



**PRESS RELEASE #03 - Berlin, April 4th, 2023**

**A joint press release by The VOICE Refugee Forum, KARAWANE for the rights of refugees and migrants (Berlin) and Peer Exchange of African Communities for Empowerment (PEACE), Germany.**

**THE LADG'S FIRST RACISM ACTION AGAINST THE FOREIGN AUTHORITIES  
IN BERLIN WAS REJECTED BY A WHITE JUDGE (MRS. LEMKE).**

THE COCKROACH CANNOT BE INNOCENT IN A COURT WHERE THE HEN IS  
JUDGE (African proverb).

**The case of Dr. Mbolo Yufanyi M.C, an African lecturer at the Alice-Salomon-Hochschule (ASH) Berlin, activist of "The VOICE" and "The Caravan" and co-founder of PEACE, who sued the state of Berlin for racist abuse in the Berlin Immigration Office rejected.**

*The LADG becomes a bogus law if its implementation reproduces or creates racism.*

*"The tools of the master will never demolish the house of the master", Audre Lorde.*

**We will continue our political resistance, from which the LADG emerged.**

Once again, the "POWER" associated with racism, after stigmatization and prejudice is confirmed when white institutions and their staff, including judges, are given the authority to decide the fate of their victims. Without education, training, and sensitization about the historical causes of racism, its various manifestations in German society, and its effects on the physical and psychological well-being of the people affected, no serious attempt can be made to deconstruct institutional racism.

**This is a reason to continue to have no faith in the German racist justice system.**

*"Although I was the plaintiff, I had to relive the violence of systemic racism in court. There is an African proverb that says: "The cockroach cannot be innocent in a court where the hen is a judge". That was exactly the situation in court," explains Dr. Mbolo Yufanyi.*

**Racism is an ideology of superiority!**

Dr. Mbolo Yufanyi, lecturer at the ASH, for the course "Racism and Migration" in the Department of Diversity Studies, sued the state of Berlin for racism in the Berlin Immigration Office. He filed a lawsuit under the Berlin State Anti-Discrimination Act (LADG) in December 2021 (see <http://thevoiceforum.org/node/4807>).

The case was heard on Thursday, February 9th, 2023 before the Berlin Regional Court (see press release). The courtroom was packed with supporters and sympathizers, including members of the African/Black Community (ABC) in Berlin and Mbolo Yufanyi's students from ASH.



During the hearing, it became clear that Judge Lemke had already made her decision not to recognize racism in the Immigration Office. Without hearing more testimonies or examining evidence, Lemke indicated that the accusations of racism against the staff at the Immigration Office were not enough for her to condemn the state of Berlin. The judge based her decision not to hear testimony on the lack of evidence presented.

Thereupon Dr. Mbolo Yufanyi questioned the knowledge and experience of the judge and lawyer who defended the Land of Berlin and asked them whether any of them had undergone anti-racist training or further education to legitimize their competence in prosecuting and adjudicating such allegations of racism. "It's like a woman being sexually assaulted and being asked by a male judge to come up with more evidence of the assault," said Dr. Yufanyi.

In her written verdict, the judge sided with the state of Berlin, rejecting the microaggressions and overt racism while accepting the lies used to cover up the racist actions of the Immigration Office's employees, Ms. Thiel and Ms. Müller. These two women were involved in the racist abuse of Dr. Mbolo Yufanyi. The racist abuse and violation of the rights of Dr. Mbolo Yufanyi by the Immigration Office are based on a chronology of more than 10 years of racist and political persecution. This has been proven in court.

**We will continue our political resistance, from which the LADG emerged.**

**We call on everyone affected by institutional racism, not only in Berlin, to get in touch with us so that we can formulate our concerns together and look for solutions together.**

**We support Dr. Mbolo Yufanyi, M.C. in his fight against systemic racism, which is evident in the racist treatment at the Berlin State Office for Immigration (LEA).**

**For more information on this case, please visit:**

**<http://www.thevoiceforum.org/node/4806>**

Contact:

- THE VOICE Refugee Forum (Berlin) | [the\\_voice\\_berlin@emdash.org](mailto:the_voice_berlin@emdash.org) |

Telephone: Mbolo Yufanyi Movuh: +49 170 878 81 24- CARAVAN for the rights of refugees and migrants | Email: [wuppkarawane@yahoo.de](mailto:wuppkarawane@yahoo.de) |

Telephone: Araz Ardehali: +49 178 853 07 01 | Naledi Lin: +49 176 532 296 61



## Some observer statements:

### **Legal Summary - Attorney Claire Lops**

*The hearing took place following the legal requirements. Accordingly, the conciliation negotiations were initially entered. However, an agreement between the parties failed, with the defendant signaling from the outset that it had no interest in such an agreement. The court then entered the disputed hearing, summarizing the facts and making an initial legal assessment. The parties initially disputed the factual jurisdiction of the court - the lawsuit was heard at the LG Berlin, and the defendant was of the opinion that it should have been heard at the district court. However, the judge accepted the subject matter's jurisdiction and accordingly heard the legal dispute herself instead of referring it to the local district court.*

*The impression created during the hearing was that the court did not see any discrimination. The plaintiff has presented what he believes speaks for racist discrimination in the form of harassment within the meaning of the LADG. Among other things, the plaintiff pointed out that he assumed that a white person would have received better treatment. The plaintiff assumes that the authority's behavior - from the plaintiff's point of view the alleged refusal of a decision capable of appeal for years, not taking the plaintiff seriously and ignoring his answers as well as laughing at the accusation of racism made by the plaintiff - constituted discrimination. The defendant insisted that "objectively" no discrimination was recognizable and continued to maintain that it was correct and understandable that the defendant had reported the plaintiff for insult because of his accusation of racism. The public prosecutor's office had already discontinued the investigation in favor of the plaintiff in the past. When the plaintiff asked what was done by the defendant to investigate whether it might have been a racial incident, there was no answer. The court did not work towards such a decision either, obviously assuming that the defendant would not have to submit a substantiated statement due to the distribution of the burden of proof.*

*Nor did the defendant answer questions about the competence to assess whether racist behavior existed at all. Also, no factual reasons were given for the fact that the plaintiff had not received a decision regarding the settlement permit he had applied for, for years.*

*The plaintiff tried to address the question of when the threshold of racist behavior was reached and argued that racial discrimination did not only exist when a high threshold, such as that of violence or insult, had been reached. Referring to the plaintiff's case, it was explained that so-called microaggressions can also be discriminatory. While the result is still pending and the plaintiff's legal representative will still be served, a negative decision is currently expected.*



## Analysis of an Observer

1. The stereotypical repetition that "discrimination based on origin or a racist attribution is not recognizable" only shows that a white judge once again does not understand racism. According to the judge's reasoning, racism can only be recognized when the white person accompanies their actions with the words "I do this because they are black". Instead, they write about organizational errors, possibly a lack of empathy and legitimate interest in clarification. Racism or discrimination, on the other hand, is not recognizable, or the plaintiff's point of view "is not sufficient".
2. The immigration authority is in itself racist. The purpose is to permanently withhold rights. The non-processing of applications over several years is in no way comparable to the work of other authorities, as the judge explains. This may also happen in other authorities, but this is a permanent condition in the immigration authorities. Especially when applying for a residence permit, people often wait for years until they give up, at best. Discretionary powers are regularly not used, only to deny people a better residence status. The reason is the racism that underlies this authority!
3. Laughing at the announcement of a complaint is not simply a "spontaneous reaction", but is explicitly meant to show that you are ridiculous. The employee's claim of insult because a complaint of racism was to be made is, contrary to the judge's opinion, very much to be seen as a threat and intimidation. It is made clear here that the definition of racism does not lie with those affected, but with the perpetrators. This behavior, this view, is once again confirmed by the judge's assessment. White people determine what racism is.