

## Attachment

### Statutes of the Jemal Nebez Foundation

#### **PREAMBLE**

The Jemal Nebez Foundation builds on the life work of Jemal Nebez who left his home city in southern Kurdistan in 1960 and did not return until his burial on December 21, 2018 following his death in Berlin on December 8, 2018. As part of a special grave site at a cemetery in Berlin, the erection of a monument to his memory has been approved and is being constructed. The Jemal Nebez Foundation is founded to establish the works of Jemal Nebez as a source, the published as well as the as yet unpublished ones, to preserve them and make them known to the generations to come.

Jemal Nebez was born into a Kurdish family in 1933. His father chose him as the one of several siblings to be given a particularly thorough education. In his early childhood he was taught several oriental languages, and with the help of private teachers was introduced to the literature and culture of these languages. In addition to language studies, he followed a specially guided study of the Qur'an and its meanings. Within this framework, the adolescent Jemal was also able to develop his own interests. Although his father would have preferred Jemal to have chosen a medical profession, he relented to Jemal's insistence on a natural science course of studies. With a strong interest in astronomy, Jemal started to study physics and mathematics. Following the sudden death of the father, and after consulting his mother and siblings, Jemal left Baghdad University as a teacher of physics and mathematics in secondary schools. Jemal was full of energy as a young teacher, and was sent to different parts of Arabic Iraq. Here, he continuously and seriously engaged in writing. Although it was a tremendous hardship for them, his sisters helped him to publish his early works. By the time Jemal came to Europe as a working student (first to Switzerland in 1960 and then to Germany in 1961), he had already given himself a new name: Jemal Nebez (his name by birth was Jemaleddin Tofeq Mahmood). In Europe, he was no less eager to continue his studies. He was interested in Iranian Studies, then taught at many universities in Germany, and was able to finance these studies first as a working student, then in part as a lecturer. Later, he became a researcher at the Deutsche Forschungsgemeinschaft, and he became a German citizen. In his early years in Germany, he actively strove to revive the science tradition Kurdology (or 'Kurdish Studies'), with origins in 19th century Europe, and happened to even advance it: at first in the given academic framework and then as a freelancer. His works spread through Germany, Europe and elsewhere: altogether, he had more than 100 scientific publications in different languages and fields.

The Jemal Nebez Stiftung, as a foundation for and by Kurds, takes on the whole estate of Jemal Nebez, and part of the estate of his partner Hannelore KÜchler, ensuring the existence of the foundation and enabling it to work freely and independently, on a modest scale but always in the spirit of its namesake. He was a freedom loving, far-sighted and open-minded man, not to mention a profound thinker and a thorough researcher who insisted on the right of the Kurdish people to a united and free Kurdistan. The foundation that carries his name prioritizes such research, along with translation/editing projects which deal with his works, his biography, and his time. Finally, the Jemal Nebez Foundation assists in explorations of the situation of the Kurds at home and abroad, developing the Kurdish language, the history of the Kurds and their art & culture, including scientific and educational traditions.

The foundation is multilingual and internationally orientated. It is independent when it comes to choosing its topics and activities. Influence from political parties or other powers is out of the question. Just as Jemal Nebez could not stay silent in the face of discrimination, the foundation that carries his name will not forsake those who are in difficulty through no fault of their own, and instead energetically help them.

## **§ 1**

### **NAME, LEGAL FORM, SEAT**

The foundation is called the Jemal Nebez Stiftung.

It is an independent foundation under public law, with its seat in Berlin.

## **§ 2**

### **PURPOSE**

(1) The purpose of the foundation is the furtherance of science and research, adult education, vocational training, arts and culture.

(2) The aims of the foundation are to:

1. Develop a comprehensive multilingual inventory of the works of Jemal Nebez, as well as the compilation of his research library (consisting of reference books/dictionaries, monographs, periodicals and 'grey literature'), all of which will be accessible at a reference library in the premises owned by the foundation in Berlin-Wilmersdorf (Spichernstraße 15, 10777 Berlin), with two work areas and set business hours.

2. Create a description of the manuscripts in the literary estate of Jemal Nebez (diaries, correspondence, texts and typescripts), among them unpublished works (both his own and those sent to him for his information and evaluation). This inventory and the proper storage of said materials will ensure their accessibility for future research.
3. Cooperate with a museum in the name of Jemal Nebez that his sister is trying to set up in his home city of Sileymani, in the former family home. The aim of this museum is to showcase the life and work of this highly esteemed Kurdish personality, and to serve as a meeting point. The Jemal Nebez Foundation is prepared to lend or transfer part of its namesake's literary estate and/or other memorabilia to this museum, in exchange for cultural relations and other support the museum can offer.
4. Openly call for expressions of interest/applications into auxiliaries according to § 57, paragraph 1, sentence 2 of the fiscal code (AO – Abgabenordnung), for specific research work and other specific scientific services. For this, the foundation will seek competent performers and financially astute sponsors who are interested in certain works being realized, as formulated and called for by the foundation.
5. Organize the annual general meeting of the foundation, which is also a cultural event with live music and a multi-media cultural program, at the beginning of December (birthdate of the foundation's namesake: 01.12.1933.date of death: 08.12.2018). Apart from the executive board report from the past year and the program for the year to come, the annual general meeting also aims to showcase the year-round activities of the foundation's membership and sponsoring group.
6. Offer short-term apprenticeships to adolescents from the Kurdish community in Germany, and to others who are actively interested in working for the foundation on an honorary basis. When the foundation contracts temporary staff or services, pedagogical competence or an additional qualification in adult education will be an asset, as they are expected to supervise trainees and instruct them in whatever field they are specialized in, such as event-management, public relations, web design and website maintenance, or cataloguing and archiving.
7. Look for suitable sponsors to finance grants for especially competent or gifted people of Kurdish origin, and to faithfully administer and manage the study awards. The foundation will also further the grant holders in other ways, such as by providing them with special advice from mentors, or by organizing meetings either on the premises of the foundation or on the internet.

8. Organize and award the Jemal Nebez Science Award. The 'Nebez Award' is for people and projects worthy of distinction, at best every second year, and in one of the following fields: politics, law, history, linguistics, literature, music, mathematics, medicine, natural science. To this end, a committee will be established to make key contacts to relevant experts in Germany and abroad, with the aim of finding prize-worthy people and projects. They will then develop their proposals and present their choice, which must be appropriately justified.
  
- (3) All scientific results (from research or from other scientific work) are published in a timely manner, and all foundation events are accessible to the public.
  
- (4) The foundation is to take care of the memorial site of the namesake of the foundation, which is in a cemetery in Berlin as part of a special family grave site, and to maintain it in an appropriate manner. After the founder's death and the placing of her urn at said site, the foundation is also to care for the grave of the founder and maintain it. The foundation may use no more than 1/3 of its income on this.
  
- (5) There is no legal right to the foundation's fund allocation.
  
- (6) The foundation shall use its funds solely and directly for purposes of public benefit, in accordance with the section 'tax-deductible purposes' of the German general taxation regulation (AO – Allgemeine Abgabenordnung).
  
- (7) The foundation does not act to make a profit, and it does not primarily pursue its own financial goals.
  
- (8) The implementation of the foundation's purpose in the tax-privileged fields of action as listed in Section (2) does not necessarily take place at the same time, nor in the same measure. The foundation is free to choose which of its aims it implements, and with which measures.

### **§ 3**

#### **ASSETS, USE OF FUNDS**

- (1) The assets of the foundation at the time of its recognition are listed in the ACT OF FORMATION (Transaction Endowment) section.

- (2) The assets of the foundation at the time of its recognition are to be kept nominally undiminished. These assets will have all the allocations that are meant for them; the foundation may accept external donations (Zustiftungen). It may also accept allocations 'without purpose due to instruction by death' as well as 'free reserves' in accordance with § 62, paragraph 1, no 3 of the fiscal code (AO – Allgemeine Abgabenordnung), and it may add to the assets of the foundation 'surpluses and gains' in accordance with § 62, paragraph 4 of the fiscal code (AO).
- (3) If urgently required, the assets of the foundation themselves may be drawn on in one particular financial year, to a maximum of 5% of the assets' sum of the previous year, as long as the council takes a prior and unanimous vote with all parties involved, agreeing that the withdrawal of the sum is urgently needed, and its repayment will be ensured within the following year.
- (4) The gains of the foundation assets and all other donations (except external donations, Zustiftungen) shall be spent on implementing the foundation's purpose.
- (5) The formation of reserves is acceptable if this does not adversely affect the tax privileges of the foundation.
- (6) The foundations funds must only be used for the purposes laid down in the statutes. Nobody may benefit from expenditures alien to the purpose of the foundation, nor may anyone benefit from unreasonably high remuneration.

## **§ 4**

### **ORGANS OF THE FOUNDATION**

- (1) The organs of the foundation are:
  1. The executive board,
  2. The council.
- (2) Nobody can be a member of both bodies of the foundation.

## § 5

### **EXECUTIVE BOARD, CHAIRPERSON**

- (1) The executive board consists of at least 2 members. According to the criteria of paragraph (2), members of the executive board are appointed for a 5-year term; the founder is appointed as the director of the foundation for life. The first executive board was appointed as put down in the formation of the foundation. These members of the first executive board exercise their offices in an honorary capacity, and unpaid. They are, however, entitled to compensation for essential expenses. More recent board members shall receive a remuneration for their activities, as far as the resources of the foundation permit. These resources will amount to 0,4 % of the annual gross assets of the foundation, for all members of the board together.
- (2) The founder must replace any members of the board who resign without delay. After the founder's death, it will be the duty of the council to promptly replace any member of the executive board who have resigned who resigns, with the remaining member, as the number of members on the executive board should not drop below 2. To this end, the chairperson of the executive board must without delay call for a joint (council/executive board) meeting. This meeting shall have a quorum if the remaining executive board and at least half of the council members are present. The election of the new executive board member needs a simple majority of those participating in the meeting.
- (3) Upon expiry of their term of office, members shall fulfill their duties until their successor takes over; this is to avoid the number of members dropping below the minimum specified. If executive board members resign prematurely, and the number of the board members drops below the minimum, the remaining board member will form the board alone until the number of the board members is duly augmented.
- (4) Among its members, the board shall elect a chairperson and a deputy chairperson.

## § 6

### **DECISION-MAKING WITHIN EXECUTIVE BOARD**

- (1) The executive board adopts its resolutions in meetings or by written vote. The chairperson or the deputy chairperson invites all members of the board in writing, by stating the precise agenda or requesting them to vote in writing. The executive board forms a quorum when at least half of its members are present in the meeting.

A written vote requires the participation of at least half of the members of the executive board.

- (2) Resolutions are passed with a simple majority of those present or of those who have participated in a written vote, unless otherwise provided for in the statutes. In the case of a parity of votes, the vote of the chairperson decides.
- (3) Minutes of the meetings must be drawn up. These minutes shall be signed by the session chairperson, who is appointed at the beginning of the respective meetings. Resolutions shall be set down verbatim.

## **§ 7**

### **TASKS OF THE EXECUTIVE BOARD, STAND-IN**

- (1) The executive board represents outside parties of the foundation, both in court and out. The executive board holds the position of a legal agent. The chairperson and the deputy chairperson are authorized to act as sole representatives of the foundation. Other members of the board have no sole right of representation. They are only entitled to represent the foundation together with another executive board member. The chairperson and the deputy chairperson are exempted from the restrictions laid down in Section 181 BGB (German civil code).
- (2) The executive board manages the foundation on its own responsibility. In so doing, it shall fulfill the will of the founder as effectively and thoroughly as possible. The members of the executive board are obliged to observe the rules for an orderly and frugal management of the assets of the foundation and its other means. The tasks of the executive board are:
  1. The planning of the foundation's budget.
  2. To prepare for a resolution on the use of the gains of the foundation's assets and the donations it can use (other than *Zustiftungen*, i.e. external donations)
  3. Preparation of a report on the proper fulfillment of the foundation's undertakings and a statement concerning the annual accounts, including a full summary of all receipts, all expenditures and all its assets (§ 11 paragraph 2).

- (3) The executive board can establish its own rules of procedure. They require the consent of the council.

## **§ 8**

### **THE COUNCIL, CHAIRPERSON**

- (1) The council consists of 3 to 5 people. They hold office on an honorary basis, and do not receive any payment. They are, however, entitled to the compensation of essential expenses.
- (2) The members of the first council are appointed, and all further members will be appointed by the council. Members who have resigned must be replaced without delay, to prevent the number of members from falling below the minimum specified. Should this occur, the remaining members will form the council alone. Re-appointment is possible.
- (3) The council shall elect a chairperson from its members, and a deputy chairman.

## **§ 9**

### **DECISION-MAKING WITHIN THE COUNCIL**

- (1) The council adopts its resolutions in meetings or by written vote. The chairperson or the deputy chairperson shall invite all members of the board in writing by stating the precise agenda or requesting them to vote in writing. The council forms a quorum when at least half of its members are present at the meeting. A written vote requires the participation of at least half of the members of the council.
- (2) Resolutions are passed with a simple majority of those present or those participating in a written vote, unless otherwise provided for in the statutes. In the case of a parity of votes, the vote of the chairperson is decisive.
- (3) Minutes of the meetings must be drawn up. These minutes shall be signed by the session chairperson, who is appointed at the beginning of the respective meetings. Resolutions shall be set down verbatim.

## **§ 10**

### **TASKS OF THE COUNCIL**

- (1) The council advises, supports, and supervises the executive board in its undertakings. Its task is the passing of resolutions, especially concerning:
  - (a) Recommendations for the management of the assets of the foundation and the use of the means of the foundation;
  - (b) The mobilization of the assets of the foundation, according to § 3 paragraph 3;
  - (c) The annual report of the foundation, according to §11 paragraph 3;
  - (d) The discharge of the executive board;
  - (e) Appointment and dismissal of the members of the executive board;
  - (f) Appointment and dismissal of the members of the council, and
  - (g) Approval of the executive board's rules of internal procedure.
  
- (2) The council decides on amendments to the statutes, the abolishment of the foundation and its merging with another foundation, according to § 12.
  
- (3) The council can establish its own rules of procedure.

## **§ 11**

### **MANAGEMENT, FISCAL YEAR**

- (1) The foundation's fiscal year is the calendar year.
  
- (2) The executive board must record all the income and expenditure of the foundation, and collect all supporting documents. At the end of every year, a list of income, expenditure and the assets of the foundation must be drawn up, as well as a report on compliance with the purpose of the foundation.
  
- (3) The council assesses the documents and decides on them as an annual report, in accordance with paragraph 2, sentence 2

- (4) The executive board can appoint a chief executive who does not necessarily have to be a member of the board and who may receive remuneration, as far as available resources permit.

## **§ 12**

### **AMENDMENTS TO THE STATUTES, MERCING WITH ANOTHER FOUNDATION, REMAINING ASSETS (AFTER DISSOLUTION)**

- (1) Resolutions that amend the statutes are passed with simple majority of the members who are present or who participate in the written vote, save as otherwise provided for in paragraph 2.
- (2) Resolutions on amendments to the statutes concerning the purpose of the foundation, the dissolution of the foundation or its merging with another foundation can only be passed in a meeting, and with the presence of all the members of the council. Such resolutions are only permissible when the circumstances are such that the fulfillment of the purpose of the foundation no longer appears meaningful.
- (3) Upon liquidation of the foundation or obsolescence of the tax-privileged purpose, the assets of the foundation shall be transferred to another legal person governed by public law on condition that they will be used exclusively and directly for the purpose of furthering science, research, adult education, occupational training, the arts or culture

## **§ 13**

### **STATE SUPERVISION**

- (1) The foundation is subject to state control, in accordance with the regulations of the Berlin Law on Foundations.
- (2) The members of the representative bodies are, in accordance with § 8 of StiftG Bln (Berlin Law of Foundations), obliged to

1. Promptly give notification of the respective composition of the organs of the foundation, including the distribution of offices among the members, document this (record votes, certificates of appointment, declarations of acceptance or rescission notices, along with any other documents) and give notification of the foundation's address and the residing addresses of the members of the representative bodies.
  
2. Submit the approved annual report. This is done within four months of the end of the fiscal year; the council's resolution must be included.
  
- (3) Resolutions on the amendment of the statutes, the dissolution of the foundation or its merging with another foundation must be approved by the supervisory authority. The approval shall be applied for in accordance with § 7 paragraph 1 of the supervisory authority, by the members of the executive board entitled to do this.

[End]