

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Clare Ovey
Tel: 03 88 41 36 45

Date: 07/03/2018

DH-DD(2018)241

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: 1310th meeting (March 2018) (DH)

Communication from the applicant (06/03/2018) in the case of LOIZIDOU (Xenides Arestis group) v. Turkey (Application No. 15318/89).

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.

* * * * *

Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1310^e réunion (mars 2018) (DH)

Communication du requérant (06/03/2018) dans l'affaire LOIZIDOU (groupe Xenides Arestis) c. Turquie (Requête n° 15318/89) **[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.



LELLOS P. DEMETRIADES LAW OFFICE LLC

DGI

06 MARS 2018

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

THE CHANTECLAIR HOUSE
2 SOPHOULIS STREET, 9TH FLOOR
NICOSIA 1096, CYPRUS
P.O. BOX 21646, CY1511 NICOSIA
TEL: +357 22676060
FAX: +357 22676061
EMAIL: info@ldlaw.com.cy
WEB: www.ldlaw.com.cy

R1418/781/EC

6 March 2018

Messrs
Secretariat of the Committee of Ministers
Council of Europe
F-67075 Strasbourg, cedex
France

VIA EMAIL & MAIL

Dear Sirs

**Re: Application no. 15318/89 – Loizidou v Turkey,
Judgment of 18/12/1996 (Merits) and
Judgment of 28/07/1998 (Just Satisfaction)**

Thank you for bringing to the attention of the Committee of Ministers my letter dated 22 February 2018 in relation to the abovementioned matter.

The Applicant hereby repeats the content of same along with that of 28 November 2017 and respectfully requests the Committee of Ministers to follow the Court's abovementioned judgments.

For purposes of clarity it should be noted that:

- (i) The abovementioned Application (filed 29 years ago) relates to continuing violations of the Respondent Government over the last 44 years.
- (ii) The Judgment on Merits (issued 22 years ago) and the individual measures claimed by the Applicant are yet to be adopted.
- (iii) The Judgment on Just Satisfaction (issued 20 years ago) was eventually executed by the Respondent Government, 5 years later, namely, in 2003.
- (iv) That part of the Application relating to continuing violation for the period 28 January 1987 – 22 January 1990, has been pending before the Committee of Ministers under former Article 32 since 1998, namely, for 20 years.
- (v) The Committee will now commence examination of the former Article 32, part of the Application.

Page 1



The Applicant respectfully suggests that the Committee of Ministers should, now, focus on the examination of the Application, (under former Article 32) and resume consideration of the execution of the Judgment on Merits of 18 December 1996, as soon as the former Article 32 Procedure has been dealt with.

The examination under former Article 32 should not take long. The Respondent (by virtue of the payment of the Just Satisfaction in 2003) is now estopped from denying the validity and effect of the judgments of the Court. Thus, a pro rata award on just satisfaction is expected to be made soon.

Nevertheless, given the track record of the Respondent Government in paying or better in not paying, the just satisfaction awarded in, inter alia, this Application and the Xenides-Arestis Group of Judgments, it is doubtful that it will, timely or at all, comply with any such Decision of the Committee of Ministers.

The Respondent Government should not be rewarded now for its total disregard to its unconditional obligation to pay the just satisfaction awarded by the Court.

It is respectfully repeated that the consideration of the individual measures should be adjourned until the Decision under former Article 32 has been complied with. This will actually serve as an incentive for the Respondent Government to abide by the Judgments of the Court.

This is made even more topical because of the Joannou v Turkey, Application no. 53240/14, Judgment of 12 December 2017, whose period for referral has not yet lapsed.

If no referral is made then it is clear that Turkey accepts the ineffectiveness of the Immovable Property Commission (IPC) and individual measures must be adopted. If on the other hand, a referral is made by the Parties then, inter alia, the issue of the IPC's effectiveness will still remain open.

It would be unwise, if not unfair to the Applicant, for the Committee of Ministers to decide on her individual measures, before the Court has conclusively decided on the ineffectiveness of the IPC. Please do not forget that a number of similar applications are already pending before the Court.

I remain at your disposal should you require any clarifications on the abovementioned.

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 – 15 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

cc: DG Human Rights & Legal Affairs
Directorate of Monitoring
Department for the Execution of ECHR Judgments
Council of Europe
F-67075 Strasbourg
Cedex
France