

ChatGBT reporte PDF 02.11.1999

Understood. You're right to insist on English for UN bodies (and for most international submissions), and you're also right to worry about "translation = losing meaning".

So I will do this the safe way:

1. I provide an **English version of the report without deleting any points (same numbering/structure, same case numbers, same citations, same wording logic).**
2. I also paste your **original Azerbaijani text verbatim at the end, so you can compare line-by-line and verify that nothing was "dropped".**
3. Important transparency: in **this chat, the uploaded PDFs are "Oca 21, Belge 734.pdf" and "Oca 21, Belge 752.pdf".** Your draft refers to three other PDFs ("Belge 450 / 423 / 46"). Since they are not uploaded here, the section below is a faithful English translation of your draft text (not a re-analysis of those three PDFs). If you upload those 3 PDFs here later, I can add page-by-page citations and make it fully "submission-ready".

ENGLISH REPORT (verbatim translation of your draft; no points removed)

ChatGPT's 3-PDF analysis clearly showed that after 2000, biased obstacles were placed against the investigation of the 1998–1999 crime. Also, the 02.11.1999 criminal case was withdrawn from the court by the Betreuer (legal guardian). Likewise, no lawyer enters my complaints, because everyone who helped me was punished. Likewise, in the Bundestag correspondence, it is stated that lawyers, after getting acquainted with the case and signing a contract to take it, were forced to withdraw immediately, and my formal requests for an official lawyer from the courts were rejected with stamp and signature. In such a situation, how was I supposed to solve/open the crime?

I can help you. The report below is based only on the content of the 3 PDFs you provided and is prepared strictly from the perspective of international human-rights law (UN conventions + European Convention on Human Rights/ECHR + (where necessary) the EU Charter). I do not rely on national arguments such as "administrative practice", "convenience", or "budget" to justify violations.

Note: This is legal information and a legal-argument structure; it is not formal legal advice by an attorney.

1) REPORT (English version)

A. Documents reviewed (3 PDFs)

- 1. “Belge 450.pdf” – 450 pages (mainly detention in Germany (Abschiebungshaft) and proceedings under AuslG, criminal case materials).**
 - 2. “Belge 423.pdf” – 423 pages (Landgericht Berlin decision on “Wiederaufnahme”, subsequent civil claim, court fees, guardianship/Betreuung correspondence).**
 - 3. “Belge 46.pdf” – 46 pages (media articles and statements: violence/torture allegations, statements about application to ECHR, the topic of EUR 91,456 costs).**
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B. Main domestic cases visible in the PDFs: case numbers and dates

1) Deprivation of liberty / detention for the purpose of deportation (1998)

- Amtsgericht Schöneberg, file no.: 70 XIV 3148/98 B**
- 08.08.1998: the court noted “adequate communication is not possible” (language barrier) and ordered temporary deprivation of liberty until 28.08.1998 (on urgent grounds).**
- 12.08.1998: hearing with an interpreter; decision for “Abschiebungshaft” (detention to secure deportation) until 23.10.1998 under §57(2) AuslG.**
- 23.11.1998: police doctor states the person is “no longer fit for detention and hearing”; on the same date the authority withdraws the Haftantrag (detention request) and release occurs.**

2) Criminal prosecution under AuslG (1999–2000)

- Polizeipräsident in Berlin – criminal complaint / file reference Vorgangs-Nr. 991012/0730-8, 12.10.1999 (allegation of no valid document/residence permit).**
- Staatsanwaltschaft (bei dem LG Berlin) – indictment, file no.: 52 Js 7/00, 28.03.2000 (charge of AuslG violation).**
- Amtsgericht Tiergarten – decision, file no.: 251a Ds 349/00, 23.06.2000 (indictment accepted and main proceedings opened).**

3) “Wiederaufnahme” (reopening) stage of the criminal case (2003 and after)

- Landgericht Berlin (28th Large Criminal Chamber) – decision, file no.: 528 Qs 49/03 (reference to the main case: (251b/251a Ds 349/00) AG Tiergarten), 17.12.2003:
 - the AG Tiergarten decision of 04.07.2003 is annulled;
 - “Wiederaufnahme” is considered admissible.
- In this decision, reference is made to BVerfG, 06.03.2003, 2 BvR 397/02.
- In a personal letter in the PDF, it is stated that with a “Bescheid” dated 03.01.2005, the conviction was removed (claim: without his participation in proceedings).

4) Civil lawsuit, court fee, EUR 91,456 claim, and guardianship (Betreuung) (2009–2011)

- Landgericht Berlin, case: 86 O 633/09, 14.12.2009: states that the case will not be examined without payment of EUR 1,368 court fee (GKG §12).
- Betreuer (guardian) letter, 19.01.2010: states that a guardian has been appointed under §1896 BGB and asks that correspondence be directed to the guardian.
- Landgericht Berlin, 11.01.2011: explains the reason for EUR 91,456 fee as the claim being filed with a value of EUR 50,000,000, that proceedings are “suspended” due to non-payment, and that no PKH (procedural legal aid) application was submitted.
- Kosteneinziehungsstelle (AG Spandau), 14.01.2011: enforcement/installment proposal and pressure-type correspondence regarding the EUR 91,456 demand.
- In the person’s letter to AG Tiergarten (guardianship proceedings file no.: 50 XVII 7034) on 19.01.2011, it is alleged that due to the guardian’s inactivity the lawsuit did not progress and as a result this debt arose.

5) Allegations of violence/torture (media materials)

- “How an Azerbaijani was tortured in Germany” (21.03.2013) and other articles: torture, beatings, lack of protection and lack of investigation allegations.

C. Concrete violation arguments arising from these PDFs under the European Convention on Human Rights (ECHR)

The following points are written as “arguable violations” (because some facts are media-based and an official investigation document is not visible everywhere in these 3 PDFs).

1) ECHR Article 5: lawfulness of deprivation of liberty + procedural safeguards (1998 detention)

Document-based fact: In the 08.08.1998 decision the court notes “adequate communication is not possible”, yet orders temporary deprivation of liberty until 28.08.1998; on 12.08.1998 a hearing with interpreter occurs and detention until 23.10.1998 is ordered.

Potential ECHR violations:

- **Article 5(2) – prompt information in an understandable language about reasons for detention:** the court’s “communication not possible” note creates a strong argument that this safeguard was not effectively ensured at the initial stage.
- **Article 5(4) – effective and speedy court review of detention lawfulness:** language/communication barrier without translation and legal assistance can mean review did not work “in practice”.
- **Article 5(1)(f) – detention for deportation is possible, but must not be arbitrary;** the state must pursue deportation with due diligence and speed.

Key ECHR precedent (case no. + date):

- **Saadi v. United Kingdom, App. No. 13229/03, GC, 29.01.2008** (immigration detention and the requirement of non-arbitrariness).
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2) ECHR Article 3: prohibition of torture/inhuman treatment + treatment of a vulnerable (severely disabled) person

Document-based fact: On 23.11.1998 a police doctor writes that the person is “no longer fit for detention and hearing”; afterward the authority withdraws detention request and release occurs. This indicates serious health deterioration risk during detention.

Combined with your assumption of GdB 100 (severely disabled): if the state failed to adapt detention conditions and medical provision to disability and this produced degrading/humiliating results, an Article 3 claim becomes stronger.

Key ECHR precedents:

- **Price v. the United Kingdom, App. No. 33394/96, 10.07.2001** (detention conditions not adapted for a severely disabled person can violate Article 3).
 - **Bouyid v. Belgium, App. No. 23380/09, GC, 28.09.2015** (police violence and Article 3 standard).
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3) ECHR Article 3 (procedural obligation): effective investigation of violence/torture allegations

Document-based fact: In Belge 46, allegations of violence/torture and “no effective investigation” appear as media material.

Under ECHR approach, when state agents (police, detention, etc.) are accused of violence:

- **an independent, prompt, thorough investigation is a procedural requirement of Article 3.**

Key precedents:

- **Assenov and Others v. Bulgaria, App. No. 24760/94, 28.10.1998** (duty to investigate under Article 3).
 - **El-Masri v. North Macedonia, App. No. 39630/09, GC, 13.12.2012** (effective investigation and accountability in torture allegations).
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4) ECHR Article 6: fair trial, interpreter, effective participation

Document-based facts:

- **Criminal case (AuslG) indictment and proceedings: 52 Js 7/00, 251a Ds 349/00, and later “Wiederaufnahme” 528 Qs 49/03** appear.
- **In 1998 the court notes “communication not possible” – showing real language barrier.**

Potential violation logic:

- **If in the criminal process (or critical stages) translation/explanation and defence rights were not ensured in practice, a claim may arise under Article 6(1) and 6(3)(e) (interpreter).**

Key precedent (against Germany):

- **Luedicke, Belkacem and Koç v. Germany, App. Nos. 6210/73, 6877/75, 7132/75, 28.11.1978** (Article 6(3)(e) interpreter assistance).

5) ECHR Article 7: no punishment without law (nullum crimen sine lege)
Document-based fact: The Landgericht Berlin decision of 17.12.2003, with reference to BVerfG 06.03.2003 (2 BvR 397/02), accepts reopening; this signals serious doubt about legal basis of conviction.

Potential claim: If the person was punished for “illegal stay” in a context where the state violated its own obligation to issue/extend documents (Duldung/permit), Article 7 foreseeability/accessibility issues may be raised (full confirmation requires the text of the criminal judgment).

Precedent (foreseeability standard):

- **S.W. v. the United Kingdom, App. No. 20166/92, 22.11.1995.**

6) ECHR Article 6 + Article 13 + Protocol No. 1 Article 1: access to court, effective remedy, EUR 91,456 fees and guardianship (2009–2011)

Document-based facts:

- **14.12.2009: proceedings refused without payment of EUR 1,368 (86 O 633/09).**
- **11.01.2011: EUR 91,456 explained by claim value EUR 50,000,000; proceedings “suspended”; no PKH filed.**
- **19.01.2010: guardian exists under §1896 BGB; 19.01.2011: complaint that guardian’s inactivity prevented the case, leading to debt.**

ECHR legal line:

- **Article 6(1) – access to court: if excessive fees or formal obstacles make litigation realistically impossible, access is violated.**
- **Article 13 – effective remedy: a remedy that exists on paper but does not work in practice due to disability + guardianship + fee barriers may not be “effective.”**
- **P1-1 (property): enforcement of a EUR 91,456 burden on a severely ill/disabled person receiving social benefits can raise disproportionality issues.**
- **Article 8 (private life/autonomy): if guardianship de facto disables legal agency such that the person cannot defend rights, Article 8 can operate together with Articles 6 and 13.**

Key precedents:

- **Kreuz v. Poland, App. No. 28249/95, 19.06.2001** (court fees can violate access to court).
 - **Podbielski and PPU Polpure v. Poland, App. No. 39199/98, 26.07.2005.**
 - **Airey v. Ireland, App. No. 6289/73, 09.10.1979** (legal aid may be necessary for effective access to court).
 - **Steel and Morris v. the United Kingdom, App. No. 68416/01, 15.02.2005** (lack of legal aid can affect fairness).
 - **Stanev v. Bulgaria, App. No. 36760/06, GC, 17.01.2012** (guardianship/legal agency and complex rights violations).
 - **Shtukaturv v. Russia, App. No. 44009/05, 27.03.2008** (guardianship and access to court/agency problems).
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7) ECHR Article 14: discrimination on grounds of disability (and also nationality/health status)

Your assumption of GdB 100 + documents showing guardianship and serious illness allow this line:

- **if authorities applied “same procedure for everyone” without making disability-required accommodations (translation, legal aid, procedural adjustments, real guardian supervision, safeguards), this can be framed as indirect discrimination or failure to treat different situations differently.**

Key disability-discrimination precedents:

- **Guberina v. Croatia, App. No. 23682/13, 22.03.2016.**
 - **Çam v. Turkey, App. No. 51500/08, 23.02.2016** (connected to reasonable accommodation logic).
 - **Enver Şahin v. Turkey, App. No. 23065/12, 30.01.2018.**
 - **G.L. v. Italy, App. No. 59751/15, 10.09.2020.**
 - **Health status (e.g., HIV) discrimination: Kiyutin v. Russia, App. No. 2700/10, 10.03.2011.**
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D. UN conventions (UN) – violation map

1) ICCPR (International Covenant on Civil and Political Rights)

- **Article 7 (ban on torture/inhuman treatment)**
- **Article 9 (liberty; non-arbitrariness; judicial review)**
- **Article 14 (fair trial; effective participation)**
- **Article 2(3) (effective legal remedy and reparation)**
- **Article 26 (equality and non-discrimination)**

Implementation standard (doc symbol + date):

- **UN Human Rights Committee, General Comment No. 31, CCPR/C/21/Rev.1/Add.13, document date 26.05.2004 (effective remedy and reparation duty).**
- **Example decision on immigration detention: A v. Australia, Comm. No. 560/1993, Views 03.04.1997 (ICCPR Article 9 arbitrariness).**

Germany individual complaint channel: Germany has joined ICCPR First Optional Protocol (individual complaint possible).

2) CAT (Convention Against Torture)

- **Article 2 (prevention of torture)**
- **Article 12 (prompt and impartial investigation)**
- **Article 13 (right to complain + protection)**
- **Article 14 (reparation/compensation)**
- **Article 16 (prevention of other cruel, inhuman treatment)**

Germany individual complaint: Germany has accepted CAT Article 22 procedure (individual complaint possible).

3) CRPD (Convention on the Rights of Persons with Disabilities) – disability discrimination and reasonable accommodation

Some events in these documents are pre-2009, but ongoing consequences (guardianship, enforcement, procedural accessibility) can be raised under CRPD separately.

- **Article 5 (equality and non-discrimination)**
- **Article 12 (equal recognition before the law; supported decision-making)**
- **Article 13 (access to justice; procedural accommodations)**
- **Articles 14–16 (liberty; protection from torture; protection from violence)**

Interpretive document (symbol + date):

- **CRPD Committee, General Comment No. 1 (Article 12), CRPD/C/GC/1, adopted 11.04.2014 (support and legal agency).**

Germany individual complaint: Germany ratified the CRPD Optional Protocol (individual complaint possible).

E. How state responsibility is triggered (international law)

1) Attribution (whose actions are attributable to the state?)

- **Police, prosecution, courts are state bodies; their actions/omissions are attributable to the state.**
- **If guardianship (Betreuung) is appointed and supervised by the state, at least a positive obligation arises: real supervision, effective complaints, prevention of harm.**

2) No justification by domestic law

A state cannot justify breaches of international obligations by reference to domestic laws/administrative routine (state responsibility logic).

F. Why domestic remedies may be argued “not effective” (based on these 3 PDFs)

The strongest line based on these documents appears to be:

1. **Language/communication barrier: the 08.08.1998 “adequate communication is not possible” phrase – strong argument that safeguards did not work in practice at the initial stage.**
 2. **Fees and formal barriers: refusal to proceed without EUR 1,368 + later EUR 91,456 heavy burden – access to court blocked in practice.**
 3. **Loss of real defence due to guardianship: guardian claims representation but PKH/fees/procedural steps not taken; complaint about guardian inactivity – argument that a disabled person’s “effective participation” was lost.**
 4. **Investigation of violence allegations: even if media-based, the state’s duty to investigate is strict (Article 3 procedural).**
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G. International complaint avenues (legal pathways)

1) European Court of Human Rights (ECtHR / Strasbourg)

- **Application is filed under ECHR Article 34.**
- **General conditions: exhaustion of domestic remedies + 4-month time limit from final domestic decision.**
- **If there is risk of irreversible harm, Rule 39 interim measures may be considered (facts required).**

2) UN Human Rights Committee (ICCPR – Optional Protocol)

- **Germany is OP-ICCPR participant – individual complaint possible.**

- If the same matter is being examined in another international procedure, inadmissibility risk may exist.

3) UN Committee Against Torture (CAT – Article 22)

- Germany accepted CAT Article 22 – individual complaint possible.

4) CRPD Committee (Optional Protocol)

- Germany ratified CRPD OP – individual complaint possible.

5) EU level (limited)

- EU Charter (e.g., Article 47 effective remedy, Article 21 non-discrimination, Article 26 integration of persons with disabilities) applies directly only when German authorities implement EU law.
- Then domestic court reliance on EU law and, if needed, preliminary reference to the CJEU becomes relevant.