



## Information sheet for the compensation of victims of extremist attacks

### I.

It is a fundamental value of every pluralistic society and a central task of the state to protect and defend the freedom of every individual against extremism of any kind, be it left-wing or right-wing extremism, anti-Semitism or Islamism. For this reason, the German Bundestag has provided financial means to compensate victims of extremist attacks as part of the Budget Act. This voluntary payment, to which there is *no legal entitlement*, is to be understood as an act of solidarity of the state and its citizens with the victims. At the same time, it serves to send a clear message that such attacks are condemned. The decision in the individual case is made on the basis of humanitarian reasons as a voluntary emergency aid of the state.

### II.

The decision on the granting and assessment of payments follows *principles of equity*.

Payments are granted as *one-off* capital payments.

*Extremist attacks* in particular include bodily harm motivated by right-wing, xenophobic, racist, anti-Semitic, Islamist or left-wing extremism. An attack can also constitute severe threats or libel.

The hardship compensation can be given as financial compensation for physical injuries and for violations of general personal rights (compensation for pain and suffering). The subject matter of the payments can also include maintenance payment damages and disadvantages in career progress. Material damages are not included in the compensation scheme.

*Victims* can also include close relatives of the killed victim and so-called helpers in need, i.e. persons who suffer damages to their health when fending off an extremist attack towards a third party.

Hardship compensation can only be granted if at least a *high probability* speaks for an extremist attack. This is why it is necessary that you as the applicant demonstrate which points speak for an attack motivated by extremism from your point of view. Under Point IV in the application you are asked to provide this information. In this context it can also be helpful and important to inform the Federal Office of Justice of file references of the prosecution after the application in order to accelerate the processing of the application.

As part of the decision on granting the hardship compensation, both based on the reason and also on its amount, it is however, under the point of view of equity, also taken into consideration whether the victim can in reality receive compensation from others in the short term, i.e. if the victim has claims against third parties and if these claims can be realised.

Compensation payments are only granted *on application* as a matter of principle. In connection with the expansion of the appropriation of the provided budget resources in 2010 to extremism of any kind, different time limits apply to right-wing attacks and other extremist attacks: compensation payments for *right-wing* attacks are, like up to now, as a matter of principle only granted for those attacks which happened after **1 January 1999**. Applications for compensation of *other extremist attacks* can be considered if the attack took place after **1 January 2010** (coming into effect of the 2010 Budget Act).

### III.

The application for granting compensation is to be addressed in writing to

**Bundesamt für Justiz**

**Referat III 2**

**53094 Bonn**

The application is made with an *official form*, which can be sent to you on request or which can be downloaded from <http://www.bundesjustizamt.de/opferentschaedigung>.

Please fill in the application form *carefully* and *completely*.

It is important to enclose medical documents so that the amount of the hardship compensation can be calculated. For a swift processing of the application it is furthermore helpful to also enclose any criminal judgments that have been enacted against the perpetrator.

Each applicant has to use their own form, and the form has to be signed personally by the applicant or his/her legal representatives as appropriate.

*Note:* If the applicant is a minor, it is necessary that *both* legal guardians sign the application. If one parent has sole parental care, his/her signature and the declaration that he/she has sole parental care suffice.

If you are being supported, please submit the certificate of appointment. If you are represented by a lawyer, please submit a power of attorney.

#### IV.

In the application, claims for compensation against third parties, in particular against the injuring party, are to be assigned to the Federal Office of Justice insofar as compensation is paid. This assignment is necessary as the hardship compensation is as a rule not granted in addition to any other compensation for pain and suffering. The aim of the hardship compensation is to ensure that the victim receives payment even in the case of the injuring party being unable to pay. With this, the state carries the risk of the injured party's inability to pay and takes on the task of reclaiming the paid hardship compensation from the perpetrator.

Please therefore remember that you are not entitled – to the amount of the granted payment – to claim compensation for pain and suffering from the injuring party, or to receive payments from the injuring party anymore.

The statement of assignment comprises both the court and out-of-court raising of the claims. Additionally, monies which you were granted in criminal proceedings (in a probation decision or in a so-called adhesion procedure) are also covered by the assignment.

If you receive monies from the perpetrator, you are obliged to transfer these in the amount of the hardship compensation to the Federal Office of Justice. In the case of the failure to observe this, the hardship compensation is usually claimed back from you.

*Note:* In those cases in which the amount awarded in an adhesion procedure exceeds the amount of the awarded hardship compensation, the immediate transfer of monies received from the perpetrator is waived due to this difference. In line with the character of the hardship compensation as voluntary emergency aid from the state, amounts that are paid by the perpetrator because of this higher amount can remain with the victim.

The assignment does not include claims for injuries which are legally conveyed to a third party after their payment.

V.

If you have any questions about the application, please contact the Federal Office of Justice directly:

**Tel.: +49 228 99 410–5288**

**+49 228 99 410–5790**

**E-Mail: [opferhilfe@bfj.bund.de](mailto:opferhilfe@bfj.bund.de)**