

SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRETARIAT DU COMITE DES MINISTRES



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Date: 15/05/2018

DH-DD(2018)482

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: 1318th meeting (June 2018) (DH)

Communication from the applicant (02/05/2018) in the case of LORDOS AND OTHERS v. Turkey (Application No. 15973/90).

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 : 1318^e réunion (juin 2018) (DH)

Communication du requérant (02/05/2018) dans l'affaire LORDOS ET AUTRES c. Turquie (Requête n° 15973/90) **[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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HR158/61/EC

30 April 2018

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



VIA EMAIL & MAIL

Dear Sirs

**Re: Application no. 15973/90 – Lordos and Others v Turkey,
Judgment of 02/11/2010 (Merits) and
Judgment of 10/01/2012 (Just Satisfaction)**

We are acting on behalf of the following Applicants in the abovementioned Application and have been instructed to bring the following to the Committee's attention:

- (1) Applicant no. 1
Mr Constantinos G Lordos was born in 1940 and has been awarded damages of €8.000.000 for continuing violations.
- (2) Applicant no. 2
Mr Kikis L Christofides was born in 1941 (passed away in 2016 at the age of 75) and has been awarded damages of €1.300.000 and his heirs continue the Application for continuing violations.
- (3) Applicant no. 3
Mr Zacharias Spyridonos was born in 1938 (passed away in 2017 at the age of 79) and has been awarded damages of €120.000 and his heirs continue the Application for continuing violations.
- (4) Applicant no. 5
Mrs Areti G Ionides was born in 1946 and has been awarded damages of €4.000.000 for continuing violations.
- (5) Applicant no. 6
Mr Michalis Evangelides was born in 1953 and has been awarded damages of €110.000 for continuing violations.
- (6) Applicant no. 9
Mr Panayiotis Serghis was born in 1929 (passed away in 2001 at the age of 72) and has been awarded damages of €1.200.000 for continuing violations and his heirs continue the Application.



- (7) Applicant no. 12
Mrs Eleni (alias Lenia) Antoniadou was born in 1948 (passed away in 2017 at the age of 69) and has been awarded damages of €100.000 for continuing violations and her heirs continue the Application.
- (8) Applicant no. 13
Mr Stelios Mandrides was born in 1948 and has been awarded damages of €6.000.000 for continuing violations.
- (9) As it is well known the Respondent Government has still to pay the abovementioned just satisfaction awarded despite the efforts of the Committee.
- (10) The Applicants had predicted this “a la carte” approach to Human Rights, as set out in paragraph 77 of the Judgment on Just Satisfaction.

“III. ARTICLE 46 OF THE CONVENTION

77. In their submissions of 30 September 2001 the applicants requested the Court to take notice of the Government’s failure to abide by the final judgments of the Court concerning the rights to respect for home and to the peaceful enjoyment of possessions in northern Cyprus and to fix yearly amounts to be paid in order to compensate this failure until full execution was given to the judgment. These following yearly amounts were sought...

78. The Court is of the opinion that it would be **premature to speculate, at this stage**¹, as to the execution that might be given to the present judgment when and if it becomes final. Therefore, it considers that it is not necessary to indicate any general or individual measures to be taken by the Government under Article 46 of the Convention.”

- (11) The Applicants now claim the said yearly amount, on a pro rata basis, for the period 2012 – 2018 in order to be compensated for the failure of the Respondent Government to abide by the Judgment on Just Satisfaction.
- (12) It is submitted that this is part of the individual measures that the Committee of Ministers, must consider.
- (13) Furthermore, if the Committee of Ministers does not wish to do so, it is respectfully suggested that the matter be referred to the Court under Article 46 of the Convention, so that the Court may decide on the matter and consequently consider the award of the yearly amount claimed.
- (14) Surely, after 6 years of delay, the matter is **no longer premature and there is nothing to speculate**, in view of the Respondent’s inaction. Thus, the Committee of Ministers following the *Mammadov v Azerbaijan* precedent of December 2017 should refer the matter to the Court.

¹ Our emphasis



- (15) Consequently, the Applicants, respectfully request that formal notice on the Respondent be served pursuant to Article 46 (4) of the Convention and that the matter is thereafter referred to the Court. This will allow the Court to decide on the point and proceed to award the yearly amount, already, claimed by the Applicants for the period 2012 – 2018.
- (16) The Applicants and the heirs of the late Applicants would be grateful if this matter is brought to the attention of the Members of the Committee of Ministers prior to their forthcoming meeting 5 – 7 June 2018 pursuant to Rule 9 of its Rules for the Supervision of the Execution of Judgments.

Thanking you in advance for your cooperation and remain at your disposal for any clarifications.

Yours sincerely

Achilleas Demetriades

Enc

cc: DG Human Rights & Legal Affairs
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