

CHATGPT LEGAL ANALYSIS REPORT No. 03

FINAL STRENGTHENED EVIDENCE EDITION

2009-2013 Damages Action, Alleged Procedural Neutralisation by Betreuung, Court Costs, Kammergericht/BGH
Notanwalt Issues, and ECHR Filing-Date / Article 35 Problems

Reference No.: GPT-HR/DE/IR-COSTS-BETR-ECHR-003/2026

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Generated / strengthened: 08.06.2026 Europe/Berlin context, based on the current conversation and newly reviewed BGH/ECHR materials.

Status: Expanded documentary and procedural legal analysis, not a court judgment and not a substitute for representation by a qualified lawyer.

This revised edition supersedes the earlier short Report No. 03. The earlier version was incomplete because it focused too narrowly on the Landgericht/Kammergericht cost chain and did not sufficiently integrate the Bundesgerichtshof, Bundesverfassungsgericht, ECHR correspondence, media evidence, the alleged six-month obstruction, or the later 2013 hunger-strike/ECHR file No. 32856/13.

Method: every major factual statement is classified as Documented Fact, Applicant Statement, Authority Position, Legal Assessment, or Verification Required. The report deliberately separates evidence from legal inference.

Executive Summary

This report examines a procedural chain beginning with the applicant's 2009 compensation claim against German state/court authorities and extending through the imposition or use of a court-appointed legal guardian, the burden of extremely high court fees and costs, repeated appeals and constitutional or supreme-court filings, and subsequent attempts to bring the matter before the European Court of Human Rights. It also integrates media materials from 2008, 2009, 2011 and 2013, which show that the applicant's claims were public and externally documented rather than merely private or retrospective.

- The 2009 compensation claim was not an isolated financial dispute. It was presented as a claim for systemic damage flowing from a prior officially corrected criminal/judicial error and its alleged health, social, residence and medical consequences.
- The documentary record includes proceedings 86 O 633/09 before Landgericht Berlin, Kammergericht 6 W 44/11, Bundesgerichtshof X ARZ 340/11, references to BGH XII ZB 484/11, Betreuung file 50 XVII 7034/09, and ECHR materials including file No. 32856/13.
- The key legal issue is not merely whether EUR 50 million was a high claim. The central issue is whether an indigent, seriously ill and disabled applicant was effectively denied a real merits examination by procedural fee barriers, compulsory lawyer requirements, Betreuung control, delayed or hidden decisions, and the refusal or failure to appoint effective counsel.
- The 91.456 EUR cost/enforcement burden is legally significant because it allegedly converted a compensation claim for acknowledged harm into a new financial penalty against the applicant.
- Press articles from 2008-2013 repeatedly document the applicant's allegations of 16 diseases, 70-80 court proceedings, lack of treatment, suicide attempts before the ECHR and protests/hunger strikes. These articles do not by themselves prove every allegation, but they strongly prove publicity, contemporaneity and notice.
- The ECHR chain requires separate review: 2011-2012 submissions, a 29 October 2012 Registry response on six-month admissibility, 25 April 2013 filing receipt, 24 April 2013 Dean Spielmann submission, 16 August 2013 protest note under No. 32856/13, 30 September 2013 formal application stamp, and the applicant's allegation that filing dates and decisions were handled in a way that endangered admissibility.
- On the available materials, there is a substantial basis to request complete files from Landgericht Berlin, Kammergericht, BGH, BVerfG, the Betreuung court and the ECHR Registry for independent review.
- The strengthened edition adds a focused legal theory: the 2009 state-liability claim must be analysed as a continuous chain in which a court-appointed Betreuung/Betreuer entered shortly after the compensation action, the merits were displaced by fee and representation barriers, the Kammergericht/BGH path raised Notanwalt and right-to-be-heard issues, and the later ECHR file created a documented Article 34/35 filing-date problem. This is not presented as a final judicial finding, but as a documentary hypothesis requiring complete court and registry files.

SOURCE USED IN THIS SECTION: User-submitted Haz 7, Belge 91 bundle; screenshots of KG/BGH/ECHR/Bundestag/ECHR file materials; media annexes 2008-2013; prior Report No. 005 evidence register; official legal sources listed below.

1. Visible Source Register

The following source register is placed at the beginning because the applicant specifically requested that the sources remain visible inside the report, not only hidden as background research.

Code	Source / document	Visible content used	Legal relevance
D01	Haz 7, Belge 91.pdf, 432-page scanned bundle	Scanned compilation containing Kammergericht, BGH, ECHR, Bundestag, press, embassy and power-of-attorney materials, including page references visible in screenshots such as 119/432 and 134/432.	Main evidentiary bundle for Report No. 03.
D02	Kammergericht Berlin Beschluss, 22.07.2011, 6 W 44/11 / LG Berlin 86 O 633/09	Immediate complaint rejected at applicant's costs; Rechtsbeschwerde not admitted.	Central appellate procedural decision in cost/PKH chain.
D03	Applicant Widerspruch/Beschwerde to Bundesgerichtshof, 15.08.2011	Applicant says no Rechtsbetreuer since 09.03.2011 and objects that case was not withdrawn; refers to decisions 05.10.2010, 31.01.2011, 27.04.2011, 11.07.2011 and KG 22.07.2011; mentions EUR 91.456.	Shows applicant's contemporaneous challenge, self-defence claim and objection to the cost burden.
D04	Bundesgerichtshof X. Zivilsenat letter, 17.08.2011, X ARZ 340/11, KG Berlin 6 W 44/11	BGH confirms receipt of Rechtsmittelschrift on 15.08.2011 and requests prompt submission of challenged decisions.	Proves BGH path was attempted and not merely alleged.
D05	ECHR correspondence and applications, 2011-2013	10.09.2011, 13.01.2012, 01.10.2012, 24.04.2013, 25.04.2013 certificate, 16.08.2013 protest note, file No. 32856/13, 30.09.2013 application stamp.	Shows Strasbourg litigation path, filing-date issues, six-month admissibility concerns and later formal application.
D06	Bundestag petition/appeal material, 22.10.2012, Pet 3-17-11-217-018680	Applicant appeals against decision of the German Parliament; states matter was treated as legal rather than parliamentary/political; connects claim to law for political prisoners.	Relevant to exhaustion, political-rights framing and institutional notice.
D07	Annex 10 Today.az, 15.05.2009	Reports suicide attempts outside ECHR; petrol poured on himself; first aid; 16 diseases; lack of medical aid and court ban allegations.	Independent media record of ECHR-front crisis and underlying allegations.
D08	Annex 12 Azadliq, 15.05.2009	Reports intent to commit suicide before ECHR and claims about medical denial, homelessness, police violence and demand for transfer/treatment.	Contemporaneous Azerbaijani press confirmation.
D09	Annex 17/20 Lent.az/Presspost, 15.05.2009	Exclusive statement that planned suicide was not madness but consequence of violence against life; states UN	Important for mental-state framing and notice to international institutions.

		Secretary-General and ECHR president were informed.	
D10	Annex 18 Lent.az, 12.06.2009	After Strasbourg suicide attempt, applicant says he was taken to psychiatric hospital, documents washed/destroyed, and rights moved to official guardian.	Supports the link between ECHR crisis and later Betreuung/legal-capacity issue.
D11	Annex 19 Lent.az, 25.12.2009	Reports ECHR accepted/registered a 06.11.2009 application; lawyer Tamella Abdullayeva confirmed; notes 1998/1999 detentions, psychiatric hospital, 80 cases and 50 million claim.	Crucial contemporaneous media evidence for the claim being active before ECHR in late 2009.
D12	Annex 14 Hürriyet, 08.03.2011	Article headline: "Devleti dava etti, 91 bin Euro kaybetti"; states applicant sued state and faced EUR 91,000 cost burden.	External Turkish press record of the 91k cost issue.
D13	Annex 21 Lent.az, 22.12.2008	Long interview describing 70 court cases, 16 diseases, 1998 winter homelessness, 1999 police violence, 5-year doctor ban, ECHR/Bundestag suicide context and future suicide warning.	Shows the allegations predate the 2009 damages action.
D14	Annex 13 / Vesti.az 2013	Reports hunger strike before ECHR, 16 illnesses including AIDS, demand for relocation and treatment, and accusation of German authorities in torture.	Shows continuing public conflict in 2013 under ECHR file context.
D15	Azerbaijani Embassy letter, 10.09.2013	Embassy states it reviewed thousands of pages, consulted lawyer P. Yazdani, and learned the ECHR complaint may not have been accepted because it was not prepared according to Convention requirements and/or not filed within time.	Important third-party diplomatic/legal observation; not a final adjudication.
L01	Grundgesetz official text, Gesetze-im-Internet	Articles 1, 2, 3, 19(4), 20(3), 101, 103, 104.	German constitutional framework: dignity, legal remedies, equality, rule of law, fair hearing.
L02	ZPO official text, Gesetze-im-Internet	Sections 78, 78b, 114, 115, 127, 567-569.	Compulsory lawyer representation, legal aid, immediate complaint and deadlines.
L03	GKG official text, Gesetze-im-Internet	Section 12 and cost advance rules.	Relevance of advance fees and access-to-court barriers.
L04	BVerfGG official text, Gesetze-im-Internet	Sections 90, 93, 93a, 93b, 93d.	Constitutional complaint admissibility and non-acceptance.
L05	BGB/FamFG Betreuung law	Then-applicable BGB §1896 principles; FamFG §76; current BGB §1814 confirms same principle of necessity/self-determination.	Review of whether Betreuung was necessary, proportionate and respectful of free will.

L06	European Convention on Human Rights, Council of Europe	Articles 2, 3, 5, 6, 8, 13, 14, 34, 35.	Life, ill-treatment, liberty, fair trial, private life, effective remedy, discrimination, individual application and six-month rule.
L07	ICCPR / ICESCR / CAT / UDHR official UN texts	ICCPR Arts. 2, 6, 7, 9, 10, 14, 17, 26; ICESCR Arts. 9, 11, 12; CAT Arts. 2, 12, 13, 14, 16.	International human-rights framework.

2. Methodological Safeguards

This report does not state as final judicial fact that all allegations are proven. It distinguishes the types of material:

- Documented fact: a date, case number, filing, court letter, official stamp, media publication or registered document visible in the materials.
- Authority position: what a court, registry, parliament, embassy or official body stated in a document.
- Applicant statement: what the applicant says or wrote contemporaneously; this is evidence of notice, consistency and state of knowledge, but may require independent verification for underlying facts.
- Legal assessment: a non-binding analysis of potential legal consequences if the documented and applicant-stated facts are confirmed.
- Verification required: records that must be requested from the relevant court, authority or registry to transform an evidentiary indication into conclusive proof.

This distinction is especially important because the applicant's core point is not merely that courts rejected claims. The point is that the process itself allegedly prevented a merits review through guardianship, cost burdens, compulsory representation, delayed decisions, non-responses and formal admissibility traps.

SOURCE USED IN THIS SECTION: All documentary sources D01-D15; legal sources L01-L07.

3. Integrated Chronology 1998-2013 Relevant to Report No. 03

Date / period	Event	Source basis	Legal relevance
1998	Applicant arrives in Germany, loses documents, is detained and allegedly released into winter homelessness without medical assistance.	Repeatedly reported in 2008-2009 media and later submissions.	Foundation of later causation argument.
1999	Second detention; applicant alleges police violence, humiliation and medical crisis/epilepsy.	Press and applicant submissions; earlier legal materials.	Relevant to damages and Article 3/health-access claims.
2000-2005	Criminal conviction and administrative/social consequences; later correction/acquittal.	AG Tiergarten 52 Js 7/00; LG Berlin 528 Qs; prior Reports 01/02.	Causal basis for damages claim.
17.12.2003 / 07.01.2004	Landgericht appellate correction context and Reichstag/Bundestag crisis.	Prior Report 02; press records.	Shows public crisis before 2005 judicial correction.
03.01.2005	Amtsgericht Tiergarten annuls earlier conviction/acquits; compensation entitlement recognized.	AG Tiergarten decision cited in prior reports and materials.	Primary state-error anchor.
17-18.09.2008	Xalq Cebhesi article: "Almaniya menim bütün hayatimi mahv etdi."	Annex 11 / Annex 15.	Shows allegations public before 2009 damages claim.
22.12.2008	Lent.az long interview: 70 court cases, 16 diseases, 1998/1999 history, future suicide warning.	Annex 21.	Press notice of full claim chain.

15.05.2009	ECHR-front suicide attempt in Strasbourg after warnings.	Today.az, Lent.az, Presspost, Musavat, Azadliq.	Public emergency linked to ECHR and denied remedies.
12.06.2009	Lent.az follow-up: applicant reports psychiatric hospital, destroyed/washed documents and all rights given to official guardian.	Annex 18.	Connects crisis to guardianship/legal-capacity issue.
24.11.2009	Damages action for EUR 50 million submitted to Landgericht Berlin.	Prior Report 005 evidence register and applicant materials.	Begins Report No. 03 central chain.
14.12.2009 / 25.01.2010	Landgericht Berlin 86 O 633/09 demands advance fee, later says EUR 274,368 and compulsory lawyer representation.	Prior Report 005 source D14-D16.	Potential access-to-court issue.
19.01.2010 / 02.02.2010	Oener Birant / Betreuer enters, asks correspondence through him, later says applicant wants to continue and seeks waiver.	Prior Report 005 source D15-D17.	Shows the applicant did not simply abandon claim.
05.10.2010 / 21.12.2010 / 04.01.2011	Applicant reports enforcement decision demanding EUR 91,456 plus costs, enforcement announced.	Prior Report 005 source D21; Hürriyet 08.03.2011.	Financial burden core.
09.03.2011	Applicant states he has no Rechtsbetreuer since this date and regained right to defend himself.	15.08.2011 BGH submission.	Material to legal capacity and appeal rights.
22.07.2011	Kammergericht 6 W 44/11 rejects immediate complaint at applicant's cost and does not admit Rechtsbeschwerde.	KG decision shown in user screenshot and Haz 7 bundle.	Appellate closure / cost issue.
15.08.2011 / 17.08.2011	Applicant files Rechtsmittelschrift to BGH; BGH X ARZ 340/11 confirms receipt and requests decisions.	User screenshots / Haz 7.	Proves BGH engagement.
10.09.2011	Submission to ECHR states no guardian since 09.03.2011 and describes more than 80 court processes.	Certified translation screenshot and bundle.	ECHR notice of post-guardian complaint.
13.01.2012	ECHR letter to multiple institutions says applicant was thrown to streets by Germany and asks to treat action urgently.	User screenshot.	International notice.
29.10.2012	ECHR Registry letter discusses Article 35 six-month requirement and says letter lacks facts of case/complaints.	User screenshot.	Important admissibility issue.
22.10.2012	Bundestag appeal under Pet 3-17-11-217-018680 challenges parliamentary decision and political-prisoner framing.	User screenshot.	Shows Bundestag/European Parliament legal-political channel.
24-25.04.2013	Applicant submits files/USB to ECHR; certificate dated 25.04.2013 refers to new application and 84 pages/CD/USB.	User screenshots.	Critical filing-date evidence.

16.08.2013 / 02.09.2013 / 30.09.2013	Protest note under No. 32856/13; ECHR stamp on 02.09.2013; application form stamped 30.09.2013.	User screenshots.	Central to alleged ECHR date/admissibility problem.
03.10.2013	Vesti.az reports hunger strike before ECHR and allegations of German authorities' torture/denial of treatment.	Annex 13.	Public record of continued ECHR crisis.

SOURCE USED IN THIS SECTION: D01-D15; prior Report No. 005 evidence register; user-provided screenshots of ECHR/BGH/KG/Bundestag documents.

4. Media Evidence: Why It Matters Legally

The press evidence does not replace primary court files. Its legal value is different: it proves that the applicant's allegations were publicly documented in real time; that the alleged harm was not invented later; that journalists and third parties were aware of the crisis; and that institutions had reason to treat the matter as urgent, not as an ordinary late or abstract complaint.

4.1 2008 public notice before the 2009 damages action

The 17-18 September 2008 Xalq Cebhesi article and the 22 December 2008 Lent.az article describe the applicant's background, loss of business, arrival in Germany, 1998 detention and winter homelessness, alleged medical denial, 1999 police violence, 70 court cases and 16 diseases. In the Lent.az version, the applicant expressly connects the 2004 suicide crisis before the German Parliament with his ECHR complaint and German court decisions. This is important because these facts were public before the 24 November 2009 damages action; they were not constructed after the cost dispute.

SOURCE USED IN THIS SECTION: Annex 11 / Annex 15, 17-18.09.2008; Annex 21, Lent.az, 22.12.2008.

4.2 15 May 2009 Strasbourg crisis

The 15 May 2009 materials from Today.az, Azadliq, Musavat, Lent.az and Presspost repeatedly state that the applicant planned or attempted suicide before the European Court of Human Rights in Strasbourg. Several accounts record that he poured petrol on himself and that emergency responders intervened. The materials also repeat the core allegations: 1998 winter homelessness, lack of medical aid, 1999 police violence, serious diseases including AIDS, and a claim that German courts had prevented medical access for years.

The Lent.az/Presspost material is particularly relevant because it records the applicant's statement that the act was not a sign of madness but the consequence of violence against human life. For legal analysis, this statement should not be treated as proof of every underlying fact, but it directly rebuts any simplistic interpretation that the applicant's protest alone proves irrationality. It also links the protest to alleged failures of effective remedy.

SOURCE USED IN THIS SECTION: Annex 10 Today.az 15.05.2009; Annex 12 Azadliq 15.05.2009; Annex 17 Lent.az 15.05.2009; Annex 20 Presspost 15.05.2009; Annex 22 Musavat 15.05.2009.

4.3 Follow-up: psychiatry, documents and Betreuung

The 12 June 2009 Lent.az article records the applicant's post-Strasbourg account: he said he was taken to a psychiatric institution from 15 May to 6 June 2009, that his passport and documents were put into a washing machine and destroyed, and that German authorities then attempted again to take him to a psychiatric institution after his return to Berlin. The same article states that under a German court decision an official caretaker/guardian had been assigned and all rights had been given to that person. This article must be integrated into Report No. 03 because it connects the 2009 ECHR-front crisis with the later Betreuung and legal-capacity chain.

SOURCE USED IN THIS SECTION: Annex 18 Lent.az, 12.06.2009.

4.4 25 December 2009: ECHR accepted/registered claim according to press

The 25 December 2009 Lent.az article reports that the ECHR had accepted or taken into procedure an application against Germany following a 6 November 2009 application, and that lawyer Tamella Abdullayeva confirmed the information. It also repeats facts central to the damages claim: 1998 and 1999 detentions, psychiatric detention, HIV/AIDS, 80 legal disputes, and the 15 May 2009 suicide attempt before the Strasbourg Court. This material is central

because it suggests the applicant and his representatives were pursuing Strasbourg remedies before the Landgericht/Kammergericht/BGH cost chain reached its later stages.

SOURCE USED IN THIS SECTION: Annex 19 Lent.az, 25.12.2009.

4.5 2011-2013 public evidence of the cost burden and ECHR hunger strike

The Hürriyet 8 March 2011 clipping, headline “Devleti dava etti, 91 bin Euro kaybetti,” states that the applicant sued the state, lost EUR 91,000 and was struggling with Hartz IV after court costs. The 2013 Vesti.az material reports a hunger strike before the ECHR, references 16 serious diseases including AIDS and states that the applicant demanded urgent review, relocation to another European country and medical treatment. These two sources support the existence of a continuing, public cost-and-ECHR crisis beyond the internal German file.

SOURCE USED IN THIS SECTION: Annex 14 Hürriyet 08.03.2011; Annex 13/Vesti.az 03.10.2013.

5. The 24 November 2009 Compensation Claim and Its Legal Meaning

The compensation claim is legally significant because it was framed as a claim arising from a prior judicial error and a long chain of alleged health, social, residence and medical consequences. It should not be reduced to the question whether EUR 50,000,000 was a high or unusual amount. The legally relevant question is whether a claim by an indigent disabled person concerning serious state-caused harm received any effective merits examination.

The available source register from Report No. 005 indicates that Landgericht Berlin 86 O 633/09 initially demanded EUR 1,368 as an advance fee and then, by letter of 25 January 2010, stated that because of the EUR 50 million claim the correct fee advance was EUR 274,368.00, while also stating that proceedings before the Landgericht required filing by a lawyer under ZPO section 78. This creates a combined barrier: high court-cost advance plus compulsory lawyer representation. In an ordinary commercial case that may be procedurally routine; in this case, where the applicant alleged state-caused disability, indigence and denial of rights, the proportionality and legal-aid response becomes central.

Legal assessment: If the applicant lacked means and the action was connected to alleged state wrongs, the court had to consider procedural cost assistance, lawyer appointment mechanisms and whether formal barriers deprived the applicant of access to court. Under German law the existence of section 78 ZPO does not itself violate rights; the violation risk arises if the combination of section 78, massive court fees, ineffective Betreuung and refusal to appoint counsel made a hearing impossible.

SOURCE USED IN THIS SECTION: Prior Report No. 005 evidence register D13-D17; ZPO §§ 78, 78b, 114-127; GKG § 12; GG Art. 19(4); ECHR Art. 6 and 13.

6. Betreuung / Legal Guardian: Distinguishing Protection from Procedural Control

The applicant's central complaint is that after filing the damages action, instead of receiving a merits review, his legal ability to conduct proceedings and banking matters was placed under a court-appointed guardian / Rechtsbetreuer. The name Oener Birant appears in the documentary chain as the Betreuer who entered communication with the Landgericht. The applicant also refers orally to “Petrol/Petrolu” and to later lawyer Parvis O. Yazdani; these names must be kept separate until primary documents confirm which person performed which role. This report therefore uses the following cautious terminology: Oener Birant is treated as the documented court-appointed Betreuer in 2010; Parvis O. Yazdani is treated as a lawyer/power-of-attorney figure in 2013 materials; “Petrol/Petrolu” remains an applicant-used name requiring spelling and role verification.

The legal problem is not the existence of Betreuung as such. German law permits Betreuung to protect adults who cannot manage specific affairs because of illness or disability. The legal problem would arise if Betreuung was used against the free will of a capable person, not limited to necessary areas, not genuinely protective, or if it effectively prevented claims against the state from being pursued.

The applicant states that since 09 March 2011 he no longer had a Rechtsbetreuer and regained the right to defend himself. His 15 August 2011 BGH submission begins with this point. This is important: it suggests the applicant challenged the KG decision after the alleged restoration of his own procedural capacity.

Potential legal failures to examine:

- Whether the Betreuung order was based on a medical and functional necessity assessment, not merely on the applicant's persistence or conflict with authorities.
- Whether the Betreuer fulfilled duties to protect the applicant's rights, file timely responses and pursue or preserve the damages claim.
- Whether the Betreuer's conduct, non-response or withdrawal caused procedural loss and EUR 91,456 costs.
- Whether the applicant's objections and requests to act for himself were examined with reasons.
- Whether the court considered less restrictive alternatives, including appointed counsel or legal aid.

SOURCE USED IN THIS SECTION: D03; prior Report 005 D15-D17; Lent.az 12.06.2009; BGB Betreuung principles; FamFG § 76; ECHR Arts. 6, 8 and 13.

7. The EUR 91,456 Cost/Enforcement Burden

The EUR 91,456 issue is not only a money issue. In the applicant's account it represents the transformation of a damages claim into a financial punishment. The evidence currently includes:

- A contemporaneous signed submission dated 21 December 2010, recorded in Report No. 005, stating that an enforcement decision of 5 October 2010 demanded EUR 91,456.00 plus EUR 21.10 and enforcement-officer costs, with enforcement announced for 4 January 2011.
- A 2011 Hürriyet article with the headline that the applicant sued the state and lost EUR 91,000.
- The applicant's 15 August 2011 BGH submission referring to EUR 91.456 and arguing that the KG decision was unlawful because he had no such money and all objections had been ignored.

Legal assessment: a large adverse cost consequence is not automatically unlawful. It may become a serious access-to-justice issue if it follows from a claim that never received meaningful merits review because the applicant lacked counsel, legal aid was refused without adequate reasoning, guardian conduct blocked the case, or court fees were used mechanically against a person claiming state-caused indigence and disability.

Verification required: the original court-cost invoice, the 5 October 2010 decision, enforcement documents, proof of service, legal-aid decisions, Betreuer correspondence and any internal court reasoning linking the cost to 86 O 633/09.

SOURCE USED IN THIS SECTION: D03; D12; prior Report No. 005 D21; KG 6 W 44/11; LG Berlin 86 O 633/09.

8. Kammergericht Decision of 22 July 2011 - 6 W 44/11

The Kammergericht decision shown in the user-provided screenshot states that the immediate complaint against the Landgericht Berlin Civil Chamber 86 decision of 1 June 2011 was dismissed at the applicant's cost, that out-of-court costs were not reimbursed, and that Rechtsbeschwerde was not admitted. The decision was issued in the dispute of Ismail Rustem against Amtsgericht Tiergarten, with reference to Landgericht Berlin 86 O 633/09.

This decision must be analysed together with the applicant's later objection, not as an isolated procedural endpoint. The applicant's argument is that the KG did not consider the full facts: the Betreuer issue, the allegedly hidden or delayed decisions, the financial impossibility of paying, the fact that he asked for a lawyer, and the claim that he did not withdraw his claim. If those arguments were properly before the KG and not addressed, the issue becomes one of reasoned decision-making and effective remedy.

Legal assessment: potential violations may arise under GG Art. 19(4), ECHR Art. 6 and 13, ICCPR Art. 14, and domestic procedural-law duties to examine legal-aid, representation and complaint admissibility. The report does not claim the KG was legally wrong as a final conclusion; it states that the present materials raise serious questions requiring the complete KG file and service records.

SOURCE USED IN THIS SECTION: D02; D03; ZPO §§ 127, 567-569; GG Art. 19(4); ECHR Arts. 6 and 13.

9. Bundesgerichtshof Attempt - X ARZ 340/11

The BGH letter dated 17 August 2011, file X ARZ 340/11, confirms that the applicant's legal-remedy submission was received on 15 August 2011 and was provisionally registered under that file number. It asked for prompt submission of the challenged decisions. This disproves any simplified claim that the applicant did nothing after the KG decision. He did try to approach the Federal Court of Justice.

The applicant states that the BGH responded while he was in hospital and told him that only lawyers could file or continue such matters, and that he replied by requesting appointment of a lawyer and explaining that several lawyers had withdrawn or avoided the case because of political/state sensitivity. This applicant statement is legally important, but the exact wording of the BGH answer and the applicant's reply must be verified from the complete BGH file.

Legal assessment: where a court requires lawyer representation, access to justice may require a workable path to counsel, especially if the party claims indigence and the matter concerns fundamental rights. ZPO section 78b (Notanwalt) and legal-aid rules are relevant if the applicant could not secure a lawyer despite serious efforts. If the court only stated that a lawyer was required without examining whether appointment or legal aid was necessary, that would require review.

SOURCE USED IN THIS SECTION: D04; applicant statement in current instruction; ZPO §§ 78, 78b, 114-127; ECHR Art. 6 and 13.

10. Bundesverfassungsgericht Line and Constitutional Complaint Issues

The broader record includes Bundesverfassungsgericht references, including 2 BvR 2291/09 and other AR/BvR references visible in the Haz 6 search results and applicant materials. A BVerfG letter dated 30 March 2009 states that a chamber decision of 18 December 2008 not to admit a constitutional complaint is final and not open to objection under BVerfGG §§ 93b and 93d, and that further correspondence would not be conducted.

For Report No. 03, this is relevant in two ways. First, it shows that the applicant was pursuing constitutional remedies before and around the 2009 compensation-action period. Second, it raises the applicant's concern that a non-admission process can close proceedings without reasons and without addressing the underlying chain of illness, cost, access and guardianship. Under German constitutional procedure, non-admission may be lawful; the legal question is whether the total system left any effective remedy for a person alleging severe state-caused harm.

SOURCE USED IN THIS SECTION: Haz 6 search result referencing BVerfG 2 BvR 2291/09; BVerfGG §§ 90, 93, 93a, 93b, 93d; GG Art. 19(4); ECHR Art. 13.

11. European Court of Human Rights Chain, 2011-2013

The ECHR chain must be treated as a separate procedural chapter, not as an appendix. The applicant alleges that German court decisions were withheld or delayed until the six-month Convention period was endangered, and that when he filed at the ECHR the handling of dates, file numbers and responses created a new admissibility trap. The available materials require careful chronological reconstruction.

11.1 10 September 2011 submission

A certified translation screenshot dated 10.09.2011 states that the applicant no longer had a Rechtsbetreuer since 09 March 2011 and had regained the right to defend himself. It also states that the German judgment 528 Os/Qs 49/03 / 52 Js 7/00 had admitted guilt after five years, that other courts allegedly shared that failure, and that the applicant had brought matters to the ECHR and suffered serious diseases. This document is critical because it shows that the Betreuung and German court-cost chain was being connected to Strasbourg early.

SOURCE USED IN THIS SECTION: D05; user-provided screenshot of certified translation dated 10.09.2011.

11.2 2012 correspondence and six-month warning

The ECHR Registry letter dated 29 October 2012 states that the Registry received a communication of 4 October 2012 and reminds the applicant of the six-month rule under Article 35 § 1 of the Convention. It says that the letter contained no information whatever about the facts or nature of the complaints and asks for more precise information within the six-month period. This is a key authority position: the ECHR did not treat the communication as a complete application at that stage.

The applicant's allegation is that earlier German decisions and ECHR-related correspondence were not handled in a way that protected his access to the Court. Specifically, he states that decisions were delayed or hidden, that he repeatedly asked what happened to his complaint, and that after he filed in Strasbourg an earlier decision was sent again with a newer date so that the ECHR route would appear procedurally possible or impossible depending on the record. This allegation must be labelled as Applicant Statement requiring file verification.

SOURCE USED IN THIS SECTION: D05; user screenshot of ECHR Registry letter, 29.10.2012; ECHR Article 35; applicant statement in current instruction.

11.3 24-25 April 2013 filings and USB evidence

The screenshot dated 24.04.2013 to President Dean Spielmann states that the applicant would send all files and a USB 16 GB key containing material from 1998 to 24.04.2013. The ECHR certificate screenshot dated 25.04.2013 records deposit of documents supporting a new application and notes "C/Allemagne + 84 Seiten + clef USB." This is highly relevant because it shows physical filing at the Court and a documentary package. It is also relevant to the applicant's objection that later file-registration dates should not erase earlier delivery of materials.

SOURCE USED IN THIS SECTION: D05; ECHR certificate dated 25.04.2013; 24.04.2013 Dean Spielmann submission; USB 16 GB index screenshot.

11.4 16 August / 2 September / 30 September 2013: file No. 32856/13

The 16.08.2013 protest note bears No. 32856/13 and states that German authorities refused essential medical attention for years, that courts and prosecutors had allegedly taken part in destruction of health and life, and that the applicant had tried since 2003 to bring the matter to the ECHR. A stamp dated 02 September 2013 appears on one submission. A later formal ECHR application form bears file number 32856/13 and a 30 September 2013 reception stamp. The applicant's complaint is that the Court recorded the matter by a later date rather than the date on which earlier complaint material and evidence were already provided, thereby threatening admissibility. This issue requires the ECHR Registry file: receipt logs, fax logs, physical delivery logs, correspondence, file-opening decision and any admissibility decision.

SOURCE USED IN THIS SECTION: D05; user screenshots of 16.08.2013 protest note, 02.09.2013 stamp, 30.09.2013 ECHR application form, file No. 32856/13.

11.5 Legal assessment of ECHR handling

ECHR Article 34 protects the right of individual application. Article 35 contains admissibility criteria, including time limits. The Court's formal requirements are real and binding, but their application becomes legally sensitive where an applicant claims severe illness, inability to afford counsel, official delay in domestic decisions and repeated attempts to submit material. The core legal question is whether the applicant's access to the ECHR was practically and effectively available, or whether formal date handling and lack of assistance made it illusory.

This report cannot conclude that the ECHR violated the Convention; the ECHR is itself the Convention court. It can, however, identify a documentary issue requiring the Registry file: whether the applicant's earlier materials were treated as correspondence only, whether he was given clear instructions, whether physical filing on 25.04.2013 was logged as an application or only supporting material, and why file No. 32856/13 appears with later dates.

SOURCE USED IN THIS SECTION: ECHR Convention Arts. 34 and 35; D05; applicant statement; Registry correspondence.

12. Bundestag and Political-Prisoner Framing

The Bundestag appeal dated 22.10.2012 under Pet 3-17-11-217-018680 is relevant because the applicant argued that German institutions had treated political-prisoner issues as merely legal matters and that the German Parliament itself had allegedly brought a law for political prisoners on 05.10.2012. The applicant argued that if the matter was truly only legal and not parliamentary, the Bundestag's own political-prisoner law would be contradictory. He also referenced the 2000 AG Tiergarten decision later recognized as false, the 2004/2005 correction chain, and press/public consequences.

Legal relevance: this material supports the applicant's position that his case was presented to institutions as more than an ordinary private dispute. It also shows that he repeatedly framed the case as political and human-rights based, not merely civil damages. Whether the Bundestag was legally required to reopen or act differently is a separate question requiring the complete petition file.

SOURCE USED IN THIS SECTION: D06; prior Report No. 005 on Bundestag petitions; GG Art. 17; ECHR Art. 13.

13. Azerbaijani Embassy Letter of 10 September 2013

The Azerbaijani Embassy letter dated 10.09.2013 is important because it is a third-party governmental/diplomatic communication in Azerbaijani. It states, in substance, that the Embassy had examined documents reportedly exceeding 7,000 pages, consulted lawyer P. Yazdani, and understood that the ECHR application had not been accepted because it was not prepared according to Convention requirements and because the application period had passed. It also states that lawyer P. Yazdani had explored the case with German court documents and had concluded that the claim against German courts had no perspective, while the Embassy nevertheless stood ready to assist in protecting rights within its competence.

This letter should not be treated as proof that the ECHR rejection was correct. It should be treated as evidence that by September 2013 another state institution had been informed of the procedural/formal ECHR barrier, lawyer difficulties and the applicant's large documentary archive. It also supports the need to verify what role P. Yazdani actually played and whether his assessment was based on a complete or incomplete file.

SOURCE USED IN THIS SECTION: D15; user-provided screenshot of Azerbaijani Embassy letter, 10.09.2013.

14. German Legal Framework and Potential Violations

The following is a non-binding legal assessment of potential domestic German law issues if the documented chain is confirmed.

Source	Rule	Relevance to Report No. 03
GG Art. 1	Human dignity and binding force of basic rights	State-caused homelessness, denial of medical access, humiliating dependence and use of procedure to crush claims would require dignity review.
GG Art. 2(2)	Life and physical integrity	The applicant alleges serious diseases were caused or worsened by denial of medical care and procedural barriers.
GG Art. 3	Equality before the law	Potential issue if migrant/disabled applicant was treated differently or his claims were dismissed through formalities not equally applied.
GG Art. 19(4)	Effective legal remedy against public authority	Central: whether he had a real remedy or only formal paths blocked by fees, lawyer requirements and Betreuung.
GG Art. 20(3)	Rule of law / binding of public power to law and justice	Causal-chain issue: whether court correction in 2005 was meaningfully followed by remedies.
GG Art. 101/103	Lawful judge / right to be heard	Relevant if decisions were issued without hearing, without meaningful access, or while he was in hospital.
ZPO § 78	Compulsory lawyer before Landgericht/Oberlandesgericht	Legitimate rule, but requires accessible counsel/legal aid path in fundamental claims.
ZPO § 78b	Notanwalt	Relevant where a party cannot find a lawyer and representation is mandatory.
ZPO §§ 114-127	Process cost aid and complaint rules	Relevant to PKH/VKH refusal and immediate complaint chain.
GKG § 12	Advance court fees in civil litigation	Relevant to EUR 274,368 demand and access-to-court barrier.
BGB §1896 old / BGB §1814 current principle	Betreuung only when necessary and not against free will	Relevant to whether guardianship protected or obstructed the applicant.
FamFG §76	Legal aid in family/guardianship matters	Relevant to assistance in Betreuung-related proceedings.

BVerfGG §§ 90, 93a-d	Constitutional complaint admissibility/non-admission	Relevant to closure of constitutional complaints and lack of reasons.
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SOURCE USED IN THIS SECTION: Official German legal sources L01-L05; user documents D01-D15.

15. European and International Human-Rights Framework

Source	Protected right	Analytical relevance
ECHR Art. 2	Right to life	Relevant to suicide attempts, life-threatening illness and alleged state-created risk.
ECHR Art. 3	Prohibition of torture/inhuman or degrading treatment	Relevant to alleged winter homelessness while ill, denial of treatment, psychiatric coercion and degrading procedural dependence.
ECHR Art. 5	Liberty and security	Relevant to detention, psychiatric confinement and forced institutionalization allegations.
ECHR Art. 6	Fair hearing / access to court	Central for court-fee barriers, compulsory lawyer, non-hearing, delayed decisions and guardian control.
ECHR Art. 8	Private life / personal autonomy	Relevant to health, legal capacity, family life, documents, and dignity of personal development.
ECHR Art. 13	Effective remedy	Central because applicant alleges many formal remedies but no effective one.
ECHR Art. 14	Non-discrimination	Relevant if migrant/disability status affected procedural access or health protection.
ECHR Art. 34	Individual application	Relevant to alleged obstruction or formal handling of ECHR submissions.
ECHR Art. 35	Admissibility / time limits	Central to six-month dispute and filing-date allegations.
ICCPR Arts. 6, 7, 9, 14, 26	Life, ill-treatment, liberty, fair trial, equality	Parallel UN framework for detention, treatment and fair-hearing issues.
ICESCR Arts. 9, 11, 12	Social security, adequate living standard, health	Relevant to alleged denial of medical and social support.
CAT Arts. 12, 13, 14, 16	Investigation, complaint, redress, cruel treatment	Relevant if state actors knew of ill-treatment and failed to investigate or redress.

SOURCE USED IN THIS SECTION: Council of Europe ECHR Convention text; OHCHR/UN treaty texts; D01-D15.

16. Why the Case Cannot Be Reduced to a Simple “High Claim Was Rejected” Narrative

A narrow view would say: the applicant demanded EUR 50 million, could not pay the fees or did not have the required lawyer, lost, and therefore costs followed. That view omits the facts that make this file legally serious:

- The claim arose from a prior judicial error that had been officially corrected in 2005 and from alleged consequences of that error across health, residence, social rights and medical access.
- The applicant had a documented disability and serious illnesses, and media materials repeatedly report 16 diseases including AIDS and prior infarction.
- The applicant repeatedly sought help through German courts, the Bundestag, BGH, BVerfG and the ECHR; he did not merely sleep on his rights.
- The case involved a court-appointed Betreuer, whose role allegedly diverted or blocked the applicant's ability to conduct proceedings.

- The cost figure became extraordinary: EUR 91,456 according to applicant records and press, and an advance-fee calculation of EUR 274,368 according to prior evidence register.
- The applicant repeatedly claims that decisions were hidden, delayed or re-dated in ways that affected ECHR admissibility; this is a verifiable file-management issue, not merely a personal impression.
- Press and third-party documents show that the matter was public and international before the later German procedural closures.

For these reasons, a proper analysis must reconstruct the procedural chain rather than treat the KG/BGH/ECHR outcomes as isolated formal steps.

SOURCE USED IN THIS SECTION: D01-D15; Report No. 005 evidence register; legal sources L01-L07.

17. Revised Findings

Finding	Statement	Basis
F1	The applicant's 2009 damages claim was part of a long causal chain, not a free-standing speculative claim.	Supported by 2008/2009 media and prior 2005 judicial correction materials.
F2	The combination of EUR 50 million claim value, fee advance, compulsory lawyer representation and indigence created a major access-to-court problem requiring individualised legal-aid analysis.	Supported by LG 86 O 633/09 evidence register and ZPO/GKG framework.
F3	The Betreuer's role is central and cannot be omitted.	Supported by Oener Birant correspondence, 12.06.2009 Lent.az, and applicant BGH submission.
F4	The EUR 91,456 burden is sufficiently documented for inclusion as a major issue, though the underlying official invoice/order must still be obtained for final proof.	Supported by 21.12.2010 complaint record and Hürriyet 2011.
F5	The BGH path was attempted; it should not be omitted from Report No. 03.	Supported by BGH X ARZ 340/11 letter dated 17.08.2011.
F6	The ECHR path includes multiple relevant stages and cannot be reduced to a single failed complaint.	Supported by 2011-2013 ECHR letters, certificates, stamps and file No. 32856/13.
F7	Media articles from 2008-2013 materially strengthen the chronology by proving public notice and contemporaneity.	Supported by Annexes 10-22 and Vesti 2013.
F8	The record raises serious potential violations of access to court, effective remedy, health/life protection, legal capacity and dignity.	Legal assessment under GG, ZPO, BGB/FamFG, ECHR, ICCPR, ICESCR and CAT.

SOURCE USED IN THIS SECTION: Complete source register D01-D15 and L01-L07.

18. Records Required for Final Verification

1. Complete Landgericht Berlin file 86 O 633/09, including claim, fee notices, PKH/VKH decisions, service records and internal notes.
2. Complete Betreuung file 50 XVII 7034/09, including order, medical basis, scope, objections, termination/restoration on or around 09.03.2011, and communications with Landgericht.
3. All Oener Birant correspondence with courts and applicant; any proof of withdrawal, non-response or instruction.
4. Original EUR 91,456 cost/enforcement order, fee calculation and enforcement records.
5. Complete Kammergericht file 6 W 44/11, including all annexes considered and proof of service.
6. Complete BGH file X ARZ 340/11 and any related XII ZB 484/11 materials, including applicant submissions, court replies and lawyer/Notanwalt issues.
7. Complete BVerfG files AR 1842/09, AR 1888/09, 1 BvR 670/09, 1 BvR 671/09, 2 BvR 2291/09, 2 BvR 2067/09 and any related decisions.

8. ECHR Registry file for all 2011-2013 communications, including receipt logs, fax logs, physical deposit records, the 25.04.2013 certificate, file No. 32856/13, admissibility communications and decision.
9. Original press publications with metadata, especially 2008 Xalq Cebhesi/Lent.az, 15.05.2009 publications, Hürriyet 08.03.2011, Vesti.az 2013 and any articles about suicide/protest at the European Parliament or ECHR.
10. Embassy correspondence with P. Yazdani and any legal memoranda about ECHR formal requirements and timing.

SOURCE USED IN THIS SECTION: Applicant instruction and identified gaps in D01-D15.

19. Detailed Media Digest for Integration into Website / Annexes

Media source	Content relevant to Report No. 03	Use in legal analysis
Annex 21 - Lent.az, 22.12.2008	Describes 70 court cases, 16 illnesses, 1998 winter homelessness, lack of treatment, 1999 police violence, 5-year doctor ban, ECHR/Bundestag suicide crisis, and the applicant's intent to seek relocation, medical treatment and EUR 50 million compensation.	Use as pre-2009 baseline.
Annex 11/15 - Xalq Cebhesi, 17-18.09.2008	Interview: "Almaniya mənim bütün həyatımı məhv etdi"; applicant explains business background, migration, lost documents, medical denial, Duldung, detention and 1999 deterioration.	Use as early public narrative.
Annex 16 - Radio Liberty / Azadliq Radiosu, 12.05.2009	Reports applicant protesting with mouth covered before PACE; repeated actions before ECHR/international institutions; claims of violence/torture and 70 court cases.	Use to show protest before Council of Europe bodies before 15.05.2009.
Annex 17 / 20 - Lent.az / Presspost, 15.05.2009	Applicant announces suicide at ECHR between 08:00 and 12:00; says not madness but consequence of violence against human life; states ECHR president, UN Secretary-General and others knew.	Use as prior-warning material.
Annex 10 - Today.az, 15.05.2009	Reports two suicide attempts outside ECHR, petrol on himself, fire-fighter intervention, first aid and hospitalization.	Use as event confirmation.
Annex 12 - Azadliq, 15.05.2009	Newspaper report stating Azerbaijani will commit suicide before ECHR, with illness and rights-denial background.	Use as press confirmation.
Annex 22 - Musavat, 15.05.2009	Reports attempt before ECHR; petrol, lighter, emergency response, hospital; repeats illness and treatment-denial background.	Use as post-event confirmation.
Annex 18 - Lent.az, 12.06.2009	Post-event interview: psychiatric hospital from 15 May to 6 June; documents/passport allegedly washed/destroyed; police door issue on return to Berlin; official caretaker/rights given to him.	Use to connect Strasbourg crisis to Betreuung.
Annex 19 - Lent.az, 25.12.2009	Reports ECHR accepted/registered claim after 06.11.2009; lawyer Tamella Abdullayeva confirms; discusses 1998/1999 detentions, psychiatric hospital, HIV/AIDS, 80 cases and TD-1 issue.	Use as late-2009 ECHR/procedural evidence.
Annex 14 - Hürriyet, 08.03.2011	"Devleti dava etti, 91 bin Euro kaybetti"; applicant sued state and faced EUR 91,000 cost debt while on Hartz IV.	Use for cost burden.

Annex 13 - Vesti.az / 2013	Reports hunger strike before ECHR, 16 illnesses including AIDS, demand for relocation/treatment, and accusations against German authorities. Includes German press release by Thomas Occupy.	Use for 2013 ECHR hunger strike and witness/press response.
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20. Cautions Against Overstatement

The report intentionally avoids the following errors:

- It does not state that every press allegation is judicially proven.
- It does not state that every judge, lawyer or official acted intentionally without the complete file.
- It does not treat the ECHR's formal requirements as invalid simply because the applicant disagrees with them.
- It does not use the applicant's suicide attempts as evidence of irrationality; it treats them as documented emergency protests requiring contextual human-rights analysis.
- It does not erase the applicant's central claim: the repeated pattern of formal barriers, cost burdens, guardianship control, non-response and delayed dates may itself be the violation.

SOURCE USED IN THIS SECTION: Evidentiary classification method; all sources D01-D15.

21. Conclusion

The revised Report No. 03 concludes that the 2009-2013 record is substantially more serious and complex than the earlier short report reflected. The file contains a damages action tied to a prior corrected judicial error, a court-appointed Betreuer, very high court-fee demands, a EUR 91,456 cost/enforcement burden, multiple appeals and constitutional/supreme-court steps, ECHR correspondence with six-month admissibility concerns, physical filing evidence in Strasbourg, later ECHR file No. 32856/13, and a wide media record documenting the applicant's allegations and public protests from 2008 through 2013.

The case therefore requires a full independent review of the complete files. If the applicant's documentary chain is confirmed, the central legal issue is not simply that a high damages claim failed. The central issue is whether the state and court system transformed a claim for redress after an acknowledged judicial error into a sequence of procedural closures, financial punishment and loss of effective remedy.

This report recommends that any international submission attach this revised report together with the complete source bundle and a short annex requesting production of the missing official files listed in Section 18.

22. Official Legal Source URLs

- Grundgesetz (English): https://www.gesetze-im-internet.de/englisch_gg/
- Grundgesetz (German): <https://www.gesetze-im-internet.de/gg/>
- Zivilprozessordnung (ZPO): <https://www.gesetze-im-internet.de/zpo/>
- Gerichtskostengesetz (GKG): https://www.gesetze-im-internet.de/gkg_2004/
- Bundesverfassungsgerichtsgesetz (BVerfGG): <https://www.gesetze-im-internet.de/bverfgg/>
- FamFG: <https://www.gesetze-im-internet.de/famfg/>
- BGB current Betreuung rule §1814: https://www.gesetze-im-internet.de/bgb/_1814.html
- European Convention on Human Rights: https://www.echr.coe.int/documents/d/echr/convention_eng
- ICCPR: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- ICESCR: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>
- Convention against Torture: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>
- Universal Declaration of Human Rights: <https://www.ohchr.org/en/human-rights/universal-declaration/translations/english>

PART II - CORRECTIVE EXPANSION: FULL PROCEDURAL AND LEGAL ANALYSIS

This Part II is added because the earlier short Report No. 03 was not sufficient. The applicant specifically objected that the report examined only a small part of the file and did not integrate the full chain: Kammergericht, Bundesgerichtshof, Bundesverfassungsgericht, European Court of Human Rights, Bundestag, press evidence, lawyer/Betreuer conduct, and the alleged deliberate loss of time before Strasbourg. This corrective expansion treats these elements as one procedural chain.

23. Core Theory of the Case

The applicant's theory is not merely that he lost a civil damages claim. The theory is that an earlier judicial error, officially corrected in 2005, produced a long chain of state-controlled disadvantages; when he attempted in 2009 to obtain compensation for that harm, the system responded not with a merits examination but with a combination of court-fee demands, compulsory lawyer requirements, guardianship control, delayed decisions, non-responses, and later admissibility traps before the European Court of Human Rights. The alleged effect was to convert a right to seek redress into a new punishment.

The report therefore examines four layers together:

- Layer 1 - original harm: the 1998-2005 background, including homelessness, denied health access, detention, illness, and the 2005 correction of the criminal judgment.
- Layer 2 - compensation attempt: the 24.11.2009 damages action, court-fee demands, legal aid, compulsory lawyer representation and guardianship.
- Layer 3 - appeal/exhaustion path: Kammergericht, Bundesgerichtshof, Bundesverfassungsgericht and the applicant's allegations of delayed or hidden decisions.
- Layer 4 - international remedy: ECHR correspondence, six-month rule problems, physical filing, later file No. 32856/13, hunger strike and media documentation.

If the four layers are separated, the file can appear as a series of ordinary procedural failures. When the layers are joined, they raise a different legal question: whether the applicant was repeatedly pushed into procedural impossibility while being told that remedies formally existed.

SOURCE USED IN THIS SECTION: Applicant instruction; Haz 7, Belge 91; media annexes 2008-2013; prior Report No. 005; German/ECHR legal sources.

24. Document-by-Document Analytical Map of Haz 7, Belge 91

The scanned bundle contains more than four hundred pages and cannot be treated as a single undifferentiated attachment. For legal use, it must be mapped into evidence groups. The following map is based on the visible scanned pages, the user-identified screenshots and the indexed items in the bundle.

Evidence group	Documents	What they show	Legal issue
Group A	Kammergericht / Landgericht civil-cost chain	KG 6 W 44/11; LG Berlin 86 O 633/09; rejection of complaint; costs assigned to applicant; no Rechtsbeschwerde.	Access to court; legal aid; reasoned decision; proportionality of cost sanction.
Group B	Applicant's BGH submission	15.08.2011 Widerspruch/Beschwerde to BGH; states no Betreuer since 09.03.2011; contests withdrawal; refers to 91.456 EUR and ignored objections.	Shows exhaustion attempt and active opposition to closure.
Group C	BGH administrative/procedural response	17.08.2011 BGH X ARZ 340/11 confirming receipt and requesting decisions.	Proof of Federal Court contact; necessary for exhaustion and ECHR chronology.
Group D	2011/2012 ECHR correspondence	10.09.2011 certified translation; 13.01.2012 letter; 01.10.2012 letter; 29.10.2012 Registry response.	Shows ECHR route and six-month/admissibility warnings.

Group E	Bundestag / parliamentary complaint	22.10.2012 appeal against Bundestag petition decision; Pet 3-17-11-217-018680.	Shows domestic political-institutional remedy attempts.
Group F	2013 ECHR filing package	24.04.2013 letter to Dean Spielmann; USB 16GB index; 25.04.2013 certificate; 16.08.2013 protest note; 30.09.2013 application.	Critical to alleged filing-date obstruction and ECHR file No. 32856/13.
Group G	Press and public notice	2008-2013 articles, including Lent.az, Today.az, Musavat, Azadliq, Hürriyet, Vesti.az.	Public record; notice; urgency; corroboration of dates and claims.
Group H	Embassy / lawyer materials	10.09.2013 Azerbaijani Embassy letter; Parvis O. Yazdani power of attorney 05.06.2013.	Third-party/legal consultation and assessment of ECHR formal problem.

This map is essential. Without it, the report becomes narrow and misleading. The KG decision is only one document in a broader chain; the ECHR filing-date issue and BGH lawyer/representation problem are equally important.

SOURCE USED IN THIS SECTION: Haz 7, Belge 91; user screenshots; D01-D15 source register.

25. Detailed Compensation and Access-to-Court Analysis

The damages action must be read against the prior 2005 correction. If a court or state body previously accepted that a criminal conviction was erroneous or that the applicant could not lawfully be convicted because valid return papers were unavailable, then a later damages action is not legally absurd on its face. The claim amount may be disputed, but the right to seek a remedy for alleged consequences remains a serious procedural matter.

The first legal error risk is mechanical valuation. A very high claim value creates very high court fees. If an indigent claimant writes EUR 50 million because he considers the harm life-destroying, the court must still consider whether the claim contains a legally arguable core. The court must not use the numerical value alone to prevent all merits examination if legal aid, claim narrowing, partial claims, or counsel appointment could make a fair process possible.

The second legal error risk is the interaction between ZPO section 78 and indigence. Before the Landgericht, lawyer representation is generally mandatory. If the applicant cannot obtain a lawyer, the question becomes whether a Notarwal, legal aid or other procedural solution is required. The applicant states he wrote to the BGH that lawyers withdrew, avoided the case or were afraid because the matter was politically/state sensitive. Whether that statement is true must be verified, but the court file should show whether the court examined his efforts to obtain counsel.

The third legal error risk is the guardian channel. If correspondence and negotiations were directed only through the Betreuer, and if the Betreuer failed to pursue or respond, the applicant's access to court depended on the effectiveness of that guardian. If the guardian's conduct caused loss of the claim, the court had to examine whether the applicant should be protected from that consequence or whether the Betreuer should be replaced or supervised.

The fourth legal error risk is cost punishment. Costs may follow from unsuccessful proceedings, but the applicant alleges that the result was a 91.456 EUR burden against a person on social assistance who sought redress for state-caused harm. A rights-based analysis must ask whether this created a chilling effect and whether proportionality was considered.

SOURCE USED IN THIS SECTION: LG 86 O 633/09 evidence register; KG 6 W 44/11; BGH X ARZ 340/11; Hürriyet 08.03.2011; ZPO §§78, 78b, 114-127; GKG §12; GG Art. 19(4); ECHR Art. 6 and 13.

26. The Betreuer as a Procedural Turning Point

The applicant repeatedly describes the Betreuer as a turning point: after he filed the damages claim, the legal system allegedly placed him under a representative, then treated the representative's acts or omissions as decisive. This must be investigated as a possible structural conflict. A guardian is supposed to protect the person, not neutralise claims. If the person remains capable of instructing and objects to abandonment of proceedings, a guardian's withdrawal or non-action cannot be mechanically attributed to the person without review.

The 12.06.2009 Lent.az article is significant because it states that after the Strasbourg suicide attempt the applicant was already saying that an official caretaker had been assigned and that all rights had been given to that person. This places the Betreuung issue before the 24.11.2009 damages claim and before the 91.456 EUR burden. It is not a later excuse.

The 15.08.2011 BGH submission is also significant because it states that since 09.03.2011 the applicant no longer had a legal guardian and regained the right to defend himself. That means the BGH filing was made after the applicant believed his own procedural autonomy had returned. The file should therefore show how the court treated that transition: did it consider previous guardian-caused losses? Did it allow the applicant to correct or revive the matter? Did it give a path to a lawyer?

The role of Parvis O. Yazdani and the applicant's reference to "Petrol/Petrolu" require separate verification. The 2013 power of attorney and Embassy letter show P. Yazdani was involved later in ECHR-related analysis. The report should not confuse this lawyer with the 2010 Betreuer unless documents prove the same person or role. The correct method is to name each person only within the confirmed time and role.

SOURCE USED IN THIS SECTION: Lent.az 12.06.2009; BGH submission 15.08.2011; Embassy letter 10.09.2013; 05.06.2013 Vollmacht Parvis O. Yazdani; BGB/FamFG Betreuung law.

27. The BGH "Only Lawyers Can File" Problem

The applicant states that the BGH informed him, while he was in hospital, that only lawyers could file or proceed and that otherwise the matter could not be handled. He says he replied that lawyers had repeatedly entered the case and withdrawn or failed because of pressure, and that if a lawyer was legally necessary the court should appoint one. This is a key access-to-court issue.

Legal analysis: German law can require lawyers in higher courts. But where a party cannot proceed without counsel and cannot obtain counsel, the law contains mechanisms such as legal aid and, in certain circumstances, appointment of an emergency lawyer. The existence of mandatory counsel cannot be used to make rights impossible. A competent review must ask:

11. Did the BGH or lower court inform the applicant clearly which legal remedy was available?
12. Did the court explain the lawyer requirement with enough time for compliance?
13. Did the applicant request appointment of a lawyer or legal aid?
14. Did the court examine whether a Notanwalt or legal aid was required?
15. Were hospitalisation, illness and prior Betreuer status considered?
16. Was any refusal reasoned?
17. Was the applicant's allegation of repeated lawyer withdrawal investigated?

If the answer to these questions is missing from the file, the BGH branch remains legally unresolved.

SOURCE USED IN THIS SECTION: Applicant instruction; BGH X ARZ 340/11; ZPO §§78, 78b, 114-127; ECHR Art. 6.

28. Six-Month Rule and Alleged Decision-Hiding / Date Manipulation

The applicant's current explanation adds a major issue: he says that after the BGH/other German proceedings, he repeatedly asked what had happened, received no answer, and only after the six-month ECHR period had been endangered did the authorities send or re-send a decision. He further states that after he complained to the ECHR, an earlier decision was reissued or newly dated, creating confusion over the date from which the six-month period should run.

This is not a minor point. ECHR Article 35 makes time limits decisive. If a domestic court or authority delayed notification of a final decision, failed to respond to repeated inquiries, or later used a different date, this could affect the applicant's right of individual petition. The proper analysis must therefore request proof of:

- the date the relevant German decision was made;
- the date it was served on the applicant or Betreuer/lawyer;
- who received it;
- whether the applicant was in hospital or under Betreuung at the time;
- whether he sent follow-up inquiries and when;
- whether the same decision was later sent again with a later date;
- what date the ECHR Registry used for admissibility calculation.

The applicant's own documentation of repeated inquiries must be integrated into the source register. If it is absent from the present report, the report remains incomplete.

SOURCE USED IN THIS SECTION: Applicant instruction; ECHR Registry letter 29.10.2012; BGH/KG files; ECHR file No. 32856/13; ECHR Art. 35.

29. ECHR File No. 32856/13 - Why It Must Be Central

The applicant's 2013 ECHR materials are not peripheral. They show that by 2013 the applicant attempted to deliver a large archive, including USB evidence, and that the case received file number 32856/13. The 25.04.2013 certificate suggests that material was physically deposited. The 16.08.2013 protest note directly sets out the applicant's claim that Germany refused essential medical attention from 1998 to 2003, that courts and prosecutors harmed health and life, and that he had tried since 2003 to bring the case to the ECHR. The 30.09.2013 application stamp may create a later formal filing date. That discrepancy must be examined, not ignored.

The applicant's objection is that if the Court records only a later formal application date, earlier filings, faxes, letters, certificates and supporting evidence may be treated as if they never protected the six-month period. A legally competent report must therefore include the following hypothesis:

Hypothesis requiring verification: The applicant may have submitted complaint material and supporting evidence earlier than the date later treated as the formal application date; if so, the Registry file must show why those earlier materials were not treated as interrupting or preserving the application period.

The report should not state that the ECHR acted unlawfully without the full Registry file. But it must clearly state that the file contains a serious date/admissibility issue requiring independent review.

SOURCE USED IN THIS SECTION: ECHR certificate 25.04.2013; ECHR protest note 16.08.2013; ECHR application 30.09.2013; ECHR file No. 32856/13; Article 34 and 35 Convention.

30. European Parliament / ECHR / Council of Europe Public Protest Evidence

The applicant states that some newspapers also mention an attempt or protest before the European Parliament or European institutions. The current annexes clearly show protests before Council of Europe/ECHR institutions: Radio Liberty/Azadliq Radiosu reports action before the PACE building on 12.05.2009; multiple sources report the 15.05.2009 ECHR-front crisis; Vesti.az reports the 2013 hunger strike before the ECHR. These materials should be grouped under "Council of Europe / Strasbourg public protest evidence." If any separate article specifically says European Parliament, that article should be added as a distinct source code and not merged inaccurately with ECHR/PACE.

This distinction matters because the European Court of Human Rights, Parliamentary Assembly of the Council of Europe, European Parliament and Bundestag are different institutions. A strong report must not confuse them. It should say precisely which body the press mentions in each item.

SOURCE USED IN THIS SECTION: Annex 16 Radio Liberty 12.05.2009; Annexes 10,12,17,20,22 15.05.2009; Annex 13 Vesti 2013; applicant instruction about additional press references.

31. Authority Positions vs. Applicant Positions

Authority / actor	Likely or documented position	Applicant's counter-position requiring analysis
Landgericht / KG position	Procedural decisions and cost results followed civil-procedure rules.	The rules were applied without confronting state-caused inability, lack of counsel, Betreuer failure and prior judicial error.
BGH position, to be verified	Higher-court proceedings require lawyer filing and proper legal remedy.	If lawyer is mandatory, the court must examine appointment/legal aid where the party cannot obtain counsel.
BVerfG position	Non-acceptance decisions can be final and require no further correspondence.	Formal finality did not provide a real remedy for the severe rights chain.
ECHR Registry position	Correspondence lacked sufficient facts or	Earlier submissions, physical filing and

	formal application details; six-month rule applies.	delays may have been wrongly excluded from admissibility timeline.
Embassy/lawyer position	ECHR complaint may have been defective or late.	The defects may themselves show lack of legal assistance and procedural obstruction, not absence of substance.
Applicant position	Rights were not merely rejected; they were procedurally neutralised.	This position is supported by multiple contemporaneous documents and requires file production.

SOURCE USED IN THIS SECTION: D01-D15; applicant instruction; official legal sources.

32. Potential Legal Violations - Detailed Matrix

Issue	Legal basis	Violation theory	Verification required
Access to court	ECHR Art. 6; GG Art. 19(4); ICCPR Art. 14	Fee barriers, mandatory lawyer, non-appointment of counsel, Betreuer control and costs may have prevented merits review.	Need complete LG/KG/BGH legal-aid and service files.
Effective remedy	ECHR Art. 13; ICCPR Art. 2(3)	Many remedies existed formally but may not have operated effectively when one path after another closed for procedural reasons.	Need all decisions and reasons.
Human dignity / degrading treatment	GG Art. 1; ECHR Art. 3; CAT Art. 16	Applicant alleges state-caused homelessness, illness, psychiatric coercion, public desperation and punitive costs.	Need medical/court files and detention records.
Right to life / health	GG Art. 2(2); ECHR Art. 2; ICESCR Art. 12	Serious illness and suicide attempts linked to denial of care and lack of remedy.	Need hospital, insurance and social files.
Liberty / psychiatric confinement	ECHR Art. 5; ICCPR Art. 9	Media reports psychiatric confinement after Strasbourg crisis and earlier forced hospitalisation.	Need French and German psychiatric records.
Private life / autonomy	ECHR Art. 8; BGB Betreuung principles	Betreuung, loss of control over legal/banking matters and documents affect autonomy.	Need Betreuung file and medical basis.
Non-discrimination	GG Art. 3; ECHR Art. 14; ICCPR Art. 26	Migrant, disabled and ill applicant may have faced unequal procedural access.	Need comparator/decision reasoning.
Individual application	ECHR Art. 34	Alleged date handling, delayed decisions and lack of assistance may have undermined access to ECHR.	Need ECHR Registry file and domestic service records.

SOURCE USED IN THIS SECTION: Legal sources L01-L07; D01-D15.

33. Records Request Strategy

A practical international submission should not only allege violations. It should request concrete records. The following records are essential for proving the chain:

Institution/file	Records to request
Landgericht Berlin 86 O 633/09	Complete case file, fee calculations, PKH/VKH decisions, service records, Betreuer correspondence, reasons for no merits review.
Kammergericht 6 W 44/11	Complaint file, annexes, service proof, whether applicant's

	arguments about Betreuer and costs were considered.
BGH X ARZ 340/11	All incoming/outgoing letters, request for lawyer, any decision or administrative closure, hospital timing.
BGH XII ZB 484/11	Decision and file; relationship to 80% disability/guardian/cost arguments mentioned in media.
Betreuung 50 XVII 7034/09	Appointment, scope, medical opinions, objections, termination date 09.03.2011, banking/court authority, supervision.
BVerfG files	2 BvR 2291/09 and other AR/BvR files; receipt and non-acceptance reasons/letters.
ECHR 32856/13 and earlier correspondence	All Registry logs from 2011-2013, faxes, physical deposit records, formal application assessment, six-month calculation.
Press archives	Original publication metadata and images to prove contemporaneous public notice.
Embassy / P. Yazdani	Legal assessment, correspondence, and the basis for statements about defective/late ECHR application.

SOURCE USED IN THIS SECTION: Complete file-production strategy based on identified gaps.

34. Revised Final Conclusion of Report No. 03

The revised conclusion is stronger and more accurate than the earlier version: the 2009-2013 materials do not show a simple failed civil claim. They show a multi-institutional procedural chain in which the applicant repeatedly attempted to obtain recognition and compensation for harm allegedly caused by a prior judicial error and state treatment. The documented path includes media publicity, ECHR-front crisis, guardianship, high court fees, adverse costs, KG and BGH filings, constitutional references, Bundestag and ECHR submissions, and later ECHR file No. 32856/13. The legal significance is the cumulative effect.

If the underlying files confirm the applicant's account, the main violation is not merely one wrong decision. It is the possible creation of an impossible remedy system: the applicant was told to use courts, but court fees and compulsory lawyers blocked him; he was placed under a guardian, but the guardian allegedly did not protect the claim; he tried to appeal, but higher courts required lawyers; he tried Strasbourg, but timing and formal application issues allegedly defeated him; he protested publicly, but institutions treated the matter as procedural rather than urgent. This is precisely why a full source-based analysis is necessary.

Therefore, this revised Report No. 03 should be treated as an evidence map and legal roadmap for international review, not merely as a summary. Its purpose is to demand production of complete files and an independent assessment of whether formal procedure was used to prevent effective remedy.

SOURCE USED IN THIS SECTION: All documentary and legal sources in Source Register.

SECOND REVISED EXPANDED ADDENDUM TO REPORT No. 03

Media, Medical, Health-Insurance, TD1 / Radio Liberty, Non-Hostility Clarification and Full-Source Reinforcement

Purpose of this addendum. This addendum does not replace or reduce any part of the preceding Report No. 03. It expands and strengthens it by integrating the additional radio, television, medical, health-insurance and applicant-clarification materials provided after the previous version. The purpose is to prevent the 2009-2013 damages/cost/Betreuung/ECHR chain from being treated as a narrow procedural dispute. The applicant's position is that it must be assessed as part of a long documented chain beginning in 1998-2000 and continuing through later medical, legal and media evidence.

SOURCE / EVIDENCE STATUS: Prior Report No. 03, Haz 7, Belge 91 scanned bundle, TD1/Radio Liberty material described by the applicant, medical records provided as images, and applicant statements dated 25.08.2025 and 11.10.2025. Verification remains required for primary institutional archives.

35. Expanded Source Register Added After the First Revised Edition

Code	Additional source / evidence	Visible or stated content	Legal significance
D16	TD1 television interview, Berlin, 2006	Applicant states that a two-day TD1 television interview was broadcast; the programme was conducted by presenter Elif Inci and included a lawyer in the studio.	Shows that the allegations were publicly and legally framed on television before later damages/cost proceedings.
D17	TD1 promotional segment / advertising excerpt	Screenshots show TD1 logo, presenter name Elif Inci, and the phrase "BEN FASIST DEGILIM" connected to the applicant's interview; applicant states the excerpt was used as a promo for about one year.	Strengthens proof of public visibility and of the political/moral character of the applicant's statement.
D18	Radio Liberty / Azadliq Radiosu interview, 2008 context	Applicant states the presenter describes the applicant as living under violence/pressure from 1998 to 2008.	Shows public media notice before the 2009 damages action and before the 91,456 EUR cost burden.
D19	Charite HNO report, 11.12.2015, Fall-Nr. 0309627498	Chronic sinusitis, septum deviation, nasal turbinate hyperplasia, HIV, status after Tbc/lues/hepatitis B, COPD, GERD, status after myocarditis; anamnesis: 15 years nasal breathing obstruction and smell disturbance.	Medical record tying chronic ENT/nasal obstruction history back to approximately 2000; requires correlation with earlier meningitis/sinusitis records.
D20	Franziskus-Krankenhaus report, 24.10.2007, stay 23.09.2007-26.09.2007	Left pneumonia, known HIV infection, no current antiviral therapy, status after myocarditis 2003, somatisation disorder, status after lues, status after hepatitis A.	Supports long-term illness and questions on medical-treatment continuity.
D21	Charite final medical letter, 25.05.2020, Fall-Nr. 0313673909	Herpes zoster ophthalmicus, HIV infection, chronic sinusitis, status after Tbc/lues/hepatitis B, COPD, GERD, status after myocarditis and other diagnoses.	Shows the TBC and chronic sinusitis history remained in later Charite medical records.
D22	Dr. med. Christian Seyfried attestation, 01.02.2007	Neurology/psychiatry attestation for Sozialamt:	Contemporaneous medical-psychiatric evidence of crisis,

		applicant reports being victim of the state, has complaints before ECHR, reports severe Reinickendorf experiences, high tension, dysthymic-depressive state and suicidal intentions; doctor requests continued support to avoid escalation.	helplessness and institutional-risk context.
D23	Health-insurance correction obstruction statement, 11.10.2025	Applicant states an insurance employee noticed incorrect insurance status despite permanent residence and was told not to correct it.	Potential medical-access mechanism requiring records, access logs and health-insurance audit.
D24	Ms. Mizrak / Mizraq statement, 25.08.2025	Applicant recalls a Berlin Senate Integration/Migration employee calling on her last day and stating that she fought for his rights and was troubled by his fate.	Reputation, witness and system-pressure evidence; applicant statement requiring verification.
D25	Non-hostility clarification toward German people	Applicant states the complaint is not against German people or ordinary German citizens; it concerns state/institutional actors and systemic conduct.	Important to avoid misinterpretation of the political phrase "I am not a fascist" as ethnic or national hostility.

36. TD1 Television Evidence: 2006 Interview, Lawyer Presence and Programme Research

Documented/applicant-provided material: The applicant provided screenshots and YouTube/video references showing a TD1-branded television segment. The screenshots show the TD1 logo and the name "Elif Inci" in the programme context. The applicant states that the underlying interview was a two-day televised report in 2006 on TD1, a Turkish-language television channel/studio in Germany.

Journalistic research element: According to the applicant, the presenter stated that she could not simply broadcast such serious allegations without checking them, that she conducted research, and that the programme was made with a lawyer present in the studio. If confirmed by the complete video, this gives the report higher evidentiary weight than a private online statement because it was framed as a researched television programme with legal discussion.

Witness and telephone calls: The applicant states that callers participated by telephone and that at least one person gave witness evidence concerning police violence. He also states that other callers described their own experiences. These elements should be transcribed and catalogued with time codes.

1999 prison uprising evidence: The applicant states that the TD1 report contains details not fully visible in other materials: a 1999 prison uprising involving approximately 480 signatures, a delegation of seven persons, and a meeting with high-level German officials. He states that he wrote the protest letter by hand because others feared retaliation; that another detainee allegedly tried to redirect the uprising toward unlawful or irrelevant demands; and that the applicant's question about whether stripping, humiliating and beating detainees was also part of German law prevented the issue from being closed against the detainees.

Legal assessment: If the TD1 material confirms these facts, it is relevant under the prohibition of inhuman or degrading treatment, the right to an effective investigation, freedom of expression, and the state's duty to protect detainees. It also supports the applicant's argument that his later legal actions were not isolated emotional claims but a continuation of earlier documented protest and detention-related allegations.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

37. TD1 Promotional Segment: “Ben Fasist Degilim” as Protected Political and Moral Expression

Visible evidence: The applicant provided screenshots showing the phrase “BEN FASIST DEGILIM” in a TD1 promotional frame connected to the applicant’s interview. The applicant states the phrase was used in a channel promo for approximately one year after the 2006 broadcast.

Context of the statement: The applicant explains that before saying the phrase he asked the journalist whether, if he made a statement and had the strength to stand behind it, it could be broadcast. The journalist allegedly replied that she did not know what he would say and could not broadcast it if it violated the law. The applicant then stated in substance: “Whatever Germany did to me, I will not do the same to them, because I am not a fascist.”

Legal framing: This should not be framed as hatred toward the German people. It is a sharp political and moral value judgment about alleged state conduct and a refusal of retaliation. It is relevant under freedom of expression, especially political speech concerning alleged official misconduct. Its broadcast use also shows the public dimension of the applicant’s allegations.

Evidence action required: The complete TD1 footage and promo should be preserved, transcribed and time-coded. The identity of the presenter, the studio lawyer, broadcast date, repeat/promo period, and channel archive records should be requested or independently verified.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

38. Radio Liberty / Azadliq Radiosu: 2008 Context and Independent Media Notice

Applicant-provided media description: The applicant states that the Radio Liberty / Azadliq Radiosu presenter described his case as involving violence/pressure from 1998 to 2008, which places the audio in or around 2008 and confirms that the 1998-2008 chain was already public before the 2009 damages action.

Legal relevance: Radio Liberty is an internationally known media institution. A broadcast or interview there is not equivalent to a court finding, but it is powerful evidence of contemporaneous public notice. It helps show that the applicant’s allegations were not invented after the 91,456 EUR cost issue.

Required verification: The audio/video file should be transcribed in the original language and translated. The date, presenter, programme title, broadcast archive, and any associated web page should be preserved.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

39. Medical Evidence Added to Report No. 03: 2007-2020 Chronology

2007 Franziskus-Krankenhaus: The 24.10.2007 report for the inpatient stay 23.09.2007-26.09.2007 lists left pneumonia, known HIV infection with no current antiviral therapy, status after myocarditis 2003, somatisation disorder, status after lues and status after hepatitis A. It records cough, chills, limb pain and radiological confirmation of pneumonia, with antibiotic treatment.

2007 Dr. Christian Seyfried attestation: The 01.02.2007 neurological/psychiatric attestation states that the applicant reported being a victim of the state, had brought complaints including before the ECHR, had especially bad experiences with Sozialamt Reinickendorf, felt helpless, and was in a highly tense dysthymic-depressive condition with suicidal intentions. The doctor requested continued support from the local district office to avoid escalation.

2015 Charite HNO: The 11.12.2015 Charite HNO record lists chronic sinusitis, septum deviation, nasal turbinate hyperplasia, HIV, status after TBC, lues, hepatitis B, COPD, GERD and status after myocarditis. It records a 15-year history of nasal breathing obstruction and smell disturbance. As the report is dated 2015, this history points back to approximately 2000.

2020 Charite final letter: The 25.05.2020 Charite letter again lists HIV infection, chronic sinusitis, status after TBC/lues/hepatitis B, COPD, GERD, status after myocarditis and other diagnoses, showing that the TBC-history and chronic ENT/respiratory history remained part of the medical record.

Legal relevance: These documents support the need for a chronological medical-access review. They do not by themselves prove who caused or concealed an illness, but they make it legally necessary to investigate when these conditions were first known, what treatment was offered, whether insurance or status restrictions affected care, and whether earlier medical records were ignored.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

40. Charite 2015: Fifteen-Year Sinus/Nasal Obstruction and the 2000 Medical Chain

Medical record point: The 2015 Charite HNO report records a 15-year history of nasal breathing obstruction and smell disturbance. This is a documented medical-history statement in a university-hospital record.

Applicant recollection: The applicant states that the doctor asked how long the problem had existed and explained that the channels were dried/closed and could not be opened normally. The applicant answered that the problem had existed since around 2000. The report then recorded the duration as 15 years.

Careful legal formulation: The record should be used as follows: it confirms a long-standing chronic nasal/sinus problem dating back to approximately 2000; the applicant links it to the earlier meningitis/sinusitis period and to medical-access obstruction; the precise causal connection must be assessed by medical experts using the full records. The oral explanation attributed to the doctor should be treated as applicant recollection unless confirmed in a written medical note or by witness evidence.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

41. Health-Insurance Status and Medical-Access Mechanism: 11.10.2025 Statement

Applicant statement: The applicant states that during a conversation with an employee of his health insurance company, the employee discovered that he was incorrectly insured despite permanent residence status and wanted to correct the error. The employee allegedly called a supervisor and was told that correction was not permitted.

Medical-access concern: The applicant links this to a mechanism by which doctors or hospitals allegedly see a message when checking his insurance card, requiring contact with a specific person or office. He believes this contributed to monitoring, lack of treatment and concealment or delayed recognition of TBC and other illnesses.

Legal assessment: If confirmed, the issue could implicate the right to health care, equal treatment, data accuracy, administrative legality, social-security rights and medical confidentiality. The proper evidentiary request is not a conclusion but a full audit: insurance status history, card-reading logs, correction attempts, supervisor instructions, access logs, billing restrictions and communications with providers.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

42. Ms. Mizrak / Mizraq and the Integrity Witness Block

Applicant recollection: The applicant states that Ms. Mizrak/Mizraq, connected with the Berlin Senate Department for Integration and Migration, called him on her last day in office and said that his fate uniquely troubled her, that she had fought for his rights, and that he should remain strong.

Legal relevance: This is relevant not as final proof of administrative wrongdoing but as a witness/reputation block. It supports the applicant's position that some officials recognized the seriousness of his case and tried to help. It also supports the applicant's distinction between ordinary German people or honest civil servants and the institutional pressure chain he alleges.

Verification required: The correct spelling, office, employment period, correspondence records and any file notes should be requested or verified. Until confirmed, this remains an applicant statement requiring corroboration.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

43. Express Clarification: No Hostility Toward German People, Doctors, Police or Ordinary Civil Servants

Clarification: The applicant expressly states that his allegations are not directed against the German people, the German nation or ordinary German citizens. He states that in 28 years he has not experienced harm or hatred from ordinary German civilians and that he has respect for them.

Institutional distinction: The applicant also states that he does not hold personal hatred toward doctors, police officers or civil servants as people. His position is that if some acted unlawfully, they may have acted under orders, institutional pressure or fear. This does not remove legal responsibility, but it clarifies the target of the complaint: alleged state/institutional conduct and a higher-level responsibility chain, not ethnic or national hostility.

Legal relevance: This clarification must be placed near the TD1 “Ben Fasist Degilim” section to prevent misinterpretation. The phrase should be treated as a political and moral statement against alleged state conduct, not as anti-German hate speech.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

44. Expanded Legal Framework: German, European and UN Articles Applied to the New Evidence

German Basic Law: Articles 1, 2, 3, 5, 17, 19(4), 20(3), 101, 103 and 104 remain relevant. The added TD1/Radio evidence strengthens Article 5 freedom of expression and Article 17 petitioning. The medical and insurance evidence strengthens Article 1 dignity, Article 2 bodily integrity and Article 3 equality. The court-cost/Betreuung chain remains relevant to Article 19(4), Article 20(3) and Article 103(1).

German procedural and social law: ZPO sections 78, 78b, 114-127 and 567-569 remain central for compulsory lawyer, legal aid and complaint routes. GKG court-cost provisions remain relevant to the 91,456 EUR burden. BGB/FamFG Betreuung principles remain relevant to necessity, proportionality and self-determination. Social-security and health-insurance provisions must be examined through complete insurance files.

ECHR: Articles 2, 3, 5, 6, 8, 10, 13, 14, 34 and 35 are relevant. The TD1/Radio evidence concerns Article 10 and public-interest speech. The medical evidence concerns Articles 2, 3 and 8. The cost, lawyer, guardianship and ECHR-date chain concerns Articles 6, 13, 34 and 35.

UN treaties: ICCPR Articles 2, 6, 7, 9, 10, 14, 17, 19 and 26; ICESCR Articles 9, 11 and 12; CAT Articles 2, 12, 13, 14 and 16; and UDHR Articles 3, 5, 8, 10, 19, 22 and 25 should be included. The medical/insurance evidence makes ICESCR Article 12 and CAT/ICCPR ill-treatment provisions especially relevant if the denial or obstruction of treatment is confirmed.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

45. Haz 7, Belge 91: Additional Internal Map from the Scanned Bundle

Accessible file limitation: The uploaded Haz 7, Belge 91 PDF available in this session is a scanned/image-based PDF. The file-search preview shows 150 PDF pages, while some visible page counters inside screenshots refer to an original bundle numbering such as 119/432. Therefore the report should state that the currently uploaded technical PDF contains 150 rendered pages, but the underlying documentary bundle may be part of a larger 432-page compilation.

Key pages visible in the scanned bundle: The beginning of the bundle shows the 24.11.2009 damages complaint to Landgericht Berlin, the 14.12.2009 Landgericht fee request for 1,368 EUR, the 19.01.2010 entry of Oener Birant as Rechtsbetreuer, the 25.01.2010 Landgericht letter stating the need for lawyer representation and a 274,368 EUR advance for a 50 million claim, and the 02.03.2010 lawyer letter from VPMK stating they could not represent the applicant further.

Cost/enforcement sequence: Visible bundle pages show the 05.10.2010/08.12.2010/10.01.2011 enforcement sequence concerning 91,456 EUR, objections dated 27.12.2010 and 21.12.2010, the 11.01.2011 Landgericht letter,

the 14.01.2011 Kostenstelle letter, and an Abtretungserklärung form for 91,456 EUR. These documents strengthen the argument that the cost burden became a concrete enforcement threat, not merely an abstract court-cost calculation.

Lawyer and Betreuer conflict: Visible pages show multiple lawyers and roles: Oener Birant as Rechtsbetreuer; VPMK/Planta context; Borgmann, Langner & Sydow letters of 20.01.2011 seeking suspension/lifting of the 91,456 EUR cost demand; applicant complaints to Amtsgericht Tiergarten and Bundestag; and later BGH/ECHR materials in the bundle. This supports the need to map each representative, mandate and withdrawal separately rather than treating the case as voluntarily abandoned.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

46. Revised Legal Theory After Integrating Media and Medical Evidence

Core theory: The strengthened theory is that the applicant first pursued recognition of state/judicial error and health/social harm; after the prior error was acknowledged or corrected, he sought damages; instead of a merits examination, the process generated legal-capacity restrictions, lawyer and fee barriers, a 91,456 EUR cost burden, and later admissibility obstacles before higher courts and the ECHR.

Why media evidence matters: TD1, Radio Liberty and newspaper materials show that the applicant's account was public before and during the damages/cost chain. This undermines any later suggestion that the allegations emerged only after adverse court decisions.

Why medical evidence matters: The medical records show a long and serious disease chronology. They are not proof of every alleged act, but they require inquiry into whether the applicant's medical vulnerability was known and whether court, social, health-insurance and administrative decisions were proportionate in light of that vulnerability.

Why non-hostility clarification matters: The applicant's express respect for German people and ordinary civil servants helps legally frame the claim as a rule-of-law and human-rights complaint, not a nationalist or anti-German attack.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

47. Additional Verification and Records Requests

Media archives: Request TD1 programme archive, promo archive, broadcast logs, presenter identity, lawyer identity, transcripts and any licensing/closure documentation from 2006-2007. Request Radio Liberty/Azadliq Radiosu archive for the 2008 interview and transcript.

Medical files: Request complete Franziskus-Krankenhaus 2007 records, Charite 2015 HNO records including CT/imaging and operative notes, Charite 2020 final medical records, Dr. Seyfried attestation file, public-health/TBC records, health-insurance records and card-reading/billing logs.

Court files: Request complete files LG Berlin 86 O 633/09, KG 6 W 44/11, BGH X ARZ 340/11, BGH XII ZB 484/11, Amtsgericht Tiergarten Betreuung 50 XVII 7034/09, and ECHR file No. 32856/13 including filing-date history and registry communications.

Diplomatic and petition files: Request Bundestag petition Pet 3-17-11-217-018680, Azerbaijani Embassy correspondence and any European Parliament/Council of Europe submissions referenced in the bundle.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

48. Updated Conclusion for the Complete Source-Based Edition

Conclusion: After adding TD1, Radio Liberty, medical, health-insurance and non-hostility clarification evidence, Report No. 03 becomes stronger because it no longer rests only on the German civil-cost chain. It now shows a broader evidentiary structure: public media notice before the damages action, medical vulnerability documented over years, concrete cost enforcement, disputed legal representation and Betreuung, ECHR admissibility/date concerns, and continued applicant efforts to obtain review.

Caution: The report must still avoid overstatement. It should say that the documents create a strong basis for independent investigation and file disclosure, not that every criminal allegation is already judicially proven. The strongest legal demand is full production of records and independent review of the procedural chain.

Final formulation: The central question is whether a seriously ill, disabled, indigent applicant who had publicly documented his allegations for years was effectively denied access to a merits determination and then subjected to a financial and procedural burden that deepened the very harm for which he sought compensation.

SOURCE / EVIDENCE STATUS: Applicant-provided statements and screenshots; Haz 7, Belge 91 bundle; prior Report No. 03; official legal sources including German Basic Law, ZPO/GKG/BGB/FamFG, ECHR, ICCPR, ICESCR, CAT and UDHR. Primary archive verification required where noted.

49. Supplementary Legal Matrix - New Evidence Blocks

Evidence block	German law articles / statutes potentially implicated	ECHR / UN provisions potentially implicated	Legal issue to investigate
TD1 / Radio Liberty public reporting	GG Art. 5, Art. 17, Art. 20(3); protection of political expression and petitioning	ECHR Art. 10, 13, 34; ICCPR Art. 19	Whether public allegations and petitions were ignored, punished or treated as pathology instead of protected speech.
2007-2020 medical records	GG Art. 1, 2(2), 3; social/health-insurance legality; medical-care duties	ECHR Art. 2, 3, 8, 14; ICESCR Art. 12; CAT Arts. 12, 13, 16	Whether known medical vulnerability was ignored and whether treatment access was effectively obstructed.
Health-insurance correction obstruction	GG Art. 2(2), 3, 19(4), 20(3); data accuracy and social-insurance law to be checked	ECHR Art. 8, 13, 14; ICESCR Art. 9, 12; ICCPR Art. 26	Whether an incorrect status caused unequal or restricted medical access.
91,456 EUR cost/enforcement burden	GG Art. 1, 3, 19(4), 20(3), 103(1); ZPO §§78,78b,114-127; GKG	ECHR Art. 6, 13, 14; ICCPR Art. 14, 26	Whether financial barriers prevented real access to justice and merits review.
Betreuung / legal-capacity control	BGB/FamFG Betreuung necessity and proportionality; GG Art. 1, 2, 19(4), 103	ECHR Art. 6, 8, 13; ICCPR Art. 14, 17, 26	Whether protective guardianship became a tool of procedural control.
ECHR filing/date chain	GG Art. 19(4), 20(3); duty of fair procedural handling by German authorities before exhaustion	ECHR Art. 34, 35, 13; ICCPR Art. 2(3)	Whether hidden/delayed decisions or defective assistance endangered admissibility.

50. TD1 / BerlinBaku Video-Link Evidence Register

The applicant provided a set of YouTube/BerlinBaku links connected to the TD1/Rustem Azeri media archive. Because link content can change and because full video review requires separate transcription, the present report treats the links as an evidence register, not as final proof of every spoken sentence. The screenshots already provided show TD1 branding, Elif Inci and the phrase “BEN FASIST DEGILIM.”

V01. <https://youtu.be/yH5XI-prxXo>

V02. https://youtu.be/h1ZsA_tY5Oc

V03. <https://youtu.be/5ZBfKbQa8g0>

V04. <https://youtu.be/35v7SDDLJlw>

V05. <https://youtu.be/1FCNDbUIxlo>

V06. <https://youtu.be/njacpxOCxjA>

V07. https://youtu.be/QlhEnyj0k_w

V08. https://youtu.be/6A_cb0TKtpE

V09. <https://youtu.be/31aVWB21k1I>
V10. <https://youtu.be/SCuz4nELhfo>
V11. https://youtu.be/H3clWZasq_E
V12. <https://youtu.be/OiWpauRZrLI>
V13. <https://youtu.be/a0XOpLRTTog>
V14. <https://youtu.be/kFwwgp8HREU>
V15. <https://youtu.be/zlymeiqq5gY>
V16. <https://youtu.be/H5lwOy6-YPk>
V17. <https://youtu.be/mHYHln4X8sE>
V18. https://youtu.be/gTOKq_GCR90
V19. <https://youtu.be/h0Lh3SeXRfo>
V20. https://youtu.be/f_vXixp2wPA
V21. <https://youtu.be/7PipvNz3-rQ>
V22. <https://youtu.be/C2BrJ8RNfpM>
V23. <https://youtu.be/X7g-k97oTmQ>
V24. https://youtu.be/vnPQ778Hm_c
V25. <https://youtu.be/GzkoHyIO-r8>
V26. <https://youtu.be/45yY-tezMfU>
V27. <https://youtu.be/nZmvz2nZkKg>
V28. <https://youtu.be/LqZRNqpHr2o>
V29. <https://youtu.be/KQ51zM56vDU>

SOURCE / EVIDENCE STATUS: Applicant-provided link list. The report recommends preserving video files, screenshots, upload metadata and transcripts separately.

46. Strengthening Addendum: Procedural Neutralisation Theory for Report No. 03

Purpose: This addendum strengthens Report No. 03 without deleting any earlier content. It reorganises the legal theory around the applicant's central point: the 2009 compensation action was not an isolated money claim, but the legal consequence of the 2005 judicial correction and the long chain of alleged state-created damage. The core question is whether that compensation claim was then procedurally neutralised through Betreuung, high court-cost barriers, compulsory-lawyer rules, refusal or failure to provide effective counsel, Kammergericht/BGH closures, and ECHR filing-date handling.

Azerbaijani clarification: Bu əlavə Report No. 03-ü gücləndirir və sənin dediyin əsas xətti ayrıca göstərir: təminat davası açıldıqdan sonra Betreuung/Betreuer-in ortaya çıxması, prosesin mahiyyətdən uzaqlaşdırılıb xərc, vəkil, PKH, Kammergericht/BGH və AİHM tarix-prosedur məsələlərinə çevrilməsi ayrıca araşdırılmalıdır.

Evidence status: The report must continue to distinguish Documented Fact, Applicant Statement, Authority Position, Legal Assessment, and Verification Required. The addendum does not declare a final criminal finding against any judge, court officer, Registry official or Betreuer. It identifies a serious documentary chain requiring independent file review.

46.1 Corrected Main Heading for the Report

Recommended strengthened title:

Report No. 03 - Procedural Neutralisation of the 2009 State-Liability Compensation Claim: Betreuung, Legal-Aid Refusal, EUR 91,456 Cost Burden, Kammergericht/BGH Notanwalt Issues, and ECHR Article 34/35 Filing-Date Problems

Short title for annex lists: Report No. 03 - 2009-2013 Compensation/Betreuung/BGH/ECHR Obstruction Chain.

46.2 Corrected Controlling Thesis

The controlling thesis should be stated as follows:

The applicant's 2009 damages action was a state-liability claim arising from an earlier judicial correction and alleged state-caused health, social, residence and procedural harm. The legal issue is not only whether EUR 50 million was a high figure. The essential issue is whether the courts, after the applicant had raised a compensation claim for official-duty violations, redirected or closed the case through Betreuung, court-fee demands, legal-aid refusal, compulsory representation, lawyer withdrawal, lack of effective appointment of counsel, Kammergericht/BGH procedural decisions, and ECHR filing-date/admissibility handling, without a meaningful merits examination of the underlying state-caused harm.

47. New Source Register Addendum: Documents and Articles That Must Be Added

The existing source register already lists D01-D15 and L01-L07. The following additions should be inserted into the source register so that the report no longer under-states the legal basis of the 2009 compensation/Betreuung/BGH/ECHR chain.

Code	Source / legal provision	Visible or asserted content used	Legal relevance to Report No. 03
D16	Applicant reply / submission dated 26.09.2011, Az. XII ZB 484/11	Applicant states that no lawyer wanted to take the case, requests appointment of a lawyer, refers to EUR 91,456, disability, Grundsicherung, rejected PKH and political sensitivity. Attached material shows counsel withdrawal.	Central proof for BGH/Notanwalt issue under ZPO §§78 and 78b, access to court and fair hearing.
D17	ECHR certificate dated 25.04.2013	Deposit at the Human Rights Building of documents for a new application; handwritten note: Germany / 84 pages / USB key.	Physical filing evidence relevant to Article 34/35 date and Rule 47 handling.
D18	ECHR Registry letter dated 24.05.2013, Application no.	File opened under 32856/13; Registry asks for missing Rule	Direct support for the filing-date/admissibility problem.

Code	Source / legal provision	Visible or asserted content used	Legal relevance to Report No. 03
	32856/13	47 information and warns that date of completed application, not first communication, will be treated as date of introduction.	
D19	ECHR application stamped 30.09.2013	Formal application form stamped at the Court; handwritten statement notes Azerbaijani language and hunger strike.	Shows later formal filing date that must be compared with earlier correspondence and the 25.04.2013 certificate.
D20	Applicant letter in Azerbaijani dated 12.03.2013 to ECHR President	Applicant refers to BGH XII ZB 484/11, KG Berlin 6 W 44/11, six-month dispute and previous replies to ECHR questions.	Shows that the six-month / BGH / ECHR handling issue was raised before the 30.09.2013 stamped application.
D21	Reports No. 01 and No. 02	Report No. 01 documents 1998-1999 detention/medical vulnerability; Report No. 02 documents 01.09.2003 Strasbourg complaint, 07.01.2004 Reichstag crisis and 03.01.2005 judicial correction/acquittal.	They provide the causal foundation for why the 2009 damages action cannot be treated as an isolated high-value claim.
L08	GG Art. 34 + BGB §839	State liability for official-duty violation (Amtshaftung).	This is the missing central legal basis of the 24.11.2009 damages action for Amtspflichtverletzung.
L09	BGB §253	Compensation for non-material damage, especially body, health, liberty and severe personal harm.	Necessary for health destruction, pain, family-life loss and dignity harm allegations.
L10	StrEG §1 and StPO §§359, 371, 467, 473	Compensation and consequences following reopening/quashing/acquittal in criminal proceedings.	Connects 03.01.2005 correction to later compensation rights.
L11	ZPO §§117, 118, 139, 253	PKH form/inquiry, court clarification duties and claim requirements.	Required to evaluate whether formal deficiencies were explained and curable for an indigent, disabled applicant.
L12	GKG §21 and Kostenverzeichnis / KV Nr. 1211, in addition to GKG §12	Non-collection of costs in incorrect treatment and cost calculation framework.	Necessary for the EUR 91,456 cost burden and access-to-court analysis.
L13	FamFG §§58 ff., 278, 280; BGB §1896 old version / current BGB §1814 principle	Complaint, personal hearing, expert basis and necessity/proportionality of Betreuung.	Necessary for examining whether the Betreuung protected or neutralised the applicant's procedural rights.

48. The Betreuung / Betreuer Issue Must Be a Central Chapter, Not a Side Note

Corrected chapter heading: Alleged Deliberate Insertion of Court-Appointed Betreuung into the Compensation Process.

The applicant uses the spoken term “petrol/petrolu” in the current conversation. For legal accuracy the report should use “Betreuung”, “Rechtsbetreuer” or the verified name of the person shown in the file, unless the exact spelling of another name is confirmed by primary documents. The available documents show the involvement of a court-appointed Rechtsbetreuer, especially Oener/Oener Birant in the 2010 Landgericht chain. Any other person or spelling must be verified separately.

The legal problem is not the abstract existence of Betreuung. Betreuung can be lawful if it is necessary, proportionate, limited to defined tasks and genuinely protective. The applicant's allegation is different: that the Betreuung appeared

shortly after the 2009 damages action, was used to redirect communications and procedural power, and contributed to non-response, withdrawal or procedural loss in a claim against the state itself.

This must be assessed under BGB §1896 old version / current BGB §1814 principle, FamFG §§278 and 280, GG Art. 1, 2, 19(4) and 103(1), ECHR Art. 6 and 8, and ICCPR Art. 14. If the medical/expert basis of the Betreuung was weak, personal-opinion based, contradicted in a hearing protocol, or failed to prove functional incapacity, the report must treat this as a separate verification block: expert report, hearing protocol, medical basis, scope of tasks, free-will assessment, objections and termination order must be requested and reviewed.

48.1 Questions That the Full File Must Answer

- Was the Betreuung ordered because of genuine functional incapacity, or because the applicant persistently pursued politically sensitive or state-liability claims?
- Did the Betreuer have authority over court representation, assets, housing or communication, and did that authority overlap with the damages claim?
- Did the Betreuer file or fail to file required responses, PKH forms, lawyer instructions or appeals?
- Did the applicant object, state that he wanted to continue the case, and later regain self-representation on or around 09.03.2011?
- Did the court examine less restrictive alternatives, especially court-appointed counsel or legal aid, before allowing the claim to be neutralised by representation and cost barriers?
- Did the later EUR 91,456 burden flow from the Betreuer/court handling rather than a meaningful merits decision?

49. Kammergericht 6 W 44/11: Reframing the Merits as a Cost/Amount Problem

Corrected chapter heading: Kammergericht Review and the Alleged Displacement of the Official-Duty Violation Claim by the EUR 50 Million Streitwert.

The report should not describe the Kammergericht stage merely as a lost complaint. The strengthened analysis must state that the applicant alleges a structural reframing: the underlying official-duty violations, prior judicial correction, health destruction and Betreuer/court failures were allegedly pushed aside, while the high claim value, cost advance and formal admissibility were placed at the centre.

The legal issue is therefore not whether German courts may control excessive Streitwert or require fees. The legal issue is whether the court applied those rules in a way that made the applicant's state-liability claim practically impossible to have examined, despite disability, poverty, serious illness, prior judicial correction and loss of effective representation.

Relevant provisions: GG Art. 19(4), 20(3), 34 and 103(1); BGB §839 and §253; ZPO §§78, 78b, 114-118, 139 and 253; GKG §§12 and 21 and KV Nr. 1211; ECHR Art. 6 and 13; ICCPR Art. 14 and 2(3).

Recommended report wording: The Kammergericht decision must be examined not only for its formal result, but for whether it addressed the applicant's central submissions: that the claim was linked to acknowledged official wrongdoing, that the Betreuer had obstructed or failed to protect the claim, that he lacked money and counsel, that he had not intentionally withdrawn the claim, and that the EUR 91,456 cost burden punished the attempt to seek compensation.

50. BGH / Bundesgerichtshof: Notanwalt and Right-to-Access Problem

Corrected chapter heading: BGH Access, Lawyer Compulsion, and Failure or Refusal to Examine Court-Appointed Counsel.

The newly reviewed applicant reply of 26.09.2011 strengthens this chapter. The applicant did not merely ignore lawyer-compulsion rules; he told the court that lawyers did not want to take his case and asked for a lawyer to be appointed. This makes ZPO §78b (Notanwalt) central.

The report should distinguish two points:

Authority position: Higher-court proceedings may require representation by an authorised lawyer. This rule is not itself unlawful.

Applicant counter-position: If representation is mandatory and no lawyer will take the case, the court must examine whether legal aid, Notanwalt appointment or another effective mechanism is required to preserve access to court.

Potential legal consequences: If the court only relied on lawyer compulsion without addressing the applicant's documented inability to obtain counsel, the case raises access-to-court concerns under GG Art. 19(4), GG Art. 103(1), ECHR Art. 6 and ICCPR Art. 14. If the court failed to answer the Notanwalt request, the report should frame this as a documented issue requiring the complete BGH file.

51. ECHR / Strasbourg: Article 34, Article 35, Rule 47 and Filing-Date Handling

Corrected chapter heading: ECHR Registry Handling, Application No. 32856/13, Physical Filing on 25.04.2013, and the Risk of Losing Earlier Filing Protection.

The new ECHR materials make this chapter stronger. The record now shows: (1) the applicant had earlier correspondence and repeatedly raised the six-month problem; (2) he deposited a new application and supporting materials at the Court on 25.04.2013, including 84 pages and a USB; (3) the Registry letter of 24.05.2013 assigned file no. 32856/13 and stated that the date of introduction would be the date of the completed application form, not the date of the first communication; and (4) a later application form was stamped 30.09.2013. This discrepancy must not be hidden in an appendix; it must be a central admissibility chapter.

The report should not claim, without the full Registry file, that the ECHR committed a crime. The legally stronger formulation is: the file contains a serious Article 34/35 and Rule 47 date-handling issue requiring the full ECHR Registry file, receipt logs, fax logs, physical deposit records, correspondence and any admissibility decision.

Relevant provisions: ECHR Art. 34 protects individual application. ECHR Art. 35 governs admissibility and time limits. Rule 47 formal requirements may be legitimate, but the applicant's claim is that earlier submissions, physical filing and supporting evidence were not treated in a way that preserved his application date. This requires examination because the applicant alleges severe illness, lack of counsel, domestic procedural delay and repeated attempts to submit materials.

52. Continuous-Chain Theory: Why This Was Not a One-Day Incident

The strengthened report must explicitly reject a fragmented reading. The events should be analysed as a chain:

- 1998-1999: detention, medical unfitness, release without effective protection and renewed detention based on unresolved papers/status problems.
- 2000-2005: criminal/administrative consequences followed by the 03.01.2005 judicial correction/acquittal and compensation consequences.
- 2008-2009: public media warnings, ECHR-front crisis and contemporaneous notice that the applicant alleged severe disease, lack of treatment and court-caused harm.
- 24.11.2009: state-liability damages claim for Amtspflichtverletzung, connected to the previous official correction and alleged long-term damage.
- 2010-2011: Betreuung, lawyer withdrawal, fee advance, PKH/cost decisions and EUR 91,456 burden.
- 2011-2012: Kammergericht and BGH path, including applicant's request for lawyer appointment / Notanwalt logic.
- 2012-2013: ECHR Article 35 six-month correspondence, 25.04.2013 physical filing, 24.05.2013 file 32856/13 / Rule 47 letter and 30.09.2013 formal application stamp.

This chain is the basis for the report's strongest conclusion: a later cost/representation decision cannot be understood without the earlier state-created vulnerability and the 2005 correction. The legality of each individual decision must be examined, but the human-rights question is whether the combined procedural path made any effective remedy impossible.

53. Corrected Legal Article Map by Issue

Issue	Primary provisions	Why these provisions matter
2009 Amtspflichtverletzung damages action	GG Art. 34; BGB §839; BGB §253; StrEG §1; StPO §§359, 371, 467, 473	The claim was not merely high-value; it was a state-liability claim connected to prior judicial correction and alleged health/life damage.

Issue	Primary provisions	Why these provisions matter
Betreuung inserted after compensation claim	BGB §1896 old version / BGB §1814 principle; FamFG §§58 ff., 278, 280; GG Art. 1, 2, 19(4), 103(1); ECHR Arts. 6, 8	Determines whether Betreuung protected the applicant or neutralised his procedural rights.
PKH, fee advance and EUR 91,456 cost burden	ZPO §§114-118, 127, 139; GKG §§12, 21 and KV Nr. 1211; GG Art. 19(4); ECHR Arts. 6, 13	Determines whether legal aid and court-cost rules were applied mechanically to block access.
Kammergericht 6 W 44/11	ZPO §§567-569; GG Art. 19(4), 103(1); ECHR Arts. 6, 13; ICCPR Art. 14	Determines whether the appellate court addressed the core arguments or only procedural/cost aspects.
BGH and mandatory lawyer problem	ZPO §§78, 78b; ZPO §§114-118; GG Art. 19(4), 103(1); ECHR Art. 6	Determines whether the court had to examine appointment of counsel where the applicant could not obtain a lawyer.
ECHR filing date / Rule 47 / Article 35	ECHR Arts. 34, 35; Rule 47; ECHR Art. 13 context	Determines whether earlier submissions and physical filing were treated in a way that preserved or lost admissibility.
Underlying health/life damage	GG Arts. 1, 2, 3; ECHR Arts. 2, 3, 8; ICCPR Arts. 6, 7, 26; ICESCR Arts. 9, 11, 12; CAT Arts. 12-14, 16	Explains why the claim involved life, health, dignity and remedy, not only money.

54. Stronger Final Findings for Report No. 03

- F1: The 24.11.2009 action must be described as a state-liability compensation claim for alleged official-duty violations, not as a simple high-value private claim.
- F2: The appearance and role of the court-appointed Betreuung/Betreuer after the compensation claim is central to the case and must be analysed as a possible mechanism of procedural neutralisation.
- F3: The EUR 50 million amount and fee/cost treatment should be analysed as a possible displacement of the merits, not as the whole legal issue.
- F4: The EUR 91,456 burden must be framed as a potential access-to-justice and retaliatory-cost issue if it resulted from a claim that never received meaningful merits review.
- F5: The Kammergericht decision must be assessed together with the applicant's arguments about Betreuer, legal aid, poverty, disability, lack of counsel and lack of meaningful hearing.
- F6: The BGH path must include the Notanwalt issue because the applicant documented that lawyers would not take the case and requested appointment of counsel.
- F7: The ECHR chain must include the 25.04.2013 physical filing, the 24.05.2013 file no. 32856/13 / Rule 47 letter and the 30.09.2013 formal stamp as a serious Article 34/35 date-handling problem.
- F8: The report should avoid unsupported final accusations such as "criminal conduct" by named officials unless the full files prove it; instead it should use "alleged procedural obstruction", "possible misconduct", "requires independent investigation" and "serious access-to-remedy concern".
- F9: Reports No. 01 and No. 02 must be cited as causal foundation because they show why the 2009 compensation claim arose from earlier detention, medical, social and judicial-correction history.

55. Recommended Insertion Text for the Main Body

The following paragraph should be inserted into the main body of Report No. 03, preferably after the section on the 24 November 2009 compensation claim:

The applicant's central allegation is that the 2009 damages action was not defeated by a neutral merits review, but procedurally neutralised. According to the documentary chain, after the applicant filed a state-liability claim for official-duty violations, a court-appointed Betreuung/Betreuer entered the process, correspondence and representation were redirected, legal-aid and cost issues became dominant, the claim was treated through the lens of EUR 50 million Streitwert, and the applicant later faced a EUR 91,456 burden. The Kammergericht and BGH stages must therefore be examined not only as formal appeal outcomes, but as part of a larger access-to-court problem: whether an indigent, disabled and seriously ill applicant who could not obtain counsel was given any practical path to a merits hearing, including examination of legal aid and Notanwalt appointment. The later ECHR file then raises a separate Article 34/35 issue, because the applicant states that earlier submissions and physical filing were not treated in a way that

preserved his application date. These issues require the complete Landgericht, Kammergericht, BGH, Betreuung and ECHR Registry files.

56. Records That Must Be Requested Again After This Strengthening

- Complete Landgericht Berlin 86 O 633/09 file, including 24.11.2009 claim, fee notices, PKH/VKH handling, proof of service and all decisions.
- Complete Betreuung file 50 XVII 7034/09, including order, expert report, hearing protocol, scope of tasks, objections, correspondence and termination/restoration decision around 09.03.2011.
- Complete Kammergericht 6 W 44/11 file, including all applicant submissions, considered annexes, service dates and reasons for rejecting the complaint / not admitting Rechtsbeschwerde.
- Complete BGH file X ARZ 340/11 and XII ZB 484/11 materials, including applicant request for appointed counsel / Notanwalt issue and all court responses.
- Original EUR 91,456 fee/cost calculation, enforcement order, bailiff letters, cost office records and legal basis for the claim value calculation.
- Complete ECHR Registry file 32856/13 and all earlier 2011-2013 communications, including receipt logs, fax logs, physical deposit records, 25.04.2013 certificate, 24.05.2013 Rule 47 letter, 30.09.2013 application and admissibility decision.
- Hearing protocol and expert report related to the alleged Gutachter statement that any diagnosis was a personal opinion and not a confirmed functional incapacity finding.

SOURCE / EVIDENCE STATUS FOR STRENGTHENING ADDENDUM: Current conversation; user-uploaded Report No. 03 DOCX/PDF; Haz 7, Belge 91 bundle; 26.09.2011 applicant reply to BGH; ECHR documents dated 12.03.2013, 25.04.2013, 24.05.2013 and 30.09.2013; Reports No. 01 and No. 02; official legal provisions listed above. Primary files remain required for final judicial proof.