

FOURTH SECTION

CASE OF LORDOS AND OTHERS v. TURKEY

(Application no. **15973/90**)

JUDGMENT (Just satisfaction)

STRASBOURG

10 January 2012

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Lordos and Others v. Turkey,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Nicolas Bratza, *President*,
Lech Garlicki,
David Thór Björgvinsson,
Ján Šikuta,
Mihai Poalelungi,
Işıl Karakaş,
Ledi Bianku, *judges*,
and Fatoş Aracı, *Deputy Section Registrar*,

Having deliberated in private on 6 December 2011,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. **15973/90**) against the Republic of Turkey lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by thirteen Cypriot nationals, Mr Constantinos G. Lordos, Mr Kikis L. Christofides, Mr Zacharias Spiridonos, Mr Stavros Ioannou, Mr Areti G. Ionides, Mr Michalis Evangelides, Mr Loizos D. Loizides, Mr Christos Hadjimanolis, Mr Panayiotis Sergis, Mr Georgios Misirlis, Mr Georgios Rouvas, Mrs Eleni (alias Lenia) Antoniadou and Mr Stelios Mandrides (“the applicants”), on 20 December 1989.

2. In a judgment delivered on 2 November 2010 (“the principal judgment”), the Court held that the wife (Mrs Eleni Sergi) and children (Sophia, Marianna and Dimitris Sergi) of applicant no. 9 (Mr Panayiotis Sergis) had standing to continue the proceedings in his stead, decided to strike the application out of the list of cases in so far as it concerned applicants nos. 7 (Mr Loizos Loizides) and 11 (Mr Georgios Rouvas) and to continue the examination of the application with regard to the other applicants. It dismissed the Government’s preliminary objections of non-exhaustion of domestic remedies and lack of victim status. The Court upheld the Government’s preliminary objection that the claim under Article 1 of Protocol No. 1 was incompatible *ratione materiae* with the provisions of the Convention with regard to applicants no. 4, 8 and 10, to the properties claimed by applicant no. 2 and belonging to his wife and mother, to the property claimed by applicant no. 9 described in paragraph 23 (1) of the principal judgment and to the properties claimed by applicants no. 1 and 5 after the adoption of the decision on the admissibility of the application. The Court subsequently dismissed the remainder of the Government’s preliminary objections of incompatibility *ratione materiae et ratione temporis*, held that there had been a violation of Article 1 of Protocol No. 1 with regard to applicants nos. 1, 2, 3, 5, 6, 9, 12 and 13 and a violation of Article 8 of the Convention with regard to applicants nos. 1, 2, 3, 5, 6, 12 and 13. The Court finally held that there had been no violation of Article 8 of the Convention with regard to applicants nos. 4, 8, 9 and 10 and that it was not necessary to examine whether there had been a violation of Article 13 of the Convention and of Article 14 of the Convention taken in conjunction with Article 8 of the Convention and Article 1 of Protocol No. 1 (*Lordos and Others v. Turkey* (merits), no. **15973/90**, §§ 33-34, 37-38, 40-42, 57, 58, 70, 82, 76, 85 and 89, and points 1-10 of the operative provisions, 2 November 2010).

3. Under Article 41 of the Convention, the applicants sought just satisfaction for deprivation of their properties during the period between January 1987 and 31 December 2007. Several valuation reports, setting out the basis of their losses, were appended to their observations. Furthermore, the applicants claimed 50,000 euros (EUR) each for non-pecuniary damage and a sum for costs and expenses incurred before the Court.

4. Since the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it in whole and invited the Government and the applicants to submit, within three months, their written observations on that issue

and, in particular, to notify the Court of any agreement they might reach (ibid., §§ 117 and 120, and point 11 of the operative provisions).

5. On 15 April 2011 the Court invited the applicants and the Government to submit any materials which they considered relevant to assessing the 1974 market value of the properties concerned by the principal judgment. The applicants were also invited to submit written evidence that the properties at stake were still registered in their name or to indicate and substantiate any transfer of ownership which might have taken place.

6. The applicants and the Government each filed observations on these matters. On 30 September 2011 the applicants produced certificates of ownership of Turkish-occupied immovable properties issued by the Department of Lands and Surveys of the Republic of Cyprus. It transpires from these documents that the properties described in paragraphs 15, 19, 22, 26, 29, 36 and 39-40 above were, at different dates between May and August 2011, still registered in the names of applicants nos. 1, 2, 3, 5, 6, 12 and 13. The properties belonging to late applicant no. 9 (Mr Panayiotis Sergis), described in paragraph 33 above were, on 24 June 2011, registered in the name of his son and daughters (Mr Dimistris Sergi, Mrs Sophia Sergi and Mrs Marianna Sergi – see paragraph 2 above) in equal shares of 1/3.

THE LAW

I. PRELIMINARY ISSUE

7. The Court first observes that in the principal judgment it found a violation of Article 1 of Protocol No. 1 (alone or coupled with a violation of Article 8 of the Convention) only with regard to applicants nos. 1 (Mr Constantinos G. Lordos), 2 (Mr Kikis L. Christofides), 3 (Mr Zacharias Spyridonos), 5 (Mr Areti G. Ionides), 6 (Mr Michalis Evangelides), 9 (Mr Panayiotis Sergis), 12 (Mrs Eleni – alias Lenia – Andoniadou) and 13 (Mr Stelios Mandrides) – hereinafter also referred to as “the applicants”. Moreover, it upheld the Government’s objection of incompatibility *ratione materiae* with the provisions of Article 1 of Protocol No. 1 for some of the properties claimed by applicants nos. 1, 2, 5 and 9 (see paragraph 2 above). Therefore, the Court will examine the claims for just satisfaction only in so far as they have been introduced by or on behalf of applicants nos. 1, 2, 3, 5, 6, 9, 12 and 13 and only in so far as they concern properties in respect of which a violation of Article 1 of Protocol No. 1 was found in the principal judgment. Moreover, in his written submissions of 30 September 2011 applicant no. 1 withdrew his claims in respect of three of the properties concerned by the principal judgment (notably, the properties described in paragraph 13 (4), (25) and (61) of the principal judgment). The Court will therefore not address any question relating to these properties.

8. The Court further notes that in their written submissions of 30 September 2011, the applicants submitted that, given the importance of their case and the continuous harmful consequences of the violations at stake, the Chamber should

relinquish jurisdiction in favour of the Grand Chamber under Article 30 of the Convention. They submitted that the Grand Chamber, should, in particular, be called upon to decide the methodology of calculating the pecuniary damage, to assess the need to award a separate sum for non-pecuniary damage and to evaluate the possibility of making, under Article 46 of the Convention, a “yearly award for the future”.

9. The Court does not see any reason to relinquish jurisdiction in favour of the Grand Chamber. The applicants’ request is accordingly rejected.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

10. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Pecuniary and non-pecuniary damage

1. *The parties’ submissions*

(a) **The applicants**

11. Between January and March 2008, following a request from the Court for an update on developments in the case, the applicants submitted updated claims for just satisfaction which were stated to cover the period of loss of use of the properties from January 1987, when the respondent Government accepted the right of individual petition, to 31 December 2007. They produced several expert reports assessing the value of their losses, which included the loss of annual rents collected or expected to be collected from renting out their properties, plus interest from the date on which such rents were due until the date of payment. The applicants did not claim compensation for any alleged expropriation, as they were still the legal owners of the properties. The valuation reports contained a description of the properties in respect of which a claim under Article 1 of Protocol No. 1 was being brought before the Court and of the different villages and towns in which the applicants’ plots were situated.

12. The starting point of the valuation reports was, as a general rule, the annual rental values of the properties at issue in 1974, calculated on the basis of a percentage of their market value or assessed by comparing the rental values of similar plots at the relevant time. These sums were subsequently adjusted upwards according to an average annual rental increase. Compound interest for delayed payment was applied at a rate of 8%.

13. In particular, in 2008 the applicants requested the following sums for pecuniary damage.

14. Applicant no. 1 (Mr Constantinos G. Lordos) sought 20,149,419 Cypriot pounds (CYP – approximately 34,427,297 euros (EUR)). The sum claimed for the loss of use was CYP 10,788,127, while the interest amounted to CYP 9,361,289.

15. The properties belonging to applicant no. 1 in respect of which a violation of Article 1 of Protocol No. 1 was found in the principal judgment can be described as follows (see paragraph 13 of the principal judgment and paragraph 7 *in fine* above):

(1) Kyrenia, Livera, Fyrades-Tsounni, Plot No. 1, Sheet/Plan: 5/54, Area: 47:2:335 sq. m, Use: Land, Share: 1/4; 1974 value according to the applicant: EUR 80,304;

(2) Famagusta, Egkomi, Salamina, Plot No. 56/1, Sheet/Plan: 24/42, Area: 0:8:900 sq. m, Use: Land, Share: 1/12; 1974 value according to the applicant: EUR 5,126;

(3) Famagusta, Trikomo, Komma, Plot Nos. 212, 285, 286, 288 and 476, Area: 29,317 sq. m, Use: Land, Share: 1/3, 1/3, 1/3, 1/3 and 1/2 respectively; 1974 value according to the applicant: EUR 116,185;

(4) Famagusta, Vasili, Ammos, Plot Nos. 172, 173, 179, Sheet/Plan: 8/21, Area: 0:8:455 sq. m, 0:8:848, 0:4:977, Use: Land, Share: 1/8 in total; 1974 value according to the applicant: EUR 3,588;

(5) Famagusta, Vasili, Ammos, Plot Nos. 190, 191, 174, 177, 195, 178, Sheet/Plan: 8/21, Area: 0:6:924, 0:9:912, 0:9:672; 0:1:914, 0:2:370, 0:2:2108, Use: Land, Share: 1/2, 1/2, 1/4, 1/4, 1/2 and 1/4 respectively; 1974 value according to the applicant: EUR 17,940;

(6) Famagusta, Avgorou, Mantres tou Tzipou, Plot No. 187, Sheet/Plan: 32/40, Area: 0:6:331, Use: Land, Share: 1/4; 1974 value according to the applicant: EUR 1,110;

(7) Famagusta, Avgorou, Mantres tou Tzipou, Plot Nos. 204, 205, 206, 207, 208/1, 208/2, Sheet/Plan: 32/40, Area: 1:1:003, 1:3:704, 0:4:513, 0:4:696, 0:2:655, 0:2:508, Use: Land, Share: 1/4; 1974 value according to the applicant: EUR 6,664;

(8) Famagusta, Ayios Theodoros, Valia, Plot Nos. 14 and 181, Sheet/Plan: 15/24, Area: 1:8:660, Use: Land, Share: 1/5; 1974 value according to the applicant: EUR 4,272;

(9) Famagusta, Ayios Nicolaos, Plot No. 1265, Sheet/Plan: 33/13.4.4, Use: Shops A and D Lordos Cyprian Court, Area of each shop: 60 sq. m, Share: whole; 1974 value according to the applicant: EUR 56,384;

(10) Famagusta, Chrysi Akti, Plot No. 777, Sheet/Plan: 33/21.1.2, Block A, Area: 0:1:864, Use: Land and buildings (four-storey block of eleven flats by the beach (approximately 1,000 sq. m), Share: 1/4; 1974 value according to the applicant: EUR 95,682;

(11) Famagusta, Ayios Nicolaos, Plot No. 1009, Sheet/Plan: 33/12.6.2, Block D, Area 0:0:660, Use: Land and building (10 shops, 8 flats, 2 underground stores – built area: 1,155 sq. m), Share: 1/4; 1974 value according to the applicant: EUR 54,675;

(12) Famagusta, Ayios Memnon, Plot Nos. 370, 379, Sheet/Plan: 33/29.3.4, Block E, Area: 0:0:212, 0:3:821, Use: Land (80 metres from the beach), Share: 7/20; 1974 value according to the applicant: EUR 156,850;

(13) Famagusta, Acropolis, Plot No. 463, Sheet/Plan: 33/21/4.3, Block J, Area: 0:0:260, Use: Building site, Share: 1/4; 1974 value according to the applicant: EUR 2,648;

(14) Famagusta, Ayios Loucas, Plot Nos. 83, 85, Sheet/Plan: 33/3, Block C, Area: 2:1:671, 1:7:911, Use: Land under development, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 46,133;

(15) Famagusta, Salamina, Plot No. 19, Sheet/Plan: 24/59.W1, Block D, Area: 1:8:080, Use: Land in an industrial area, Share: $\frac{1}{6}$; 1974 value according to the applicant: EUR 13,925;

(16) Famagusta, Salamina, Plot Nos. 1192, 1194, 1181, 1183, Sheet/Plan: 24/60, Block C, Area: 0:0:521, 0:0:535, 0:0:518, 0:0:530, Use: Building site, Share: $\frac{1}{10}$, $\frac{1}{10}$, $\frac{1}{4}$, $\frac{1}{4}$ respectively; 1974 value according to the applicant: EUR 6,920;

(17) Famagusta, Salamina, Plot No. 49, Sheet/Plan: 24/60, Block D, Area: 6:5:350, Use: Land, Share: $\frac{1}{8}$; 1974 value according to the applicant: EUR 62,877;

(18) Famagusta, Salamina, Plot No. 949, Sheet/Plan: 24/60.W1&2, Block C, Area: 4:7:000, Use: Land under development (permit obtained for subdivision into 66 building sites), Share: $\frac{1}{10}$; 1974 value according to the applicant: EUR 43,398;

(19) Famagusta, Salamina, Plot Nos. 180, 181, 183, Sheet/Plan: 24/59, Block D, Area: 0:0:970, 0:0:838, 0:0:731, Use: Building sites, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 11,106;

(20) Famagusta, Salamina, Plot Nos. 192, 194, 195, Sheet/Plan: 33/3.E1, Block D, Area: 0:0:793, 0:0:771, 0:0:801, Use: Building sites, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 10,081;

(21) Famagusta, Salamina, Plot No. 667, Sheet/Plan: 24/59, Block D, Area: 0:0:533, Use: Building site, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 2,307;

(22) Famagusta, Salamina, Plot No. 1960, Sheet/Plan: 24/59, Block D, Area: 4:5:732, Use: Land, Share: $\frac{17}{100}$; 1974 value according to the applicant: EUR 47,841;

(23) Famagusta, Ayios Loucas, Plot Nos. 1651, 1658, 1668, Sheet/Plan: 33/3, Block C, Area: 521 sq. m, 530 sq. m, 511 sq. m, Use: Land, Share: whole; 1974 value according to the applicant: EUR 24,091;

(24) Famagusta, Ayios Nicolaos, Plot No. 1006, Sheet/Plan: 33/12/6.2, Block D, Area: 0:0:552, Use: Land and buildings, 6 shops, 4 live/work studios, 2 underground stores (total built area: 966 sq. m), Share $\frac{1}{4}$; 1974 value according to the applicant: EUR 46,132;

(25) Famagusta, Chrysi Akti, Plot No. 781, Sheet/Plan: 3/12.1.2, Block A, Area: 1:0:473, Use: Golden Plage Hotel (3 star, located on the beach – 95 rooms, reception room, bar, cafeteria, restaurant), Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 328,906;

(26) Famagusta, Chrysi Akti, Plot No. 181, Sheet/Plan: 33/21.1.2, Block A, Area: 0:0:466, Use: Building site by the beach, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 23,920;

(27) Famagusta, Kantara, Plot Nos. 56, 68/39, Sheet/Plan: 7/50.6.1, Area: 0:1:573 sq. m, 0:0:291 sq. m, Use: Kantara Lodge (two storey hotel – guest house with 9

double rooms, billiard room, sitting room), Share $\frac{1}{4}$; 1974 value according to the applicant: EUR 15,377;

(28) Famagusta, Chrysi Akti, Plot No. 850, Sheet/Plan: 33/21.2.1, Block A, Area: 45 sq. m, Use: Studio No. 6, Lordos des Sirenes, Share: whole; 1974 value according to the applicant: EUR 12,815;

(29) Famagusta, Chrysi Akti, Plot No. 850, Sheet/Plan: 33/21.2.1, Block A, Area: 98 sq. m, Use: Flat No. 9, Lordos des Sirenes, Share: $\frac{1}{2}$; 1974 value according to the applicant: EUR 11,960;

(30) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.2 Block C, Area: 45 sq. m, Use: Shop No. 1 – Lordos Waterfront, Share: whole; 1974 value according to the applicant: EUR 17,086;

(31) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.2, Block C, Area: 98 sq. m, Use: Flat No.4 – 1st Floor, Lordos Waterfront, Share: whole; 1974 value according to the applicant: EUR 22,212;

(32) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.2, Block C, Area: 98 sq. m, Use: Flat No. 36 - 2 bedrooms - 5th Floor, Lordos Waterfront, Share: whole; 1974 value according to the applicant: EUR 23,920;

(33) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.2, Block C, Area: 45 sq. m, Use: Flat No 31, 4th Floor, Lordos Waterfront, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 1,495;

(34) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 5 sq. m, Use: Shop B – Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 2,563;

(35) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 58 sq. m, Use: Flat No. 2 – one bedroom, ground floor – Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 15,890;

(36) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 33 – two bedrooms – 7th Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(37) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 52 – two bedrooms – 1st Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(38) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 54 – two bedrooms – 2nd Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(39) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 62 – two bedrooms – Ground Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(40) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 75 – two bedrooms – 4th Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(41) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 77 – two bedrooms – Ground Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(42) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 118 sq. m, Use: Flat No. 17 – three bedrooms – 3rd Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 30,755;

(43) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 56 – two bedrooms – 3rd Floor, Lordos Seagate Court, Share: ¼; 1974 value according to the applicant: EUR 5,980;

(44) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: 98 sq. m, Use: Flat No. 58 – two bedrooms – 4th Floor, Lordos Seagate Court, Share: ¼; 1974 value according to the applicant: EUR 5,980;

(45) Famagusta, Salamina, Plot No. 542, Sheet/Plan: 24/51, Block D, Area: 0:0:557, Use: Building site, Share: ¼; 1974 value according to the applicant: EUR 1,709;

(46) Famagusta, Kennedy Avenue, Plot No. 982, Sheet/Plan: 33/21.2.3 & 33/21.2.1, Area: Unknown, Use: Flats nos. 504 and 404 – Apollo Court (facing the sea, furnished and rented as hotel apartments), Share: whole; 1974 value according to the applicant: EUR 51,258;

(47) Famagusta, Kennedy Avenue, Plot No. 850, Sheet/Plan: 33.21.2.1, Area: 178 sq. m, Use: 3 Shops, Share: ½; 1974 value according to the applicant: EUR 41,861;

(48) Famagusta, Kennedy Avenue, Plot No. 850, Sheet/Plan: 33/21.2.1, Area: Unknown, Use: 2 Flats (one with two bedrooms and the other with three bedrooms) facing the sea in Lordos les Sirenes Court (4th floor), Share: whole; 1974 value according to the applicant: EUR 49,549;

(49) Famagusta, Stavros, Plot No. 995, Sheet/Plan: 33/13.4.IV, Area: 0:0:21, Use: Lordos Etoile Court – 1 Flat (No. 45, two bedrooms, facing the sea), Share: whole; 1974 value according to the applicant: EUR 23,920;

(50) Famagusta, Ayios Nicolaos Plot No. 1265, Sheet/Plan: 33/13.4.IV, Area: Unknown, Use: 1 three-bedroom flat (No. 9), Lordos Cyprian Court, Share: whole; 1974 value according to the applicant: EUR 26,483;

(51) Famagusta, Ayos Ioannis, Delfon Street, Plot No. 714, Sheet/plan 33/12.1.1; Area: 58 sq. m, 58 sq. m, 118 sq. m, 98 sq. m, 98 sq. m, Use: Flats Nos. 102, 103, 116, 115 and 117, Lordos Seagate Court (2 one-bedroom flats, 2 two-bedroom flats and 1 three-bedroom flat), Share: whole; 1974 value according to the applicant: EUR 114,476;

(52) Famagusta, Tricomo, Plot No. 89, Sheet/Plan: 15/59, Area: 0:3:711, Use: Seaside land near Nicolas Beach, Share: ½; 1974 value according to the applicant: EUR 14,523;

(53) Famagusta, Ayios Sergios, Plot No. 60, Sheet/Plan: 24/11, Area: 0:3:202, Use: Seaside land, Share: ½; 1974 value according to the applicant: EUR 16,403;

(54) Famagusta, Ayios Sergios, Plot Nos. 261, 262, Sheet/Plan: 24/18, Area: 0:4:770, 0:6:244, Use: Seaside land, Share: ½; 1974 value according to the applicant: EUR 56,383;

(55) Famagusta, Ayios Sergios, Plot No. 238, Sheet/Plan: 24/10, Area: 1:2:913, Use: 16 Building sites, Share: ¼; 1974 value according to the applicant: EUR 30,755;

(56) Famagusta, Limnia, Plot No. 261, Sheet/plan: 23/56; Area: 7,185 sq. m, Use: Land abutting the main Famagusta-Nicosia new road; share: whole; 1974 value according to the applicant: EUR 9,226;

(57) Famagusta, Ayios Sergios, Plot No. 275; Sheet/plan: 24/4.E1, Area: 1:6:538, Use: Orange grove at Ayios Sergios, Apostolos Varnavas; share: whole; 1974 value according to the applicant: EUR 6,322;

(58) Famagusta, Ayios Loucas, Salamis Avenue, Plot Nos. 1706, 1724, 1712, 1731, 1734; Sheet/Plan: 24/59.E.1, Area: 506 sq. m, 471 sq. m, 528 sq. m, 552 sq. m, 525 sq. m, Use: 5 Building sites in a eucalyptus plantation, Share: whole; 1974 value according to the applicant: EUR 44,082;

(59) Famagusta, Neoptolemos Street, Plot Nos. 1457, 1460, 1474, Sheet/Plan: 24/59, Area: 0:0:541, 0:0:523, 0:0:505, Share: whole with exception of Plot No. 1457 where share $\frac{1}{2}$; Use: Building sites; 1974 value according to the applicant: EUR 22,041;

(60) Famagusta, Ayios Loucas, Salamis Avenue, Plot No. 1740, Sheet/Plan: 24/59, Area: 514 sq. m, Use: Building site, eucalyptus plantation, Share: $\frac{1}{2}$; 1974 value according to the applicant: EUR 4,442;

(61) Famagusta, Ayios Loucas, Plot No. 1721, Sheet/Plan: 24/59.E.1, Area: 462 sq. m, Use: Building site No. 30, eucalyptus plantation, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 2,050;

(62) Famagusta, Ayios Loucas, Plot Nos. 156, 324, 289, Sheet/Plan: 24/59- 33/03, Area: 5:2:939, 1:1:262, 3:0:109, Use: Building site abutting a main road – Salamis Avenue, UN Camp, Share: $\frac{1}{12}$; 1974 value according to the applicant: EUR 84,576;

(63) Famagusta, Ayios Loucas, Karaolos, Plot No. 1480, Sheet/Plan: 24/60, Area: 1:5:515, Use: Building land (seaside field), Share: $\frac{1}{10}$; 1974 value according to the applicant: EUR 23,920;

(64) Famagusta, Karaolos, Plot Nos. 506, 750, 531, 534, 528, 584, 585, 586 and 587, Sheet/Plan: 33/4.W.1 + 24/60.W.2, Area: 415 sq. m, 315 sq. m, 650 sq. m, 506 sq. m, 410 sq. m, 252 sq. m, 252 sq. m, 265 sq. m, 267 sq. m, Use: 9 Building sites, Share: $\frac{1}{2}$; 1974 value according to the applicant: EUR 27,338;

(65) Famagusta, Ayios Loucas, Plot Nos. 204 and 205, Sheet/Plan: 33/4, Area: 1:2:545, Use: Building sites in the vicinity of New Famagusta Harbour, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 32,122; and

(66) Famagusta, Ayios Loucas, Plot No. 395, Sheet Plan: 33/59, Area: 2:9:809, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 31,780.

16. Thus, according to the expert appointed by applicant no. 1, in 1974 the total market value of the applicant's share in the above properties was EUR 2,293,857.

17. On 30 September 2011 applicant no. 1 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mr Lordos was EUR 43,696,313.

18. Applicant no. 2 (Mr Kikis L. Christofides) sought EUR 25,956,370. The sum claimed for the loss of use was EUR 14,489,374, while the interest amounted to EUR 11,466,996.

19. The properties belonging to applicant no. 2 in respect of which a violation of Article 1 of Protocol No. 1 was found in the principal judgment can be described as follows (see paragraph 15 of the principal judgment):

(1) Famagusta, Ayios Ioannis, Plot No. 272, Sheet/Plan: 33/12.3.4, Area: 521 sq. m, Use: Residence on the 1st floor and rented shops and offices on the ground floor, Share: ½; 1974 value according to the applicant: EUR 39,252;

(2) Famagusta, Kantara Davlos, Plot No. 7/50 (230), Sheet/Plan: 68.13/1/1, Area: 630 sq. m, Use: House with a garden, Share: whole; 1974 value according to the applicant: EUR 10,980;

(3) Famagusta, Lefkonico, Registration No. 4400 (1147), Plot No. 300/1, Sheet/Plan: 14/60, W.2, Area: 0:1:822, Use: Buildings & building sites – all for rent, Share: whole; 1974 value according to the applicant: EUR 13,665;

(4) Famagusta, Ayios Nicolaos, Plot No. 293, Sheet/Plan: 33/13 4.4, Block E, Area: 0:1:130, Use: Multi-storey hotel apartment complex – all for rent, Share: ½; 1974 value according to the applicant: EUR 155,660;

(5) Famagusta, Ayios Nicolaos, Plot No. 1002, Sheet/Plan: 33/12.6.2, Block D, Area: 736 sq. m, Use: Building & offices, one of which was the applicant's office, Share: ½; 1974 value according to the applicant: EUR 36,800;

(6) Famagusta, Larnaca Road, Registration No. 5355, Plot No. 776, Sheet/Plan: 33/19.E1, Block D, Area: 2,639 sq. m, Use: Building site for development or sale, Share: ½; 1974 value according to the applicant: EUR 48,822;

(7) Famagusta, Larnaca Road, Plot No. 782, Sheet/Plan: 33/19.E1, Block D, Area: 576 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 14,400;

(8) Famagusta, Larnaca Road, Plot No. 783, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 19,906;

(9) Famagusta, Larnaca Road, Plot No. 784, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 16,140;

(10) Famagusta, Larnaca Road, Plot No. 785, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 11,836;

(11) Famagusta, Larnaca Road, Plot No. 786, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 11,836;

(12) Famagusta, Larnaca Road, Plot No. 787, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 16,140;

(13) Famagusta, Larnaca Road, Plot No. 788, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 16,140;

(14) Famagusta, Larnaca Road, Plot No. 789, Sheet/Plan: 33/19.E1, Block D, Area: 538 sq. m, Use: Building site for development or sale, Share: whole; 1974 value according to the applicant: EUR 11,836;

(15) Famagusta, Larnaca Road, Registration No. 5385, Plot No. 806, Sheet/Plan: 33/19.E1, Block D, Area: 381 sq. m, Use: Plot of land for development or sale, Share: ½; 1974 value according to the applicant: EUR 5,715;

(16) Famagusta, Larnaca Road, Registration No. 5386, Plot No. 807, Sheet/Plan: 33/19.E1, Block D, Area: 632 sq. m, Use: Plot of land for development or sale, Share: ½; 1974 value according to the applicant: EUR 7,900;

(17) Famagusta, Larnaca Road, Registration No. 5394, Plot No. 815, Sheet/Plan: 33/19.E1, Block D, Area: 2,044 sq. m, Use: Plot of land for development or sale, Share: ½; 1974 value according to the applicant: EUR 20,440; and

(18) Famagusta, Ayios Lukas, Plot No. 617, Sheet/Plan: 33/11.E1, Block B, Area: 38 sq. m, Use: Plot of land with a well, Share: ½; 1974 value according to the applicant: EUR 475.

Thus, according to the expert appointed by applicant no. 2, in 1974 the total market value of the applicant's share in above properties was EUR 457,943.

20. On 30 September 2011 applicant no. 2 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mr Christofides was EUR 10,848,982.

21. Applicant no. 3 (Mr Zacharias Spyridonos) sought CYP 118,098 (approximately EUR 201,782). The sum claimed for the loss of use was CYP 58,724, while the interest amounted to CYP 59,374.

22. Applicant no. 3 is the owner of the following property:

(1) Famagusta, Monarga, Boghas, Registration No. 289, Plot No. 370/30 (641), Sheet/Plan: 289, Area: 0:2:2000, Use: Residence along with other buildings and land, Share: whole.

23. According to the expert appointed by applicant no. 3, in 1974 this property was worth CYP 14,000 (approximately EUR 23,920 – see paragraph 17 of the principal judgment). It was indicated on the title deed that, 17 November 1973, Mr Spyridonos had purchased it for CYP 12,500 (approximately EUR 21,357).

24. On 30 September 2011 applicant no. 3 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mr Spyridonos was EUR 196,177.

25. Applicant no. 5 (Mr Areti G. Ionides) sought CYP 23,533,903 (approximately EUR 40,244,198). The sum claimed for the loss of use was CYP 12,328,174, while the interest amounted to CYP 11,225,724.

26. The properties belonging to applicant no. 5 in respect of which a violation of Article 1 of Protocol No. 1 was found in the principal judgment can be described as follows (see paragraph 19 of the principal judgment):

(1) Famagusta, Ayios Nicolaos, Plot No. 1265, Sheet/Plan: 33/13.4.IV Block E, Area: Unknown, Use: Shop G – ground floor, Lordos Cyprian Court, Share: whole; 1974 value according to the applicant: EUR 28,192;

(2) Famagusta, Chrysi Akti, Plot No. 777, Sheet/Plan: 33/21.I.II – Block A, Area: 1,864 sq. m, Use: Seaside four-storey buildings comprising 11 flats, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 95,682;

(3) Famagusta, Ayios Nicolaos, Plot No. 1009, Sheet/Plan: 33/12.6.II, Block D, Area: 660 sq. m, Use: Three-storey building with basement, comprising 10 shops, 8 flats, 2 underground stores, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 54,675;

(4) Famagusta, Ayios Memnon, Plot Nos. 370, 379, Sheet/Plan: 33/29.3.III, Block E, Area: 202 sq. m, 3,821 sq. m, Use: Two adjacent fields, Share: $\frac{3}{20}$; 1974 value according to the applicant: EUR 66,635;

(5) Famagusta, Akropolis, Plot No. 463, Sheet/Plan: 33/21.4.III, Area: 260 sq. m, Use: Half of a building site, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 2,648;

(6) Famagusta, Ayios Loucas, Plot Nos. 83, 85, Sheet/Plan: 33/3 E.2 & W.2, Block C, Area: 21,671 sq. m, 17,911 sq. m, Use: Two fields close to each other, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 39,981;

(7) Famagusta, Salamina, Plot No. 19, Sheet/Plan: 24/59.W.1, Block C, Area: 18,080 sq. m, Use: Land in an industrial area, Share: $\frac{1}{6}$; 1974 value according to the applicant: EUR 13,925;

(8) Famagusta, Salamina, Plot Nos. 1181, 1183, 1192, 1194, Sheet/Plan: 24/60.W1&W.2, Block C, Area: 518 sq. m, 530 sq. m, 521 sq. m, 535 sq. m, Use: 4 Building sites, Share: $\frac{1}{4}$ for Plot Nos. 1181 and 1183 and $\frac{1}{10}$ for Plot Nos. 1192 and 1194; 1974 value according to the applicant: EUR 6,920;

(9) Famagusta, Salamina, Plot No. 49, Sheet/Plan: 24/60.W.1&2, Block D, Area: 65,350 sq. m, Use: Seaside field, Share: $\frac{1}{16}$; 1974 value according to the applicant: EUR 30,754;

(10) Famagusta, Salamina, Plot No. 949, Sheet/Plan: 24/60.W.1&2, Block C, Area: 47,000 sq. m, Use: Land under development nearby the sea (a permit had been obtained for subdivision into 66 building sites), Share: $\frac{1}{10}$; 1974 value according to the applicant: EUR 43,398;

(11) Famagusta, Salamina, Plot Nos. 180, 181, 183, Sheet/Plan: 24/59.E.2, Block D, Area: 970 sq. m, 838 sq. m, 731 sq. m, Use: 3 Building sites, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 11,106;

(12) Famagusta, Salamina, Plot Nos. 192, 194, 195, Sheet/Plan: 33/3.E.1, Block D, Area: 793 sq. m, 771 sq. m, 801 sq. m, Use: 3 Building sites, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 10,081;

(13) Famagusta, Salamina, Plot No. 667, Sheet/Plan: 24/59.W.1, Block D, Area: 533 sq. m, Use: Building site, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 2,307;

(14) Famagusta, Salamina, Plot No. 1960, Sheet/Plan: 24/59.E.1, Block D, Area: 45,732 sq. m, Use: Field nearby the sea, Share: $\frac{1}{10}$; 1974 value according to the applicant: EUR 28,106;

(15) Famagusta, Ayios Loucas, Plot Nos. 1665, 1680, 1703, Sheet/Plan: 33/3.E.1, Block C, Area: 549 sq. m, 521 sq. m, 521 sq. m, Use: Building sites, Share: whole; 1974 value according to the applicant: EUR 24,518;

(16) Famagusta, Ayios Nicolaos, Plot No. 1006, Sheet/Plan: 33/12.6.II, Block D, Area: 552 sq. m, Use: Three-storey building comprising 6 shops and office space comprising 4 rooms, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 46,132;

(17) Famagusta, Chrysi Akti, Plot No. 781, Sheet/Plan: 33/21.1.II, Block A, Area: 1,473 sq. m, Use: Golden Plage Hotel (3-star hotel, 96 rooms, reception room, bar, cafeteria, restaurant, upper ground floor), Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 328,906;

(18) Famagusta, Chrysi Akti, Plot No. 181, Sheet/Plan: 33/21.1.II, Block A, Area: 466 sq. m, Use: Seaside building site, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 23,920;

(19) Famagusta, Kantara, Plot Nos. 56, 279 (68/39), Sheet/Plan: VII/50.6.I, Area: 1,864 sq. m in total, Use: Kantara Lodge (two-storey guest house comprising 9 double rooms, billiard room, sitting room), Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 15,377;

(20) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.II, Block C, Area: 1:1:1536, Use: Shop No. 6 – Lordos Waterfront, Share: whole; 1974 value according to the applicant: EUR 17,086;

(21) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.II, Block C, Area: 1:1:1536, Use: Flat No. 32 – two bedrooms - 4th Floor, Lordos Waterfront, Share: whole; 1974 value according to the applicant: EUR 23,920;

(22) Famagusta, Ayios Ioannis, Plot No. 645, Sheet/Plan: 33/12.3.II, Block C, Area: 1:1:1536, Use: Flat No. 31 – studio apartment with inland view – 4th Floor, Lordos Waterfront, Share: $\frac{1}{4}$; 1974 value according to the applicant: EUR 6,493;

(23) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Small shop of “kiosk” type – Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 2,563;

(24) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Flat No. 11 – one bedroom – 2nd Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 15,890;

(25) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Studio No. 46 – 11th Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 13,669;

(26) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Flat No. 38 – two bedrooms – 9th Floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(27) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Flat No. 105 – two bedrooms – ground floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 23,920;

(28) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Flat No. 13 – three bedrooms – 2nd floor, Lordos Seagate Court, Share: whole; 1974 value according to the applicant: EUR 30,755;

(29) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Flat No. 56 – two bedrooms – 3rd floor, Lordos Seagate Court, Share: ¼; 1974 value according to the applicant: EUR 5,980;

(30) Famagusta, Ayios Ioannis, Plot No. 714, Sheet/Plan: 33/13.1.1, Block C, Area: Unknown, Use: Flat No. 58 – two bedrooms – 4th Floor, Lordos Seagate Court, Share: ¼; 1974 value according to the applicant: EUR 5,980; and

(31) Famagusta, Salamina, Plot No. 542, Sheet/Plan: 24/51.W.1&2, Area: 557 sq. m, Use: Building site, Share: ¼; 1974 value according to the applicant: EUR 1,709.

Thus, according to the expert appointed by applicant no. 5, in 1974 the total market value of the applicant's share in the above properties was EUR 1,045,148.

27. On 30 September 2011 applicant no. 5 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mr Ionides was EUR 16,716,626.

28. Applicant no. 6 (Mr Michalis Evangelides) sought CYP 229,448 (approximately EUR 392,034). The sum claimed for the loss of use was CYP 114,092, while the interest amounted to CYP 115,356.

29. Applicant no. 6 is the owner of the following property:

(1) Famagusta, Chrisi Akti, Plot No. 701, Sheet/Plan: 33//13.4.3, Area: Unknown, Use: Home, Share: ½.

30. According to the expert appointed by applicant no. 6, in 1974 this whole property was worth CYP 40,000 (approximately EUR 68,344). The applicant's half share had an approximate value of EUR 34,172.

31. On 30 September 2011 applicant no. 6 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mr Evangelides was EUR 448,406.

32. The heirs of applicant no. 9 (Mr Panayiotis Sergis) sought CYP 3,940,800 (approximately EUR 6,733,250). The sum claimed for the loss of use was CYP 2,200,033, while the interest amounted to CYP 1,740,767.

33. The properties belonging to applicant no. 9 in respect of which a violation of Article 1 of Protocol No. 1 was found in the principal judgment can be described as follows (see paragraph 23 of the principal judgment):

(1) Famagusta, Triкомо, Kotsines, Registration No. 6447, Plot Nos. 292/6, 283/1/2, Sheet/Plan: 15/43.E.II, Area: 518 sq. m, Use: Building site for sale or

development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,407;

(2) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6449, Plot Nos. 283/1/4, 291/1, 292/8 (619), Sheet/Plan: 15/43.E.II, Area: 566 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,698;

(3) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6456, Plot No. 283/1/5 (620), Sheet/Plan: 15/43.E.II, Area: 674 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,358;

(4) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6457, Plot No. 283/1/6 (621), Sheet/Plan: 15/43.E.II, Area: 667 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,271;

(5) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6458, Plot No. 283/1/7 (622), Sheet/Plan: 15/43.E.II, Area: 673 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,345;

(6) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6452, Plot Nos. 283/1/8, 291/4 (623), Sheet/Plan: 15/43.E.II, Area: 553 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,521;

(7) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6453, Plot Nos. 283/1/9, 291/5 (624), Sheet/Plan: 15/43.E.II, Area: 559 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,994;

(8) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6459, Plot No. 283/1/10 (625), Sheet/Plan: 15/43.E.II, Area: 686 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,506;

(9) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6460, Plot No. 283/1/11 (626), Sheet/Plan: 15/43.E.II, Area: 700 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 10,010;

(10) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6461, Plot No. 283/2/1 (627), Sheet/Plan: 15/43.E.II, Area: 573 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,793;

(11) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6462, Plot No. 283/2/2 (628), Sheet/Plan: 15/43.E.II, Area: 583 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,929;

(12) Famagusta, Triкомо, Kotsines, Karpasias Road, Registration No. 6463, Plot No. 283/2/3 (629), Sheet/Plan: 15/43.E.II, Area: 580 sq. m, Use: Building site for

sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,888;

(13) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6464, Plot No. 283/2/4 (630), Sheet/Plan: 15/43.E.II, Area: 553 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,521;

(14) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6465, Plot Nos. 283/2/5, 291/8 (631), Sheet/Plan: 15/43.E.II, Area: 554 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,534;

(15) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6466, Plot Nos. 283/2/6, 290/1, 291/9 (632), Sheet/Plan: 15/43.E.II, Area: 597 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,119;

(16) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6467, Plot Nos. 290/2, 291/10 (636), Sheet/Plan: 15/43.E.II, Area: 535 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,651;

(17) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6468, Plot No. 291/6 (639), Sheet/Plan: 15/43.E.II, Area: 549 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,407;

(18) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6454, Plot No. 291/7 (640), Sheet/Plan: 15/43.E.II, Area: 518 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,851;

(19) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6442, Plot Nos. 292/1, 305.3/2 (641), Sheet/Plan: 15/43.E.II, Area: 604 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,214;

(20) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6443, Plot Nos. 292/2, 305.3/3 (642), Sheet/Plan: 15/43.E.II, Area: 632 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,837;

(21) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6444, Plot Nos. 292/3, 305.3/4 (643), Sheet/Plan: 15/43.E.II, Area: 707 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 9,615;

(22) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6445, Plot No. 292/4 (644), Sheet/Plan: 15/43.E.II, Area: 569 sq. m, Use: Building site for sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 8,137; and

(23) Famagusta, Trikomo, Kotsines, Karpasias Road, Registration No. 6441, Plot No. 305.3/1 (649), Sheet/Plan: 15/43.E.II, Area: 627 sq. m, Use: Building site for

sale or development, Share: whole; 1974 value according to the applicants' heirs: EUR 7,775.

Thus, according to the expert appointed by the heirs of applicant no. 9, in 1974 the total open-market value of the properties described above was EUR 185,381.

34. On 30 September 2011 the heirs of applicant no. 9 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert concluded that the total sum due to the heirs of Mr Sergis was EUR 4,860,736.

35. Applicant no. 12 (Mrs Eleni – alias Lenia – Andoniadou) sought EUR 799,480. The sum claimed for the loss of use was EUR 446,327, while the interest amounted to EUR 353,153.

36. Applicant no. 12 is the owner of the following share in a property, which, according to the expert appointed by her, in 1974 was worth EUR 36,030:

(1) Famagusta, Ayios Nicolaos, Plot No. 170, Sheet/Plan: 33/12, Block A, Area: 733 sq. m, Use: Residence (two semi-detached houses on a building site – total building area of approximately 180 sq. m), Share: ½.

37. On 30 September 2011 applicant no. 12 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mrs Andoniadou was EUR 667,270.

38. Applicant no. 13 (Mr Stelios Mandrides) sought CYP 13,107,598 (approximately EUR 22,395,641). The sum claimed for the loss of use was CYP 6,781,725, while the interest amounted to CYP 6,325,873.

39. Applicant no. 13 is the owner of the following property, which, according to the expert appointed by him, in 1974 had a rental value of CYP 1,440 (approximately EUR 2,460 – see paragraph 26 of the principal judgment):

(1) Famagusta, Chrysi Akti, Plot No. 28, Sheet/Plan: 33/21.2.3, Block C, Area: Unknown, Use: Apartment, residence (2 flats, Nos. 26 and 27), Share: whole; 1974 value according to the applicant: EUR 35,026.

40. Applicant no. 13 moreover owns 51% of two companies, Mandrides Properties Ltd and Famagusta Hotels Ltd (the remaining 49% share belonging to his sister Athina Mandrides). These two companies are the owners of the following properties (see paragraph 27 of the principal judgment):

(1) Famagusta, Ayios Nicolaos, Registration No. 4186, Plot No. 97, Sheet/Plan: 33/13.4.1, Block E, Area: 507 sq. m, Use: Hotel apartments for rent (16 holiday flats) and a cafeteria on the ground floor; 1974 value according to the applicant: EUR 333,177;

(2) Famagusta, Ayios Nicolaos, Registration No. 3253, Plot No. 112, Sheet/Plan: 33/12.6.2, Block E, Area: 848 sq. m, Use: Hotel apartments for rent (35 holiday flats) and two lower ground storeys used for under ground parking; 1974 value according to the applicant: EUR 495,494;

(3) Famagusta, Ayios Ioannis, Plot No. 165, Sheet/Plan: 33/13.1.4, Block C, Area: 825 sq. m, Use: Beach hotel (2 star with 23 rooms); 1974 value according to the applicant: EUR 281,919;

(4) Famagusta, Ayios Nicolaos, Plot No. 1185, Sheet/Plan: 33/12.6.2, Block D, Area: 446 sq. m, Use: Building consisting of ground floor shops, offices and apartments, investment income property; 1974 value according to the applicant: EUR 85,430 (according to the last certificate of ownership of Turkish-occupied immovable property of 6 June 2011, supplied on 30 September 2011, this property was registered with a half share being held in the name of the applicant himself);

(5) Famagusta, Ayios Memnon, Plot No. 330, Sheet/Plan: 33/29.3.4, Block E, Area: 2,774 sq. m, Use: Plot of land on the Famagusta Beach designated for a hotel; 1974 value according to the applicant: EUR 568,964.

Thus, according to the expert appointed by applicant no. 13, in 1974 the total market value of the applicant's share in the above properties was EUR 1,800,010.

41. On 30 September 2011 applicant no. 13 produced an updated valuation report, which, essentially on the basis of the calculation method adopted in the previous report, was stated to cover the loss of use suffered until December 2011. The expert appointed by the applicant concluded that the total sum due to Mr Mandrides was EUR 14,373,634.

42. In their written submissions of 30 September 2011 the applicants submitted that, in view of the concerns expressed by the Court about the uncertainties in quantifying damages, they had adopted a more conservative approach in their updated claims (see paragraphs 17, 20, 24, 27, 31, 34, 37 and 41 above) and had applied a further reduction of 18.5% from the calculations made by their experts. They also underlined the enormous difficulties they had had to face in order to submit, at a reasonable cost, correct valuations supported by adequate and proper evidence. This evidence was in the possession of the Government which, however, had refused to divulge or share it with the rightful owners. Research had been undertaken by contacting former residents of Famagusta, Cypriot expatriates, the Famagusta Chamber of Commerce and the Cyprus Branch of the Royal Institute of Chartered Surveyors. The valuations given by the applicants' experts had mainly been based on comparisons with sales or sales contracts of comparable properties, where available. The experts had also used the depreciated replacement cost method of valuation, which was linked to the cost required to reconstruct the building under valuation with the same materials, taking into account its age. Comparable sales and costs evidence had been drawn from three sources, namely the A.P.S. Property Databank and Research Department, the Cyprus Land and Surveys Department and the Cyprus Statistics and Research Department.

43. Moreover, in calculating the loss of rent in their updated claims, the experts appointed by the applicants had applied an average annual rental increase of 8%-12%, which was in their view inferior to the increase registered in the unoccupied parts of Cyprus. Compound interest for delayed payment had been applied at a rate of 8% for the period 1987-2000, 6% for the period 2000-2009 and 4% for the period 2009-2011.

44. The applicants further claimed EUR 50,000 each in respect of non-pecuniary damage.

(b) The Government

45. The Government filed comments on the applicants' claims for just satisfaction on 30 June and 30 September 2008, 6 January 2009 and 3 October 2011. They pointed out that the present application was part of a cluster of similar cases raising a number of problematic issues and maintained that the claims for just satisfaction were not ready for examination. The Government had in fact encountered serious problems in identifying the properties and their present owners. The information provided by the applicants in this regard had not been based on reliable evidence.

46. Moreover, owing to the lapse of time since the lodging of the application, new situations might have arisen: the properties could have been transferred, donated or inherited within the legal system of southern Cyprus. These facts would not have been known to the respondent Government and could only be certified by the Greek-Cypriot authorities, which, since 1974, had reconstructed the registers and records of all properties in northern Cyprus. The applicants should be required to provide search certificates issued by the Department of Lands and Surveys of the Republic of Cyprus. Moreover, in cases where the original applicant had passed away (as in the case of applicant no. 9) or the property had changed hands, questions might arise as to whether the new owners had a legal interest in the property and whether they were entitled to pecuniary and/or non-pecuniary damages.

47. The Government further noted that some applicants had shared properties and that it had not been proved that their co-owners had agreed to the partition of the possessions. Nor, when claiming damages based on the assumption that the properties had been rented after 1974, had the applicants shown that the rights of the said co-owners under domestic law had been respected. For instance, certain properties in which applicant no. 13 personally had a 49% share seemed later to have been transferred as a whole to a company named Mandrides Properties Ltd, in which applicant no. 13 had a 51% share (see paragraph 40 above). The latter company, a legal person distinct from its shareholders, was not a party to the proceedings before the Court and applicant no. 13 had not submitted an authorisation to make claims on behalf of a limited company.

48. In any event, no claim for loss of use on behalf of applicant no. 9 could be entertained after the date of his death (11 April 2001) and any non-pecuniary damage would have been extinguished by his demise. His heirs should have provided information about their relationship with the deceased and about the nature of their family links.

49. Applicant no. 6 had initially declared that he was the sole owner of the property described in paragraph 29 above. However, it appeared from the valuation report submitted in 2008 that his father, Mr Petros Stefou Evangelides, also owned a share in that plot. Applicants nos. 2, 9 and 12 had failed to submit the updated information required by the Court within the extended time-limit requested by their representative (six weeks from 24 January 2008). As a consequence, they should not be entitled to claim just satisfaction at a later stage.

50. On 9 January 2009 the Government filed further comments on the applicants' just satisfaction claims. They observed that in order to obtain compensation the

applicants could have applied to the Immovable Property Commission (the “IPC”) instituted by the authorities of the “TRNC”. However, not all the applicants would fulfil the conditions required by the IPC because the registration reference details had not been specified for some of the properties claimed by applicants nos. 1, 5 and 9. In addition, some of the properties claimed by applicant no. 2 had not been owned by him before 1974 (or had changed owner after the application was declared admissible), and some of the properties in the name of applicants nos. 3, 12 and 13 were subject to a mortgage restriction.

51. The Government produced valuation reports prepared by the Turkish-Cypriot authorities which they considered to be based on a realistic assessment of the 1974 market values, having regard to the relevant land records and comparative sale prices in the areas where the properties were situated. These reports contained two proposals, assessing both the sums due for the loss of use of the properties and their present value. The second proposal was made in order to give the applicants the option of selling the properties to the State, thereby relinquishing title and claims thereto.

52. The reports prepared by the Turkish-Cypriot authorities specified that the applicants might be entitled to financial compensation, to be calculated on the basis of the loss of income (by applying a 5% rent to the 1974 market values) and increase in value of the properties between 1974 and the date of payment. The reports also stated that it should be taken into account that some of the properties claimed by applicants nos. 1, 2 and 5 had only been registered in their names in 1991, 1992 and 1993. Had the applicants applied to the IPC, the latter would have offered them in total CYP 1,612,866.73 (approximately EUR 2,755,744) to compensate the loss of use and CYP 1,836,130.34 (approximately EUR 3,137,211) for the value of the properties.

53. According to experts appointed by the “TRNC” authorities, the open market value in 1974 of the properties (or shares in the properties) claimed by the applicants and which, in the Government’s view, could give rise to financial compensation, could be assessed as follows:

(i) applicant no. 1: CYP 92,250.3 (approximately EUR 157,618) in total (total current value of the properties: CYP 564,555.46; total loss of use of the properties as of 31 December 2007: CYP 525,636.68);

(ii) applicant no. 2: CYP 51,495.6 (approximately EUR 87,985) in total (total current value of the properties: CYP 315,143.93; total loss of use of the properties as of 31 December 2007: CYP 295,872.12);

(iii) applicant no. 3: CYP 4,237 (approximately EUR 7,239) for the property described in paragraph 22 above (total current value of the property: CYP 25,929.69; total loss of use of the property as of 31 December 2007: CYP 24,344.03);

(iv) applicant no. 5: CYP 109,957.3 (approximately EUR 187,873) in total (total current value of the properties: CYP 672,919.15; total loss of use of the properties as of 31 December 2007: CYP 525,183.37);

(v) applicant no. 6: CYP 12,711.8 (approximately EUR 21,719) for the property described in paragraph 29 above (total current value of the property: CYP 77,793.96; total loss of use of the property as of 31 December 2007: CYP 73,036.67); and

(vi) applicant no. 12: CYP 7,627 (approximately EUR 13,031) for the property described in paragraph 36 above (total current value of the property: CYP 46,675.89; total loss of use of the property as of 31 December 2007: CYP 43,821.54).

54. No calculation had been made for applicants nos. 9 and 13 as all the plots claimed by them were properties belonging to a religious trust (*vakif*).

55. Upon fulfilment of certain conditions, the IPC could also have offered the applicants the possibility of exchanging their properties for Turkish-Cypriot properties located in the south of the island.

56. In their comments of 3 October 2011, the Government underlined that the “TRNC” Land Registry and Survey Department, accompanied by other experts, had visited the properties concerned by the principal judgment and had calculated their 1974 value on the basis of purchase prices for properties which were comparable by location, physical characteristics, quality, access to a road, type and use. It had noted: that applicants nos. 1, 5 and 9 had failed to provide adequate registration reference details for a number of properties; that some of the properties claimed by applicants nos. 1, 2, 5, 6 and 13 had not been owned by them before 1974 or had changed ownership after the application was declared admissible; that some of the properties in the name of applicants nos. 1, 3, 5, 12 and 13 were subject to mortgage restriction; that some shares in properties claimed in the names of applicants nos. 1, 2 and 5 were different from the records of the Land Registry and/or their ownership certificates; that there had been a number of duplicate claims by applicants nos. 1 and 5 for the same properties. The “TRNC” Land Registry and Survey Department had taken these factors into consideration and had eliminated duplication of claims.

57. The IPC had made an updated proposal to compensate the loss of use suffered by the applicants. This offer would amount to:

(i) EUR 5,493,082.19 for applicant no. 1 (total current value of the properties: EUR 5,916,180.06; total value of the properties in 1974: CYP 789,471.30 – approximately EUR 1,348,890);

(ii) EUR 1,035,860.54 for applicant no. 2 (total current value of the properties: EUR 988,182.37; total value of the properties in 1974: CYP 134,758.60 – approximately EUR 230,248);

(iii) EUR 104,774.49 for applicant no. 3 (total current value of the properties: EUR 91,662.29; total value of the properties in 1974: CYP 12,500 – approximately EUR 21,357);

(iv) EUR 2,926,527.26 for applicant no. 5 (total current value of the properties: EUR 3,196,255.20; total value of the properties in 1974: CYP 435,938.50 – approximately EUR 744,844);

(v) EUR 106,549.79 for applicant no. 6 (total current value of the properties: EUR 93,215.42; total value of the properties in 1974: CYP 12,711.80 – approximately EUR 21,719);

(vi) EUR 771,140.32 for applicant no. 9 (total current value of the properties: EUR 674,634.39; total value of the properties in 1974: CYP 92,000 – approximately EUR 157,191);

(vii) EUR 63,929.70 for applicant no. 12 (total current value of the properties: EUR 55,928.67; total value of the properties in 1974: CYP 7,627 – approximately EUR 13,031); and

(viii) EUR 5,588,893.56 for applicant no. 13 (total current value of the properties: EUR 5,204,129.19; total value of the properties in 1974: CYP 686,800 – approximately EUR 1,173,466).

The total sum offered for loss of use was therefore EUR 16,090,757.85, while the total current value of the properties was EUR 16,220,187.59.

58. The Government recalled that, as stated by the Grand Chamber, “[a]n appropriate domestic body, with access to the properties, registries and records, is clearly the more appropriate forum for deciding on complex matters of property ownership and valuation and assessing financial compensation” (see *Demopoulos and Others v. Turkey* (dec.) [GC], nos. 46113/99, 3843/02, 13751/02, 13466/03, 10200/04, 14163/04, 19993/04, and 21819/04, § 97, 1 March 2010). The Grand Chamber had also underlined the political and historical implications of the Cyprus problem.

59. According to the Government, the valuations furnished by the applicants had involved a significant degree of speculation and had made insufficient allowance for the volatility of the property market. It was also worth mentioning that the Greek-Cypriot authorities had considered the value of Greek Cypriot properties in northern Cyprus, including those of the applicants, as “nil” for fiscal purposes. The experts appointed by the applicants had relied only on information supplied by their clients as regards details of the properties; such unverified information was highly speculative and cast serious doubt on the credibility of the valuations. Furthermore, the experts had not had access to good evidence of previous sales in order to apply the comparison method and had failed to take into account the costs normally incurred with respect to property. For applicants nos. 1 and 13, the said experts had calculated loss of rent, and not lost profits, as would be expected in connection with purported commercial buildings, such as a guest house or a hotel. The guest house and the two-star hotel at issue had mostly been compared to a four-star hotel, which had resulted in excessive rents being claimed by the applicants. The high cost that would have been incurred in running such commercial property had not been deducted. As for the fields, the experts had assumed that the town planning provisions would remain static over the years, while such regulations could not but be dynamic in view of the changing needs of society and of environmental concerns. The rates applied for annual compound interest were excessive.

60. Finally, the Government did not comment on the applicants’ submissions under the head of non-pecuniary damage.

2. The Court’s assessment

61. The Court recalls that it has concluded that there was a continuing violation of the applicants’ rights guaranteed by Article 1 of Protocol No. 1 by reason of the complete denial of the right of the applicants to the peaceful enjoyment of their properties in northern Cyprus (see paragraph 70 of the principal judgment). There was also a continuing violation of Article 8 of the Convention by reason of the denial of the right of applicants nos. 1, 2, 3, 5, 6, 12 and 13 to respect for their homes (see paragraph 82 of the principal judgment). Furthermore, the Court’s finding of a violation of Article 1 of Protocol No. 1 was based on the fact that, as a consequence of being continuously denied access to their land and real estate since 1974, the applicants had effectively lost all access to and control of, as well as all possibility of using and enjoying, their properties (see paragraph 68 of the principal judgment). They are therefore entitled to a measure of compensation in respect of losses directly related to this violation of their rights as from the date of deposit of Turkey’s

declaration recognising the right of individual petition under former Article 25 of the Convention, namely 22 January 1987, until the present time or until the date of applicant no. 9's demise (11 April 2001 – see paragraph 6 of the principal judgment) or the dates on which some of the applicants transferred ownership of the properties concerned by the principal judgment (see *Cankoçak v. Turkey*, nos. 25182/94 and 26956/95, § 26, 20 February 2001, and *Demades v. Turkey* (just satisfaction), no. 16219/90, § 21, 22 April 2008).

62. In connection with this, the Court notes that the heirs of applicant no. 9 have not introduced an autonomous claim concerning a potential violation of the property rights which they might have acquired as successors to Mrs Panayiotis Sergis, but have merely successfully requested to pursue the application lodged by the deceased (see paragraphs 6, 33 and 34 of the principal judgment and point 1 of its operative provisions). Under these circumstances, no pecuniary damage for loss of use can be awarded for the time which has elapsed after the demise of applicant no. 9 (see, *mutatis mutandis*, *Sophia Andreou v. Turkey* (just satisfaction), n° 18360/91, § 33, 22 June 2010).

63. The Court observes that the affirmations of ownership of Turkish-occupied immovable properties produced by the applicants (see paragraph 6 above) show that, at different dates between May and August 2011, they or their heirs were still the owners of the properties described in paragraphs 15, 19, 22, 26, 29, 33, 36 and 39-40 above. Moreover, in their updated claims of 30 September 2011 the applicants furnished more precise registration reference details for the properties at stake and corrected some typing mistakes contained in their previous submissions. Applicant no. 6 has clarified that he owned only a half share of the property described in paragraph 29 above (see the Government's objection in paragraph 49 above). In addition, the fact that some of the properties claimed by applicant no. 13 were registered in the name of two companies in which he had a 51% share would not prevent the Court from making an award in this respect (see the Government's objection in paragraph 47 above).

64. In the opinion of the Court, the valuations furnished by the applicants involve a significant degree of speculation and make insufficient allowance for the volatility of the property market and its susceptibility to outside influences, both domestic and international (see *Loizidou* (just satisfaction), 28 July 1998, § 31, *Reports of Judgments and Decisions* 1998-IV). Accordingly, in assessing the pecuniary damage sustained by the applicants, the Court has, as far as appropriate, considered the estimates provided by them (see *Xenides-Arestis v. Turkey* (just satisfaction), no. 46347/99, § 41, 7 December 2006). In general, it considers as reasonable the approach to assessing the loss suffered by the applicants with reference to the annual ground rent, calculated as a percentage of the market value of the properties, that could have been earned during the relevant period (*Loizidou* (just satisfaction), cited above, § 33, and *Demades* (just satisfaction), cited above, § 23). Furthermore, the Court has taken into account the uncertainties inherent in any attempt to quantify the real losses incurred by the applicants (see *Loizidou v. Turkey* (preliminary objections), 23 March

1995, § 102, Series A no. 310, and (merits) 18 December 1996, § 32, *Reports* 1996-VI).

65. The Court notes that in response to its request to submit material relevant to assessing the 1974 market value of the applicants' properties, the Government have relied on the accuracy of the IPC's calculations (see paragraphs 51-53 and 56-58 above), while the applicants have referred to several sales of comparable plots in the areas where the properties concerned by the principal judgment were located and have applied the depreciated replacement cost method of valuation (see paragraph 42 above).

66. The valuations submitted by the parties do not coincide. Indeed, according to the applicants, in 1974 the total market value of the properties at stake was approximately EUR 5,876,461, while the Government has given a different overall figure, amounting to approximately EUR 3,710,746. The Government's valuation is therefore approximately 63% of that of the applicants. However, a much bigger discrepancy occurs in respect of the total sum claimed for loss of use: according to the applicants, it amounts to EUR 91,808,144, while the IPC assessed it at EUR 16,090,757.85 (see paragraph 57 *in fine* above). The Government's offer is therefore approximately only 17.50% of the applicants' claim.

67. In the Court's view, this shows that the parties' method of calculating annual rental increase and compound interest for delayed payment was significantly different. In this regard, it considers that a certain amount of compensation in the form of statutory interest should be awarded to the applicants. However, it finds that the rates applied by them are on the high side (see, *mutatis mutandis*, *Demades* (just satisfaction), cited above, § 24).

68. The Court has taken note of the fact that some of the applicants own a significant amount of property: 66 properties are owned by applicant no. 1 (see paragraph 15 above), 18 by applicant no. 2 (see paragraph 19 above), 31 by applicant no. 5 (see paragraph 26 above) and 23 by applicant no. 9 (see paragraph 33 above). In the ambit of the present proceedings, these properties cannot but be valued as a whole, the Court being unable to make a separate assessment of each and every one of them.

69. Finally, the Court is of the opinion that an award should be made in respect of the anguish and feelings of helplessness and frustration which the applicants must have experienced over the years in not being able to use their properties as they saw fit and (for applicants nos. 1, 2, 3, 5, 6, 12 and 13) to enjoy their homes (see *Demades* (just satisfaction), cited above, § 29, and *Xenides-Arestis* (just satisfaction), cited above, § 47).

70. Making its assessment on an equitable basis and taking all the above factors into account, the Court decides to award the following sums for pecuniary and non-pecuniary damage:

- (i) EUR 8,000,000 to applicant no. 1;
- (ii) EUR 1,300,000 to applicant no. 2;
- (iii) EUR 120,000 to applicant no. 3;
- (iv) EUR 4,000,000 to applicant no. 5;

- (v) EUR 110,000 to applicant no. 6;
- (vi) EUR 1,200,000 to the heirs of applicant no. 9;
- (vii) EUR 100,000 to applicant no. 12;
- (viii) EUR 6,000,000 to applicant no. 13.

B. Costs and expenses

71. The applicants sought the following sums for costs and expenses incurred before the Court (these amounts included the cost of the expert valuations of their properties): applicant no. 1: EUR 66,001.97 (cost of the expert valuations: EUR 59,297.83); applicant no. 2: EUR 67,654.14 (cost of the expert valuations: EUR 60,950); applicant no. 3: EUR 9,004.34 (cost of the expert valuations: EUR 2,300.20); applicant no. 5: EUR 52,734.41 (cost of expert valuations: EUR 46,030.27); applicant no. 6: EUR 7,796.84 (cost of the expert valuations: EUR 1,092.70); the heirs of applicant no. 9: EUR 28,554.14 (cost of the expert valuations: EUR 21,850); applicant no. 12: EUR 11,304.14 (cost of expert valuations: EUR 4,600); applicant no. 13: EUR 28,005.72 (cost of expert valuations: EUR 21,301.58).

72. The Government considered that the sums claimed in this respect were manifestly excessive. They underlined that a number of essential issues relating to the properties had not been clarified or substantiated by the relevant documents, that all the applicants had been represented by the same lawyer and that the questions raised by the application had been similar for all the applicants.

73. According to the Court's case-law, an applicant is entitled to reimbursement of his costs and expenses only in so far as it has been shown that these have been actually and necessarily incurred and are reasonable as to quantum (see, for example, *Iatridis v. Greece* (just satisfaction) [GC], no. 31107/96, § 54, ECHR 2000-XI).

74. The Court notes that the case involved the review of a certain amount of factual and documentary evidence and required a fair degree of research and preparation. In particular, the costs associated with producing valuation reports in view of the continuing nature of the violations at stake were essential for enabling the Court to reach its decision regarding the issue of just satisfaction (see *Demades* (just satisfaction), cited above, § 34).

75. Although the Court does not doubt that the fees claimed were actually incurred, it considers the amount claimed for costs and expenses relating to the proceedings before it excessive. Having regard to the fact that the legal issues raised by the application were similar for all the applicants, the Court decides to award the total sum of EUR 15,000 to them jointly (see, *mutatis mutandis*, *Loizou and Others* (just satisfaction – partial judgment), no. 16682/90, § 58, 26 October 2010).

C. Default interest

76. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

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: EUR 1,747,853 for applicant no. 1; EUR 433,959 for applicant no. 2; EUR 7,847 for applicant no. 3; EUR 668,665 for applicant no. 5; EUR 17,936 for applicant no. 6; EUR 194,429 for the heirs of applicant no. 9; EUR 26,691 for applicant no. 12; and EUR 574,945 for applicant no. 13.

78. The Court is of the opinion that it would be premature to speculate, at this stage, 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.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Holds*

(a) that the respondent State is to pay the applicants, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:

(i) in respect of pecuniary and non-pecuniary damage:

- EUR 8,000,000 (eight million euros) to applicant no. 1;
- EUR 1,300,000 (one million three hundred thousand euros) to applicant no. 2;
- EUR 120,000 (one hundred and twenty thousand euros) to applicant no. 3;
- EUR 4,000,000 (four million euros) to applicant no. 5;
- EUR 110,000 (one hundred and ten thousand euros) to applicant no. 6;
- EUR 1,200,000 (one million two hundred thousand euros) to the heirs of applicant no. 9;
- EUR 100,000 (one hundred thousand euros) to applicant no. 12;
- EUR 6,000,000 (six million euros) to applicant no. 13;

plus any tax that may be chargeable on these sums;

(ii) EUR 15,000 (fifteen thousand euros) jointly to all the applicants, plus any tax that may be chargeable to the applicants or to their heirs, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

2. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 10 January 2012, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Fatoş Aracı Nicolas Bratza
Deputy Registrar President

LORDOS AND OTHERS v. TURKEY (JUST SATISFACTION) JUDGMENT

LORDOS AND OTHERS v. TURKEY (JUST SATISFACTION) JUDGMENT