the age of the defendants—a guardian ad litem who sits on the side of the state prosecutor.

The trial is open to the public if the defendants are older than 18. That allows your family members, friends and acquaintances to accompany you and support you with their presence, because often it is not easy to be confronted with the perpetrators and to speak in front of them. Staff members of the victim counseling project in your vicinity will accompany you and will also arrange for a witness protection room in the courthouse (on your request) where you can wait until you make your statement. You will sit behind a small table in the middle of the courtroom when giving testimony as a witness. You should try not to be irritated by the defendants seated diagonally behind you. It is best if you concentrate on the judges. If you feel insecure your lawyer can sit next to you.

Even though the police have interrogated you thoroughly, you will be questioned about the crime scene in detail again in court. You should not let yourself be put out by that. That is standard procedure and does not mean that they did not listen to you or that they do not believe you. Details play an important role for the forensic assessment; for instance—in which hand did the perpetrator hold the bottle? how many seconds passed between the banging sound and the strike? Additionally, there is a formal reason for questioning you in detail once again: the court can only take the pertinent points into consideration for the verdict that have been mentioned during the trial. Other repetitions may occur because all parties in the proceedings have a right to question you. The lawyers for the defendants will also question you. It is their job to question your testimony and to examine it very thoroughly. As a consequence you may be asked many questions, and some of them may be disagreeable. But the more the judges ask you and the more you have already described what happened, the less remains for the defense to ask you. Don't get rattled by the questions and always ask if you don't understand something.

If you have made a decision in favor of an accessory private prosecution (see p. 11) then you can have your attorney intervene if necessary. Once you are finished with your testimony you can either sit in the audience or next to your lawyer. You can also leave the courtroom and have your lawyer report to you later on how the trial continued.

If you want to make an attack public then a trial is a good opportunity to do so. (see p. 23).



What about compensation for pain and suffering?

You can take an active part in a criminal proceeding as an injured party through an accessory private prosecution. But the main aim of a criminal proceeding is to prove a crime happened and to convict the perpetrator. You can make a claim for your needs and entitlements as an injured person, i.e. damages and compensation for pain and suffering, in a separate proceeding. This is called civil law procedure. Your entitlement to damages or compensation for pain and suffering are not the subject of the criminal proceedings unless your attorney files a motion to link the civil law procedure with the criminal proceeding (adhesive procedure). You can also mandate him or her to file a claim with the civil court. If the civil suit has a chance of succeeding, you are entitled to the same financial support for the attorney's fees as in the criminal proceeding (see p. 12). You should debate the advantages and disadvantages of all of this with your lawyer.

There is one hitch, however: if the perpetrators do not have any money or assets, then even the best verdict does not help you. As long as there is nothing to collect from the perpetrators, you will not get anything.

Equity Compensation by the Federal Justice Agency

A fast and uncomplicated way to obtain compensation for an attack is offered by the Federal Justice Agency. You can file an application with this office. However, as a prerequisite the crime has to have been reported to the police with a criminal complaint (see p. 8). You have to fill out an application giving information about the incident and especially about the consequences of the incident. The questions are not only about the physical damages, but also about the psychological consequences. If you have been suffering from sleeping disorders, nightmares or panic attacks since the attack, then you should describe them in the application form. Medical certificates are useful here as well - you should definitely add them to the application form. The Federal Justice Agency pays a symbolic compensation after they have checked the matter.

The Federal Justice Agency will attempt to recover the compensation for pain and suffering they have paid to you, from the perpetrators. You can find the application form as a pdf file on the homepages of the counseling projects (see p. 25) or you can ask the Federal Justice Agency to send it to you.

Bundesamt für Justiz
Referat III 2
53094 Bonn
Tel.: 0228/9941040
Fax: 0228/994105050

You can fill out the application form with staff from one of the counseling projects or with your lawyer. The project can also add a written statement to your application.

What do I do with my fears?

An attack often happens unexpectedly. Just because the perpetrators let you go, doesn't mean that the attack is over and done with. The reactions afterwards differ from person to person. For a while afterwards, many victims suffer from nightmares and feel insecure. Some get panicky when they return to the scene of the crime or when they see people on the street who look like right-wing attackers. These after-effects are not unusual reactions. It is important not to remain alone with your fears, questions and worries. Look for someone you can talk with about your experiences.

If your mental state remains the same for some weeks, if you cannot get rid of the images in your head, if you sleep badly, if you do not leave the house because you do not feel safe, if you can't concentrate or if you are unusually irritable, then you should seek advice. Everyone notices an open wound, and of course you go to the doctor for that. The psychological consequences of a racist attack are less visible. But these injuries, too, have to heal. And support may be helpful in the healing process. If prior to the racist attack you have experienced violence and humiliation due to your history of having fled one's country or having migrated, it can be even more difficult to come to terms with what you have experienced.

There are victims' aid centers in some federal states where free psychosocial counseling sessions are offered. You can ask for federal state addresses at the Working Group of the Victim Assistance Centers in the Federal Republic of Germany / arbeitskreis der opferhilfen in der bundesrepublik deutschland (ado):

Arbeitskreis der Opferhilfen in der Bundesrepublik Deutschland
Perleberger Str. 27, 10559 Berlin
Phone: 030 39407780
Fax: 030 39407795
info@opferhilfen.de
www.opferhilfen.de

There are therapy clinics and counseling centers in some federal states where victims of racist violence with a history of having fled one's country and migration background can receive specific psychological support. The counseling centers mentioned below direct their services in most cases specifically towards victims of war, violence and torture in their countries of origin.

Psychosocial Center for Migrants
Psychosoziales Zentrum für Migrantinnen und Migranten in Sachsen-Anhalt
Kleine Märkerstr. 1, 06108 Halle
Phone: 0345 2125768
Psz-halle@psz-halle.de
www.psz-halle.de

**Psychosocial Center for Migrants in Vorpommern
Psychosoziales Zentrum für Migranten in Vorpommern e.V.**
Domstr. 36, 17489 Greifswald
Phone: 03834 799274
info@pszev.de

**Center for the Treatment of Torture Victims
Behandlungszentrum für Folteropfer**
GSZ Moabit, Haus K, Eingang C, Turmstraße 21, 10559 Berlin
Phone: 030 3248575
mail@bfzo.de

**Xenion
Psychosocial Counseling for Victims of Political Persecution –
Psychosoziale Hilfen für politisch Verfolgte**
Paulsenstraße 55 – 56, 12163 Berlin
Phone: 030 3232933
info@xenion.org

Refugio Thüringen e.V.
Wagnergasse 25, 07743 Jena
Phone/Fax:: 03641 23 81 98
refugio-thr@web.de
www.refugio-thueringen.de

Medical Treatment

Benefits under the Victims Compensation Act (Opferentschädigungsgesetz/OEG)

If you have been so severely injured by the attack that you have to remain in medical treatment for a longer period of time or if the consequences of the attack will be permanent, then, in certain circumstances, you can file an application under the Victims Compensation Act (OEG). You can ask for the application form at the pension office (Versorgungsamt) of the respective federal state. You also have to file the application with them. The pension offices cover the services of so-called 'healing and disease treatment' that are not covered by health insurance. This applies to claims that may come up much later, for example, if dental surgery is necessary years after the incident but clearly as a consequence of the attack. Also monthly pension payments for disability or long-term care may be claimed.

However, the lawmaker has limited the scope of who may be compensated under the Victims Compensation Act (OEG) depending on your citizenship and/or the form and duration of your residency status. Compensation can also be granted to persons who have an exceptional leave to remain in Germany. You should talk to the staff members of the counseling projects or to your lawyer about further details. You can find information on

the Victims Compensation Act (OEG), for instance, on the website of the Federal Ministry of Justice: www.bmj.de/enid/Opferhilfe/Opferschutz_q6.html.

Where to find help if the social welfare office refuses to pay for the doctor's fees or residency papers are missing?

If the social welfare department refuses to finance adequate medical treatment after a racist attack you should immediately contact your own attorney or one of the counseling projects (see p. 25).

The Asylum Seekers' Benefits Law (Asylbewerberleistungsgesetz, § 1 para. 1 AsylbLG) regulates social benefits for: asylum seekers, war and civil war refugees with a residency permit according to § 25 para. 4, 4a and 5 AufenthG, refugees with a right of residence due to a regulation for long-term cases, or refugees with an exceptional leave to remain (due to illness or other impediments to deportation) or people who are legally obliged to leave Germany. Unfortunately, the law also limits the medical benefits that the above-mentioned groups receive.

If you have received benefits according to §3 AsylbLG for four years, you are entitled to regular benefits analogous to social welfare (SGB XII, §2 AsylbLG) as long as you are not accused of having influenced the length of your stay by abusing the applicable laws. Recipients of benefits according to § 2 AsylbLG are issued a chip-card for a health insurance of their choice (§264 SGB V) – in the same way as anyone who is eligible for social welfare. In these cases the limitations under §§4 and 6 AsylbLG explained in the text below do not apply.

According to §4 AsylbLG, medical treatment should only be given in case of acute or painful illness. Chronic diseases and disabilities are only treated if a situation of acute pain arises. §4 AsylbLG also says that "other benefits" have to be provided (drugs and medical aids, physical therapy, traveling costs, translator). But it is often difficult to get these benefits granted. Dental prostheses are limited. §6 AsylbLG regulates other benefits that are indispensable to one's health, for example if there is a threat of: secondary disease, the aggravation of a condition, or permanent physical and mental impairment.

Other limitations arise—some of which are not even legal. It can take a lot of energy to struggle with the social welfare office in a situation that is already stressful. Therefore you should try to get support. The counseling projects (see p. 25) are glad to help you.

If you are living without proper residency status and without documentation in Germany, it is often hard to receive medical treatment. In cases of severe injuries and emergencies, the hospitals are obliged to treat you—even if you have no health insurance certificate. The legal requirements concerning confidentiality of medical communication apply here, which means that doctors are not allowed to inform the police and others about your residency status against your will. However, one needs to be cautious, as the social welfare office can be informed when it comes to covering the costs of the hospital stay.

It is then obliged to inform the foreigners' department in cases of improper residency papers. In principal, in case of emergency you should not refrain from visiting the emergency unit of the nearest hospital. Once you have recovered you or your relatives should contact a lawyer.

Often it is more difficult to receive long-term medical treatment, or you may be afraid of being turned away by doctors and hospitals because you don't have medical insurance.

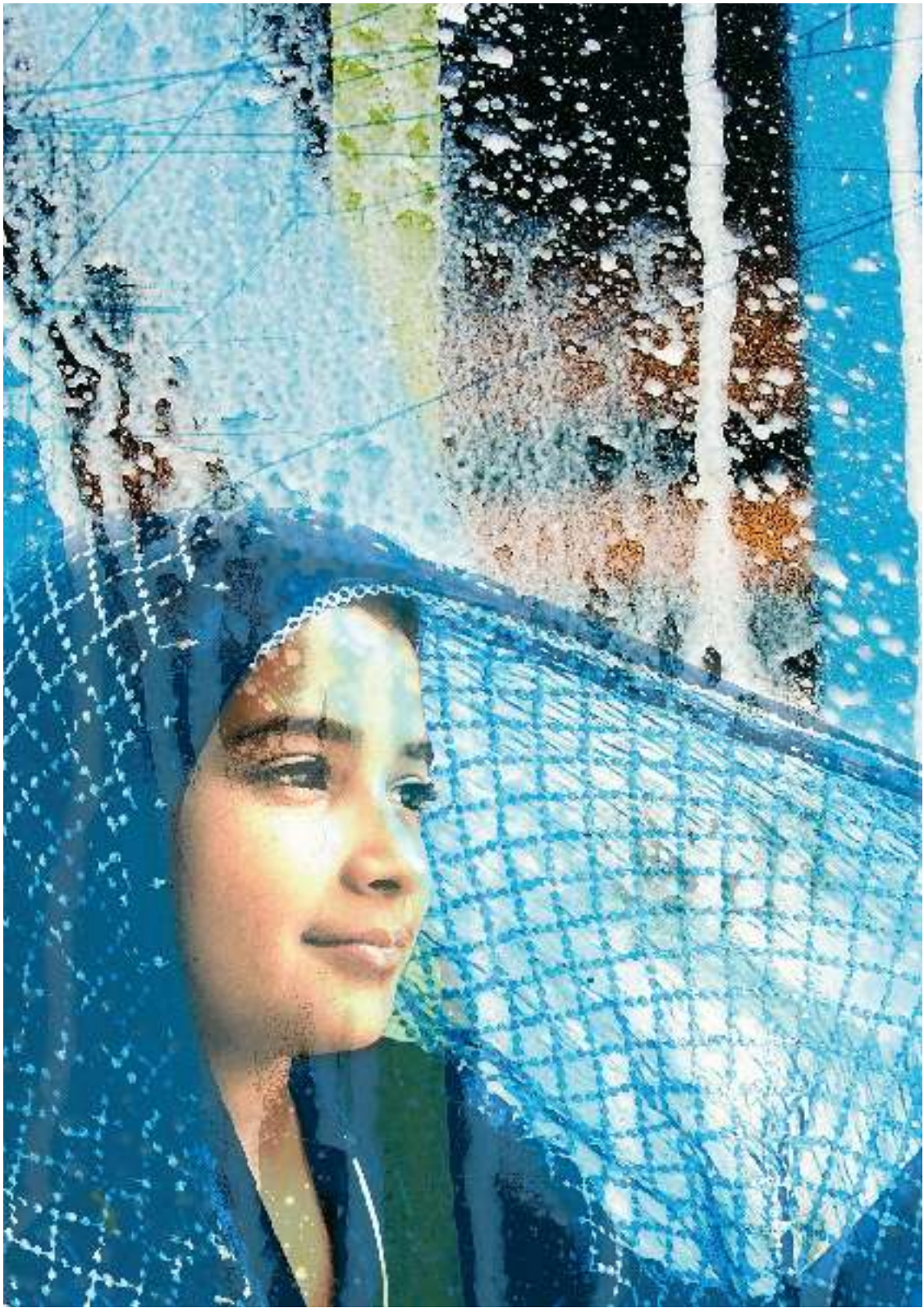
In some federal states there are projects aimed especially at supporting refugees and migrants who do not have sufficient health coverage to receive medical help.

Bureau for Medical Refugee Aid / Büro für medizinische Flüchtlingshilfe Berlin
Gneisenaustr. 2a, 10961 Berlin
Phone: 030-6946746
E-mail: info@medibuero.de
www.medibuero.de

Medical Aid
Medizinische Flüchtlingshilfe e.V.
Engelsburger Str. 168, 44793 Bochum
Phone: 0234 9041380
info@mfh-bochum.de

Medizinische Beratungs- und Vermittlungsstelle für Flüchtlinge
Medical Counseling and Referral Center for Refugees
c/o Informationsstelle Lateinamerika (ila) e.V.
Heerstr. 205, 53111 Bonn
Phone: 0228 695266
info@MediNetzBonn.de

Medical Counseling Center for Refugees and Migrants / Medizinische Beratungsstelle für Flüchtlinge und MigrantInnen
WIR-Zentrum,
Hospitalstr. 109, 22767 Hamburg
Phone: 040 385739



What to do when you also have problems with the residency law after a racist attack?

Problems with the residency law can quickly become an existential problem for a victim of a racist attack because one already feels vulnerable, weak and at the mercy of others. If you have problems with the foreigner law and/or with the residency law, you can receive help and support for free at the migration or asylum counseling centers in your vicinity.

You can receive information about the closest competent migration or asylum counseling center from the victims counseling projects (see p.25). If you wish, the victims support project that supports you will also cooperate with these institutions.

What to do against racist discrimination and violence?

Inform the Public

The problem of racist and right-wing violence will not be solved solely by filing a criminal complaint against the perpetrators. In cities and villages, at schools or at the workplace many people refuse to recognize racist violence as a problem in society. Publicity work can help to enlighten and sensitize people as well as initiate a debate about this situation.

All the people involved should consciously decide on the character and the timing of the publicity work. There are many means and ways to reach the public: press releases, flyers, consciousness-raising events, information tables, circulars, internet/websites, open letters to the local newspaper, demonstrations/rallies, letters to the editor, interviews, feature articles.

Which method would be the best, is your decision. You should consider the following aspects: What is the goal? Who should be addressed? Do you want to talk to journalists? With whom do you want to collaborate: alliances for tolerance, trade unions, refugee initiatives, left-wing groups, churches or political parties?

If you decide to go public with your experience and contact journalists, this will go a long way to countering the myth that there is 'no racist violence' in the city you live in.

If you are looking for support for such publicity work you can turn to the victims counseling projects (see p.25). You should also get legal advice from your lawyer if it makes sense to describe the attack to journalists and which difficulties might be linked to that.

What to do against racist discrimination and right-wing slander?

Often times racist insults, discrimination and violence are closely inter-linked. When racist slander is not countered immediately, the victim is isolated and this leaves room for further attacks. Racist discrimination can also be prosecuted legally. If you are a victim of racist discrimination there is a possibility for you to defend yourself under the relatively new Anti-Discrimination Act.

The counseling projects mentioned (see p. 25) can provide you with addresses of counseling centers and initiatives where you can discuss your options under the Anti-Discrimination Act.

Racist insults, threats and coercion are relevant under criminal law and can result in a criminal complaint and investigation. This way you make it harder for the extreme Right to spread their hatred as well as giving the law enforcement agencies reason to become active. If you are a witness to a verbal racist attack, your criminal complaint can also constitute a form of intervention.

Remarks that degrade others (-groups) and deny them their human rights (§130 CC, Incitement of the People) may have penal consequences under the German Criminal Code (CC). A criminal prosecution is also possible for wearing right-wing symbols, or disseminating songs or slogans that have been declared unconstitutional (§§86 and 86a CC). Among these are the swastika, SS-runes, old Nazi-slogans and the Hitler salute, as well as symbols of banned neo-Nazi organizations (for example Blood & Honour). To deny the Holocaust is also a felony.

Building Self-Organization

In order to defend yourself against racist violence, discrimination and ostracism, a variety of strategies is necessary.

Protection is offered by initiatives and projects that take a clear public stand against right-wing attitudes, racism and anti-Semitism. These people are your allies. To organize together with other immigrants, foreign students or refugees and exchange views and experiences can broaden your own sphere of activities. Right-wing agitators and racists can only occupy the spaces that are left to them. Racist attacks, as well as racist symbols and propaganda, are part of a right-wing strategy to occupy spaces and then dominate them. But if you organize with friends, acquaintances or already existing groups, then you have more chance to be visible, make your demands public and sensitize mainstream society about the situation of those affected by racist exclusion and violence.

Self-organization means being visible in the sense of creating a place where other immigrants, refugees or foreign students can come into contact with your own actions and projects. Visibility also means not being invisible or remaining silent due to fear of racist discrimination and ostracism. It means allowing others to show solidarity with you and to support you. You also become visible when you make racist incidents public and take part in the political process.

If those affected by right-wing and racist incidents organize themselves they can let the extreme Right know that there is a counter force to be contended with. If you have a local network of friends or political activists, then one response to an attack could also be to organize a demonstration or a rally.

Solidarity is a Weapon

It takes a lot of energy to live as a refugee, immigrant or foreign student in places where only two percent of the population is of non-German descent and one is often confronted with rejection, suspicion and discrimination--especially if you are also confronted with restrictions under the foreigners' or asylum laws. However, you can find support almost everywhere from many small groups that are active in anti-fascist and anti-racist work: alternative housing projects, social/cultural centers or politically aware priests, social workers or trade unionists. Sometimes they are also in contact with each other through networks. In the address book (see p. XXX) you will find a selection of projects that you can contact to get support for an event, to exchange ideas or perhaps plan joint activities.

Adresses

Where do I find support after a right-wing, racist attack?

Berlin

**Reach Out \ \ Counseling and Education Against Right-Wing Extremism and Racism \ \ Beratung und Bildung gegen Rechtsextremismus und Rassismus \ ** Oranienstraße 159 \ \ 10969 Berlin \ \ phone 030 69568339 \ \ fax 030 69568346 \ \ info@reachout-berlin.de \ \ www.reachoutberlin.de

**Campaign for Victims of Racist Police Brutality // Kampagne für Opfer rassistischer Polizeigewalt \ \ c/o Reach Out \ ** Oranienstraße 159 \ \ 10969 Berlin \ \ phone: 030 69568339 \ \ fax 030 69568346 \ \ info@kop-berlin.de

Brandenburg

**Opferperspektive e.V. \ \ Counseling for Victims of Right-wing Violence in Brandenburg \ \ Beratung für Opfer rechter Gewalt in Brandenburg \ ** Rudolf-Breitscheid-Straße 164 \ \ 14482 Potsdam \ \ phone: 0331 81700000 \ \ mobile 0171 1935669 \ \ info@opferperspektive.de \ \ www.opferperspektive.de

**Contact and Counseling Center for Victims of Right-Wing Violence Bernau \ \ Kontakt- und Beratungsstelle für Opfer rechter Gewalt Bernau \ ** Breitscheidstraße 43c, 16321 Bernau \ \ phone 03338 459407 \ \ kontaktstelle@so36.net

**Counseling Center für Victims of Right-wing Extremist Violence Frankfurt/Oder \ \ Beratungsstelle für Opfer rechtsextremer Gewalt Frankfurt (Oder) \ ** Berliner Straße 24 \ \ 15230 Frankfurt (Oder) \ \ Munday 9 until 12am \ \ phone 0335 6659994 \ \ Fax 0335 2801219 \ \ borg-ffo@gmx.net

Attachment

Information on the Results of a Criminal Proceeding /Information on Imprisonment/ Release from Prison

Name

Street, No.

Zip Code, City (*)

To the State Prosecution XXX

XXX

XXX

Date

Re: File No: XXXX

Dear Sir or Madam,

As the aggrieved party / claimant, I hereby file to be informed about the result of the investigation and the criminal procedure in the ongoing criminal investigation, file no. XXX. Furthermore in this letter, I also now file to be informed – in case of a conviction of the suspect to a prison sentence – about the start of his imprisonment and his release from prison.

Sincerely,

Name, Signature

* or another address where you can be summoned (i.e. of a counseling project, a lawyer or employer)

Disciplinary Complaint

Name

Street No.

Zip Code, City (*)

To the Police Department XXX

XXX

XXX

Date

Disciplinary Complaint against the Staff Persons of the Police Station, XXX-Street in XXX

Dear Sir or Madam,

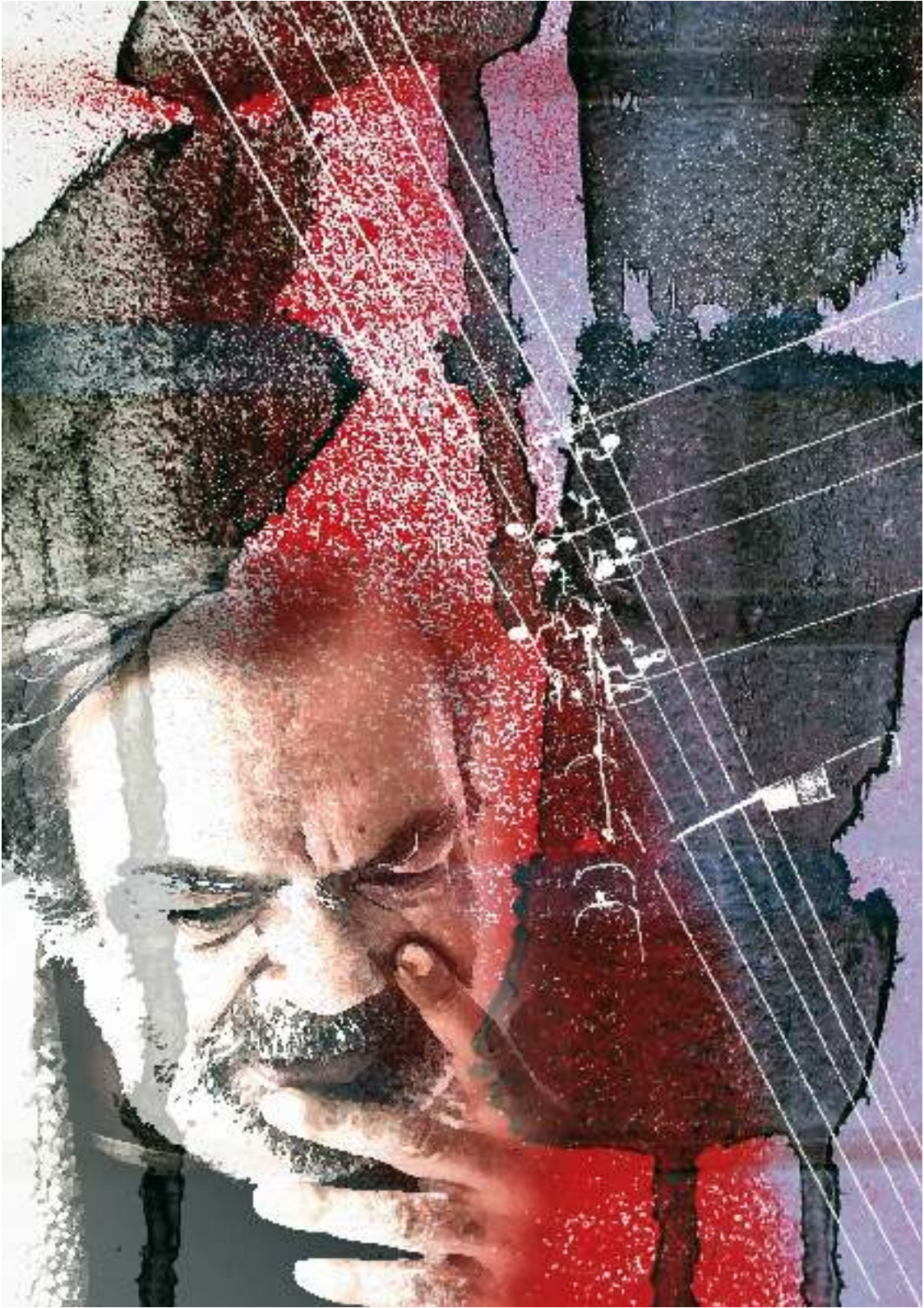
I hereby file a disciplinary complaint against the police officers on duty on XX.XX.XXX (date) at XX.XX o'clock in the above-mentioned police station. (If possible names/precinct number of police officers present at the time.)

The police officers on duty refused to receive my criminal complaint regarding bodily harm despite my visible injuries. In fact, they told me that no criminal offence had taken place and they told me to leave the police station.

Sincerely,

Name, Signature

* or another address where you can be summoned (i.e. of a counseling project, a lawyer or employer)



Contact Point for Victims of Right-Wing Violence \\ Anlaufstelle für Opfer rechter Gewalt Guben \\ Kaltenborner Str. 2 \\ 03172 Guben \\ mobile 0173 422466 \\ Monday – Thursday 16 bis 22pm; Friday until Sunday 1 pm to 10pm \\ E-mail anlaufstelle-guben@web.de

Counseling Group for Victims of Right-wing Violence Strausberg \\ Beratungsgruppe für Opfer rechtsextremer Gewalt Strausberg \\ Postfach 1126 \\ 15331 Strausberg \\ mobile 0173 6343604 \\ borg-srb@gmx.net

Mecklenburg Western-Pommerania \\ Mecklenburg-Vorpommern

Statewide Victims' Counseling, Assistance and Information for victims of right-wing violence \\ LOBBI \\ Landesweite Opferberatung, Beistand und Information für Betroffene rechter Gewalt \\ E-mail mail@lobbi-mv.de \\ www.lobbi-mv.de

LOBBI West \\ Hermannstraße 35 \\ 18055 Rostock \\ phone 0381 2009377 \\ fax 0381 2009378 \\ l west@lobbi-mv.de

LOBBI East \\ Tilly-Schanzen-Straße 2 \\ 17033 Neubrandenburg \\ phone 0395 4550718 \\ fax 0395 4550720 \\ ost@lobbi-mv.de

Saxony \\ Sachsen

RAA Opferberatung \\ Regional Workinggroup Foreigners' Questions Victims Counseling \\ www.raa-sachsen.de

Counseling Center Dresden \\ Bautzner Straße 45/47 \\ 01099 Dresden \\ phone 0351 8894174 \\ fax 0351 8894193 \\ mobile 0172 9741268 \\ opferberatung.dresden@raa-sachsen.de

Counseling Center Leipzig \\ Härtelstraße 11 \\ 04107 Leipzig \\ phone 0341 2618647 \\ fax 0341 2618647 \\ mobile 0178 5162937 \\ opferberatung.leipzig@raa-sachsen.de

Counseling Center Chemnitz \\ Weststraße 49 \\ 09112 Chemnitz \\ phone 0371 4819451 \\ fax 0371 4819452 \\ mobile 0172 9743674 \\ opferberatung.chemnitz@raa-sachsen.de

Saxony-Anhalt \\ Sachsen-Anhalt

Mobile Counseling for Victims of Right-Wing Violence \\ Mobile Beratung für Opfer rechter Gewalt \\ www.mobile-opferberatung.de

Office Magdeburg \\ c/o Miteinander e.V. \\ Erich-Weinert-Straße 30 \\ 39104 Magdeburg \\ phone 0391 5446710 \\ fax 0391 5446711 \\ mobile 0170 2925361 \\ E-mail opferberatung.mitte@miteinander-ev.de

Contact point Halle \\ Platanenstr. 9 06114 Halle \\ phone 0345 2267100 \\ fax 0345 2267101 \\ mobile 0170 2948413, 0151 53318824 or 0175 1622712 \\ opferberatung.sued@miteinander-ev.de

Contact point Salzwedel \\ Chüdenstraße 4 \\ 29410 Salzwedel \\ phone 03901 306431 \\ fax 03901 306432 \\ mobile 0170 2904112 or 0175 6638710 \\ opferberatung.nord@miteinander-ev.de

Miteinander e.V. \\ Erich-Weinert-Str. 30 \\ 39104 Magdeburg \\ phone 0391 620773 \\ fax 0391 6207740 \\ net.gs@miteinander-ev.de \\ www.miteinander-ev.de

Counseling Center for Victims of right-wing extremist violence Dessau \\ **Beratungsstelle für Opfer rechtsextremer Gewalt Dessau** \\ Parkstraße 7 \\ 06846 Dessau \\ Phone 0340 6612395 \\ E-mail opferberatung@datel-dessau.de

Thuringia \\ Thüringen

MOBIT \\ **Mobile Counseling in Thuringia - For Democracy – Against Right-Wing Extremism** // **Mobile Beratung in Thüringen Für Demokratie – Gegen Rechtsextremismus** \\ Pfeiffersgasse 15 \\ 99084 Erfurt \\ phone 0361 2192694 \\ fax 0361 2192734 \\ mail@mobit.org \\ www.mobit.org

Thuringian Help Service for Victims of right-wing extremist violence \\ **Thüringer Hilfsdienst für Opfer rechtsextremer Gewalt** \\ Am Stadion 1 \\ 07749 Jena \\ phone 03641 801366 \\ Fax 03641 357806 \\ tho@opferhilfsdienst.de \\ www-opferhilfsdienst.de

Information for Immigrants and Refugees in Saxony-Anhalt

Refugee Council / Flüchtlingsrat Saxony-Anhalt \\ Schellingstraße 3 – 4 \\ 39104 Magdeburg \\ phone 0391 5371270 \\ fax 0391 5371280 \\ frsa.magdeburg@web.de

State Government Commissioner for Integration \\ **Integrationsbeauftragte des Landes Sachsen-Anhalt** \\ Turmschanzenstraße 25 \\ 39144 Magdeburg \\ phone 0391 5674682 \\ integrationsbeauftragte@ms.sachsen-anhalt.de \\ www.integriert-in-sachsen-anhalt.de

Foreigners Committee of the Capital City Magdeburg \\ **Ausländerbeirat der Landeshauptstadt Magdeburg** \\ Julius-Bremer-Straße 8 \\ 39090 Magdeburg \\ phone 0391 5402384 \\ fax 0391 5402491 \\ auslaenderbeirat@magdeburg.de

Foreigners Committee of the City of Halle Saale \\ **Ausländerbeirat der Stadt Halle** \\ **Saale** \\ Marktplatz 1 \\ 06108 Halle (Saale) \\ phone 0345 1227271 \\ fax 0345 2214024 \\ info@auslaenderbeirathalle.de

Association migrant self-organizations \\ **Bündnis Migrantenselbstorganisationen** \\ **c/o Jugendwerkstatt »Frohe Zukunft«** \\ Heinrich-Franck-Straße 2 \\ 06112 Halle \\ phone 0345 1227271 \\ fax 0345 1227270 \\ kathrin.reichelt@jw-frohe-zukunft.de \\ www.jw-frohe-zukunft.de

... in other federal states and nation-wide

Berlin Refugee Council \ Berlin Flüchtlingsrat Berlin e.V. \ Georgenkirchstraße 69-70 \ 10249 Berlin \ phone 030 243445762 \ fax 030 243445763 \ buero@fluechtlingsrat-berlin.de \ www.fluechtlingsrat-berlin.de

Refugee Council Brandenburg \ Flüchtlingsrat Brandenburg e.V. \ Rudolf-Breitscheid-Straße 164 \ 14482 Potsdam \ phone/fax 0331 716499 \ info@fluechtlingsrat-brandenburg.de \ www.fluechtlingsrat-brandenburg.de

Refugee Council Mecklenburg-Pommern \ Flüchtlingsrat Mecklenburg-Vorpommern e.V. \ Postfach 11 02 29 \ 19002 Schwerin \ phone 0385 5815791 \ fax 0385 5815791 \ kontakt@fluechtlingsrat-mv.de \ www.fluechtlingsrat-mv.de

Saxonian Refugee Council \ Sächsischer Flüchtlingsrat e.V. \ Kreischaer Straße 3 \ 01219 Dresden \ phone 0351 4714039 \ fax 0351 4692508 \ info@saechsischer-fluechtlingsrat.de \ www.saechsischer-fluechtlingsrat.de

Refugee Council Thuringia \ Flüchtlingsrat Thüringen e.V. \ Warsbergstraße 1 \ 99092 Erfurt \ phone 0361 2172720 \ fax 0361 2172727 \ www.fluechtlingsrat-thr.de

Association of bi-national Partnerships \ Verband binationaler Familien und Partnerschaften (iaf e.V.) \ Kurt-Eisner-Straße 40 \ 04275 Leipzig \ phone 0341 6880022 \ fax 0341 2112052 \ leipzig@verband-binationaler.de \ www.verband-binationaler.de

PRO ASYL e.V. \ Postfach 160 624 \ 60069 Frankfurt a.M. \ phone 069 230688 \ fax 069 230650 \ proasyl@proasyl.de \ www.proasyl.de

Initiative of Black People in Germany \ Initiative Schwarze Menschen in Deutschland (ISD) \ ISD-Bund e.V. \ Postfach 900 355 \ 60443 Frankfurt a.M. \ www.isdonline.de

