

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Date: 06/03/2017

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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: 1280 meeting (7-9 March 2017) (DH)

Communication from the applicant's representative (06/03/2017) in the case of CHIRAGOV AND OTHERS v. Armenia (Application No. 13216/05)

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 : 1280 réunion (7-9 mars 2017) (DH)

Communication du représentant du requérant (06/03/2017) dans l'affaire CHIRAGOV ET AUTRES c. Arménie (Requête n° 13216/05) **[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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BY FAX AND EMAIL

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6 March 2017

Dear Sir/Madam

Re: CHIRAGOV AND OTHERS v ARMENIA (13216/05)

We write on behalf of the Applicants in the above matter. The Applicants welcome the role of the Committee of Ministers in supervising the judgment and wish to draw the Committee's attention to the following matters:

1. Judgment on the merits was handed down on 16 June 2015. As directed by the Grand Chamber, the parties have exchanged further submissions on just satisfaction. However, at the time of writing (March 2017) a judgment on just satisfaction is still awaited.

2. We remind the Committee of the Grand Chamber's comments on the need for a property claims mechanism:

*"198. Nor does the Court find that the ongoing negotiations within the OSCE Minsk Group on the issues relating to displaced persons provide a legal justification for the interference with the applicants' rights. These negotiations do not absolve the Government from taking other measures, especially when negotiations have been pending for such a long time (see, mutatis mutandis, Loizidou, cited above, § 64; Cyprus v. Turkey, cited above, § 188). In that connection the Court refers to Resolution 1708 (2010) on "Solving property issues of refugees and displaced persons" of the Parliamentary Assembly of the Council of Europe which, relying on relevant international standards, calls on member states to "guarantee timely and effective redress for the loss of access and rights to housing, land and property abandoned by refugees and IDPs without regard to pending*

*negotiations concerning the resolution of armed conflicts of the status of a particular territory" (see paragraph 100 above).*

*199. Guidance as to which measures the respondent Government could and should take in order to protect the applicant's property rights can be derived from relevant international standards, in particular from the UN Pinheiro Principles (see paragraph 98 above) and the above-mentioned Resolution of the Parliamentary Assembly of the Council of Europe. At the present stage, and pending a comprehensive peace agreement, it would appear particularly important to establish a property claims mechanism, which should be easily accessible and provide procedures operating with flexible evidentiary standards, allowing the applicants and others in their situation to have their property rights restored and to obtain compensation for the loss of their enjoyment." (emphasis added)*

3. The Applicants welcome any efforts which might have been made by Armenia together with Mr. Boillat DG of Human Rights and Legal Affairs in relation to how to set up a property claims mechanism. However, the Applicants are not privy to, nor aware of the content of any such discussions.
4. Fundamentally, and without prejudice to the Applicants' pending claims for just satisfaction, urgent steps should now be taken to establish a property claims mechanism, as contemplated by the Grand Chamber in its judgment.

Yours faithfully,



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