[DE] Kurdish TV Broadcaster's Urgent Applications against Home Affairs Ministry Ban Granted

IRIS 2009-7:1/12

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The Bundesverwaltungsgericht (Federal Administrative Court - BVerwG) has reinstated the delaying effect of two legal challenges in an accelerated procedure (case nos. 6 VR 3.08 and 6 VR 4.08).

The challenges were lodged by two public limited companies under Danish law, which operate the Kurdish-language television station Roj TV under a Danish licence. The channel can be received all over Europe via satellite. The Bundesministerium des Inneren (Federal Ministry of Home Affairs - BMI) had assumed that the television channel was a propagandist mouthpiece of the Kurdish Workers' Party (PKK), which is banned in Germany, and therefore imposed an immediate ban on its activities in Germany under the provisions of the German Vereinsgesetz (law of association) (see IRIS 2008-8: 10).

The BVerwG was of the opinion that both challenges had a chance of succeeding. It attached particular importance to the fact that the German legal principles raised by the BMI did not apply to cross-border broadcasting activities, since the provisions of German criminal law, which the broadcaster was alleged to have broken, only covered activities carried out in Germany. Although the "Television Without Frontiers" Directive may have been breached, this was a matter for the "broadcasting State" rather than the "receiving State" to deal with. Furthermore, the immediate effect of the ban was unnecessary, since closing down the channel's broadcasting operations after more than four years of broadcasting activity was not particularly urgent. The Court added that the detailed examination of the facts presented by the BMI should remain a matter for the main hearing.

Pressemitteilung des BVerwG zu den Beschlüssen vom 14. Mai 2009 (BVerwG 6 VR 3.08 und 6 VR 4.08)

http://www.bundesverwaltungsgericht.de/enid/86810c9a7097bdf05a49658dd6ac746b,d6794f7365617263685f646973706c6179436f6e7461696e6572092d093131373536093a095f7472636964092d09353737/Pressemitteilungen/Pressemitteilungen_9d.html

BVerwG press release concerning the decisions of 14 May 2009 (BVerwG 6 VR 3.08 and 6 VR 4.08)

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