

What to do after a racist attack?

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Mobile Beratung
für Opfer rechter Gewalt

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Mobile Beratung für Opfer rechter Gewalt

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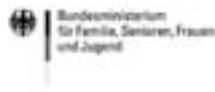
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In the context of CIVITAS – initiativ gegen Rechtsextremismus in den neuen Ländern/ CIVITAS – initiative against right-wing extremism in the new federal states

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Racist violence: a daily occurrence

Whether you are an asylum seeker, immigrant, refugee, foreign student or a Black German: racist slander, discrimination and harassment are a daily occurrence for many who due to their skin color or their origin are perceived as non-whites and/or non-Germans by members of mainstream society. Abuse is increasing and often escalates 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 extremist attitudes aren't fringe phenomena. One becomes the target of right-wing violence due to characteristics that often are also disapproved of by the majority of society. This makes it hard to find support and be taken seriously.

Racist violence is not only directed at the individual victim: The individual is often attacked as a substitute for a whole group that does not fit into the right-wing and racist worldview. In the majority of cases when racists hit the violence is directed against everyone who appears or is of non-German origin. Therefore, it is important not to deal with the stress alone. Rather, it is important to look for support and to support others who are being harassed by racists.

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 page 27).

What to do after a racist attack

If you are the victim of an attack, first of all you should think about who can best support you. If someone else 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 affected person do not remain alone.

It is also important to not just accept the attack!

If you are injured you should visit a doctor. Get a medical certificate that lists all the injuries. Often one doesn't discover or feel all the injuries shortly after an attack. You should have all your injuries meticulously documented for a later court proceeding and in order to eventually be able to file a claim for compensation for pain and suffering (see p. 15). You can take pictures with a camera or a mobile phone camera (see p. 11).

If you realize that you cannot stop thinking about the attack, that certain images continue to pop up again and again or that you are overcome by fears, then you should not hesitate to speak to someone. There are assistance centers and projects to help you.

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 refresh your memory in the event of questioning by the police or in court or for publicity work or for your own research. You should write down everything that happened, with as many details as possible: Which hand was used to hit you how often? Which foot was used for kicking? What were the exact words that were used to insult you? What were the attackers wearing and did they have any striking characteristics?

After an attack you should consider whether you want to file a complaint with the police (see p. 7). If the police have already been informed of the event they may start their own investigation. If not, you can initiate an investigation against the perpetrators by either filing a complaint or lodging a demand for penalty (p. 8). It will be helpful for your encounter with the police if you have gone through the exact course of events beforehand (memory log) because the police will question you in detail on the events.

Once you have filed a criminal complaint, the police will investigate for weeks, sometimes even for months. Afterwards they will present the file to the state prosecution, which will – depending on the circumstances – initiate its own investigation and interrogations. In most cases, as the injured party, you can choose your own lawyer and be represented by him/her as a joint action plaintiff, in order to be able to track the whole process and to take an active part in the court proceedings and be better protected (see p. 9).

There are different ways to arrange for legal fees so that you don't have to personally pay for the lawyer (see p. 11). If the perpetrators do eventually go to trial (see p. 9), then it makes sense to think about who can accompany you. The presence of friends, family or acquaintances can strengthen you and might make things a bit easier for you in the courtroom, because it is often not easy to sit opposite the perpetrators and to talk in front of them and it might be really uncomfortable if there are other right-wing activists in the audience. If your friends and acquaintances show up early in large numbers in the courtroom, then right-wing activists will get no space.

If you and your friends want to make the incident public in order to inform and warn other immigrants or refugees for example, then a trial is a good possibility.

What happens if I file a criminal complaint?

Filing a complaint against one perpetrator or a group of perpetrators is one way to show right-wing activists and racists that you are not intimidated and that they cannot continue to use force against others without being stopped. Filing a criminal complaint might result in a trial. That means that the perpetrator(s) must face the consequences of his/her/their behavior. 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 (see p. 14).

You may be hesitant to file a criminal complaint because you are afraid it may provoke further violence by the perpetrator or his associates. It is true that the accused in general 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 on the perpetrators. Filing a complaint makes it clear that you will not be intimidated. That can gain you some respect and protection, because 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 residency 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 are living with a residence permit in Germany and are afraid that any contact with the justice system may have a negative impact on your chances to get German citizenship
- You are living in Germany without a valid residency document and are therefore avoiding any contact with police and the justice system.

Often it is possible to dispel these fears. Do not forgo support that you are entitled to and often desperately need. Before you abstain from filing a criminal complaint and thereby holding the perpetrators legally responsible, you should in any case contact the counseling projects mentioned below and/or a lawyer.

If you are interested in a criminal prosecution for a racist attack, then you should file a criminal complaint. You can file a criminal complaint by making the incident known at any police station or with any state prosecutor. As the injured person,

you should also file a demand for a penalty on top of filing a criminal complaint, because some elements of a crime (for example simple bodily harm, insult) are only prosecuted if you declare your interest in the criminal prosecution.

You should ask the police for documentation of your criminal complaint and/or demand for a penalty: The police are obliged to provide you with a record. The documentation shows a log-file number that you will need to get information on the status of the proceedings later on. If you are under 18 years old then your father or mother or a legal guardian has to file the demand for a criminal penalty on your behalf.

If you speak little or no German you have the right to a translator – both when filing the criminal complaint at the police and during any interrogations that follow, as well as during a trial.

Refugees and immigrants often are not taken seriously by police officers. Sometimes they are blamed for the racist attack. Or some police officers are more interested in their residency status. In order to avoid situations of feeling helpless and powerless, you should ask good friends, family members, acquaintances or a staff person from a victim support project or a lawyer to accompany you to the police. As the injured party, someone who has been a victim of a violent crime has a right to have a person of his or her confidence present during the witness interrogation. In certain specific cases the presence of this person of your confidence during the witness interrogation may be disallowed, if the intended purpose of the investigation would be at risk, for example, because the person you have chosen could also be a witness. If the police officers behave inappropriately – e.g. if they refuse to receive your criminal complaint – then you can file a disciplinary complaint (see p. 25).

Right-wing slogans, right-wing symbols

There are activities and symbols of the extreme right other than physical violence that may have penal consequences under to the German Criminal Code (CC), for example remarks that are degrading other persons (-groups) and deny them their human rights (§130 CC, Incitement of the People).

There can also be a criminal prosecution for wearing or disseminating right-wing symbols, songs or slogans that have been declared unconstitutional (§§86 and 86a CC). Among those are the swastika, SS-runes and old NS-slogans and greetings (Hitler greeting), as well as the symbols of banned neo-Nazi organizations (for example Blood&Honour). To deny the crimes of the national-socialist regime can also have penal consequences.

Other activities of penal importance that you might be confronted with are insults, threats and harassment. They can all result in a criminal complaint. This way you can make it harder for right-wing activists to spread their hatred and you can give the law enforcement agencies a reason to get active. If you become a witness, for example, when a refugee is insulted in a racist way, your criminal complaint can also be a form of intervention.

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. That does not mean, however, that you will also be the defendant in court. The police has to 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. Your own lawyer can help you in those cases to figure out how to respond. If you presume or know that the perpetrators have filed the 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 investigation files early on.

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

If you do not know a competent attorney, you can ask one of the counseling projects. They collaborate with a network of very committed attorneys (see p. 27).

Why do I need my own lawyer and what is a joint action?

If you don't have an attorney of your own, you will not know what has happened with the police investigation except for 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 then be treated like "just another witness". Without knowing the content of the indictment – the accusations against the perpetrators – your testimony might even be heard after a statement by the defendants. And you will have to give your testimony in the presence of the defendants and pos-



sibly their lawyers, the judge 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 will join the legal proceedings in a so-called joint action (Nebenklage) as the joint action plaintiff (Nebenkläger) – the whole picture is a bit different.

In general, you have the right to a joint action as the injured party (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.).

You shouldn't get a headache when thinking about the lawyers' fees. There are a number of options to secure the costs (see p. 11).

You can inspect the files of the investigation, for example, before the court proceedings via your attorney, i.e. your joint action representative. This way you will get to know what the perpetrator has told the police or the state prosecution. 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 – for example, in order to stress the racist context of the crime and thereby prevent the racist attack from being dismissed as an apolitical dispute and to 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 joint action representative. This way, he or she can also question the defendants, witnesses and expert witnesses. As the joint action plaintiff you can also be present from the start if you want to. Your attorney can be supportive while you are in the witness stand in the courtroom. That way he or she can reject provocative or impertinent 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 a joint action.

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 you can apply 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).

Legal Aid (Prozesskostenhilfe)

If your income is small and you don't have any assets, you will in general 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). In this case, the court cashier would cover the costs for your attorney.

Your attorney 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 Joint Action

The court can order assistance of counsel for a joint action representative for you in cases of especially grave crimes (i.e. attempted homicide, or murder) or if your attorney can show the court that the trial would be unbearable for you without a legal representation. In cases like this, the state will pay for your attorney's fees. If the perpetrator is convicted, he or she has to pay all costs of the proceedings, including your attorney fees.

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 for attorneys' fees of victims of racist and right-wing violence.

Deutscher Anwaltsverein

“DAV Stiftung contra Rechtsextremismus und Gewalt”

Littenstr. 11

10179 Berlin

phone: 030-7261520

fax: 030-726152190

E-mail: dav@anwaltverein.de

www.anwaltverein.de

White Trust – Weißer Ring

There is also a nationwide 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 joint action 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
phone: 06131/83030
fax: 06131/830345
e-mail: info@weisser-ring.de

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

Where else can I get further financial assistance to deal with the consequences of a racist attack?

What happens if you are an asylum seeker and the social welfare office refuses to pay for dental prosthesis for the teeth that the right-wing attackers knocked out? What if there are only German-speaking lawyers where you live and they also represent right-wing and racist thugs? Or the closest competent lawyer who really represents the interests of victims of right-wing and racist violence has her office 100 kilometers away from you and you are unable to come up with the money for a train ticket or gas? And a French- or English-speaking therapist can only be found in a bigger city? And nobody will replace the windows that were broken during the last attack by neo-Nazis on your luncheonette?

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
phone: 030/24088610
fax: 030/24088622
e-mail: 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 for consequences from 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. 27)

What is the protocol of a criminal procedure?

Once the police and the state prosecution have finished the investigation the state prosecution decides whether to discontinue the proceedings (e.g. due to a lack of evidence), ask the court to issue a penalty order or bring an indictment. The court is shown the file if the state prosecution asks for a penalty order. The court then decides whether there is enough evidence to begin a trial. If a trial takes place then all parties to the trial and the witnesses will be informed in writing about the date. This can take a lot of time, sometimes even several years. There is an exception to this: If an accused is being held in pre-trial detention the court has to open the trial in general within six months.

Who is present in the courtroom?

If the trial starts, in general the following persons will be present: The defendants sit on one side, often with their defense lawyers. The state prosecutor sits on the opposite side. He or she represents the interest of the state. If you have decided in favor of a joint action (see p. 9), then your lawyer will sit next to the state prosecutor and you can sit next to her or him. 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 (jury men). Also there is a note-taker and possibly an expert witness (often a psy-

chologist) as well as – depending on the age of the defendants – a guardian ad litem who sits at the side of the state prosecutor.

The trial is open to the public if the defendants are older than 18 years. That allows your friends and acquaintances to accompany you and show the perpetrators that you are not alone. You will have to sit behind a small table in the middle of the courtroom for your testimony as a witness. That is a bit uncomfortable but cannot be avoided. You should try not to be irritated by the defendants seated diagonally behind you. It is best if you concentrate on the judges.

Once you are finished with your testimony you can either sit in the audience or next to your lawyer.

Why do they ask the same questions over and over?

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 deterred by that. That is standard procedure and does not mean that you are not being heard or that they do not believe you. But details – in which hand did the perpetrator hold the bottle? How many seconds passed between the clanging sound and the strike? – play an important role for the forensic assessment. Additionally, there is a formal reason: the court can take into consideration only those points that have been mentioned in the trial. Other repetitions take place because all parties to the proceedings can question you. The lawyers for the defendants will also question you. Defense lawyers often try to make you seem to be an unreliable witness, and they will frame their questions accordingly. But the more the judges have asked you and the more you have already described, the less remains for the defense to ask you.

If you have made a decision in favor of a joint action (see p. 9) then you have your attorney who can intervene if necessary and who can also question you.

How about compensation for pain and suffering?

You can take an active part in a criminal proceeding as an injured party through a joint action. But the main interest in a criminal proceeding is to determine the crime and to convict the perpetrator.



The civil law procedure

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, but that only makes sense once the criminal proceedings are over and the perpetrators have been convicted of the crime by the court. 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.

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.

What to do if the perpetrators cannot pay

A fast and uncomplicated way to get compensation for an attack is offered by the Federal Justice Agency. You can file an application there. However, as a prerequisite the crime has to have been reported to the police with a criminal complaint (see p. 7). 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 Agency especially checks the racist background of the attack and asks local authorities for the relevant files.

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 on the homepages of the counseling projects (see p. 27) or you can ask the Federal Justice Agency to send it to you.

Bundesamt für Justiz

Referat III 2

53094 Bonn

phone: 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. If the perpetrators let you go it doesn't mean that the attack is over now. The reactions afterwards differ from person to person. For at least a while afterwards, many victims suffer from nightmares and feel insecure. Some get panicky when they come to the scene of the crime or when they see persons on the street who look like right-wing activists. These after-effects are not unusual. The psyche has to cope with a disruption of the daily sense of security and is alarmed. It is important not to remain alone with your fears, questions and worries: Look for someone with whom you can talk about your experiences – even if you want to forget everything as quickly as possible.

If your state remains the same for some weeks, if you cannot get rid of the images, if you sleep badly, if you do not leave the house because you do not feel secure, if you can't concentrate or if you are unusually irritable, then you should ask for counseling. Everyone notices a laceration, and of course you go to the doctor with it. The psychological consequences of a racist attack are less visible. But these injuries, too, have to heal and you need to be supported in the healing process. Nobody should underestimate this. Especially if even before the racist attack you have experienced violence and humiliation due to your history of flight or migration, it can be more difficult to come to terms with what you have experienced.

There are victims' aid centers in some federal states where free counseling sessions are offered. You can ask for addresses by federal states 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

e-mail: info@opferhilfen.de; www.opferhilfen.de

There are therapy clinics and counseling centers in some federal states where victims of racist violence with a flight 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 of Migrants –
Psychosoziales Zentrum für Migrantinnen und Migranten**

Kleine Märkerstr. 1
06108 Halle
phone: 0345-2125768

**Berlin Center for the Treatment of Torture Victims –
Behandlungszentrum für Folteropfer**

GSZ Moabit, Haus K, Eingang C, Turmstraße 21,
10559 Berlin
phone: 030-3248575
E-mail: mail@bfzo.de

Xenion

**Psychosocial Counseling for Victims of Political Persecution –
Psychosoziale Hilfen für politisch Verfolgte**

Paulsenstraße 55 – 56
12163 Berlin
phone: 030-3232933
E-mail: info@xenion.org

Who covers the doctor's fees?

Who can help if the social welfare department refuses to pay 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. 27). The Asylum Seekers' Benefits Law (Asylbewerberleistungsgesetz, § 1 para. 1 AsylbLG) regulates social benefits for asylum seekers, war and civil war refugees, refugees with a right of residence due to a regulation for old cases or an exceptional leave to remain (due to illness or other impediments to deportation) or affected persons who are legally obliged to depart 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 three 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 of a health insurance of their choice (§264 SGB V). Then the limitations under §§4 and 6 AsylbLG explained in the text below do not apply.

According to §4 AsylbLG medical treatment should only take place in case of acute or painful illness. Chronic diseases and disabilities are only treated if a situation of acute pain arises. §4 AsylbLG also regulates that besides medical services, “other benefits” have to be provided (remedies and aids, physical therapy, traveling costs, translator). The provision of dental prosthesis is limited. §6 AsylbLG regulates other benefits that are indispensable to secure one’s health, for example if there is a threat of secondary diseases, aggravation or permanent physical and mental impairment.

Often additional and partially illegal limitations come up. The social welfare department has to issue a health insurance certificate for ambulatory care. The social welfare department has to involve a public health officer in presumably controversial or cost-intensive cases.

It can take a lot of energy to struggle with the social welfare department in a situation that is already stressful. Therefore you should try to get support. The counseling projects (see p. 27) are glad to help you with that.

If you are living without proper residency status and without documentation in Germany, it is often hard to receive medical treatment. The hospitals are obliged to treat you – even without a certificate of a health insurance – in cases of severe injuries and emergencies. 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.

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 especially to support undocumented refugees and immigrants or those without sufficient health care 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 Counseling Center for Refugees and Migrants /
Medizinische Beratungsstelle für Flüchtlinge und MigrantInnen**

WIR-Zentrum,
Hospitalstr. 109
22767 Hamburg
phone: 040-385739

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 you can file an application under the Victims Compensation Act (OEG) in certain circumstances. 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 the 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 as a consequence of the attack.

However, the lawmaker has limited the scope of who may be compensated under the Victims Compensation Act (OEG). The following victims without German citizenship receive care according to the OEG: Citizens of a member state of the European Union or other immigrants – insofar as legal provisions of the European Union requiring equal treatment with Germans apply to them – or if reciprocity is guaranteed.

Victims of non-German origin who regularly stay in Germany not only for a temporary stay of six months at the most receive care according to the following requirements: They have to have been staying in Germany legally for at least three years without interruption. Victims of non-German origin who are staying legally in Germany for an uninterrupted period of time less than three years receive ex-



clusively care that does not depend on the income. A legal stay in the sense of the law is also a stay that is being tolerated for humanitarian reasons or because of a considerable public interest.

If you have questions about this application, you can also turn to the counseling projects or your lawyer.

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

Problems with the residence law can quickly become an existential problem for a victim of a racist attack. Because already one feels vulnerable, weak and at the mercy of others. You can receive help and support for your foreigner's law and residence law problems 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.27). If you ask for it, the victims support project that supports you will also cooperate with these institutions.

What to do against racist discrimination and violence?

Often times racist insults, discriminations and violence are closely linked. Because racist thugs quickly strike out where racist insults are not being stopped and the affected persons are being left alone. Racist discrimination can also be prosecuted legally: If you have become a victim of racist discrimination you might be able to defend yourself in certain cases against that under the relatively new Anti-Discrimination Act. The below mentioned counseling projects (see p. 27) can provide you with addresses of counseling centers and initiatives that can discuss your options under the Anti-Discrimination Act with you.

It is one way to defend yourself to turn to the law enforcement agencies and the legal system. But that by itself is not a solution. For example, it is not always the case that the incidents are on a level where you can file complaints with the law enforcement agencies.

In order to stand up against racist violence and right-wing attitudes further strategies are necessary.

Inform the Public

A criminal complaint against the perpetrators is not going to solve the problem of racist and right-wing violence by itself. Many people in cities or villages or at the workplace are refusing to recognize racist violence as a problem at all. Publicity work can help to enlighten, to sensitize and to kick off a debate about this situation. If you are looking for support for publicity work you can turn to the victims counseling projects (see p.27).

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: i.e. with press releases, flyers, informational events, information tables, round-mails, Internet/Website, open letters to the public in the local newspaper, demonstration/rally, letters to the editor, interviews/features.

You have to decide what is best in your situation. You should consider the following aspects: What is the aim? Who should be addressed? Do you want to talk to journalists? With whom do you want to collaborate (alliances for tolerance, trade unions, refugee initiative, left-wing groups, churches, political parties)?

If you choose to seek public coverage in the media and have journalists write about your experiences, then you can counter the general position that there is no problem with racist violence – especially in your city.

Self-Organization

Meeting places, initiatives and projects that take a clear public stand against right-wing attitudes, racism and anti-Semitism offer protection and are 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 activists and racists can only occupy those spaces that are handed to them. Racist attacks, as well as racist symbols and propaganda, are part of a right-wing strategy to occupy spaces and then to dominate them. But if you organize yourself with friends, acquaintances or already existing groups, then you have more chances to be visible, make your demands public and sensitize the mainstream society about the situation of those affected by racist exclusion and violence.

Self-organization means being visible in the sense of creating a contact point for other immigrants, refugees or foreign students with your own actions and projects, but also in the sense of not being invisible and remaining silent due to fear of racist discrimination and exclusion, thereby allowing others to show solidarity

with you and support you. You also become visible when you make racist incidents public and interfere in the political debate.

If those affected by right-wing and racist incidents organize themselves you can signal the right-wing that they have to contend with your opposition. 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 decent 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, almost everywhere you can find support from many small groups that are active in antifascist and anti-racist work: alternative housing projects, socio-cultural centers or committed priests, social workers or trade unionists. Sometimes they are also in contact with each other through networks. In the address book (see p. 27) you can find some selected initiatives that you can contact, for example, to get support for an event or have an exchange and possibly plan joint activities.

Dienstaufsichtsbeschwerde

Name, Ort, Datum

Straße, Hausnummer

Postleitzahl, Ort

An das Polizeipräsidium XXX

XXX

XXX

Dienstaufsichtsbeschwerde gegen die
Mitarbeiter der Polizeiwache

XX-str., in XXX

Sehr geehrte Damen und Herren,

hiermit stelle ich Dienstaufsichtsbeschwerde gegen die Polizeibeamten, die am
XX.XX.XX. um XX.XX Uhr in der oben
genannten Polizeiwache Dienst hatten.

Die diensthabenden Beamten weigerten sich trotz meiner sichtbaren Verletzungen, Anzeige wegen Körperverletzung aufzunehmen. Vielmehr erklärten sie mir, dass kein Straftatbestand zu erkennen sei und forderten mich auf, die Polizeiwache zu verlassen.

Mit freundlichen Grüßen

Name

Disciplinary Complaint

Name, City, Date

Street No.

Zip Code, City

To the Police Department XXX

XXX

XXX

Disciplinary Complaint against the Staff
Persons at the Police Station,

XXX-Street in XXX

Dear Ladies and Gentlemen,

Hereby I file a disciplinary complaint against the police officers on duty on
XX.XX.XXX at XX.XX hour in the
above-mentioned police station.

The police officers on duty refused to receive my criminal complaint regarding bodily harm despite my visible injuries. In fact, they told me that they cannot recognize a criminal offence and told me to leave the police station.

Sincerely yours,

Name

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 \ \
E-mail info@reachoutberlin.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 \ \ E-mail info@kop-berlin.de

Brandenburg

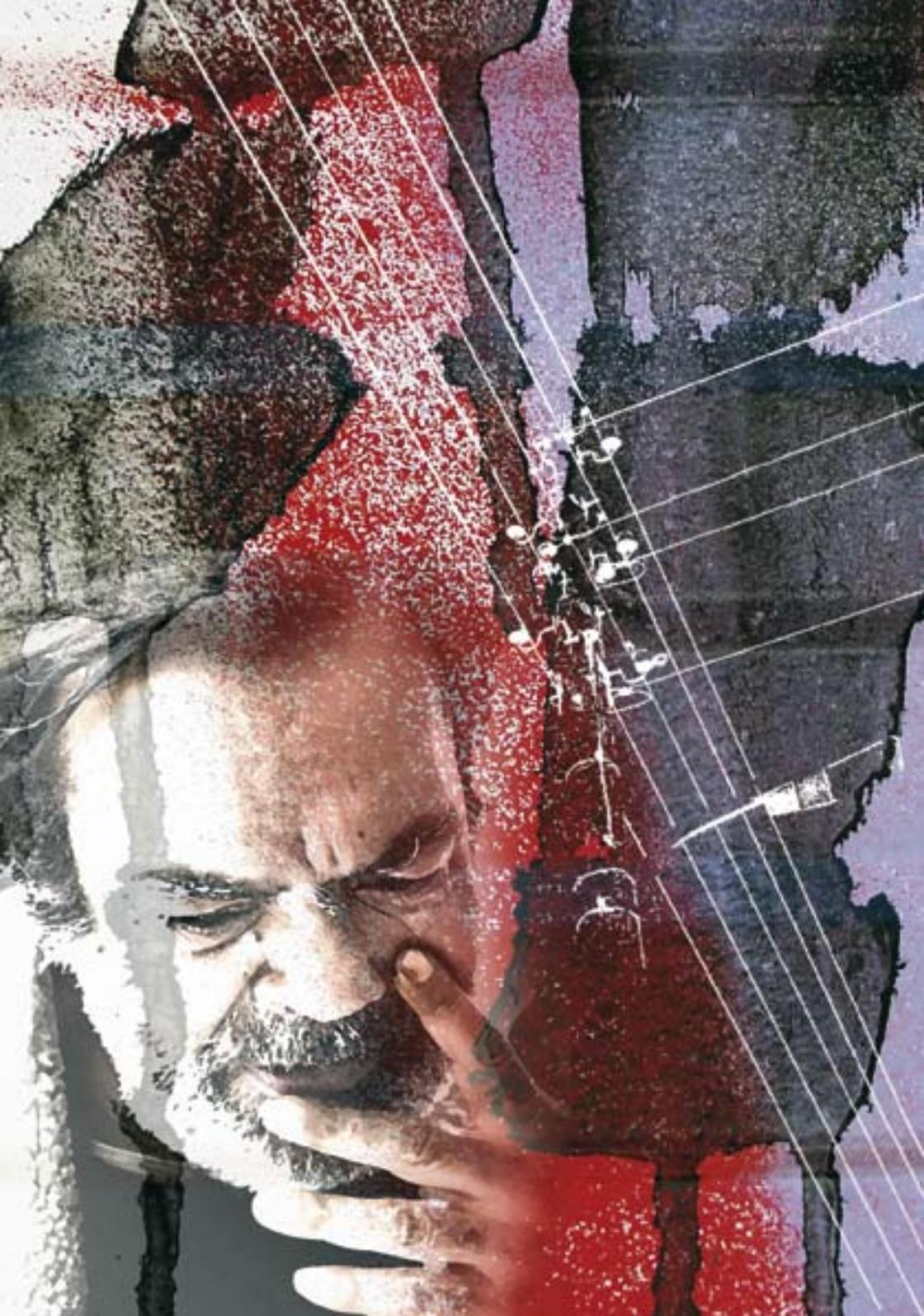
**Opferperspektive e.V. \ \ Counseling for Victims of Right-wing Violence in Brandenburg \ \ Beratung für Opfer rechter Gewalt in Brandenburg \ ** Rudolf-Breitscheid-Straße 164 \ \ 14482Potsdam \ \ phone: 0331-8170000 \ \ Mobile 0171 1935669 \ \
E-mail info@opferperspektive.de \ \ www.opferperspektive.de

**Contact and Counseling Center for Victims of Right-Wing Violence Bernau \ \ Kontakt- und Beratungsstelle für Opfer rechter Gewalt Bernau \ ** Breitscheidstraße 41, 16321 Bernau \ \ phone 03338 459407 \ \ E-mail kontaktstelle@so36.net

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

**Contact Point for Victims of Right-Wing Violence \ \ Anlaufstelle für Opfer rechter Gewalt Guben \ ** Kaltenborner Str. 2 \ \ 03172 Guben \ \ Mobile 0173 4222466 \ \ Monday – Thursday 16 bis 22pm; Friday until Sunday 1 pm to 10pm \ \
E-mail anlaufstelle-guben@web.de



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

Office Rostock \ Herrmannstraße 35 \ 18055 Rostock \ phone 0381 2009377 \ fax 0381 2009378 \ E-mail nord@lobbi-mv.de

Office Schwerin \ Pfaffenstraße 4 \ 19055 Schwerin \ phone 0385 5408939 \ fax 0385 5510604 \ E-mail west@lobbi-mv.de

Office Neubrandenburg \ Johannesstraße 12a \ 17034 Neubrandenburg \ phone 0395 4550718 \ fax 0395 4550720 \ E-mail ost@lobbi-mv.de

Saxony \ Sachsen

Amal Sachsen \ Help for Victims of Right-Wing Violence \ Hilfe für Betroffene rechter Gewalt \ www.amal-sachsen.de

Office Wurzen \ Domplatz 5 \ 04804 Wurzen \ phone 03425 851541 \ fax 03425 851542 \ E-mail wurzen@amal-sachsen.de

Office Görlitz \ Bautzener Straße 20 \ 02826 Görlitz \ phone 03581 878583 \ E-mail goerlitz@amal-sachsen.de

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

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

Counseling Center Leipzig \ Härtelstraße 11 \ 04107 Leipzig \ phone 0341 2618647 \ fax 0341 2618647 \ Mobile 0178 5162937 \ E-mail opferberatung.leipzig@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 \ E-mail: opferberatung.sued@miteinander-ev.de

Contact point Salzwedel \\ Am Hafen 11a \\ 29410 Salzwedel \\ phone 03901 306431 \\ fax 03901 306432 \\ Mobile 0170 2904112 und 0175 6638710 \\ E-mail opferberatung.nord@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 66112395 \\ 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** \\ Brühl 23 \\ 99867 Gotha \\ phone 03621 228696 \\ fax 03621 228698 \\ E-mail 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 \\ E-mail tho@opferhilfsdienst.de \\ www-opferhilfsdienst.de

Information for Immigrants and Refugees

<http://www.proasyl.de>

Pro Asylum is a nationwide organization supporting asylum seekers and refugees. phone: 069 - 23 06 88 Mo-Fr: 10.00-12.00 and 14.00-16.00, fax 069 - 23 06 50 e-mail: proasyl@proasyl.de; www.proasyl.de

State-wide Refugee Councils (Flüchtlingsräte) can provide you with information on asylum law problems and/or reference addresses for foreigners' law problems:

Flüchtlingsrat Berlin, Georgenkirchstr. 69-70, 10249 Berlin, phone: 030/243445762, Email: buero@fluechtlingsrat-berlin.de; www.fluechtlingsrat-berlin.de

Flüchtlingsrat Brandenburg e.V., Rudolf-Breitscheid-Str. 164, 14482 Potsdam, phone/fax: 0331-716499, Email: info@fluechtlingsrat.de, www.fluechtlingsrat-brandenburg.de

Flüchtlingsrat Mecklenburg-Vorpommern e.V. Postfach 11 02 29 19002 Schwerin phone:: 0385/5815790 E-Mail: flue-rat.m-v@t-online.de; www.fluechtlingsrat-mv.de

Sächsischer Flüchtlingsrat e.V., Kreischaer Str. 3, 01219 Dresden Tel.: 0351/47 14 039, Email: SFReV@t-online.de; www.saechsischer-fluechtlingsrat.de

Flüchtlingsrat Sachsen-Anhalt e.V., Schellingstr. 3-4, 39104 Magdeburg, phone: 0391-5371279; -Email: frsa-magdeburg@web.de; www.fr-sa.de

Flüchtlingsrat Thüringen e.V., Warsbergstr. 1 99092 Erfurt. Tel.: 0361/ 21727-20 fax: 0361/ 21727-27 Email: info@fluechtlingsrat-thr.de; www.fluechtlingsrat-thr.de

<http://thecaravan.org>

The Caravan is a nationwide network of of refugees, immigrants and antiracist groups.

<http://www.asyl.net>

Network of welfare organizations regarding legal questions of asylum seekers.

<http://www.kmii-koeln.de>

„No human being is illegal“ – Network against Deportation and Exclusion

