European Court of Human Rights  
Council of Europe  
Strasbour, France

THIRD SECTION

Application no: 36220/97  
OKYAY ET AL v. Turquie

Ref; Your letter dated 29 Jan 2002 and no; ECHR-LE12.1R, HB/sc

Dear Mr. Vincent Berger
Section Registrar

Thank you for your ref letter enclosing the decision as to the admissibility of our application.

Our replies are as follows;

1) The government has been violating;

** the right to justice (Art.36 of Turkish Constitution)

** the right to environment (Art.56 of Turkish Constitution)

** Article 3/a and 30 of the Environment Law, no;2872. (Enclosed)

2) The Council of Ministers have violated Art.138 of Turkish Constitution despite the decisions of administrative courts. Thus, our right to justice has been breached and intervened by the government. Therefore Art.6, together with the preamble of ECHR aiming "the rule of law", is applicable to the present case.

3) It is an open and heavy breach of Art.6, despite the rules setforth in Constitution 138 and The Code on Administrative Procedure 28.
As lawyers having a special concern for "the realization of the rule of law" and "the protection of environment" in the region, we have been deeply dissapointed by the said actions of government. The government and its agencies have intentionally broken our rights to justice in this case.

We hereby demand only "non-pecuniary damage" in order to compensate for our suffering and distress by the suspension of the decisions of the courts.

But in case, the government declares that they will implement the court decisions within 30 days, and shut down the coal power plants, we wont demand any damage.

Yours faithfully,

Ahmet Okyay