



WRITTEN OBSERVATIONS

submitted to the European Court of Human Rights

in the case of

David Kim WILSON and Pamela Lynn WILSON v. Turkey

(Case No. 37814/21 and 19 other applications)

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1. The present observations concern twenty joined applications relating to re-entry bans or de facto expulsions imposed by the Turkish authorities against foreign Protestant nationals lawfully residing in Turkey, some of whom have lived there for several decades.
2. The cases at issue go far beyond the ordinary framework of immigration litigation. Rather, they reveal the existence of a repeated administrative practice targeting foreign Protestants because they are engaged in peaceful and lawful religious or missionary activities within local Christian communities.
3. According to data published by the Association of Protestant Churches in Turkey (TEK), between 2019 and 2025, at least 178 foreign Protestant nationals were subjected to measures based on security codes N-82, G-82, or G-87, affecting a total of 380 persons including their spouses and children.¹ The European Parliament and the European Commission have publicly expressed concern through a resolution and a reply to a written question respectively.
4. A closely related case is already pending before this Court: *Kenneth Arthur Wiest v. Turkey* (No. 14436/21), concerning the de facto exclusion of an American Protestant pastor who had resided in Turkey for over thirty years and was targeted through administrative means based on security code N-82.²
5. The present observations will examine in succession the violation of the applicants' freedom of religion (Article 9 of the Convention); the violation of their right to respect for private and family life (Article 8); the serious procedural insufficiencies surrounding the contested measures (Article 13 and Article 1 of Protocol No. 7); and finally, the systemic, discriminatory, and improper nature of the practices complained of (Articles 14 and 18 taken together with Article 9).

I. The violation of the applicants' freedom of religion (Article 9)

A. Missionary and pastoral activities are protected under Article 9

6. Article 9 of the Convention protects not only freedom of religion, but also the right to manifest one's faith through teaching, pastoral activities, and peaceful proselytism. In the case *Kokkinakis v. Greece*, the Court emphasized that "bearing witness in words and deeds" constitutes an essential component of religious freedom.³ It subsequently confirmed on several occasions that peaceful missionary activity falls within the scope of protection of Article 9, notably in *Larissis and Others v. Greece*,⁴ *Nolan and K. v. Russia*,⁵ *Corley and Others v. Russia*,⁶ and more recently, *Ossewaarde v. Russia*.⁷
7. In *Ossewaarde*, the Court recalled that religious teaching and spiritual meetings held in a private setting constitute protected manifestations of religion.⁸ Likewise, in *Nolan and*

¹ Association of Protestant Churches, *2025 Human Rights Violation Report* (March 25, 2026), <https://st-a42yhck5v9.nf.cdn.netflexapp.com/1776770280/tek-2025-report-on-human-rights-violations-in-the-protestant-community.pdf>.

² ECLJ, *Written Observations submitted to the European Court of Human Rights in the Kenneth Arthur Wiest v. Turkey* (Case No. 14436/21) (November 2024), <http://media.aclj.org/pdf/ECLJ-Written-Observations-Kenneth-Arthur-Wiest-c.-Turquie-no.14436.21-November-2024.pdf>.

³ Eur. Ct. H.R., *Kokkinakis v. Greece*, App. No. 14307/88, § 31 (May 25, 1993).

⁴ Eur. Ct. H.R., *Larissis and Others v. Greece*, App. Nos. 23372/94, 26377/94 & 26378/94 (Feb. 24, 1998).

⁵ Eur. Ct. H.R., *Nolan and K. v. Russia*, App. No. 2512/04 (Feb. 12, 2009).

⁶ Eur. Ct. H.R., *Corley and Others v. Russia*, App. Nos. 292/06 & 43490/06 (Nov. 23, 2021).

⁷ Eur. Ct. H.R., *Ossewaarde v. Russia*, App. No. 27227/17, (Mar. 7, 2023).

⁸ *Ibid.*, §§ 39-41. See ECLJ, "Russia: Violation of the religious freedom of an American Baptist" (May 10, 2023), <https://eclj.org/religious-freedom/chr/russie--violation-de-la-liberte-religieuse-dun-baptiste-americain?lng=en>.

Corley, activities consisting of promoting a religious faith, organizing Christian meetings, and supporting a religious community were examined under Article 9.

8. The missionary, pastoral, and community-support activities carried out by the applicants therefore fall, in principle, within the normal and lawful exercise of the freedom of religion protected by Article 9 of the Convention.

B. Existence of an interference with the applicants' freedom of religion

9. In the present cases, the Turkish authorities used the same administrative mechanism restricting the presence of foreigners on the basis of security code N-82 (and G-82 in *Wilson*) with procedural variations but always producing the same practical effect: "entry subject to prior authorization" became a lasting banishment. The authorities thus:
 - either prohibited the applicants from re-entering Turkey after travel abroad;
 - or refused renewal of their residence permits;
 - or cancelled their residence or work permits;
 - or rejected their visa applications;
 - or adopted de facto expulsion measures.
10. These contested measures directly affected the applicants' exercise of their freedom of religion by bringing an end to their religious activities in Turkey and separating them from their spiritual communities.
11. The Court consistently examines whether the contested measures concretely affect the exercise of religion or the manifestation of the applicants' religious beliefs.⁹ In *Nolan and Corley*, the Court attached particular importance to the fact that the applicants had been targeted because of activities essentially consisting of promoting their faith, organizing religious meetings, or supporting their Christian community.¹⁰
12. In the present case, the material contained in the domestic proceedings shows that the Turkish authorities specifically associated the applicants with activities such as evangelization; biblical teaching; support for Protestant churches; organizing or participating in Christian family conferences; pastoral or missionary activities; or, more generally, "missionary activities."
13. It appears, however, that no other concrete non-religious conduct was attributed to the applicants. As in *Nolan*, the contested measures thus appear to have been adopted essentially because of the exercise of religious activities protected under Article 9. The Court had then criticized the approach of considering foreign missionary activities by themselves to be harmful or suspicious.¹¹
14. The repetitive and homogeneous nature of the contested measures reinforces this conclusion. The joined cases concern exclusively foreign Protestant nationals involved in the life of local Christian communities. The applicants present similar profiles: pastors; missionaries; leaders or supporters of Protestant churches; biblical scholars; participants in international Protestant networks. This factual convergence tends to show that the applicants' Protestant religious activities constituted a decisive factor in the adoption of the contested measures.
15. The contested measures had significant concrete consequences on both the collective and individual exercise of the applicants' religion. Several of them were prevented from

⁹ See *Kokkinakis*, App. No. 14307/88; see also *Ossewaarde*, App. No. 27227/17.

¹⁰ See *Nolan and K.*, App. No. 2512/04, §§ 61-79; *Corley and Others*, App. Nos. 292/06 & 43490/06, §§ 72-89.

¹¹ *Nolan and K.*, App. No. 2512/04, § 65.

continuing their pastoral ministry, religious teaching, or support for local churches. Certain Turkish Protestant communities were thereby deprived of pastors, teachers, or spiritual supporters with whom they had maintained long-standing and stable relationships.

16. Therefore, the contested measures have interfered not only with the applicants' personal situation but also with their ability to participate in communal religious life and to carry out their missionary and pastoral activities. These measures thus constitute an interference with the exercise of religious freedom guaranteed by Article 9 of the Convention.

C. The interference is not prescribed by law

17. According to the Court's established caselaw, an interference with the exercise of religious freedom can only be compatible with Article 9 § 2 if it is "prescribed by law," pursues a legitimate aim, and is "necessary in a democratic society."¹² The notion of legality notably implies that the measure be sufficiently accessible and foreseeable and that it provides adequate protection against arbitrariness.¹³
18. Christian missionary activity is not prohibited under Turkish law. No Turkish legislative provision prohibits evangelization, pastoral activities, or religious support provided by foreigners to local Protestant communities. On the contrary, freedom of religion is guaranteed by Article 24 of the Turkish Constitution.
19. Moreover, in 2015, the Turkish Council of State (Danıştay) recalled that missionary activities could not in themselves be considered illegal or constituting a threat to national security or public order. This caselaw was expressly relied upon by two judges of the Turkish Constitutional Court in their dissenting opinions relating to the February 15, 2024 decision *Amanda Jolyn Krause and Others* concerning the expulsion of nine foreign Protestants, among whom were three applicants in the present cases (Wood, Hoard, and Bradtke).¹⁴
20. In the present cases, the applicants were not informed of the precise accusations made against them. The contested decisions relied mainly on confidential notes or assessments by the Turkish intelligence services (MIT), to which neither the applicants nor their lawyers had access. The Turkish courts themselves refused to disclose the evidence relied upon in the name of national security.

D. National security does not constitute an autonomous legitimate aim under Article 9 § 2

21. The Turkish authorities justify the contested measures by considerations of "national security." However, the Court stated particularly clearly in *Nolan and K. v. Russia* that, unlike Articles 8, 10, and 11 of the Convention, Article 9 § 2 does not mention national security among the legitimate aims capable of justifying a restriction on freedom of religion.¹⁵
22. The Court emphasized that this absence does not constitute an accidental omission, but reflects "the primordial importance of religious pluralism as 'one of the foundations of a 'democratic society' within the meaning of the Convention.'"¹⁶ It inferred that interests

¹² Kokkinakis, App. No. 14307/88, § 40-44.

¹³ See, Eur. Ct. H.R., Hasan and Chaush v. Bulgaria, App. No. 30985/96, § 84 (Oct. 26, 2000) (Grand Chamber judgment).

¹⁴ Republic of Turkey Const. Ct., *Amanda Jolyn Krause and Others v. Turkey*, App. No. 2019/40761 (Feb. 15, 2024) (citing decision of Council of State Administrative Law Division, E.2013/797, K.2015/126 (Jan. 28, 2015)), pub. in the Official Gazette No. 7/6/2024-32569, <https://kararlarbilgibankasi.anayasa.gov.tr/BB/2019/40761>.

¹⁵ Nolan and K., App. No. 2512/04, § 73.

¹⁶ *Ibid.*

linked to national security cannot by themselves justify measures restricting the exercise of the freedom of religion guaranteed by Article 9. This principle was reaffirmed in *Corley and Others v. Russia*.¹⁷

23. The Court also recalls that a restriction based on security reasons cannot rest on vague or purely arbitrary allegations.¹⁸ In *Nolan and K. v. Russia*, it stressed that the burden of proof lies with the State when it asserts the existence of a danger to national security.¹⁹ It also criticized the approach consisting in generally considering foreign missionary activities as harmful or suspicious.²⁰
24. In the present case, the repeated invocation of national security in the twenty joined applications, combined with the absence of criminal charges, accessible material evidence, or any identifiable concrete danger, tends to show that the security considerations advanced by the Turkish authorities are largely arbitrary in nature.
25. Even assuming that the contested measures pursue one of the legitimate aims mentioned in Article 9 § 2, they would still need to correspond to a pressing social need and remain proportionate to the aim pursued.

E. The interference is not necessary in a democratic society

26. In the present cases, no concrete, individualized, and verifiable element appears to demonstrate that the applicants participated in activities genuinely threatening national security or public order. None of the applicants have been criminally convicted for acts related to terrorism, violence, or incitement to hatred. In several cases, it appears on the contrary that the authorities essentially reproach the applicants for their religious commitment and active participation in the life of Protestant communities.
27. The repetitive nature of the contested measures tends to demonstrate the existence of an abstract and generalized approach equating foreign Protestant missionary activities to a security threat without sufficient individualized examination.
28. Moreover, the contested measures appear particularly severe in light of the applicants' personal situations. Several had lawfully resided in Turkey for twenty, thirty, or even more than thirty-five years. Some had established families, raised their children, and devoted an essential part of their lives to supporting local Christian communities. The contested measures had the effect of abruptly ending these establishments, interrupting long-standing pastoral ministries, and depriving Protestant communities of essential religious support.
29. The Court nevertheless recalls that religious pluralism constitutes "one of the foundations of a democratic society."²¹ It attaches particular importance to the protection of religious minorities and unpopular groups, as well as to the freedom peacefully to disseminate religious beliefs.²²
30. Yet, as in *Nolan*, the contested measures appear to rest on an arbitrary approach considering foreign Protestant missionary activities as intrinsically suspicious.²³ Such logic is difficult to reconcile with the religious pluralism protected by the Convention.

¹⁷ *Corley and Others*, App. Nos. 292/06 & 43490/06, §§ 72-89.

¹⁸ *Nolan and K.*, App. No. 2512/04, §§ 69-72.

¹⁹ *Ibid.*, § 69.

²⁰ *Ibid.*, § 65.

²¹ *Kokkinakis*, App. No. 14307/88, § 31.

²² *Ibid.*; see *Ossewaarde*, App. No. 27227/17, §§ 39-41; see also *Nolan and K.*, App. No. 2512/04, §§ 65, 73.

²³ *Nolan and K.*, App. No. 2512/04, § 65.

31. Having regard:

- to the absence of concrete evidence demonstrating a real and individualized danger;
- to the vague and abstract nature of the accusations made;
- to the repetitive and systemic character of the contested measures;
- to the seriousness of their consequences for the applicants and their religious communities;
- as well as to the importance of religious pluralism in a democratic society,

the contested interferences cannot be regarded as necessary in a democratic society within the meaning of Article 9 § 2 of the Convention.

II. The violation of the applicants' right to respect their private and family life (Article 8)

A. Applicable principles

32. The expulsion, removal, or exclusion of a foreign national who has long been settled in a State constitutes an interference with the right to respect for private and family life guaranteed by Article 8 of the Convention.²⁴ While States possess the power to control the entry and residence of foreign nationals, any measures adopted must nevertheless strike a fair balance between the interests of the State and the fundamental rights of the persons concerned.²⁵ In order to assess the proportionality of such measures, the Court established several “guiding principles” in *Boultif v. Switzerland*²⁶ and subsequently *Üner v. the Netherlands*,²⁷ and regularly reaffirmed, notably in *Maslov v. Austria*²⁸ and *Jeunesse v. the Netherlands*.²⁹
33. In cases based on considerations of national security, the Court also attaches particular importance to the possibility for domestic courts to exercise genuine review of necessity and proportionality, including where certain elements remain confidential.³⁰

B. Application to the present cases

34. Regarding the circumstances of the present cases as discussed in the above section relating to Article 9, the contested measures appear to have constituted a particularly serious interference with the applicants' right to respect for their private and family life.
35. None of the applicants have been criminally convicted or prosecuted for acts related to terrorism, violence, or public order. The Turkish authorities invoke “national security” in general terms without producing individualized elements capable of establishing the existence of a concrete danger.
36. Several applicants had lawfully resided in Turkey for twenty, thirty, or even more than thirty-five years. Some had established families, raised their children, and developed essential aspects of their personal, social, professional, and religious life there. The contested measures

²⁴ Eur. Ct. H.R., *Boultif v. Switzerland*, App. No. 54273/00, § 39 (Aug. 2, 2001); *see also Üner v. Netherlands*, App. No. 46410/99, § 54 (Oct. 18, 2006) (Grand Chamber judgment).

²⁵ *Üner*, App. No. 46410/99, §§ 54-60.

²⁶ *Boultif*, App. No. 54273/00.

²⁷ *Üner*, App. No. 46410/99.

²⁸ Eur. Ct. H.R., *Maslov v. Austria*, App. No. 1638/03 (June 23, 2008) (Grand Chamber judgment).

²⁹ Eur. Ct. H.R., *Jeunesse v. Netherlands*, App. No. 12738/10 (Oct. 3, 2014) (Grand Chamber judgment).

³⁰ *See* Eur. Ct. H.R., *Muhammad and Muhammad v. Romania*, App. No. 80982/12 (Oct. 15, 2020) (Grand Chamber judgment); *see also Raza v. Bulgaria*, App. No. 31465/08 (Feb. 11, 2010).

had the effect of abruptly putting an end to stable, long-standing family and social situations and in some cases, separating families.

37. The applicants also appear to have been deeply integrated into Turkish society. Several participated in professional, educational, pastoral, or humanitarian activities, maintaining long-standing ties with their local communities.
38. Finally, the domestic courts did not carry out a concrete balancing exercise between the interests invoked by the State and the applicants' fundamental rights. The domestic decisions relied largely on confidential MIT reports to which the individuals concerned had no access and were thus without any genuine review of necessity or proportionality.
39. Having regard:
 - to the absence of any concrete danger demonstrated;
 - to the exceptional duration of the applicants' residence;
 - to the intensity of their family and social ties with Turkey;
 - to their degree of integration;
 - as well as to the absence of effective judicial review,

the contested measures cannot be regarded as necessary in a democratic society within the meaning of Article 8 § 2 of the Convention.

III. The applicants were deprived of effective procedural safeguards (Article 13 of the Convention and Article 1 of Protocol No. 7)

A. Secrecy of evidence and impossibility of defense

40. The present cases raise serious difficulties with regard to the minimum procedural safeguards required by the Convention when a State invokes considerations of national security in order to restrict the fundamental rights of foreign nationals lawfully residing within its borders.
41. The contested measures rely principally on confidential assessments prepared by the Turkish intelligence services (MIT). In most cases, the applicants did not have access to the evidence relied upon against them nor to a sufficient summary of the accusations made. The Turkish administrative courts generally refused to disclose the contested documents on the grounds that they fell under national security secrecy.
42. The Court nevertheless recalls that proceedings cannot be regarded as fair where the person concerned does not have sufficient opportunity to know and challenge the essential grounds of his or her accusations.³¹ In the *Muhammad and Muhammad v. Romania* decision rendered by the Grand Chamber, the Court emphasized that even in cases involving national security, restrictions on proceedings must be counterbalanced by adequate and sufficient procedural safeguards.³²
43. The Court admittedly accepts that certain sensitive material may remain confidential. However, it requires at a minimum:
 - that the persons concerned be informed of the substance of the accusations directed against them;
 - that they be able effectively to submit observations;

³¹ Eur. Ct. H.R., *Al-Nashif v. Bulgaria*, App. No. 50963/99, § 123 (June 20, 2002).

³² *Muhammad & Muhammad*, App. No. 80982/12, §§ 132-45.

- and that independent and effective review be exercised over the secret material relied upon by the administration.³³

44. In the present case, these safeguards appear largely absent. The applicants found themselves practically unable to respond to the accusations made against them, since they did not know the exact facts being alleged. This procedural obscurity considerably affected the applicants' ability to organize their defense and effectively exercise available remedies.

B. Insufficient judicial review and structural failure of domestic remedies

45. The domestic proceedings reveal that the judicial review of the contested decisions was largely a formality. The Turkish administrative courts validated the measures based on code N-82 almost automatically without any genuine examination of the veracity of the accusations, the existence of a concrete danger, or the proportionality of the contested measures.
46. In several cases, the domestic decisions merely reproduced the conclusions of the administrative authorities or intelligence services without sufficient individualized reasoning. The applicants were not afforded any adversarial procedure enabling them effectively to challenge the material used against them.
47. The Court has nevertheless repeatedly recalled that, where considerations of national security are invoked, domestic courts must be capable of exercising genuine and effective review of the grounds advanced by the administration.³⁴ Purely formal or automatic review is insufficient under the requirements of Article 13 of the Convention.
48. The present cases reveal a phenomenon of quasi-automatic validation of administrative decisions based on confidential MIT reports. This kind of decision-making process also appears in the recent caselaw of the Turkish Constitutional Court.
49. In its February 15, 2024 decision *Amanda Jolyn Krause and Others*, the Constitutional Court upheld the expulsion of several foreign Protestants accused of "missionary activities," without requiring sufficient disclosure of the evidence relied upon or demonstrating the existence of a concrete danger to national security.
50. Several constitutional judges nevertheless expressed significant dissenting opinions. The President of the Constitutional Court at the time, Zühtü Arslan, notably emphasized that it was impossible for the applicants effectively to exercise their rights of defense without sufficient knowledge of the accusations directed against them. He also criticized arbitrarily equating missionary activities to a security threat.
51. These dissenting opinions illustrate the profound difficulties encountered by the Turkish courts in ensuring effective review of contested decisions and in guaranteeing a genuine balance between national security and fundamental rights. In these circumstances, the domestic remedies appear largely insufficient to correct the alleged violations of Articles 8 and 9 of the Convention.

C. The contested measures constitute de facto expulsions

52. The Turkish authorities maintain that the contested measures do not constitute expulsions within the meaning of Article 1 of Protocol No. 7, but are rather administrative decisions

³³ *Ibid.*; see Eur. Ct. H.R., Liu v. Russia (No. 2), App. No. 29157/09, (July 26, 2011).

³⁴ See Raza, App. No. 31465/08; see also Amie & Others v. Bulgaria, App. No. 58149/08 (Feb. 12, 2013).

relating to the entry or residence of foreign nationals. Such a formalistic approach cannot, however, prevail over the concrete reality of the situations at issue.

53. Most applicants had lawfully resided in Turkey for many years and in some cases, several decades. Many applicants had obtained and continuously renewed residence permits, founded families, raised their children, and established essential aspects of their private and family life. Yet the contested measures had the concrete effect of excluding them de facto from Turkey.
54. The Court recalls that Article 1 of Protocol No. 7 guarantees to foreign nationals lawfully residing within a State certain minimum procedural safeguards prior to any expulsion, notably:
 - the right to submit arguments against their expulsion;
 - the right to have their case reviewed;
 - and the right to be represented for these purposes.³⁵
55. These safeguards necessarily imply that the people concerned have sufficient access to the grounds relied upon against them in order to effectively challenge the contested decision. In the present case, the applicants were deprived of such safeguards. The absence of access to essential evidence, the largely secret nature of the proceedings, and the insufficiency of judicial review prevented any genuine adversarial examination of their situation.

D. Necessity for rigorous review by the Court and full disclosure of the evidence

56. The present cases therefore call for particularly rigorous review by the Court. As in *Nolan and K. v. Russia*, the arbitrary invocation of national security concerns cannot dispense the respondent State from demonstrating that concrete factors justify the contested decision.³⁶ The Court cannot renounce its effective review merely because the national authorities invoke confidential security considerations.
57. In these circumstances, it appears essential that the Turkish authorities produce the relevant material underlying the contested measures in order to enable the Court to exercise its Convention review. Failure to produce such materials based on the administration's invocation of secrecy would risk shielding the contested decisions from any genuine judicial scrutiny entirely.
58. Finally, insofar as the MIT documents appear to be the central element justifying the contested measures, a persistent refusal to produce relevant information could lead the Court to administer the appropriate consequences under Article 38 of the Convention and in accordance with its caselaw.³⁷

IV. The contested measures reveal a systemic and discriminatory administrative practice and a misuse of powers (Articles 14 and 18 taken together with Article 9)

59. The present cases go far beyond isolated individual situations. The twenty joined applications instead reveal the existence of a purposeful, repetitive administrative practice specifically directed against foreign Protestant nationals engaged in religious activities in Turkey.

³⁵ European Convention on Human Rights, protocol 7, art. 1.

³⁶ *Nolan and K.*, App. No. 2512/04, §§ 69-72.

³⁷ *See ibid.*, §§ 56-57.

A. Existence of a systemic and discriminatory administrative practice targeting foreign Protestants

60. The systemic nature of the contested measures is demonstrated first of all by the multitude of cases with remarkably similar characteristics. The persons targeted are exclusively foreign Protestants engaged in ordinary religious or pastoral activities within Turkish Protestant churches.
61. The joined cases also reveal the recurrent use of administrative codes N-82 and G-82 as instruments of exclusion against foreign Protestant nationals lawfully residing in Turkey. In several cases, the applicants discovered the existence of these measures only after temporarily leaving Turkey, sometimes after several decades of lawful residence. These codes thus enable the authorities to circumvent procedural safeguards normally attached to formal expulsions.
62. The present cases also reveal a troubling tendency to equate ordinary Protestant religious activities to threats to national security. Yet such activities fall within the normal and peaceful exercise of religion freedom protected under Article 9 of the Convention. Such exercise cannot, in itself, be equated to extremist conduct or conduct threatening the democratic order. The fact that ordinary religious activities are repeatedly presented as suspicious or dangerous tends to demonstrate that the contested measures specifically target the applicants' Protestant missionary involvement.
63. The systemic nature of the alleged violations also appears in the recurrent reliance on confidential MIT reports not disclosed to the persons concerned. This structural obscurity prevented any genuine argumentation before the domestic courts and largely deprived the applicants of effective procedural safeguards.
64. Article 14 of the Convention notably prohibits any difference in treatment based on religion in the enjoyment of the rights guaranteed by the Convention. The repetition of similar cases, the Protestant affiliation of the persons targeted, and the nature of the activities complained of tend to show that the contested measures specifically target foreign Protestants involved in missionary or pastoral activities, and that the measures do so because of the foreigners' religious affiliation and involvement. This intersection of indicators is sufficient to reveal a difference in treatment based on religion, combined with the exercise of the rights guaranteed by Articles 8 and 9 of the Convention.
65. The systemic character of the contested practices has also been noted at the European level. On February 12, 2026, the European Parliament officially warned Turkey regarding the expulsion of foreign journalists and Christians on the basis of secret security grounds and without a fair trial, considering that such practices constituted an infringement of human rights as well as freedom of religion and expression.³⁸ The following day, the Turkish Ministry of Foreign Affairs rejected these accusations as unfounded.
66. Similarly, on February 5, 2026, two Members of the European Parliament questioned the European Commission concerning "the targeting of Christians in Turkey" and the discriminatory expulsions of foreign Protestants based on secret security allegations and the absence of effective remedies. On April 17, 2026, the Commission replied that it was aware of these expulsions and recalled that practices affecting freedom of religion could not be

³⁸ European Parliament resolution of 12 February 2026 on the targeted expulsions of journalists and foreign Christians in Türkiye under the pretext of national security (2026/2613(RSP)), https://www.europarl.europa.eu/doceo/document/TA-10-2026-0047_EN.html.

treated as national security concerns without sufficient justification and effective judicial safeguards.³⁹

67. The present cases form part of a broader context of vulnerability regarding Christian communities in Turkey, documented notably in the ECLJ report *The Persecution of Christians in Turkey*.⁴⁰ This report describes the persistence of violence, institutional discrimination, and administrative measures targeting local Orthodox, Catholic, and Protestant Christian communities, as well as foreign Protestants engaged in religious or missionary activities.

B. The present cases raise an issue of misuse of powers within the meaning of Article 18 taken together with Article 9

68. Finally, the circumstances of the present cases raise the question of possible misuse of powers within the meaning of Article 18 of the Convention taken together with Article 9. The Court recalls that Article 18 is violated where a restriction on a Convention right primarily pursues a purpose other than the one officially invoked.⁴¹
69. In the present case, the Turkish authorities repeatedly invoke national security in order to justify the contested measures. However, the general hostility leveled at missionaries and Christian minorities in Turkey tends to show that the real objective may be the restriction of foreign Protestant missionary activities in Turkey.
70. The systematic use of codes N-82 and G-82, combined with the concealment of the MIT reports and the absence of effective judicial review, reinforces the appearance of a misuse of administrative security power in order to restrict Protestant religious activity.
71. Under such circumstances, the present cases seriously raise the question whether the contested measures legitimately pursued an objective of national security or whether such reasoning was instead used ostensibly in order to restrict the applicants' religious activities.

³⁹ Tomislav Sokol (PPE) & Bert-Jan Ruissen (ECR), "Question for written answer E-000477/2026 to the Commission: 'The targeting of Christians in Türkiye: alleged discriminatory expulsions of Protestants and lack of effective judicial remedies'" (Feb. 5, 2026),

https://www.europarl.europa.eu/doceo/document/E-10-2026-000477_EN.html.

⁴⁰ ECLJ, *The Persecution of Christians in Turkey* (2025),

<https://eclj.org/religious-freedom/coe/the-persecution-of-christians-in-turkey?lng=en>.

⁴¹ See Eur. Ct. H.R., *Merabishvili v. Georgia*, App. No. 72508/13, §§ 287-317 (Nov. 28, 2017) (Grand Chamber judgment).