

**SECRETARIAT GENERAL
SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITE DES MINISTRES**



Contact: Simon Palmer
Tel: 03.88.41.26.12

Date: 16/12/2011

DH - DD(2011)1155 *

Item reference: 1136th DH meeting (March 2012)

Communication from the applicant's representative in the case of Hadjithomas against Turkey (*Application No. 39970/98*).

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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Référence du point : 1136e réunion DH (mars 2012)

Communication de l'avocat du requérant dans l'affaire Hadjithomas contre Turquie (*Requête n° 39970/98*) (**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.

* In the application of Article 21.b of the rules of procedure of the Committee of Ministers, it is understood that distribution of documents 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 (CM/Del/Dec(2001)772/1.4). / Dans le cadre de l'application de l'article 21.b du Règlement intérieur du Comité des Ministres, il est entendu que la distribution de documents à la demande d'un représentant se fait sous la seule responsabilité dudit représentant, sans préjuger de la position juridique ou politique du Comité des Ministres CM/Del/Dec(2001)772/1.4).



Our Reference: KC/VP/Application No. 39970/98

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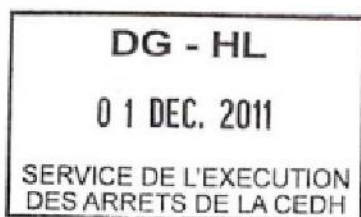
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1st December, 2011

Dear Sirs,

**Re: Application No. 39970/98 before the European Court of Human Rights-
Hadjithomas and Others vs. Turkey**

We are acting in the name and on behalf of Messrs. Thomas G. Hadjithomas, Ioulia Y. Hadjithoma, Paraskevi Hadjithoma-Hapeshi, Nicos T. Hadjithomas, Xanthi Antoniou - Hadjithoma, Thomas Hadjithomas, Christoforos Hadjithomas, Andreas Hadjithomas and Savvas Hadjithomas (hereinafter jointly referred to as "the Applicants"), of the Republic of Cyprus, and in relation to the above subject matter, we wish to kindly inform you of the following:

In its Judgment dated 26.10.2010, which became final on 11.04.2011 pursuant to the provisions of Article 44§2 of the European Convention of Human Rights, the European Court of Human Rights found that there was a continuing violation by

FROM: Dr. K. Chrysostomides & Co. LLC

DATE: 01.12.2011

**TO: Council of Europe
Directorate General of Human Rights & Legal Affairs
Department for the Execution of ECHR Judgments**

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Turkey of the Applicants' rights guaranteed by Article 1 of Protocol No. 1 by reason of the complete denial of their rights to the peaceful enjoyment of their properties in northern Cyprus, as well as, of the continuous denied access to their land and real estate since 1974, as a result of which the Applicants had effectively lost all access and control over, and use and enjoyment of, their properties in northern Cyprus.

In addition, the Court held that Turkey was responsible for a continuing violation of Article 8 of the Convention by reason of the denial of the right of the First, Second, Third and Fourth Applicants to respect for their home, and awarded the Applicants the amounts 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.

Despite the Applicants' repeated calls upon Turkey to effect payment of the aforementioned amounts, however, Turkey has systematically denied to settle the aforementioned total amount of Euro 1.007.375,00, plus default interest, and as such, the said amount is still due and owing to the Applicants.

We strongly urge you, therefore, to exercise any and all available options and exert any necessary pressure on Turkey for the purposes of ensuring the due execution of the Judgment in question and the repayment of the just satisfaction awarded to the Applicants, as well as, the default interest due without any further delay.



FROM: Dr. K. Chrysostomides & Co. LLC

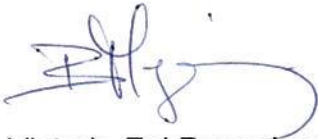
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We thank you in advance for your cooperation and remain at your disposal for any clarifications and/or assistance you may require.

Yours faithfully,



Victoria-Zoi Papagiannis
Advocate

Dr. K. Chrysostomides & Co. LLC

cc: Mrs. Stella Ioannides
District Attorney
Attorney-General's Office
Nicosia
Cyprus