

# RUSTEM-AZERI

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Per Fax: 00 33 3 88 41 27 30 and Post

Berlin, 16.11.2012

Dear Mr. Dean Spielmann, president of the European Court of Human Rights

Hereby I would like to answer your letter from (29.10.2012).

You, the European Court of Human Rights, send me a letter on (29.10.2012 ) according to law Article **35 § 1 ECHR** and you said that I do not go any other court unless I apply at the last court in Germany; but the Federal Constitutional Court of Germany (Bundesverfassungsgericht) is the last one I could go. The court ( Bundesverfassungsgericht ) ( on 30.10.2012 ) refused, as always with irrelevant reasons ( Nr.: AR 8312 / 12 ). The German court shows some reasons, so that I do not defend myself.

Regardless the decision handed down by the Federal Court of Justice of Germany (BGH) on 12 Septembre 2012 ( Nr.: XII ZB 484.11 ) is a decision of a supreme court (court of last resort) in all matters of private law. Therefore as ECHR you have to receive my application (compensations).

Mr President, I have sent you on October 2012 ( a letter on 31.08.2012 with ) a disk ( USB ) and now I send you my appeal against the German Parliament from the date of 22.10.2012. And I beg you to read my letters ( German Parliament ) from 22.10.2012 and ( ECHR ) from 31.08.12 – 10.09.11 to 01.04.11 yourself personally, and please to take down the control, because there is a great political blockage against me. In Case that you do not care take into account my situation, I see committing suicide as a last solution and this will be known all over world-press.

All Human Rights Organizations and the others I sort below tried to conceal my case: the German Parliament, delegates of Berlin, Charity Humboldt University Hospital Faculty of Medicine, ADIS Counselling, all kind of the courts to the Federal Constitutional Court, Amnesty International, German Red Cross, and finally the First Instance of the Court of Human Rights which includes also German nationality etc. However, it can be seen for why they attempted to cover up everything and psyche me out.

**I would like to give brief information about the violation of a law for 14 years in Germany.**

In 1998 I was arrested illegally and after my release, the residency permit was not given to me illegally, so I had to live on the streets in the winter. It made me strongly physically-ill.

In 1999 I was arrested again illegally due to the same reason like in 1998. On 20. December 1999 I organized a hunger strike with 480 prisoners and resisted for my right of the residency permit of 2 years and my physical damages. And then I was released and gained the temporary residency permit. After that I had a chance to start with my therapy for my diseases. But I received a decision on (19.07.2000) as: ( Nr.: 251b / 251a Ds ) 52 Js 7 / 00 ( 349 / 00 ) of the Court in a short time which blames me again for 1998 and 1999 and it makes everything blocked illegally. Then, other 10 courts have used the same decision to punish me. I was not allowed for working, the welfare aid, the health insurance etc. So I was blocked, that's why I became homeless and have 16 heavy

diseases and I am therefore **80 %** disabled today. For they infected me with AIDS, I experienced a psychological terror. At the end of 2003 I sent a complaint-letter about these inhuman attitudes to the Court of Human Rights (**Nr.: 746 / 04**) and I also sent many more attestations about my illness and my thoughts about my suicide.

The District Court (**Nr.: 528 Qs 49 / 03**) recognized in 2003 that the Local Court had a mistake in 2000; however this correction was concealed from me at first to prevent the truth and responsibility, to guarantee its own security and finally to provoke my suicide. I tried to commit suicide in front of the building of the German Parliament on 7th January 2004 and I received this correction by the District Court in April 2004 (proof: date of the letter). Then I was given an incorrect residency permit which blocked me again, and, so as to receive my real permit, I had to wait, till the Local Court (Nr.: 251b / 251a Ds) 52 Js 7 / 00 (349 / 00) recognized his own failure; but the Parliament has enacted a new law in this short time, although law-making requires at least one year before it could be announced, they do that in a few months. This law was valid on **1st January 2005**; the Local Court (Nr.: 251b / 251a Ds) 52 Js 7 / 00 (349 / 00) has recognized his failure from 2000 after **3 days**, on **3rd January 2005**; so new law act blocked me again. Then the government agencies, officials and courts have misused unfair this new law and public psychiatrist authorities detected on **2nd May 2006** that I am terrorized psychologically and lost my working possibilities. After the attestment from **2nd May 2006**, the German judgement of the first Instance of the European Human Rights Court refused to do anything against this detection and informed me on **15th May 2006 (Nr.: 746 / 04)** that after I have a result in all kind of German courts as a worn-out person I could come back to ECHR ironically. In that time, I was blamed and criticized by all official, agencies, organizations, German Press and the society etc. Only military officials were neutral. It took me 80 different lawsuits. I beg you to read my complaint from (**09.07.2007**) - (**Nr.: VG 15 A 281 / 07**) 2007 to the German Administrative Court: I prove in this mail that my residency permit (**§ 25 Abs. 5**) from 2005 was incorrect; that must be corrected and I do not want to keep under these psychological tricks but my freedom. Although I could gain my right (from 11.10.2007), they do not give up such mental tricks of psychologically terror.

In 2008 I went to the Federal Constitutional Court and the European Court of Human Rights with all negative decision of the German Courts. The German judgement of the first Instance from European Human Rights Court denied my complaint again; that's why I tried to commit my suicide second time on 15th May 2009 in front of the European Court of Human Rights. After that the European Court of Human Rights has worked on my complaint.

On 24. November 2009 I claimed for my physical and moral damages at the Local Court (**Nr.: 86 O 633 / 09**), like in 2006 where they attacked me again, whose mistake of 7 years has been recognized in 2005. Three weeks later on 15. December 2009 an advisor which was given to me by the Court (**Nr.: 50 XVII 7034 / 09**) in a forced way has gained intentionally no result in my lawsuits like ECHR and others, especially for damages. I had to pay illegally **91.456 €** additionally only for the lawsuit of damages although the advisor was responsible (**Nr.: 86 O 633 / 09**). The advisor went on this game which was played with the officials on me, so that means that he doesn't did his work. The advisor managed all my issues; my bank account and all other legal matters to prevent me from own decisions and therefore I was under the danger of paying several 100.000 €. After this game the courts took the advisor away from the affairs guaranteeing clean hands and left me back like killed behind a curtain.

The German State is responsible for all these mistakes. The German judgement, police, doctors and many organizations have been unjust, did wrong to me and make me suffer from such heavy diseases. They have thrown me to the streets and I got sick. I was desperate without any help. I state again that the laws which in order that they should help me have been ignored and destroyed by the courts.

Until 2005, it was officially forbidden that I leave Berlin and in May 2006, it was detected that I have

The disease AIDS and it has been already there for three years. That was the time when they held me as homeless and helpless in Berlin. The hospital has also tried to cover up my diagnosis of AIDS from 15.05.2006, and gave me the diagnosis only after I was broadcasted by TD 1 and Azize Karakulle.

There is a common law in the world; if a court admits his failure, he must pay to the person for his/her moral and physical damages. In contrast, I made them admit their failure, I suffered from damages and however I also had to pay for their damages **91.456 €**. I received house arrest for the whole life, my life will be destroyed. **Why?**

Today, if I wanted to go to another country, it would be not be possible. I cannot imagine such a discrimination and racism concerning me all over the world.

The German Parliament does not want to work on my problem of freedom and blockades me with his decision (Nr.: **Pet 3-17-11-217-018680**) and puts me in prison till end of my life. I send you my contradiction to the German Parliament and you will see the reason (22.10.2012).

For all those mistakes, the German State provides only some food and I must stay in Germany. They do not want me to go anywhere else in the world; they do not allow me to go, because they do not want that I share my experiences with the world. Germany knows he fell into error, that's why he is obliged to allow me to live where I want and free and he must provide for all my needs and Compensation.

I must remind you, according to the law in Germany, if one works 5 years at least, he is allowed to retire. But I received my work permission when I lost my power officially as disabled. I have no fault. So I have no retirement, no freedom in this political blockade, till the end of my life. The German Courts have admitted their failure after 7 years. I am disabled because of this failure. I cannot afford anything in the world, so Germany should pay legally for all my things even in other countries.

Germany gives me two ways:

**1)** – I need 10-15 years to struggle alone to win this war. But I would not live so long because of my diseases. **2)** – If I accept the situation, I should live suffering under the house arrest. That makes me insane. If I struggle or not, it does not matter, both ways are like a death by torture. This hopeless situation forces me to suicide silently. That will be murder of the German State and the European Court of Human Rights.

Circulation to receive back the action for damages from 24.11.2009!!! (( Nr.: **XII ZB 484 / 11** ) - (Nr.: **6 W 44 / 11**) - (Nr.: **86 O 633 / 09**))

The German courts use always in different variations unimportant reasons to leave my action for damages unconsidered. I have filed for everything a complaint including evidence and the reason of the courts (Nr.: **6 W 44 / 11**) is that the action for damages is a big sum, however I want my life back, which was taken away from me intentionally with unlawful games. Because it is not possible to give me back my life, I require at least **91,456,000 €** in compensation for this inhuman games. These damages are the cause of not to have a healthy life, a family with children, normal youth, business and political career, etc. These diseases and my disability I have received on the basis of the wrong decision, which has been recognized already!!! That is why I have a right to receive compensation and pension and not only one help from the state, which restricts me in my freedom, also to live in another country, where I have no problems. As I have already described, I have a lot of political problems in Germany, which are on the side of Germany, who is guilty for my health situation. Moreover my freedom is further blocked and with this my health condition it is getting even worse. This situation lets me die from the inside and this is no suicide, as the opposite side wants to prove, but that is a homicide on a helpless person. I conveyed my law action for damages to the Federal High Court in Germany ( BGH ). The Federal Court (Nr.: **XII ZB 484 / 11**) claimed

that I can't carry out any action without a lawyer and demanded a retraction from me; otherwise the decision would be invalid. I have replied them on 26.09.2011 that the law gives me right to appoint a lawyer, and as long as their opinion is applicable that I am to pay a money fine of 91.456 EUR, instead of receiving a compensation, I will not withdraw my action, that I have already written to the Federal Court of Justice. "This procedure must be started, the legal (costs) aid must be granted and other costs as they are occurring must accepted by the District Court, who have already recognized their guilt. If they want to make it inadmissible, I would like to draw their attention to the fact that they should involve an international expert from UN who would get in touch with me. Because it is about the political interest."

I was not replied for 11 months, I wrote again on 07.08.2012 and demanded for information. On 10.08.2012, they answered and refused my applications for any law action. They also informed that they gave a judgement on 05.10.2011 and this decision was sent to me on 07.10.2011. This is not true! They try in this way to prevent that I refuse their decisions and they try that I accept their unjust judgement. I can't comprehend that three judges decide without listen to me or my lawyer.

It is not acceptable. The decision of the Federal High Court on 05.10.2011 (Nr.: XII ZB 484 / 11) has arrived to my address in August 2012, after I insisted for a reply by writing my letter on 07.08.2012.

Thereon I have protested in 06.09.2012 and I take a negative resolution from BGH in 12.09.2012 - (Nr.: XII ZB 484 / 11). That's why; I demand that the European Court of Human Rights takes my complaint into account. All these documents about compensation, you can find on the USB stick. You must click "09", then when it's opened, you have to click on "Dokument 06". After it's opened in there it is written "Schadenersatz". The other document "251b.251a.Ds 52 Js 7.00.349.00. 528 Qs 49.03" this is my right of residence from 1998 – 2007.

Believe me; the world has never experienced such a torture in the last 100 years.

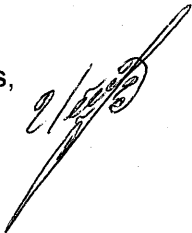
If you look at all my documents in the USB, you see that I am a victim of Germany like a political prisoner; ECHR should give me my freedom and Compensation at least for the rest of my life, because the German Judgement ( BGH ) and the German Parliament has ignored my attempt.

I will send this letter to the press, too, so that you, Mr. President Dean Spielmann, know about my situation personally.

I can prove all things I claim and all mistakes of the courts. I have evidences for that.

Sincerely yours,

Ismail Rustem



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Petitionsausschuss  
**Pet 3 – 17 – 11 - 217 – 018680**  
( BT-Drucksache 17 / 10674 )



22.10.2012, Berlin

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### **Appeal against the decision of the German Parliament**

Dear (Mr. / Mrs.) - Kathi B Kaul

Hereby I would like to lodge an appeal against the decision which has been processed five years and been resulted without any solution.

#### **Reason:**

Although I have sent my complaint about the damages of authorities and officials on me and unfairness of the judiciary against me in detail, in 2007 you have transformed it into a pension issue. You also have repeatedly concluded your decision without any solution and as now, you did not give any answer to my protests lodged for my freedom and rights.

You know very well that my blockade here in Germany derives from the political reasons. I would also like to remind you, for this vital situation, that there is no solution in the Law of Integration from the first of January 2005.

How can we understand the explanation they gave me on 29.09.2012 in their decision: it is a legal matter and not parliamentary? And their officials and the European Parliament have taken a law for political prisoners on 05.10.2012. And this has justified that the political prisoner issue is parliamentary matter, not legal, because it takes more than 6 years and harms people.

How can someone understand if the law of political prisoners is correct or not; or do they want to divert and confuse us and the European Parliament? Also for this new law for the political prisoners from 05.10.2012, the European Parliament and you must process my complaint.

After this wrong decision (251b / 251a Ds) 52 J 7/00 (349/00) by the Local Court from 19 July 2000 which has made me totally exhausted, I tried to commit suicide in front of the building of German Parliament in January 2004. Then, this decision by the Local Court (251b / 251a Ds 349 / 00) was recognized as false by the District Court (Az.:528 Qs 49/ 03) in April 2004 and was decided that the Local Court should correct his mistake.

A couple months later, the German media reported that the right-wing parties would enact a new "better" integration law in a short time; however, the left-wing parties refused this attempt, because they meant that it is too fast and this new law has many false points, and working on a law requires one year at least, before it could be announced.

At the same time, also the Turkish embassy talked about this issue in Td-1 and told that the ex-German President Horst Koehler informed Schröder and Merkel about it; but it was reported that they could not change a law only for one person and could not play with the German laws. But has the Turkish embassy additionally ask for which important person must be the laws changed?

You can find everything in the archive.

I also do not know for whom it must be made before; but I know exactly that this law was approved on 01 January 2005 and then, it was defined, **three days** later on 03 January 2005, as a mistake of the Local Court ( Az.: 251b / 251a Ds ) 52 Js 7 / 00 ( 349 / 00 ). Thus, I should reach my right and my freedom, but I am still in a blockade.

Due to the fact that they have made a mistake at that time for this vital situation in their law, it is again possible for one individual or several people to enforce their right, because they have no any other solution. However, no law can exist in a democracy, if there is no solution and if it kills people mentally.

From 2007 till 2012, they have worked on it for 5 years and could still not find a solution for this political blockade which is like a political prison.

You know perfectly well that a new law could be prepared overall in the world and for all such unfair situations, and that each law must have a solution.

One more proof is that I made a complaint in 05.09.2006 ( Az.: ( 9824/15 ) - ( 1222/16 ) - ( 7321/16 ) ) against the House of Representatives Berlin, which is for my violated rights and freedom. The House of Representatives Berlin has also classified my situation as a social case. Although the House of Representatives Berlin has worked on my case several years, they have defined that it is a social case of which process is already done. Furthermore the Social Court defined my case as a finished process ( Az.: S 49 AY 127 / 07 ). It proves that the House of Representative Berlin noticed it and tried to conceal how big mental trauma I have experienced.

Until 2005, it was officially forbidden that I leave Berlin and in May 2006, it was detected that I have the disease AIDS and it has been already there for three years. That was the time when they held me as homeless and helpless in Berlin. The hospital has also tried to cover up my diagnosis of AIDS from 2006, and gave me the diagnosis only after I was broadcasted by TD 1 and Azize Karakulle.

I believe that the reason of my current blockade for going to another country is that the public will experience my 16 difficult diseases and particularly my mental illness.

Please remember that the illegal decision has prohibited a social assistance and a therapy, and also work permission, for me from 1998 to 2004, although I am strong diseased. The reason shown by that courts for this forbid has been still and again the decision of the Local Court ( Az.: 251b / 251a Ds ) 52 Js 7 / 00 ( 349 / 00 ); however it was their own mistake, it was recognized on 03.01.2005 that the decision from 2000 was wrong between 1998 and 2005. So it is clear that

it was own mistake and the reason was always invalid. And I became a victim of this political prison and inhuman gimmick for 14 years.

The court admitted his failure of 5 (7) years in 2005 and had to pay a compensation for damages; and a short time later, I received the decision ( Az.: 86 O 633 / 09 ) and a fine to pay **91.456 €**. I would like to know how it could be possible.

Although I do not go to the psychiatrist since 2006, your psychiatrists give me each year, even till now, an illegal diagnosis of Schizophrenia, Paranoid, etc., just only because of political reasons. Although you could never prove for 14 years that I am schizophrenic or paranoid, I receive such diagnoses, only because I am fighting for my rights and my freedom. However, even if I were ill mentally, there would be no reason to keep me in Germany as a big prison where I am discriminate heavily.

I must remind you, according to the law in Germany, if one works 5 years at least, he is allowed to retire. But I received my work permission when I lost my power officially as disabled. I have no fault. So I have no retirement, no freedom in this political blockade, till the end of my life. The German Courts have admitted their failure after 7 years. I am disabled because of this failure. I can not afford anything in the world, so Germany should pay legally for all my things even in other countries.

Please, please, please let me not commit a suicide and let me free that I can go anywhere and live in a country without any political discrimination and racism. I die mentally here in this political prison and I have right for my freedom.

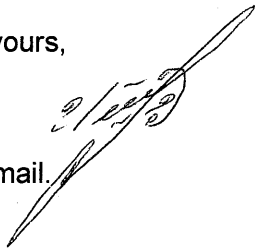
I beg you give me my freedom; you should remember the law enacted by the United Nations that orders you can not blockade a person if this blockade kills someone or makes him exhausted; because it is genocide for the United Nations. If you blockade me and kill me with that, you should remember that someone will find out my inhuman story one day and ask about it: **Why?**

I send you a USB and my last letter written by the United Nations from 31.08.2012 and this letter will be sent with an English version to the United Nations, the Court of Human Rights, the European Parliament and all Human Rights Organizations.

If the German Parliament refuses my appeal or decides for anything against me, I beg you that you send my appeal with my USB to the European Parliament, United Nations, and the Court of Human Rights and give me an answer.

Sincerely yours,

Rustem Ismail.

A handwritten signature in black ink, appearing to read 'Rustem Ismail', written over a horizontal line.

SENDEBERICHT

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DATUM/UHRZEIT	19/11 12:14
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