

**SECRETARIAT / SECRÉTARIAT**

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



Contact: John Darcy  
Tel: 03 88 41 31 56

**Date:** 21/02/2019

**DH-DD(2019)179**

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

Meeting: 1340<sup>th</sup> meeting (March 2019) (DH)

Communication from the applicant (21/02/2019) in the Xenides Arestis group of cases v. Turkey (Application No. 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 : 1340<sup>e</sup> réunion (mars 2019) (DH)

Communication du requérant (21/02/2019) relative au groupe d'affaires Xenides Arestis c. Turquie (requête n° 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.

---



LELLOS P. DEMETRIADES LAW OFFICE LLC

DGI

21 FEV. 2019

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

THE CHANTECLAIR HOUSE  
2 SOPHOULIS STREET, 9<sup>TH</sup> FLOOR  
NICOSIA 1096, CYPRUS  
P.O. BOX 21646, CY1511 NICOSIA  
TEL: +357 22676060  
FAX: +357 22676061  
EMAIL: info@ldlaw.com.cy  
WEB: www.ldlaw.com.cy

HR/ALL/89/EC

21 February 2019

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

VIA EMAIL ONLY

Dear Sirs

- Re:
- 1) Application no. 15973/90 – Lordos and Others v Turkey, Judgment (Just Satisfaction) dated 10 January 2012
  - 2) Application no. 16259/90 – Diogenous and Tseriotis v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 3) Application no. 16219/90 – Demades v Turkey, Judgment (Just Satisfaction) dated 22 April 2008
  - 4) Application no. 18403/91 – Evagorou Christou v Turkey, Judgment (Just Satisfaction) dated 22 June 2010
  - 5) Application no. 16160/90 - Saveriades v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 6) Application no. 19900/92 – Epiphaniou and Others v Turkey (ONLY on behalf of Applicant no. 5), Judgment (Just Satisfaction) dated 26 October 2010
  - 7) Application no. 29092/95 – Ramon v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 8) Application no. 37395/97 – Hadjiprocopiou and Others v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 9) Application no. 43685/98 – Iordanis Iordanou v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 10) Application no. 47884/99 – Skyropiia Yialias Ltd v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 11) Application no. 46159/99 – Rock Ruby Hotels Ltd v Turkey, Judgment (Just Satisfaction) dated 26 October 2010
  - 12) Application no. 46347/99 – Xenides-Arestis v Turkey, Judgment (Just Satisfaction) became final on 23 May 2007

The Applicants note with thanks the Committee's Decision of 6 December 2018 to:

“...2. Insisted again firmly on the unconditional obligation of Turkey to pay the Just Satisfaction awarded by the European Court in 33 cases of the Xenides-Arestis group without further delay...”



Nevertheless, it is clear that the Respondent has continued to disregard the Committee's Decisions and the three interim Resolutions in 2008, 2010 and 2014.

It should be recalled that the Just Satisfaction awarded was for loss of use of the Applicants' properties for the various dates between 1990 and 2012.

It must thus be stressed that the Just Satisfaction was NOT for expropriation of the Applicants' properties which remain theirs and are entitled to peacefully enjoy.

No payment of just satisfaction for loss of use can change the ownership status of the properties in issue. Simply put payment of rent does not change the ownership of the property.

Under these circumstances, it is respectfully requested that the Committee should adopt a fourth interim Resolution in the hope that the Respondent will finally take note of same and fulfil its unconditional obligations.

I would be grateful if this matter was brought to the attention of the Members of the Committee of Ministers, prior to their forthcoming meeting 12 – 14 March 2019 pursuant to Rule 9 of its Rules for the Supervision of the Execution of Judgments.

I remain at your disposal should you require any clarifications.

Thanking you in advance for your cooperation.

Yours sincerely

Achilleas Demetriades

cc: DGI - Directorate General of Human Rights and Rule of Law  
Department for the Execution of Judgments of the ECHR  
Council of Europe  
F-67075 Strasbourg, Cedex  
France