

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Date: 23/02/2018

**DH-DD(2018)189**

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1310<sup>th</sup> meeting (March 2018) (DH)

Communication from the applicant (21/02/2018) in the case of XENIDES-ARESTIS v. Turkey (Application No. 46347/99).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1310<sup>e</sup> réunion (mars 2018) (DH)

Communication du requérant (21/02/2018) dans l'affaire XENIDES-ARESTIS c. Turquie (Requête n° 46347/99) **[anglais uniquement]**

Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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DGI

21 FEV. 2018

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

HR/ALL/83/EC

21 February 2018

Messrs  
Secretariat of the Committee of Ministers  
European Court of Human Rights  
Council of Europe  
F-67075 Strasbourg, cedex  
France

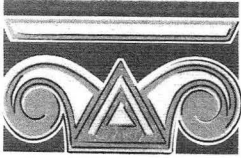
VIA EMAIL & MAIL

Dear Sirs

- Re:**
- 1) Application no. 15973/90 – Lordos and Others v Turkey, Judgment (Just Satisfaction) dated 2 November 2010**
  - 2) Application no. 16259/90 – Diogenous and Tseriotis v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 3) Application no. 16219/90 – Demades v Turkey, Judgment (Just Satisfaction) dated 22 April 2008**
  - 4) Application no. 18403/91 – Evagorou Christou v Turkey, Judgment (Just Satisfaction) dated 22 June 2010**
  - 5) Application no. 16160/90 - Saveriades v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 6) Application no. 19900/92 – Epiphaniou and Others v Turkey (ONLY on behalf of Applicant no. 5), Judgment (Just Satisfaction) dated 26 October 2010**
  - 7) Application no. 29092/95 – Ramon v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 8) Application no. 37395/97 – Hadjiprocopiou and Others v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 9) Application no. 43685/98 – Iordanis Iordanou v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 10) Application no. 47884/99 – Skyropiia Yialias Ltd v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 11) Application no. 46159/99 – Rock Ruby Hotels Ltd v Turkey, Judgment (Just Satisfaction) dated 26 October 2010**
  - 12) Application no. 46347/99 – Xenides-Arestis v Turkey, Judgment became final on 23 May 2007**

Thank you for bringing to the attention of the Members of the Committee of Ministers my letters dated 5 and 7 September as well as those of 14 and 28 November 2017 in relation to the abovementioned matter.

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With respect to the issue of the payment of the just satisfaction and the taking of individual measures it is clear that the Respondent Government is continuing to act in total disregard to the Applicants' rights, which it has been violating since 1974.

Furthermore, in total disregard to Turkey's unconditional obligation to pay the just satisfaction awarded by the Court, it takes no account of the various interim resolutions adopted by the Committee of Ministers.

Actually with respect to the taking of individual measures it is important to bring to your attention the Judgment of the Court of 12 December 2017 in *Joannou v Turkey*, Application no. 53240/14. The case relates to the property of the Applicant in the area under the Respondent Government's effective control, through its subordinate local administration.

The Applicant had applied to the Respondent's Immovable Property Commission (IPC) in 2008 but because of its ineffectiveness she applied to the Court in 2014 which, inter alia, found that:

- "1. ....
2. *Declares*, unanimously, the applicant's complaint that the proceedings by which she sought compensation for her property located in the "TRNC" had been protracted and ineffective, under Article 1 of Protocol No. 1, admissible;
3. *Holds*, unanimously, that there has been a violation of Article 1 of Protocol No. 1;
- ..."

The Court also awarded Mrs Joannou, part of her claim for just satisfaction.

The above (even though not yet final) support the Applicants' points in their letters explaining the ineffectiveness of the IPC as well as the need for the Committee of Ministers to take appropriate steps to secure the payment of the just satisfaction awarded and individual measures of restoration to the Applicants' possessions and homes.

This persistent and unacceptable behavior inflicts additional pain to the Applicants and further determines the institutional role and effectiveness of the Committee of Ministers.

These cases were filed more than 28 years ago, final judgments were secured more than 11 years ago and relate to continuing violations for the last 44 years.

As already explained, this "a la carte" approach to Human Rights, by the Respondent must not be allowed to continue.



To this effect, the Applicants respectfully invite the Committee of Ministers to declare that:  
"Turkey has seriously violated Article 3 of the Statute of the Council of Europe".

I also take this opportunity to repeat the without prejudice offer by some of the Applicants or their heirs, for a friendly settlement to which, to date, no reply from the Respondent has been received and for which I am authorized to negotiate at my forthcoming visit to Strasbourg.

I would be grateful if this matter was brought to the attention of the Members of the Committee of Ministers, prior to their forthcoming meeting 13 – 14 March 2018 pursuant to Rule 9 of its Rules for the Supervision of the Execution of Judgments.

I remain at your disposal should you require any clarifications.

Thanking you in advance for your cooperation.

Yours sincerely

Achilleas Demetriades

Enc

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Directorate of Monitoring  
Department for the Execution of ECHR Judgments  
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