
WHAT YOU CAN DO AFTER A RACIST ATTACK



This guide intends to give general information for victims, relatives and witnesses of discriminatory experiences and racist incidents. It is there to provide you with basic information about the legal steps you can take, explanations on the process of reporting a crime and the institutions and organisations that can offer help in this difficult situation.

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What you can report:

It is not allowed to discriminate or disadvantage people based on their ethnic origin, skin colour, gender, religion, ideology, sexual identity, age or a disability. Whenever you are in a situation where you feel unsafe, harassed, threatened or you experience violence of any sort in relation to the topics mentioned, please don't hesitate to seek help and tell someone what has happened. For example, a racist incident to report can look like this:

- **Racist insults and threats you experience yourself or that you are a witness of**
- **Any form of violence you experience in this context or you witness, no matter if it is in a verbal or physical kind of way**
- **Any form of sexual harassment and/or abuse**
- **You see people wearing right wing symbols or slogans**
- **People make comments that degrade you or others based on the categories mentioned above.**

For more examples and guidance please visit <https://www.berlin.de/willkommenszentrum/en/everyday-life/protection-from-discrimination/>.



What to do if you or someone you know experienced a racist attack

1. Get yourself support

If you are the victim of the attack, first of all think about what is most important for you and who can support you. Reach out to friends and family or ask for help to victim counselling centers and organisations. These organisations are free and work under strict confidence. After talking to them, they can also refer you to therapists and specialised lawyers.

For more information visit <https://www.berlin.de/willkommenszentrum/en/everyday-life/protection-from-discrimination/>

Some organisations in Berlin you can talk to are:

→ Reach

→ You can also contact Antidiskriminierungstelle to report the incident or ask for a consultation.

An overview on Counselling centers in Germany can also be found here:

→ VBRG

→ <https://www.beratungsstellen-opferhilfen.de>

If someone else is the victim of the attack, offer your support and make sure the person does not remain alone.

2. Document on what has happened

Even if you are unsure about the future steps you will take, document what has happened to you.

Take notes on:

- When the incident has happened, date and hours.
- The location where the incident has happened.
- How the incident has happened: you should write down everything you remember and the course of the events: What were the exact words used to insult you and the meaning of it? What were the attackers wearing and did they have any striking characteristics? Which hand was used to hit you and how often? Which foot was used for kicking?
- Explain how you felt during the moment of the incident.
- When possible, film the incident as proof or take pictures.

3. Document on damages and injuries

If you are injured, you should visit a doctor and get a medical certificate that lists all the injuries, even if they seem insignificant at first. You should have all your injuries meticulously documented for a potential court proceeding and to file a claim for compensation for personal suffering.

Keep all the clothes and other objects that were damaged.

You can take pictures with a camera or a mobile phone camera of your injuries or torn clothes.

4. Why is this important?

- After the incident, you should consider whether you want to report a complaint to the police or the state prosecutor.
 - If you decide on filing a criminal complaint, your documentation will prevent you from memory loss and helps you to reproduce clearly and in order what has happened.
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5. Why you should think about reporting a crime

- Filing a criminal complaint against the perpetrators is one possibility to show racists that they will not remain unchallenged if they act violently against others
- 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.
- Reporting a crime is usual the precondition for receiving financial compensation

If you don't want to file a criminal complaint:

- You are 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' counselling project and/or a lawyer beforehand and be accompanied when responding to the summons.

You can find a 10 steps guide on what to do after experiencing a racist incident in different languages here:

https://verband-brg.de/wp-content/uploads/2019/ratgeber_was_tun_nach_rassistischen_angriff_gesamt.pdf



Reporting the incident

→ Anyone can report a crime.

→ Contact the police “110” or go to the police station or the state prosecutor to report the incident and file a complaint.

→ You can also go to a police station and report a crime in person or in written form

→ You can report online using this link: **„Internetwache“**. 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.

More information can be found here: <https://www.berlin.de/sen/justva/ueber-uns/beauftragte/opferbeauftragter/artikel.259081.en.php#wer.>

What kind of information do you have to give to the police?

When you report a crime, you will be asked about your personal details.

These include

- Your name
- Your address
- Date and place of birth
- Profession

You can also give an alternative address such as your lawyers address or your place of work, if there is evidence of a threat to you or a family member.

You don't want to go to the police by yourself?

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 counselling organization. The person accompanying you may also – upon your request – be present during your witness interrogation. If the police refuse, they must tell you the reason for their refusal and they need to make a written memo of this.

Police questioning

The police must examine all aspects that would either help to confirm the crime or to rule out criminal charges.

- If you receive a summons from the police, you do not have to appear or give a statement as an injured party or witness at a police station.
- If you are requested to appear at the public prosecutor's office or the court, it is mandatory. Absences without a valid excuse can have consequences such as penalties and legal fines.
- The officer in charge must inform you of your rights before questioning.

For further advice, check <https://www.hilfe-in-berlin.de/en/first-steps#c247>.

You are living in Germany without a legal residence status and therefore you wish to avoid any contact with the police, justice system and other state departments?

You should in any case contact organizations that offer counselling for racist incidents and/or a lawyer.

A criminal complaint does not have a negative or positive effect on your residence status. As a victim in a criminal proceeding, you have the same rights as German citizens. If the police officers behave inappropriately – for example, if they refuse to record your criminal complaint – then you can file a disciplinary complaint. You can also find support for doing this with the victims' counselling projects or lawyers.

What happens after you report to the police?

- The police and the public prosecutor's office have to initiate investigations after a crime has been reported.
- You are no longer responsible for the course of the investigation

Always file for criminal charges

- Filing criminal charges are a personal motion, requesting that the offender should be prosecuted.
 - You should file criminal charges every time you report a crime, because some crimes are only investigated at your request.
 - 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.
 - If you wish to file an application for prosecution, you must do so within a three month period.
 - The period begins from the day when you first heard about the offense and the offender.
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What happens during a criminal proceeding

- 1. 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.
- 2. 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.
- 3. 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.

Preparing for a lawsuit

- Check if you have legal expenses insurance to cover the cost of lawyers if you decide to file for a lawsuit. Without the insurance, a legal consultation from a lawyer can cost around €200. *Cost might vary depending on the legal institution.
- If you are a student, AStA (Allgemeiner Studierendenausschuss) offers a free legal consultation.
- If you have low income, you can also apply for what is known as a "Beratungshilfeschein" (counselling aid certificate) at the competent court.

What you can do in advance?

- When you go to file a criminal complaint, it will be to your advantage if you have already thought through and recorded in detail 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.
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- 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.

What are you entitled to?

- 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.
- 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.

For more information, you can check here: <https://www.berlin.de/sen/justva/ueber-uns/beauftragte/opferbeauftragter/artikel.259081.en.php#bez>.

Senate Department for Justice, Consumer Protection and Anti-Discrimination: https://docs.google.com/document/d/1to1NWcKp7ndDx0fxh8v4q_994_JYZfpyGnpV23E7M1Y/edit#.

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.

Why is it helpful to have your own lawyer?

- 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).
- Through your attorney, 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

- 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.
 - 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.
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Who pays for the lawyer

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 counselled by a lawyer of your choice. The lawyer can only charge you 15 Euro for this, but he or she can also waive the fee.

You can contact the organisation Weißer Ring for free legal advice:
<https://weisser-ring.de>.

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' counsellor 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.

Detailed information regarding this topic can be found here: https://www.bmju.de/SharedDocs/Publikationen/DE/Beratungs_PKH_engl.pdf?__blob=publicationFile&v=5.

→ **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.

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 specialised in accessory private prosecution and speaks your language but this lawyer is located in a city far away from where you live.

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 counselling project for victims of racist and right-wing violence. (see [Counselling Organizations](#)).

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 [Who pays for the lawyer](#)).
 - 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.
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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 [Reporting the incident](#)).

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.

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 counselling projects 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 counselling projects or with your lawyer. The project can also add a written statement to your application.

Psychological support

Besides the external injuries, an attack often has an impact on your psychological well being. If you cannot get rid of the images in your head, suffer from nightmares, sleeping problems, panic attacks or you feel unsafe, do not hesitate to reach out for professional psychological support. There are victim aid centers where free psychosocial counselling sessions are offered. You can find more information here: <https://www.opferhilfen.de>.

Victims with a migration background can find specific psychological support here:

→ **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

→ **You are not alone** ←



It is important that you reach out to people and ask for help if you need to.

There are many options to find support and get assistance and guidance with all steps related to the incident that has happened. If you are not the victim but you are witnessing any kind of attack or incident, offer your help and do not hesitate to contact the police or a counselling project to discuss further actions.

More helpful advice you can find here:

→ https://hessenschauthin.de/wp-content/uploads/2019/12/VBRG_What_to_do_after_an_right-wing_racist_anti-Semitic_attack_ENGLISCH_webversion.pdf

→ https://www.mobile-opferberatung.de/doc/What_to_do.pdf
