

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Date: 24/11/2015

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Meeting: 1243 meeting (8-10 December 2015) (DH)

Item reference: Communication from the applicants' representative (just satisfaction) (23/11/2015) in the Xenides-Arestis group of cases against 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 : 1243 réunion (8-10 décembre 2015) (DH)

Référence du point : Communication du représentant des requérants (satisfaction équitable) dans le groupe d'affaires Xenides-Arestis contre 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.



Chrysostomides

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DG 1

23 NOV. 2015

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Our Ref.: KC/VP/Execution of ECHR Judgments

His Excellency Mr. Daniel Mitov
Chairperson of the Committee of Ministers
Council of Europe
Palais de l'Europe, Avenue de l'Europe
F-67075 Strasbourg
France

By Fax (+33 388 412 781) and Courier

23rd November, 2015

Your Excellency,

Re: Execution of Judgments issued by the European Court of Human Rights in the context of the Applications:

- (i) No. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90 - Varnava and Others v. Turkey
- (ii) No. 18360/91 - Sophia Andreou vs. Turkey
- (iii) No. 18361/91 - Michalis Michael vs. Turkey
- (iv) No. 18364/91 - Andreas Ioannou vs. Turkey
- (v) No. 35214/97 - Hapeshis and Hapeshi - Michaelidou vs. Turkey
- (vi) No. 38179/97 - Hapeshis and Others vs. Turkey
- (vii) No. 39970/98 - Hadjithomas and Others vs. Turkey

We are acting in the name and on behalf of the Applicants in the abovementioned Applications, which were brought thereby before the European Court of Human

VAT No 10259720R

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A LexMundi Member

FROM: Dr. K. Chrysostomides & Co. LLC
TO: His Excellency Mr. Daniel Mitov

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Rights, and in light of the upcoming 1243rd Human Rights Meeting of the Ministers' Deputies between 8th – 10th December 2015, we kindly request that you bring to the attention of the Members of the Committee the fact that, despite our repeated calls upon Turkey to effect payment of the amounts awarded by the European Court of Human Rights to our clients as just satisfaction, **to date Turkey has systematically denied to repay the total amounts, plus default interest, due and owing to them.**

In particular, the following amounts have been duly awarded to our clients by the European Court of Human Rights and have yet to be settled by Turkey:

(i) **Applications No. 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90 - Varnava and Others v. Turkey:**

The amount of 12.000,00 Euro per Application in respect of non-pecuniary damage, and 8.000,00 Euro per Application in respect of costs and expenses, plus interest from the expiration of the three-month period from the date of the final Judgment, i.e. 18.09.2009, until full and final settlement thereof;

(ii) **Application No. 18360/91 - Sophia Andreou vs. Turkey:** The amount of 80.000,00 Euro in respect of pecuniary and non-pecuniary damage, and 7.238,00 Euro in respect of costs and expenses, plus interest from the expiration of the three-month period from the date on which the judgment became final, i.e. 22.11.2010, until full and final settlement thereof;

(iii) **Application No. 18361/91 - Michalis Michael vs. Turkey:** The amount of 68.000,00 Euro in respect of pecuniary and non-pecuniary damage, and 8.000,00 Euro in respect of costs and expenses, plus interest from the expiration of the three-month period from the date on which the judgment became final, i.e. 22.11.2010, until full and final settlement thereof;

FROM: Dr. K. Chrysostomides & Co. LLC
TO: His Excellency Mr. Daniel Mitov

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(iv) **Application No. 18364/91 - Andreas Ioannou vs. Turkey:** The amount of 250.000,00 Euro in respect of pecuniary and non-pecuniary damage, and 7.688,50 Euro in respect of costs and expenses, plus interest from the expiration of the three-month period from the date on which the judgment became final, i.e. 22.11.2010, until full and final settlement thereof;

(v) **Application No. 35214/97 - Hapeshis and Hapeshi-Michaelidou vs. Turkey:** The amount of 130.000,00 Euro in respect of pecuniary and non-pecuniary damage, and 8.000,00 Euro in respect of costs and expenses, plus interest from the expiration of the three-month period from the date on which the judgment became final, i.e. 11.04.2011, until full and final settlement thereof;

(vi) **Application No. 38179/97 - Hapeshis and Others vs. Turkey:** The amount of 900.000,00 Euro in respect of pecuniary and non-pecuniary damage, and 8.000,00 Euro in respect of costs and expenses, plus interest from the expiration of the three-month period from the date on which the judgment became final, i.e. 11.04.2011, until full and final settlement thereof;

(vii) **Application No. 39970/98 - Hadjithomas and Others vs. Turkey:** The amount of 1.000.000,00 Euro in respect of pecuniary and non-pecuniary damage, and 7.375,00 Euro in respect of costs and expenses, plus interest from the expiration of the three-month period from the date on which the judgment became final, i.e. 11.04.2011, until full and final settlement thereof.

We kindly request and urge you, therefore, to bring to the attention of the Members of the Committee the present matter and to **invite them to exercise their powers** pursuant to Article 46 of the European Convention of Human Rights, **including the adoption of any further interim resolutions, and the taking of any other measures against Turkey for the purposes of ensuring the due execution of the**

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aforementioned Judgments and the payment of the just satisfaction awarded to the Applicants without any further delay.

In view of the latest decision of the European Court of Human Rights of 12th May 2014 on the 4th Interstate Application No. 27581/94 (Cyprus v. Turkey) on Just Satisfaction, we believe that it is the absolute responsibility of the Committee of Ministers to see to it that the judgments of the Court be enforced.

It is unfortunate that so far the Committee tolerates the contempt of a Member State that fails to respect human rights. It is a contempt against the very conscience of Europe and an insult to its Institutions. We are deeply disappointed to witness these repeated phenomena of condoning illegality on the part of an organ of the Council of Europe.

We thank you in advance for your most precious assistance on this matter and remain at your disposal for any clarifications you may require.

Yours sincerely,



Dr. Kypros Chrysostomides
Managing Partner

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