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BIG
Hotline

**Helpline for cases
of domestic violence
against women**

**The hotline is open every day
from 9 a.m. to midnight.
It offers telephone advice and
counselling services for women
and their children, who are
suffering domestic violence.**

- Free telephone advice on all issues related to domestic violence
- Mobile intervention – counselling on location for affected women, if required
- Anonymous counselling on request
- Information about and placement in women's shelters
- Information about police and legal intervention possibilities
- Information about further counselling and support options
- Psychosocial crisis intervention

The hotline is also intended for people who are confronted with domestic violence in their professional and/ or private environment.

Domestic Violence: Your Rights

Protective
measures –
Police,
Prosecution,
Civil Rights



BiG



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Domestic Violence Intervention
Center Berlin

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Violence against women occurs mainly in the alleged refuge of one's own four walls – i.e. at “home”. Domestic violence is almost always committed by men and may involve threats, humiliation and social isolation through to enforced sexual acts and physical abuse.

If in your own partnership, marriage or family **you** experience e.g. abuse, beatings, violations, threats, confinements or are held captive (assault, deprivation of liberty), rape, enforced sexual acts (criminal actions against the right of sexual self-determination), harassments or stalking or if your children are/ have been ill-treated or sexually abused, you have the right to defend yourself.

In the case of physical and sexual violations as well as stalking, your husband/ partner is committing criminal acts, which are subject to prosecution – provided that an official complaint is lodged with the police.

This brochure aims to inform you about your right to defend yourself against domestic violence and about what you can do to protect yourself from further violence. It tells you what the police and the judicial system can and must do to protect you and to prosecute the committed crimes.

The first part of the brochure contains information about what the police can do to protect you and stop the violence. Also, it lists the various actions you can take to protect yourself and your children.

The second part of this brochure explains the criminal procedures, the role you play and also the rights you have as a witness in these proceedings; it also informs you about where to get further support and advice.

The third part of this brochure tells you about the civil rights options available to you to protect yourself against further violence by your husband/ partner.

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Police Protection

You or someone else (e.g. neighbours, passers-by) call the police. The police can be contacted free of charge around the clock: Tel.: 110.

If you call the police:

State the following,

- whether you are in acute danger, from whom / why
- whether you are injured, who injured you and what you have been injured with.

If the offender is no longer with you, tell the police,

- whether you are in acute danger of suffering more violence
- whether he possesses weapons.

The police use this information to decide whether or not they need to take immediate action to rescue you.

Until the police comes, seek refuge at a safe place, e.g. at a neighbour's, in shops, or lock yourself inside your own home.

Tell the police how they can reach you.

When the police come, you can choose to,

- explain your situation to the police without the offender present
- leave the crime scene with your children under police protection and be taken to safety (e.g. in a women's shelter) or to receive medical attention/ treatment.

If you find yourself in an acutely dangerous situation or a criminal act has already been committed

- describe to the police in detail what happened so they can initiate appropriate actions for your own protection and for the prosecution of the offender,
- also inform the police about non-visible or former injuries,
- if you can, name witnesses,
- hand over the crime weapon to the police, if there is one.

The police can order the offender to leave an apartment, take his keys away and prohibit him from entering the apartment again. This warning and the prohibition of the right of entry can last for up to 14 days, if there is a danger that the offender might again commit violence against you and/ or your children. Furthermore, the police can put a restraining order on the offender, prohibiting him to approach you and/ or children or contact you.

This restraining order can be valid for several days and can also apply to other places you visit (e.g. work, nursery/ school).

The police also have the right to take an offender into temporary custody, if an acute danger cannot be otherwise prevented. Please tell the officer(s) in charge how you can be reached so that they can inform you when your partner is released.

If you have any questions concerning your protection, legal options and further support, you can contact the BiG-hotline (see cover). If you would like a female member of staff to call you, the police can give your telephone number to the BiG-hotline – after your prior consent.

It is also advisable (even if no police action has been taken) to apply for civil right actions according to the German Violence Prevention Act (GewSchG), e.g. having the shared apartment assigned to you and more long-term measures such as a restraining order (see chapter “Civil Rights – Protection Options”).



You make a complaint at the police department.

The police have the duty to record your complaint. A form about the investigation of the domestic crime will be given or sent to you. You should definitely fill out this form and send it back, or, better still, arrange a date for a police hearing, as your statements are vital for the further police investigation process. You will be asked whether you want to press charges. Pressing charges is a clear indication of your personal interest in a criminal

prosecution. For some crimes it is even a prerequisite for prosecution.

You can choose to be accompanied to the police hearings by a confidante. This person may even be present at your hearing, if the officer in charge agrees.

In any case, ask a doctor you can trust to certify your injuries and release this doctor from his patient confidentiality duty. You will be given the relevant form by a police officer. The medical certificate is a compulsory component of the police investigation process.



You decide to leave the apartment.

If you wish to leave the apartment by yourself or with your children, you can find protection and shelter at a women's shelter etc. around the clock (please refer to Help Measures).

– Make sure that any correspondence can reach you by post! –

From your new residence you can apply for the right to determine the place of residence of – or custody for – your children.

Before you leave your apartment, take your important personal belongings with you, such as:

- your own and your children's passports
- birth/ marriage certificate
- your own and your children's health insurance cards.

Other important documents you might wish to take include:

- residence permit documents
- rental agreement
- work contract/ retirement notifications
- notifications by the job centre or social welfare office
- custody decrees
- bank documents
- medication
- personal items for you and your children (clothes, sanitary products, toys, school things, diary...).

If you need any further personal items from your apartment later, the police can accompany you if it is still dangerous for you.

Registration and information block for your new address

According to the Berlin Registration Act, you have to register at your new address within 14 days. If you are currently in the process of separating from a violent partner, moving into a new apartment or into a women's shelter and fear further threats and violent assaults, you may apply for an information block for your new address.



How do I get my address blocked?

You should submit an application for an information block together with your registration form at the Citizens Registration Office. If you are moving into a women's shelter or a sheltered apartment, you can get the relevant form there. But you can also write an informal letter stating your name, the names of your children, dates of birth and your new address. (If you come from another Bundesland (federal state), please also apply for an information block there as soon as possible.)

The Landesamt für Bürger- und Ordnungsangelegenheiten (State Authority for Citizens and Regulatory Affairs – LABO) has to check whether you are legally entitled to an information block, which is why it is important that you clearly state why you need it. You might want to add e.g. who is threatening you, what the threat was, whether it was put into action, what kind of injuries or damages have already been caused, over what period of time, what it is you fear exactly, etc.

After the LABO has checked your statement, you may be asked to supply further evidence. Evidence includes medical certificates, witness reports and the crime number of the criminal charge. If you do not have any evidence of this kind, you can find out more about further procedures from one of the advice centres.

You will be informed about the implementation and duration of the information block (e.g. 1/2 year, 1 year) in writing. Please note the stated deadline after which the information block will automatically expire.

If you wish to extend your deadline, please arrange it in good time. It is important that you inform the LABO that you are still in danger. Also name the person who is threatening you.

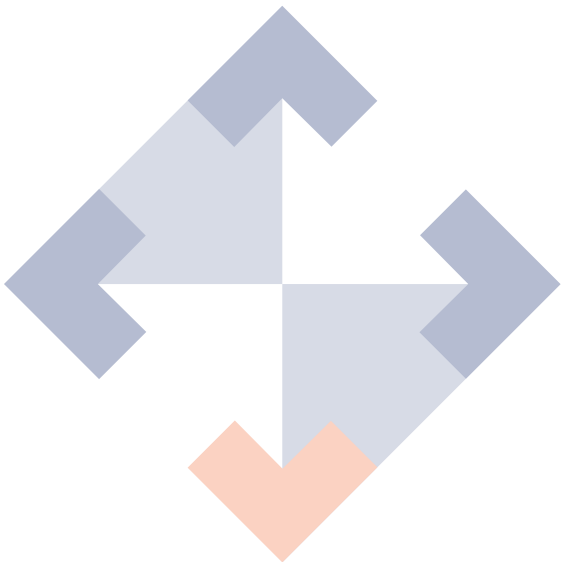


What does an information block do?

As soon as you have been granted an information block, your new address will only be given out to government authorities (legal court, youth welfare office) on request.

If individuals or companies inquire about your address, you will be informed in writing and asked whether you want your address to be passed on or whether this might endanger you further.

It is very important that you answer this letter within the stated period of time. If you do not want your address to be passed on to the inquiring body, you have to give reasons why this could be dangerous for you. It is sometimes advisable to contact the inquiring body yourself in order to prevent having your address passed on. If you do not react to the letter, LABO will decide whether your address is passed on or not.



Criminal Proceedings

Criminal proceedings comprise two steps:

- preliminary procedures of the crime investigation agencies (police, prosecution) and
- the trial.



How to initiate preliminary proceedings?

Criminal proceedings start with a formal complaint. This can be lodged verbally or in writing e.g. by neighbours, relatives, the police – after police action – or by yourself with the police or the crown prosecution service. For a complaint, you need to describe what happened to you. The police will open a file on the case and give you the police file number, the so-called procedure number. You will be asked whether you want to press charges. You should definitely do this.

In most cases, you will then be asked to come to a police hearing. You should seize this opportunity and come to this appointment, as your statement is the key piece of evidence. You might possibly be called to an additional hearing at the prosecution department. It is advisable that you attend this appointment accompanied by a lawyer.

You may also bring a confidante to all hearings. This person may even be present at the hearing itself depending on the consent of the officer in charge. If you cannot attend the summons appointment, you should definitely inform the police/ prosecution by telephone and arrange a new appointment.

If you miss your summons appointment unexcused, you might have to pay a fine and/ or the police might force you to come to the prosecution department.

Important:

- Report all assaults/ threats your husband/ partner has so far committed right from the start.
- Inform us if you are afraid of further assaults to yourself or your children.
- Name all persons who (might) have seen or overheard any criminal acts.
- If you can, provide medical certificates of (even former) injuries and their consequences. You can get certification of former injuries retrospectively, if they are noted in your medical records.
- Write down everything you remember about the incident(s), describing the exact circumstances (witnesses, date, time) of additional threats or assaults, as the trial might only take place one or two years after the complaint has been lodged.

If you are in any way related, engaged or married to the offender, you can refuse to testify. This means you can say at any time: “I don’t want to testify.” You do not have to give any reasons for this decision, but you do have to go to the crown prosecution service to inform them of your decision.

As you, the injured party, are the chief witness of the case, the prosecution is most likely to stop/ terminate proceedings, if the possibility of convicting the offender is unlikely without your testimony.

The case file is kept for a few years. If you do decide to testify at a later point, proceedings can be resumed.

If you have any questions, you can contact the investigating bodies in charge or any advice centre.



Investigation proceedings are generally closed due to one of the following three options:

Termination of Proceedings

The prosecution terminates their investigation if they presume that the collected evidence is inadequate for enforcing a conviction.

You can submit an objection to the termination of the proceedings. For more information, contact one of the advice centres below that offer free legal advice.

Taking Legal Action

If the prosecution judges the collected evidence sufficient for a conviction, they will press charges at the respective court or apply for a penalty order.

Penalty Order

A penalty order means the offender can be sentenced to pay a monetary penalty or to a prison term on probation in a written out-of-court settlement. The court decrees the penalty order after inspecting the evidence. If the offender accepts the sentence, the case is concluded. You will not be informed of this conclusion, but you can inquire about it at the prosecution department in writing.

If your (ex-) partner does not accept the penalty order, the case will go to court (main/ court trial).

The prosecution presses charges and transfers the criminal file to the respective court.

You can only get support, if you make the assaults of your (ex-)partner known!

The Trial

First, the court decides whether the evidence available is enough to convict the offender. If the court decides this is the case, a date is set for the main trial and you as a witness, all other witnesses and the offender will receive a summons. This usually happens within a year after the official complaint. However, due to the great strain on most courts, it can take up to 2 years for the commencement of a trial.

In the main trial, you will be asked to give a **comprehensive testimony** again, as the court is only allowed to make its decision based on oral testimonies during the trial. After your testimony in court, the prosecution, but also the defendant and his lawyer can ask you further questions.

If you choose to exercise your right to not testify, this will lead to an acquittal of the offender, i.e. he is not punished – unless there is further evidence, which is sufficient for a conviction. The court is not allowed to consider your former testimonies outside the courtroom for a conviction.

Please note: If the defendant is not in custody, he can move about the court building freely. If you are afraid of meeting him, tell the court (the telephone number is stated in your summons) and refer to the witness support centre (Zeugenbetreuungsstelle – see address section).

The defendant is always present in the courtroom. However, under certain circumstances he may be ordered to leave the courtroom during your testimony.

The main court trial is public. **You can choose to be accompanied by confidantes.** During your testimony, your confidantes have to be seated in the auditorium.

After the testimonies of the defendant, the witnesses and, if applicable, the experts, the prosecution sums up everything that has been said and demands

a penalty (summatation). If you are represented by a lawyer, they will now get the chance to explain your perspective on the matter. Then the defending lawyer and at last the defendant himself have the chance to say something. After that, the court will make its decision (pronounce the sentence).

Either the defendant gets a

- **monetary penalty** or
- **a prison term**, which may be probationary and/ or combined with the condition that he attends an offender seminar.
- **Or the offender is acquitted of his charge**, as the court deemed the presented evidence insufficient for a conviction.

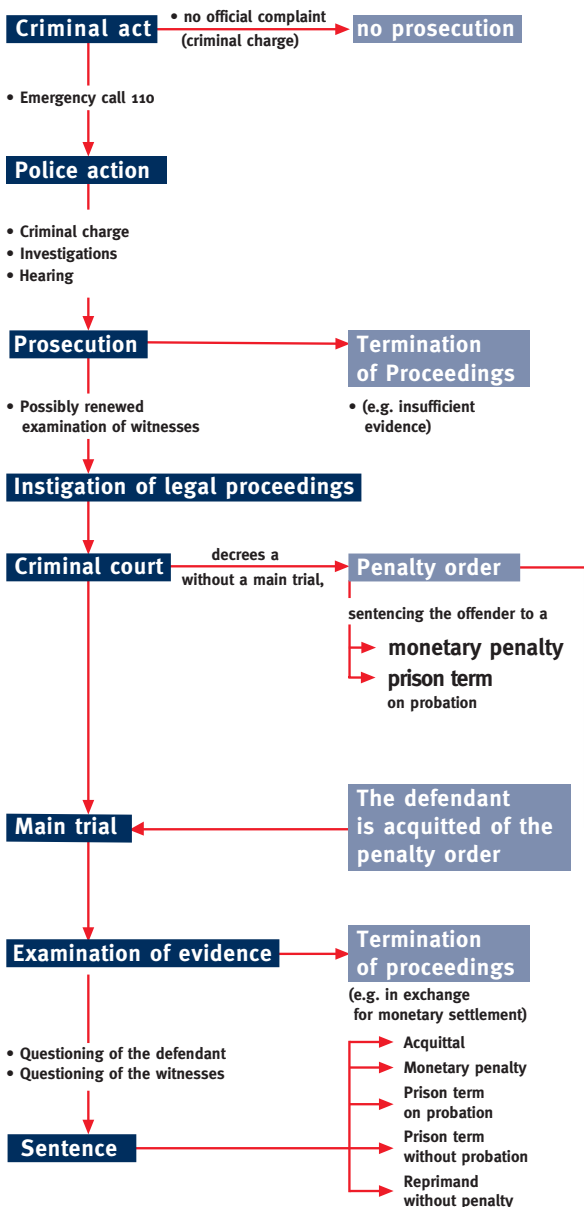
Proceedings might also be dismissed in mid trial – e.g. against a payment (monetary settlement).

You may consult a lawyer of your own choice for advice or representation at any time. Usually you will have to pay for the lawyer yourself. The lawyer will inform you whether your costs can be claimed back from the public authorities (litigation support). If the court allows a joint action, your lawyer will represent your interests and rights both as a witness and a victim of a criminal offence in the trial against your (former) partner/ husband. This means, e.g., that your lawyer is entitled to read the court file before the trial and has the right to question all participants during the trial.

Most advice centres for girls and women can give you the details of experienced lawyers. Also, almost all advice centres offer free legal advice. Call in advance to arrange an appointment. These centres will also let you know what financial options are available to you to secure your legal representation, tell you about the course of a trial, who can prepare you for and accompany you to the trial and what other protective measures you have (assignment of an apartment, prohibition of contact, etc.).

If you are beaten, blackmailed and/ or threatened after your formal complaint, you should immediately inform your lawyer, the police, the prosecution and the court.

Prosecution – an example



Civil Rights – Protection Options

If you (and your children) are subject to domestic violence or stalking, you can apply to the court for protection or the assignment of the joint apartment. Usually, this falls under the jurisdiction of a family court.

Exceptions:

- If you have been separated from your partner for more than six months or
- if you have never shared a household with your partner.

In this case, the responsible court is the local court at the residence of the accused man.

You can also apply to a civil court for the following:

- General court orders ensuring your own protection according to §§ 823, 1004 of the German Civil Code (Bürgerliches Gesetzbuch – BGB).
- Indemnity and compensation
- Custody (Family Court)
- Suspension of the right of access (Family Court).

In this case you should consult/ seek representation from a lawyer specialising in family law. If you have only a limited income, you might be granted litigation support. As court trials can take a very long time, protection orders and other civil rights claims should be asserted through summary proceedings.

You can get forms simplifying your application from women's or legal advice centres. You can also download them under the following link:

[www.big-interventionszentrale.de/
veroeffentlichungen/infomaterial/pdfs/schutzantrag
frau.pdf](http://www.big-interventionszentrale.de/veroeffentlichungen/infomaterial/pdfs/schutzantrag_frau.pdf)



Protection Orders

The court can issue a restraining order on the offender relating to ill-treatment, threats, harassment and contact (including personal proximity) according to § 1 of the Violence Protection Act (GewSchG).

This means e.g. he can be prohibited to contact you, approach your workplace or apartment, your children's nursery or school. If he impinges on a protection order, he commits a crime. Then you can (again) call the police and make a complaint. Furthermore, you can demand the payment of a fine at the court. In some cases, he might also be taken into custody.



Assignment of the Apartment

You can apply for the assignment of your joint apartment at the family court according to § 2 GewSchG.

If you are married or live in a life partnership, you can also apply for the assignment of the family apartment according to § 1361 b BGB or the sole use of the apartment according to § 14 of the German Life Partnership Act (Lebenspartnerschaftsgesetz) – under the condition that you want to separate from your partner or already are separated from your partner and the assignment of the apartment is necessary in order to ward off “undue hardship”.

Together with the assignment of the apartment, the offender can also be prohibited to terminate the rental agreement on the apartment or to complicate your use of the apartment. If you are the sole tenant of the apartment and live in a (non-marital) long-term relationship with the offender, you can submit an application to your local court/ the family court demanding that your partner leaves the apartment.

If you have both signed the rental contract, you should consult a lawyer as to whether an exclusion of the offender is enforceable. In any case, however, the court can decide on your sole use of the apartment for a limited period of time. The option also exists, if the rental agreement was signed by the offender alone.

Also, you have the option to demand prohibitions of access, ill-treatment, threats, harassment and contact (including personal proximity) according to § 1 GewSchG through summary proceedings.

Please note that court orders according to GewSchG, which have been decreed without an oral testimony in the courtroom, must be executed by a bailiff. Particularly with local court orders, you have to arrange the formal delivery of the clearance order with the bailiff distribution centre yourself. If you are eligible for litigation support, you should also apply for cost support for the first delivery of the clearance order when you apply for the implementation of actions according to GewSchG.



Custody

Children are always affected by the violence they have to experience. If you separate from your partner or request legal action for your protection because of ill-treatment from him, you can apply for temporary sole custody/ parental care of your children, in order to prevent further danger. You can do this even before submitting your petition for a divorce at the family court in charge.

The court might also be obligated to step in for your children as a way of averting danger. It can e.g. ban the offender from using the apartment according to §§ 1666, 1666a BGB, prohibit contact, take away his right to determine the place of residence of the children, etc..



Right of Access

Independent of custody decrees, the father usually retains his right of access to his children. If you or your children are still at risk of further ill-treatment, or if your children are in danger of witnessing violence, you can apply for a temporary or permanent suspension of the right of access at your family court.

The Youth Welfare Office (Jugendamt) is also involved in these proceedings.

The court is likely to decide on a compromise and to order the supervised access of the father to the children. This means his visits have to take place in the presence of an acquaintance or an employee of the Youth Welfare Office or other organisations.

Stepfathers (current/ former spouses or partners of the mother) also retain their right of access to a child, if the child has lived with them for a long time **and** this access is in the best interest of the child. If the stepfather has been violent towards the child or you, you can also apply for the elimination or suspension of this right, or, as a compromise, apply for a court order decreeing supervised access (accompanied by a third party).

Grandchildren and siblings of the child also have a right of access to the child under the condition that this access is in the best interest of the child. In particular, steps should be taken to establish the attitude of the grandparents – the offender's parents – regarding his violence.

If they deny or play down the danger exuding from the violent father for the child's well-being, this may also be a reason why their own right of access might be taken away/ suspended or might only be granted under the supervision of a third party.

If you affect a restraining order against your violent husband/ partner from a court, prohibiting the father ill treatment, threats, harassment and contact (including personal proximity) according to the German Violence Protection Act, seek advice about whether you should also apply for the suspension of the offender's right of access to your child. Due to the right of access to your child, it might be impossible to prevent the offender from approaching you when he picks up or delivers your child. He might also again molest or threaten you during negotiations about the child.

If a court order regarding the right of access is already in place, you should make the court aware of this when you apply for a protection order.

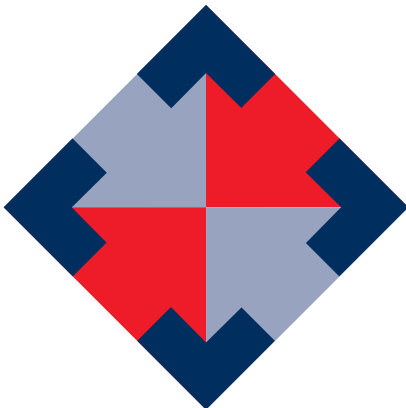
The Youth Welfare Office has to write a statement on rights of access regulations for the family court. Make it clear to them that you are suffering domestic violence and that the right of access might contravene decrees according to the GewSchG. Also the summons to a **joint** hearing at the Youth Welfare Office with the offender might pose a danger for you and could breach the provisions of your protective order.

For more detailed information, please read the brochure “Supervised visitation (and child access)” by BiG e.V.



Indemnity and Compensation

Your eligibility for indemnity payments includes the reimbursement of pecuniary damages such as the costs of medical treatment, financial damages in connection with loss of earnings, or costs for the replacement for ripped clothes and destroyed property. The eligibility for compensation payments is based on personal gratification and compensation for personal suffering such as injuries, pain and humiliation.



Where do I find what?



Family Courts:

For the districts Mitte (Mitte, Tiergarten, Wedding), Pankow (Pankow, Weißensee, Prenzlauer Berg), Reinickendorf

Pankow/Weißensee
Kissingenstr. 5–6
13189 Berlin-Pankow
Tel.: 9 02 45-0

For all other districts:

Tempelhof-Kreuzberg
Hallesches Ufer 62
10963 Berlin-Kreuzberg
Tel.: 9 01 75-0



Local Courts:

Charlottenburg (Wilmerdorf)	Tel.: 9 01 77-0
Hohenschönhausen (Marzahn-Hellersdorf)	Tel.: 9 02 56-0
Köpenick (Treptow)	Tel.: 9 02 47-0
Lichtenberg (Friedrichshain)	Tel.: 9 02 53-0
Mitte (Prenzlauer Berg)	Tel.: 9 02 3-0
Neukölln	Tel.: 9 01 91-0
Pankow (Weißensee)	Tel.: 9 02 45-0
Schöneberg (Steglitz-Zehlendorf)	Tel.: 9 01 59-0
Spandau	Tel.: 9 01 57-0
Tempelhof-Kreuzberg	Tel.: 9 01 75-0
Tiergarten	Tel.: 90 14-0
Wedding (Reinickendorf)	Tel.: 9 01 56-0

The **Legal Request Centres** (Rechtsantragstellen) of the courts are usually open in the morning from Monday to Friday, from 9 am to 1 pm.

Also, the local court of Tempelhof-Kreuzberg offers an on-call service for family matters and general civil rights issues on Saturday mornings from 9 am to 12 pm.



Women's Shelters

- Women's shelters offer protected temporary housing for women (and their children) of every nationality.
- You can call women's shelters any time, day and night.
- The addresses of women's shelters are totally anonymous.
- Men do not have access to women's shelters.
- Accommodation at a women's shelter is free; you cater for yourself and your children.
- You receive comprehensive counselling and support in a women's shelter.
- Staying at a women's shelter is not necessarily followed by a divorce, and you will not be reported to the Ausländerbehörde (Foreigner's Registration Office).

2. Autonomes Frauenhaus, Tel. 37 49 06 22

3. Autonomes Frauenhaus, Tel. 559 35 31

4. Autonomes Frauenhaus, Tel. 9161 18 36

Frauenhaus BORA, Tel. 986 43 32,
disability friendly rooms

Frauenhaus Caritas, Tel. 851 10 18

Interkulturelles Frauenhaus, Tel. 80 10 80 10

Therapeutische Frauenwohngemeinschaft Bora,
Tel. 97 99 96 46



Women's Advice Centres

- Women's Advice Centres offer legal and social advice, help you find a new apartment, etc.
- You receive anonymous and free advice and support.
- Personal counselling is offered during the regular opening times and also by appointment. You can also get advice via the telephone.
- Women's Advice Centres can provide placements in other protected housing (e.g. sheltered apartments).
- The female staff members of the Women's Advice Centres speak foreign languages.



Advice Centres Focussing on Domestic Violence

Frauenhausberatungsstelle Tara, Tel. 787 18 340
Offers advice also in English, Persian and Turkish

FRAUENRAUM, Tel. 448 45 28
Offers advice also in Armenian, English, Italian and Turkish

Frauenberatung BORA, Tel. 927 47 07
Offers advice also in English and Spanish

Frauentreffpunkt, Tel. 621 20 05
Offers advice also in Armenian, English, Polish, Spanish and Turkish

Interkulturelle Beratungsstelle, Tel. 80 19 59 80



Sheltered Apartments

Frauenzimmer e.V., Tel. 787 50 15, wheelchair friendly

Hestia e.V., Tel. 440 60 58

Zuff e.V., Tel. 694 60 67

Augusta, Tel. 28 59 89 77
Fax 28 59 89 78, deaf friendly

FrauenOrt, Tel. 46 60 02 17

You can get further free legal information and support from the following service centres:



Specific Advice and Information Services

Ewa Frauenzentrum, Tel. 442 55 42
Offers legal information and general advice

Lara, Tel. 216 88 88
Crisis and advice centre for raped women

Wildwasser, Tel. 786 50 17
Offers advice to girls, especially focussing on sexual abuse

Al Nadi, Tel. 852 06 02

Meeting place and advice for Arabic women

Ban Ying, Tel. 440 63 73/74

Coordination centre for women from South East Asia

HINBUN, Tel. 336 66 62

Education and advice centre for Kurdish women

In VIA, Tel. 86 42 48 50

Advice centre for women from Central and Eastern Europe

TIO, Tel. 612 20 50

Meeting place and information for Turkish women

Netzwerk behinderter Frauen in Berlin e.V.,

Tel. 617 09 167/617 09 168

Network of women with disabilities in Berlin

Kindernotdienst, Tel. 61 00 61

Children's Emergency Service, open day and night

Jugendnotdienst, Tel. 61 00 62

Youth Emergency Service

Mädchennotdienst, Tel. 61 00 63

Girls' Emergency Service

The Berlin Child Protection hotline can also be reached via the three emergency hotlines around the clock.



Victim and Witness Protection Advice

Opferhilfe, Tel. 395 28 67

Advice centre for crime victims

AHGATA – Hilfe für die Zeugin

Tel. 030-440 526 00

Helps female witnesses, office for trial preparation and support during the trial

www.ahgata.de

**Zeugenbetreuung im Amtsgericht Tiergarten
und Landgericht Berlin,**

Room B 020/21, Wilsnacker Str. 6, 10557 Berlin

Tel. 90 14-34 98/90 14-32 06

Witness support in the local court of Tiergarten and the district court of Berlin