

VBRG - Association of Counseling Centers for Victims
of Right-wing, Racist and Antisemitic Violence in Germany

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Joint press release and appeal for donations

"We cannot accept the judgment of the Naumburg Higher Regional Court and the decision of the Federal Supreme Court as just."

"We ask for donations in solidarity as a sign of support for İsmet Tekin and Aftax I. as survivors of the Halle attack."

Halle (Saale)/Berlin, 14.4.2022

Two and a half years after the right-wing terrorist attack on Yom Kippur 2019 in Halle (Saale) and Wiedersdorf, which was motivated by anti-Semitism and racism, the Federal Court of Justice has rejected the appeal of two survivors of the attack, İsmet Tekin and Aftax I, against the verdict of the Naumburg Higher Regional Court of December 2020 without giving reasons. In the attack, Jana Lange had been murdered in front of the synagogue and Kevin Schwarze in the Kiez Döner. More than 68 people survived, some seriously injured. The relatives of those murdered and survivors of the attack, such as İsmet Tekin and Aftax I., are still struggling with existential consequences today. With their appeal, the two joint plaintiffs had objected to the fact that the Naumburg Higher Regional Court had only counted the assassin's attempt to deliberately run over and kill Aftax I as a Black person with his getaway vehicle as negligent bodily injury and had not counted the shots at İsmet Tekin as attempted murder and did not include them in the verdict.

"In our appeals, we presented in detail that the Naumburg Higher Regional Court's assessment of the evidence in both cases was incomplete and contradictory. The Federal Court of Justice dismissed both appeals without giving further reasons. The court has thus simply drawn a line under the proceedings here as well," criticize the representatives of co-plaintiff İsmet Tekin, attorneys Onur Özata and Björn Elberling. However, the fact that the court did not want to see all the evidence that the perpetrator also endangered İsmet Tekin quite concretely and intentionally is a slap in the face not only of these two injured.

Lawyers Ilil Friedman and Benjamin Derin, who represent Aftax I. as co-plaintiff, emphasize: "Aftax I. and İsmet Tekin were entitled to expect that the racism which motivated the attempts to murder them would be perceived by the court and recognized as such. Instead, the court seems to have believed that everything necessary had been done by sentencing the perpetrator to life imprisonment. The fact that the Federal Court of Justice and the judiciary ultimately believe the perpetrator despite all the evidence to the contrary, that he did not intentionally hit Aftax I. and did not accept his death is difficult to understand from a legal point of view. For the two co-plaintiffs, it remains a great disappointment..."

"With the rejected appeal and the legal force of this verdict, the judiciary shamefully shirks its responsibility to recognize the racist motives of the violence against Aftax I. and İsmet Tekin," says Talya Feldman, survivor of the synagogue attack. "This is yet another reminder that the words and opinions of perpetrators take precedence over the lived experiences of witnesses and survivors. It is a verdict that we can never accept as just."

"The fact that the attempted murders of Aftax I. and İsmet Tekin were not recognized as such by either the Naumburg Higher Regional Court or the Federal Supreme Court is a bitter setback", "says Naomi Henkel-Guembel, who survived the attack in the synagogue. "It seems that the German constitutional state is not learning from its modern history." Naomi Henkel-Guembel also emphasizes, "Throughout the court process, those affected by the attack stood and still stand for each other to make the extent of the attack visible."

"Against this final decision of the Federal Court of Justice, it is important to set a concrete sign of solidarity - and thus to tie in with the lived practice of the network of solidarity that the survivors of murderous racism, anti-Semitism and right-wing terrorism have built up in Halle, Hanau, Mölln and beyond," says Antje Arndt, board member of VBRG e.V. and project manager of the Mobile Victim Counseling Service in Saxony-Anhalt. "This solidarity encourages many people whose lives are forever affected by racism, anti-Semitism and right-wing violence not to give up and to fight back together."

The Mobile Victim Counseling Service and VBRG e.V. are therefore asking for donations for the survivors Aftax I. and İsmet Tekin to mitigate the material consequences of the BGH decision and the ongoing consequences of the crime.

Background:

Federal Court of Justice, Decision of March 22nd, 2022, Az. 3 StR 270/21

Trial Documentation in EN, RUS, GER: https://verband-brg.de/prozessdokumentation_anschlag_halle_2019/

Donation Account

Recipient VBRG e.V.,

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