

EXTERNAL (for general distribution)

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Further information on EXTRA 11/95 (EUR 23/01/95, 30 January 1995) -
Fear of imminent refoulement

GERMANY Fariz _im_ek, rejected Kurdish asylum-seeker from Turkey, aged 29

On 31 January, following an application by Fariz _im_ek's lawyer to the Federal Constitutional Court (*Bundesverfassungsgericht*) in Karlsruhe, a temporary injunction was issued halting his deportation. At 12.30pm, 15 minutes after the deportation was stopped, the plane which was due to return Fariz _im_ek to Istanbul took off from Munich airport, without him on board.

The Federal Constitutional Court is expected to deliver its final decision in a few days time on whether the deportation can go ahead. Until then, appeals to the Bavarian authorities should continue as recommended in the original action. Your appeals have already created a huge media impact on Fariz _im_ek's case in Germany.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes in German, English or your own language:

- urging the Bavarian authorities not to forcibly return Fariz _im_ek to Turkey where he would be at risk of torture, "disappearance" or extrajudicial execution on account of his political views and activities;
- reminding the Bavarian authorities of Germany's obligation under the 1951 Convention relating to the Status of Refugees, in particular Article 33, not to forcibly return anyone to a country where he or she would be at risk of serious human rights violations;
- further reminding the authorities of their duty under Article 3 of the UN Convention against Torture as well as Article 3 of the European Convention on Human Rights and Fundamental Freedoms, not to send people to countries where they may be at risk of torture.

APPEALS TO

1) Interior Minister of Bavaria:

Bayrischer Staatsminister des Innern
Herrn Dr Günther Beckstein
Odeonsplatz 3
80539 München, Germany

Faxes: +49 89 28 20 90

Telegrams: Interior Minister, Munich, Germany

Salutation: Dear Minister

2) Prime Minister of Bavaria:

An den
Ministerpräsidenten des Freistaates Bayern
Herrn Dr Edmund Stoiber
Franz-Josef-Strauss-Ring 1
80539 München, Germany

Faxes: +49 89 29 4044

Telexes: 523809

Telegram: Prime Minister, Munich, Germany

Salutation: Dear Prime Minister

COPIES OF YOUR APPEALS TO:

Chairman of the Petitions Committee of the Bavarian Parliament:

Vorsitzender des Petitionsausschusses des Bayrischen
Landtags

Herrn Dr Helmut Ritzer

Nürnberg, Germany

Faxes: +49 91 28 12 406

and to diplomatic representatives of Germany accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.