

SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE
OF MINISTERS
COMITÉ
DES MINISTRES



Contact: Zoë Bryanston-Cross
Tel: 03.90.21.59.62

Date: 04/07/2023

DH-DD(2023)797

Document distributed under the sole responsibility of its author, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1475th meeting (September 2023) (DH)

Communication from the applicant (29/06/2023) in the case of ORPHANIDES v. Turkey (Application No. 36705/97) (Xenides Arestis group, 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.

* * * * *

Document distribué sous la seule responsabilité de son auteur, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1475^e réunion (septembre 2023) (DH)

Communication du requérant (29/06/2023) relative à l'affaire ORPHANIDES c. Turquie (requête n° 36705/97) (groupe Xenides Arestis, 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.

PROFESSOR ANDREAS G. ORPHANIDES, Ph.D, D.H.C

Nicosia, Cyprus

Email: orph@cytanet.com.cy

29 June 2023 (By Fax & by email: DGI-execution@coe.int)

Messers

Secretariat of the Committee of Ministers

Conseil de l'Europe

F-67075 STRASBOURG CEDEX, FRANCE

DGI

29 JUN 2023

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Dear Sirs,

**Re: Application no. 36705/97, Orphanides v. Turkey (Xenides-Arestis Group)
Judgment of 06/07/2009 (Merits), and
Judgment of 22/11/2010 (Just Satisfaction)**

I would appreciate it if this letter would be brought to the attention of the Committee of Ministers prior to its 1475th meeting on 19-21 September 2023 (Rule 9).

I appreciate the Committee's repeated decisions and interim resolutions concerning the above ECtHR's judgments, such as the one at its 1443rd meeting, 20-22 September 2022, with which the Committee of Ministers *"insisted again firmly on the unconditional obligation of Turkey to pay without further delay the just satisfaction awarded by the European Court in 33 cases of the Xenides-Arestis group"*. I strongly protest that Turkey continues ignoring the above, it does not execute the above ECtHR's judgements, and does not comply with the related decisions and resolutions of the Committee of Ministers.

A. MY DEMAND FOR IMMEDIATE EXECUTION OF THE ABOVE JUDGMENTS

I respectfully request that the Committee of Ministers takes stronger and more effective action for immediate and unconditional execution of the above **Just Satisfaction Judgment** and of the above **Judgment on Merits**.

In execution of the above judgments, I demand from the Respondent Government (Turkey) the following:

1. Immediate execution of the **Judgment on Just Satisfaction** that was issued almost 13 years ago, i.e. **immediate payment of the Just satisfaction amount plus interest**. The Just Satisfaction is not for expropriation of my home and property, which remain mine.

2. Immediate execution of the **Judgment on Merits** that was issued almost 14 years ago, i.e., **immediate restoration of possession of my home and property and offer details on its materialization.**
3. **Payment of a sum of yearly amounts on a *pro rata* basis for the period 2009-2023** to compensate me for the violations found by ECtHR that continued after the Judgments.

B. INDIVIDUAL MEASURES

Concerning the individual measures, I would also like to respectfully submit that the European Convention on Human Rights rules that a Judgment of ECtHR is unconditionally executed by the Respondent Government under the supervision of the Committee of Ministers. Therefore, there is no requirement or obligation of the applicant to apply to obtain redress from the Respondent Government.

At this point I respectfully submit and I declare that I never received any “*ex officio* offer” from the IPC as the Turkish authorities reported to the Committee of Ministers (CM/Del/Dec(2022)1443/H46-31).

C. CONCLUSIONS

Concluding, I respectfully request that the Committee of Ministers takes every necessary action for immediate and unconditional execution of the above **Just Satisfaction Judgment** and of the above **Judgment on Merits**, so that Turkey:

1. **Pays immediately the Just satisfaction amount plus interest;**
2. **Restores immediately possession of my home and property and offers details on its materialization.**
3. **Pays a sum of yearly amounts on a *pro rata* basis for the period 2009-2023 to compensate me for the violations found by ECtHR that continued after the Judgments.**

Sincerely yours,



Professor Dr. Andreas G. Orphanides