



WRITTEN OBSERVATIONS

submitted to the European Court of Human Rights

in the case of

Yedikule Surp Pırgıç Ermeni Hastanesi Vakfı v. Turkey

(Application No. [13189/23](#))

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October 2026

1. The applicant against Turkey, *Yedikule Surp Pırgıç Ermeni Hastanesi Vakfı* (Yedikule Holy Savior Armenian Hospital Foundation, hereinafter “the Foundation” or “the applicant”), is a foundation under Turkish law established in 1832 under the Ottoman Empire by decree of Sultan Mahmud II. Its status is protected under the Treaty of Lausanne regarding the protection of foundations providing public services for religious minorities.¹ It complains of the administration’s refusal to register a plot of land in its name, despite fulfilling all legal conditions.

2. This foundation is referred to as “community-based” (*cemaat vakfı*) and remains governed by Law No. 5737 on Foundations of 2008.² It belongs to non-Muslim religious minorities, enjoys legal personality under private law, and is managed by an elected board of directors.³

3. The applicant contends that the refusal to register the disputed property constitutes a violation of the right to property, an arbitrary classification of the establishment as a *mazbut* (defunct, inactive, fused, state-administered) foundation under Law No. 5737,⁴ and a transfer of ownership to the Directorate General of Foundations (VGM) based on a manifest error in the assessment of the evidence. It also alleges a violation of the right to a fair trial, as domestic courts dismissed its appeals without any genuine investigation, without assessing its decisive evidence, and without addressing its essential argument regarding the unique identity between the applicant foundation and its historical name, the “Yedikule Armenian Hospital Guest House Foundation” (*Yedikule Ermeni Hastanesi Mihmanı Vakfı*).

4. The European Centre for Law and Justice (ECLJ) bases its observations on the right to property (I), the right to a fair trial (II), the prohibition of discrimination based on religion (III), and the context of systemic violations of Christian rights in Turkey (IV). The ECLJ believes that a purely technical condemnation would be insufficient. The European Court of Human Rights (“the Court”) must explicitly establish the discrimination suffered by the foundation, as the injustice surrounding its classification as a *mazbut* foundation finds its root cause in its Christian nature.

I. On the Alleged Violation of Article 1 of Additional Protocol No. 1 to the Convention Following the Non-Restitution of Real Estate Belonging to the Applicant Foundation

A. The Relevant Domestic Legal Framework

5. Under the Ottoman Empire, minority foundations did not possess a *vakfiye* (charter of foundation) but managed collective properties subject to the dual-ownership regime (*icareteyn*) or perpetual lease (*mukataa*). The foundation retained bare ownership (*rakabe*), while the right of permanent and exclusive use, protected against any administrative eviction, was recorded in the land registry, granting the holder the status of *mutasarrıf*. The Law of February 16, 1912, recognized for the first time their right to hold property as a legal entity.⁵

¹ Peace Treaty between the Allied Powers and Turkey, Lausanne, 24 July 1923.

² Law No. 5737 on Foundations, Article 3, Turkish Official Gazette No. 26800, 27 February 2008.

³ Law No. 5737, Article 4.

⁴ Law No. 5737, Article 6.

⁵ Provisional Law on the Right of Legal Entities to Dispose of Real Estate, No. 1328/1912, adopted on 16 February 1912.

6. Law No. 2762 of June 13, 1935, required non-Muslim foundations to file a declaration of their real estate property. The applicant complied with this obligation by providing its “1936 Declaration,” which recorded its right over the property in question for the benefit of the Yedikule Armenian Hospital Guest House Foundation, an organic entity identical to the applicant. Domestic case law has confirmed that these declarations constituted a legally binding inventory of their property.⁶

7. Modern Law No. 5737 of February 20, 2008, repealed the 1935 Law. Provisional Article 11 provides for the automatic registration in the land registry of properties mentioned in the 1936 Declaration that were improperly registered in the name of the Treasury or the VGM. Concurrently, Article 17 of this same law imperatively states: “*In the event that the possessors or owners die without leaving heirs, disappear, abandon . . . the ownership of real estate subject to icareteyn or mukataa shall be registered in the name of the foundation.*” Furthermore, Article 46 of the Turkish Constitution prohibits any deprivation of private property without a genuine public utility and prior payment of actual cash compensation.

B. On the Existence of a “Possession” Within the Autonomous Meaning of the Convention

8. According to the Court’s established case law, the concept of “possession” has an autonomous scope independent of formal classifications under domestic law.⁷ It must be examined whether the overall circumstances made the applicant holder of a protected substantial interest;⁸ the lack of a modern land title does not preclude the application of Article 1 of Protocol No. 1, provided there is a solid “legitimate expectation” of enjoying the right.⁹ The passage of time can give rise to such an autonomous proprietary interest.¹⁰

9. In the present case, the case file demonstrates a continuous, centuries-old proprietary link between the applicant and plot 44 (block 651) located in Sarıyer, Büyükdere. Although the original land registration (1897-1898) under the *icareteyn* regime mentions a right of use (*mutasarrıf*) for a natural person (Güher, daughter of Merzo), this entry must be read in light of the legal constraints of the Ottoman era. Indeed, prior to the Law of February 16, 1912, minority legal entities lacked the legal capacity to acquire or register real estate in their own name. To circumvent this prohibition, Christian institutions systematically resorted to the legal technique of using a strawman, formally registering their properties either under the real but borrowed name of a community notable (*nam-ı müstear*) or under the fictitious name of a religious saint (*nam-ı mevhum*), even though the actual ownership, funding, and purpose of the property remained exclusively communal.

10. Consequently, the subsequent disappearance of the individual named Güher cannot legally be analyzed as an escheat granting a right of return or confiscation to the State. Güher never acted as an independent private owner, but merely as a fiduciary trustee for the Armenian community. This collective property right, concealed behind this necessary fiction, was definitively consolidated and made public through the explicit inclusion of the plot in the 1936 Declaration submitted by the applicant, ending the apparent duality of the title.¹¹ Under the settled case law of the Turkish Court of Cassation (notably the landmark judgment of May 8, 1974), the

⁶ *Fener Rum Erkek Lisesi Vakfı v. Turkey*, no. 34478/97, §§ 23-28, 9 January 2007.

⁷ *Beyeler v. Italy* [GC], no. 33202/96, § 100, 5 January 2000.

⁸ *Depalle v. France* [GC], no. 34044/02, § 62, 29 March 2010.

⁹ *Öneryıldız v. Turkey* [GC], no. 48939/99, § 124, ECHR 2004-XII; *Kopecký v. Slovakia* [GC], no. 44912/98, § 35, 28 September 2004.

¹⁰ *Depalle v. France* [GC], cited above, § 68.

¹¹ *Yedikule Surp Pargiç Ermeni Hastanesi Vakfı v. Turkey*, no. 36165/02, 16 March 2009.

1936 Declaration serves as a founding charter (*vakıf senedi*) and constitutes the legal and opposable inventory for minority foundations. Since the property appears there, the applicant holds a substantial proprietary interest having the character of a “legitimate expectation” firmly protected by the Convention.

11. Moreover, the Istanbul Regional Administrative Court (BİM) explicitly validated this analysis in its historic judgment of September 27, 2018, concerning a similar proceeding brought by the same applicant foundation, finding that the listing of a property in the 1936 Declaration is sufficient to establish its actual ownership. Consequently, by retroactively challenging today the existence of a property right based on an inventory that its own legislation made mandatory, Turkey characteristically violates the principle of legality and legal certainty.

C. On the Non-Recognition of the Applicant Foundation’s Status as Owner

12. The interference in question consists of a unilateral administrative deprivation of property that must be examined in light of the general rule of the right to the peaceful enjoyment of possessions. Although Article 1 of Protocol No. 1 is silent on procedural requirements, the interference must afford the person concerned a reasonable opportunity to present their case to challenge the measure.¹² This requirement is significantly heightened when the State itself is a party to the land dispute against a minority institution. In such a context, the European judge must look behind appearances¹³ and exercise effective proportionality control.¹⁴

13. In this case, noting the disappearance of the registered possessor Güher in 1963, the Directorate General of Foundations unilaterally seized control (*vaziyet edilmesine*) of plot 44 to register it in its own name as ownerless property (*metruken*). Domestic courts subsequently rejected the applicant’s appeals on the fallacious grounds that the original title designated a distinct entity, which was arbitrarily classified by the VGM as a “defunct” (*mazbut*) foundation and placed under exclusive State trusteeship.

14. This reasoning rests on a double legal fiction that is abusive and confiscatory. On one hand, the VGM pretends not to recognize the proven strawman arrangement. On the other hand, the defendant administration attempts to create an artificial separation between the “Guest House” (*Yedikule Ermeni Hastanesi Mihmanı Vakfı*) mentioned in the 1936 Declaration and the current applicant Foundation, for the sole purpose of classifying the former as “fused” or “vacant” to capture its heritage. However, the institutional, organic, and functional identity between the “Guest House” and the applicant is absolute. They are one and the same continuous charitable work. The “Guest House” never constituted an autonomous foundation, but an internal hospital branch, an operational arm of the Yedikule Armenian Hospital historically intended for welcoming and caring for the destitute.

15. This forced de-establishment process is an exact replica of the strategy already censured by the Court in the case of *Fener Rum Patrikliği v. Turkey* (2010). In that case, the VGM had similarly declared the Büyükada Greek Orphanage Foundation to be *mazbut* in order to improperly appropriate its management and real estate, before arguing in court that the original registration in the name of the Patriarchate resulted from a simple error. The Court firmly rejected

¹² *Anheuser-Busch Inc. v. Portugal* [GC], no. 73049/01, § 49, 11 January 2007.

¹³ *G.M. v. Italy*, no. 56293/00, § 23, 5 July 2007.

¹⁴ *Gereksar and Others v. Turkey*, nos. 34764/05 and others, §§ 51-53, 1 February 2011.

this technique, viewing it as a unilateral and arbitrary deprivation of property without any compensation.

16. Challenging the qualification of a foundation as “defunct” (*mazbut*) is a burdensome administrative procedure distinct from the present case. This classification is a complex technical expropriation mechanism that the ECLJ has already extensively documented and denounced before the Court, notably in its third-party observations submitted in April 2024 in the case of *Dimitri Bartholomeos Arhondoni and Others v. Turkey* (application No. 15399/21) regarding the unlawful trusteeship over the Greek Orthodox Monastery of Saint Spyridon of Halki.¹⁵

17. The ECLJ emphasizes that under Turkish law (Law No. 5737, Article 7), *mazbut* status can only apply to foundations that have legally and factually ceased all charitable activity and whose administration has become impossible due to a lack of directors. Yet, the applicant, the Yedikule Holy Savior Armenian Hospital Foundation, is a major hospital and charitable institution, operating continuously, uninterruptedly, and dynamically since 1834 under the leadership of its elected board of directors. It also has numerous closed or pending cases before the Court.¹⁶ It is worth noting that in another land dispute led by the same applicant, the ECLJ was officially authorized by the Court to submit written observations as a third party in October 2025.¹⁷ Utilizing the *mazbut* status against a branch of this active structure, under the pretext of a historical nuance in title wording, constitutes an abuse of power aimed at purely sectarian spoliation.

18. The actual exercise of the right to property implies positive obligations of protection.¹⁸ To this end, Article 17 of Law No. 5737 mandated the automatic registration of the property in the name of the foundation upon the disappearance of the physical possessor. This positive obligation is greatly reinforced by the Treaty of Lausanne (Articles 37, 40, and 42 § 3), which establishes the protection of minorities as a “fundamental law” prevailing over any official domestic action, the spirit of the treaty commanding the preservation of minority autonomy against assimilation policies.¹⁹

19. The unilateral seizure of property under the guise of *mazbut* status actually enables the VGM to turn minority heritage into a source of commercial profit, pursuant to Articles 26 and 77 of Law No. 5737. The applicant is thus deprived of its vital rental income without any compensation, breaking the fair balance required by the Convention.²⁰ A simple reopening of the domestic trial would be ineffective here due to the characterized institutional bad faith of the

¹⁵ See *Dimitri Bartholomeos Arhondoni and Others v. Turkey*, no. 15399/21, ECLJ written observations of April 2024. <https://eclj.org/religious-autonomy/echr/dimitri-bartholomeos-arhondoni-et-autres-c-turkiye-a-pro?lng=en> It should be noted that following a procedural update, the applicant party informed the Registry of the Court on 3 September 2024 that it no longer wished to maintain this application; finding that the continued examination of the case was no longer justified, the Court officially struck the case out of its list on 14 November 2024.

¹⁶ See, concerning the closed or pending applications of the same applicant foundation before the Court: ECtHR, *Yedikule Surp Pirgiç Ermeni Hastanesi Vakfi v. Turkey*, no. 36165/02, judgment of 16 December 2008 (violation of Article 1 of Protocol No. 1); ECtHR, *Yedikule Surp Pirgiç Ermeni Hastanesi Vakfi v. Turkey*, nos. 50147/99 and 51207/99, friendly settlement judgment of 26 June 2007; as well as the pending application *Yedikule Surp Pirgiç Ermeni Hastanesi Vakfi v. Turkey*, no. 55025/20.

¹⁷ See *Yedikule Surp Pirgiç Ermeni Hastanesi Vakfi v. Turkey*, no. 23343/24, ECLJ written observations of October 2025. <http://media.aclj.org/pdf/ECLJ-Written-Observations-Yedikule-Surp-Pirgic-Ermeni-Hastanesi-Vakfi-v.-Turkey-October-2025.pdf>

¹⁸ *Broniowski v. Poland* [GC], no. 31443/96, § 143, ECHR 22 June 2004; *Öneryıldız v. Turkey* [GC], cited above, § 134.

¹⁹ Jean-Marc Balhan, “La Turquie et ses minorités” [Turkey and its minorities], *Études*, Volume 411, 2009, pp. 595-604.

²⁰ *Sporrong and Lönnroth v. Sweden*, nos. 7151/75 and 7152/75, § 69, 23 September 1982.

administration. Therefore, relying on the protective jurisprudence of the *Büyükada Orphanage case*,²¹ the ECLJ respectfully invites the Court to order the immediate restitution of plot 44 (block 651) and its direct registration in the name of the applicant foundation.

II. On the Alleged Violation of Article 6 § 1 of the Convention for Failure to Respect the Right to a Fair Trial

20. Article 6 § 1 obliges domestic courts to examine effectively and diligently the essential arguments raised by the parties and to provide reasoned responses.²² Failure to respond to substantial and individualized legal arguments vitiates the fairness of the trial.²³

21. Before the 10th Administrative Court of Istanbul, the applicant had demonstrated, backed by historical evidence, the unique identity between the applicant foundation and the original designation. The courts confined themselves to opposing this with a stereotyped formula asserting the *mazbut* nature of the original entity, without providing any material evidence. By failing to answer this decisive argument, the domestic courts endorsed an arbitrary denial of justice.

22. Furthermore, the principle of equality of arms requires that each party be given a reasonable opportunity to present their case under conditions that do not place them at a substantial disadvantage,²⁴ which requires the administration to produce the entirety of the administrative file. In this case, the VGM produced no decree from the Council of Foundations establishing the factual basis for this alleged “defunct” status. The judges unreservedly accepted the administration’s assertions, violating the adversarial principle.²⁵

23. Finally, the court arbitrarily rejected the applicant’s requests for investigation. It refused to take into account an official document from the Armenian Patriarchate of Turkey certifying the institution’s history and rejected the request for a judicial order to formally consult the Patriarchate. This refusal to diligently evaluate the evidence shows that the courts acted merely as rubber stamps for administrative spoliation, characterizing a violation of Article 6 § 1.

III. On the Alleged Violation of Article 14 Taken Together with Article 1 of Additional Protocol No. 1, Following Discrimination Based on Religion Against the Armenian Foundation in the Non-Recognition of Its Property

24. A distinction is discriminatory if it lacks an objective and reasonable justification, meaning it does not pursue a “legitimate aim” or if there is no “reasonable relationship of proportionality” between the means employed and the aim sought to be realized.²⁶ The criterion for the applicability of Article 14 combined with property rights rests on the fact that, but for the discriminatory ground invoked, the applicant would have benefited from an enforceable right

²¹ *Rum Patrikhanesi v. Turkey* (just satisfaction), no. 14340/05, 15 June 2010.

²² *Ruiz Torija v. Spain*, no. 18390/91, §§ 29-30, 9 December 1994; *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and others, § 185, 6 November 2018.

²³ *Cangi and Others v. Turkey* (no. 2), no. 65087/19, §§ 42-46, 8 July 2025.

²⁴ *Aykhani Akhundov v. Azerbaijan*, no. 43467/06, §§ 86-88, 1 June 2023.

²⁵ *Ivan Stoyanov Vasilev v. Bulgaria*, no. 7963/05, § 33, 4 June 2013; *Pişkin v. Turkey*, no. 33399/18, § 147, 15 December 2020.

²⁶ *Chassagnou and Others v. France* [GC], nos. 25088/94 and others, § 89, 29 April 1999; *Fabris v. France* [GC], no. 16574/08, § 52, 7 February 2013.

under domestic law.²⁷ Article 14 is also violated when States fail to treat differently situations that are substantially different.²⁸

25. In this case, Muslim or common-law foundations face no challenges to their titles when their historical wording evolves. The VGM imposed an exorbitant burden of proof on the applicant, equating a highly active charitable institution with an extinct structure solely based on its Ottoman-era name. Certain factions of the State apparatus remain structurally reluctant to clarify the legal status of minority real estate, fearing that the scale of official and historical spoliations might be brought to light.²⁹

26. The interference pursues no legitimate aim of public utility. The concealed objective corresponds to a policy of attrition of Christian heritage to strengthen national homogeneity. On the contrary, the State should have provided “positive protective measures” for the benefit of this minority protected by the Treaty of Lausanne.³⁰ By depriving the foundation of plot 44 entirely free of charge, the administration imposed a disproportionate burden that disrupts the fair balance,³¹ violating Article 14 combined with Article 1 of Protocol No. 1.

IV. On the General Situation of Disrespect for Christian Minorities in Turkey and the Context of Systemic Spoliation

27. The lack of recognition of the applicant’s property right occurs within a structural context of attrition of non-Muslim minority properties in Turkey, constituting a characterized failure of the State to meet its positive obligations to establish an effective protective administrative framework.³²

28. Today, there are 167 recognized community foundations in Turkey, including 77 Greek, 54 Armenian, 19 Jewish, 10 Syriac, 3 Chaldean, 2 Bulgarian, 1 Georgian, and 1 Maronite foundation, according to official statistical data.³³ Among them, the VGM has arbitrarily declared 48 Greek and Jewish foundations to be “defunct” (*mazbut*), unilaterally assuming exclusive management over hundreds of buildings.³⁴

29. This spoliation is accompanied by an alarming demographic erosion. Christians now number only 169,000, representing barely 0.2% of the overall population.³⁵ The Greek Orthodox

²⁷ *Stec and Others v. United Kingdom* [GC], nos. 65731/01 and 65900/01, § 55, 6 July 2005; *Andrejeva v. Latvia* [GC], no. 55707/00, § 79, 18 February 2009.

²⁸ *Thlimmenos v. Greece* [GC], no. 34369/97, § 44, 6 April 2000.

²⁹ Jean-François Pérouse, "Les structures de contrôle et d'enregistrement des biens minoritaires en Turquie" [The control and registration structures of minority property in Turkey], *Cahiers d'Études Orientales*, vol. 14, 2016, p. 112.

³⁰ *Öneryıldız v. Turkey* [GC], no. 48939/99, § 134, 30 November 2004.

³¹ *R.Sz. v. Hungary*, no. 41838/11, § 60, 2 July 2013.

³² *Öneryıldız v. Turkey* [GC], cited above, § 134.

³³ Data from the official census platform: Cemaat Vakıfları [Community Foundations], There are a total of 167 community foundations in Turkey, including 77 Greek, 54 Armenian, 19 Jewish, 10 Syriac, 3 Chaldean, 2 Bulgarian, 1 Georgian and 1 Maronite.

³⁴ Ecumenical Federation of Constantinopolitans, *A Short History of the Treatment of the Greek-Orthodox Community of Istanbul (1923-2009)*, 2009.

³⁵ Open Doors NGO Report, *World Watch List Persecution Dossier: Turkey*, 2024.

community has dropped from 100,000 in 1923 to fewer than 2,000 people.³⁶ The Armenians number around 90,000 faithful, and the Syriac Orthodox around 25,000.³⁷

30. The Parliamentary Assembly of the Council of Europe, in its Resolution 1704 (2010), urged Turkey to return all properties classified as “*mazbut*” or to fairly compensate their owners.³⁸ The European Parliament has also deplored the complete lack of significant progress in protecting these property rights.³⁹ Turkey claims to have returned 1,084 real estate properties between 2003 and 2018,⁴⁰ but this figure remains marginal compared to the thousands of unresolved spoliations.

31. This strategy of property suffocation cannot be separated from repeated interventions by the Turkish State in the internal governance and electoral system of minorities. In August 2022, the Armenian Patriarch of Constantinople, Sahak II Masalyan, denounced in an open letter the blockages imposed by restrictive electoral regulations designed to paralyze the autonomy of Christian hospital institutions.⁴¹

32. The ECLJ invites the Court to read the present case in light of its recent judgment in *Mavrakakis v. Turkey* (May 2026), in which it heavily condemned the respondent State for banning elected Greek Orthodox priests from sitting on the boards of directors of their own foundations. It also extensively echoes the observations of the ECLJ regarding the anti-Christian climate in Turkey,⁴² detailed in our report “*The Persecution of Christians in Turkey*” published in 2025.⁴³ The excessive length of the procedure is such that one of the applicants passed away in 2025 before the Turkish courts could genuinely rule on the merits of the case. The authorities then contested his heirs’ right to continue the proceedings, contributing to further prolonging the litigation. On August 26, 2026, the respondent State requested that the case be referred to the Grand Chamber, illustrating its procedural obstinacy.

33. The fact that elections for major hospital foundations have been deliberately frozen by the authorities since 2013, and effectively placed under the close surveillance of the Ministry of Health, demonstrates the existence of a structural trap. By preventing the democratic renewal of boards of directors, the administration knowingly triggers and maintains a situation of prolonged vacancy in foundation leadership. This forced stagnation is then weaponized by the VGM to apply Article 7 of Law No. 5737 and reclassify these active entities as inactive (*mazbut*) foundations, automatically transferring their real estate assets into the public domain free of charge. The case of plot 44 belonging to the Armenian Foundation is the perfect illustration of

³⁶ Samim Akgönül, *Le Patriarcat grec orthodoxe : De l’isolement à l’internationalisation de 1923 à nos jours* [The Greek Orthodox Patriarchate: From isolation to internationalization from 1923 to the present day], 2004.

³⁷ United States Department of State Report on International Religious Freedom, *International Religious Freedom Report - Turkey*, 2023.

³⁸ PACE, Resolution 1704, “Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)”, 27 January 2010, § 19.5.

³⁹ European Parliament, Resolution of 13 September 2023 on the 2022 Commission Report on Turkey (2022/2205(INI)), § 19.

⁴⁰ Human Rights Council, Working Group on the Universal Periodic Review, National Report of Turkey (A/HRC/WG.6/35/TUR/1), 14 November 2019, § 69.

⁴¹ Fides, “Discontent and ‘discomfort’ for the new regulations of the Foundations. The Armenian Patriarch appeals to Erdogan,” 27 August 2022.

⁴² ECLJ, “ECLJ Wins Case at the ECHR: Turkey Ruled to Have Arbitrarily Interfered with Three Christian Foundations”, 23 June 2026. <https://eclj.org/religious-autonomy/echr/victoire-de-leclj-a-la-cedh-la-turquie-condamnee-pour-son-ingerence-arbitraire-dans-trois-fondations-chretiennes>

⁴³ ECLJ, *The Persecution of Christians in Turkey*, 2025 report. <https://eclj.org/religious-freedom/coe/the-persecution-of-christians-in-turkey?lng=en>

this structural and programmed spoliation mechanism, which aims at erasing the Christian presence in Anatolia.

34. The case of Vakıflı, the last remaining village inhabited exclusively by Armenians (Hatay province), illustrates this policy of attrition. This village faces a threat of mass expropriation of half of its residential and agricultural area under a public housing project launched by the TOKİ administration following the February 2023 earthquakes.⁴⁴ Furthermore, the authorities refuse to execute a Constitutional Court judgment that ordered the return of 36 community properties unlawfully transferred to the Treasury.

35. The ECLJ denounced this structural persecution in April 2024 in its official contribution to the Universal Periodic Review at the UN.⁴⁵ Although Turkey claims to have resolved the land issues of minorities, the present case proves the opposite. The European Union notes a continuous deterioration of the rule of law in Turkey and a repeated refusal to execute ECtHR judgments, despite funding granted through the Instrument for Pre-accession Assistance (IPA III).⁴⁶

36. The present case offers the Court an opportunity to unmask the fiction of “defunct status” (*mazbut*). In the face of latent land and administrative persecution, only a direct restitution decision will safeguard the legal existence and historical heritage of the applicant foundation.

⁴⁴ Bianet, “Turkey’s last Armenian village faces expropriation threat,” 31 January 2025.

⁴⁵ ECLJ Written Submission submitted in October 2024 to the United Nations Human Rights Council in the framework of the Universal Periodic Review (UPR) of Turkey (4th cycle, 49th session of the Working Group). <http://media.aclj.org/pdf/ECLJ-49th-UPR-Turkey-October-2024.pdf>

⁴⁶ European External Action Service (EEAS), “2025 Annual Report on Human Rights and Democracy in the World,” Strategic Report, 11 August 2026.