

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



Contact: Anna Austin
Tel: 03 88 41 22 29

Date: 21/05/2014

DH-DD(2014)684

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: 1201 meeting (3-5 June 2014) (DH)

Item reference: Communication from the applicants' representatives (19/05/2014) in the cases of Varnava and others and Xenides-Arestis group against Turkey (Applications No. 16064/90 and 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.

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 : 1201 réunion (3-5 juin 2014) (DH)

Référence du point : Communication des représentants des requérants (19/05/2014) dans les affaires Varnava et autres et le groupe Xenides-Arestis contre Turquie (Requêtes n° 16064/90 et 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.

19. May. 2014 16:25

DR K. CHRYSOSTOMIDES & CO LLC

No. 3043 P. 1/5



DR. K. CHRYSOSTOMIDES & CO LLC
ADVOCATES AND LEGAL CONSULTANTS

DGI

19 MAI 2014

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

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

Mr. Abel de Campos
Secretariat 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

19th May, 2014

Dear Mr. Campos,

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 Rights, and in light of the upcoming 1201st Human Rights Meeting of the Ministers'

ADVOCATES - CONSULTANTS:

DR. KYPROS CHRYSOSTOMIDES • ELENÍ CHRYSOSTOMIDES • CHRYSO FITSILLI-DEKATRIS • ALEXANDROS TALIADOROS
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STELIOS HADJILAMBRIS • VICTORIA-ZOI PAPAGIANNIS • MARILENA MILTIADOU • KONSTANTINOS MICHAEL
PAVLOS AGAPITOS • CHRISTIA MALAKTOU • CHRISTOS PARASKEVAS • ELENÍ DROUSIOTI • IOANNA SAPIDOU
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VAT No 10259720R

19/05/2014 15:49 1/5

A LexMundi Member

19. May. 2014 16:26

DR K. CHRYSOSTOMIDES & CO LLC

No. 3043 P. 2/5

FROM: Dr. K. Chrysostomides & Co. LLC	DATE: 19.05.2014
TO: Mr. Abel de Campos Secretariat of the Committee of Ministers	PAGE No.: - 2 -

Deputies between 3rd - 5th June 2014, 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;

19. May. 2014 16:26

DR K. CHRYSOSTOMIDES & CO LLC

No. 3043 P. 3/5

FROM: Dr. K. Chrysostomides & Co. LLC	DATE: 19.05.2014
TO: Mr. Abel de Campos Secretariat of the Committee of Ministers	PAGE No.: - 3 -

(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 - Hadiithomas 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 Ministers' Deputies the present matter and **invite them to exercise their powers** pursuant to Article 46 of the European Convention of Human Rights, **including the adoption**

19. May. 2014 16:26

DR K. CHRYSOSTOMIDES & CO LLC

No. 3043 P. 4/5

FROM: Dr. K. Chrysostomides & Co. LLC	DATE: 19.05.2014
TO: Mr. Abel de Campos Secretariat of the Committee of Ministers	PAGE No.: - 4 -


of any interim resolutions, and taking of any other measures against Turkey for the purposes of ensuring the due execution of the 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

cc.: (1) **His Excellency Mr. Elmar Maharram oglu Mammadyarov**
Chairperson of the Committee of Ministers
Council of Europe
Fax No. +33 388 412 781

DH-DD(2014)684 : Rule 9.1 - Applicants' representatives in Varnava & Xenides-Arestis v. Turkey.
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19. May. 2014 16:27

DR K. CHRYSOSTOMIDES & CO LLC

No. 3043 P. 5/5

(2) Directorate General of Human Rights and Legal Affairs

Department for the Execution of ECHR Judgments

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