



Tolerance and non-discrimination: Ecumenical Patriarchate and the Greek Minority in Turkey

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1. Introduction

Thank you for the opportunity to speak on behalf of the Order of Saint Andrew to this important assembly.

We come before you, as we have done for a number of years in order to express our own deep concern and to keep alive the concern of the international community on the plight of the Ecumenical Patriarchate of the Eastern Orthodox Christian Church in Istanbul, Turkey. We firmly believe, as does His All Holiness the Patriarch, that it is in the interest of Turkey, as it aspires to join the European Union and to be respected among the society of modern, democratic states of the world, to show a high respect toward human rights, accept freedom of religious worship, and protect the rights of its minorities. Large segments of the Turkish society see clearly where the interest of Turkey lies as is moving ahead toward a brighter future for its people. It is, therefore, of paramount importance to stress that we are in no way advocating measures that are inimical to the interests of the Turkish state or its society; to the contrary, we sincerely wish well for Turkey, and advocate for her policies toward complete fairness, legality, and respect of religious and

human rights for all its people. Such developments will make Turkey a worthy ally of the United States, a credible candidate as member of the European Union, and an example to other nations in the world. We address, in this paper, the human rights violations against the Patriarch and the Greek minority and we focus on the religious freedom issues in a separate paper to be presented in tomorrow's session although these two issues, as you will appreciate, are closely intertwined, perhaps inseparable.

2. Violations of the Human Rights of the Patriarchate

Unfortunately, we are here today to inform you that, up to now, such desirable conditions do not yet prevail in Turkey despite serious efforts and steps taken in the right direction by the current Government. You must realize that we look at the situation from our point of concern for the safety, health, recognition, rights, and survival of the Ecumenical Patriarchate, even as we note, with sadness, that, in Turkey, pronouncing the words "Ecumenical Patriarchate," as I did just now before you, could be interpreted as a criminal act.

The historical context presented in this paper presents an abridged list of the context and consequences of nearly a century of recorded legal and religious oppression and persecution for the Ecumenical Patriarchate. We will try to highlight for you the circumstances of its predicament. Having observed and served the Ecumenical Patriarchate of the Orthodox Church in Istanbul for long years, we can say with sadness that it is today an endangered species. Although the Patriarchate has survived for almost 2000 years to this day and has enjoyed considerable respect during the Ottoman rule for over 400 years, since the beginning of the Turkish Republic, about 85 years ago, there has been a systematic and premeditated drive by Turkish governments to usurp its resources and thereby diminish its role in the world. A few highlights illustrate the point:

- The Ecumenical Patriarchate is not able to gain recognition as a legal entity in Turkey. Other churches, including the Roman Catholic Church, have the same problem. The Pope has recently petitioned the Republic of Turkey to correct this practice.
- One serious consequence of the lack of a recognized legal entity is the inability to own property. The Ecumenical Patriarchate is continually vulnerable to confiscation of its properties and other indignities; over 95% of its and related institutions' properties have been confiscated through underhanded methods.
- Turkish Courts uphold predatory and confiscatory actions against the Ecumenical Patriarch, its institutions and its resources.
- The Ecumenical Patriarch must be a Turkish citizen at the time of his election. Even as Turkish citizens, which they are, the Ecumenical Patriarch and his fellow hierarchs, priests, and staff, cannot exercise the rights of citizenship.

- The Metropolitans and Bishops who serve at the Ecumenical Patriarchate must also be Turkish citizens.
- The Halki School of Theology was forcibly closed in 1971, meaning that no new Priests can be trained in Turkey and no succession developed for the leadership of the Ecumenical Patriarchate. Turkish citizens who wish to be educated in the Orthodox Faith in Turkey cannot pursue that calling.
- The Turkish government has interfered with the rights of Orthodox Christians around the world by harassing and denying the Ecumenical Patriarch from using the title “Ecumenical,” a decision not within the authority of the government. A Turkish Prosecutor recently brought charges against the Ecumenical Patriarch for using the term “Ecumenical.” Those charges have been dropped, but represent a true picture of the constant pressure and harassment brought upon the Ecumenical Patriarch.
- The Turkish Government is placing exorbitant taxes on social service organizations supported by the Ecumenical Patriarchate, for example, the Balukli Hospital that serves all Turkish citizens without discrimination (ironically, in this case, the Turkish Republic is interfering with the human rights of members of the majority seeking basic health care).
- Turkish groups consistently plan to harm the Ecumenical Patriarch and his associates, including a recent plot by a group of retired Army officers to assassinate the Ecumenical Patriarch, the Armenian Orthodox Patriarch and a prominent Jewish businessman. Thankfully, the plot was uncovered in time to prevent it from materializing.

The Ecumenical Patriarch is the shepherd for hundreds of millions of Orthodox around the world and his Holy See is both the spiritual beacon and anchor for the Eastern Orthodox Church. His flock extends well beyond the boundaries of Turkey, indeed covers the entire world from Japan and Hong Kong to Mexico and Argentina; his spiritual children will continue to press for his safety, freedom of movement, for access and for restoration of the material means to sustain this historical See. The recent presence of Pope Benedict XVI at The Ecumenical Patriarchate highlighted the role of the Ecumenical Patriarch in Christendom. As is widely known, the Pope was invited to Turkey by the Turkish Government as a Head of State rather than as the spiritual leader of Roman Catholicism. The Ecumenical Patriarch’s earlier invitation to the Pope was nullified by the Turkish Government. Violations of basic rights that people enjoy in all civilized countries ends up with essentially denying the means and freedom for the Patriarchate to exercise its spiritual role and leadership in the world and may lead, if unchecked, to its eventual extinction.

3. Violations of the Human Rights of the Greek Minority

Violation of human rights has been a pervasive and persistent policy in Turkey for over 100 years, not to mention the conditions prevailing in the Ottoman Empire. Although one can narrate stories of many minorities who suffered under it, we outline here a few only aspects that concern the Greek minority with which we are more familiar, and which directly affected many members of the Order of St. Andrew.

- Ethnic Greek Turkish citizens were expelled several times in the early 20th century.
- Following the debacle of the Greek-Turkish war in Asia Minor, in 1922-23, the agreed population exchange between Turkey and Greece (about 3 or 4 Greeks to 1 Turk moving) set the stage for the treatment of Greeks in the new Turkish Republic {Note: Bruce Clark, author of “Twice a Stranger,” a balanced chronicle of the events surrounding the Treaty of Lausanne, states that the most conservative estimate of Greeks expelled from Turkey in 1922 was 1.2 million with the real number estimated to be twice as large. The comparable number for Turks expelled from Greece is conservatively about 400,000, with higher estimates reaching 500,000.}
- The pogroms and attacks of 1955 in Istanbul caused the next deep drop in the Greek Minority in that city from over 100,000 to 3,000 today. The use of paramilitary groups provided a veneer of deniability to the Turkish Government. Properties were seized, education was disrupted, heavy taxes were targeted on the Greek minority, and businesses were constrained. Families fled for their lives and livelihood.
- Today, the Turkish citizens of Greek heritage (and by extension the entire Christian minority) in Turkey is an endangered species. The percentage that Christians represent in the Turkish population has dropped from 20% to 0.3 % over the last century, the result of a systematic plan of attrition. Turkish citizens of Greek heritage represent no more than 0.03% of the total population.

The recorded demographic and economic developments as well as ownership decline of minorities over the years offer unequivocal proof of the deep and persistent strategy of oppression and persecution of the Ecumenical Patriarchate and the Greek minority by the Turkish Government.

4. Recent Legal Developments

A major legal development took place just about three months ago with a landmark legal decision by the European Court of Human Rights (ECHR). After exhausting all appeals available within the Turkish Courts system, the Ecumenical Patriarchate filed a suit against the Turkish Government in the European Court of Human Rights (to which Turkey is a signatory) to protest the illegal taking over by the Turkish State of the Orphanage of Buyukada, in the Marmara Sea. That process ended on July 7, 2008 with a

ruling strongly in favor of the Ecumenical Patriarchate. With a unanimous verdict (7 votes out of 7, including that of the Turkish judge) the Court condemned the Turkish State for improperly taking over the Orphanage, and established that the rights of the Patriarchate are protected by international law. The Court also stated that it will revert, in a subsequent decision, to the issue of how the Patriarchate's rights will have to be restored.

In summary, the ECHR held the following:

1. The Ecumenical Patriarchate can own property and thus has legal personality;
2. The Ecumenical Patriarchate can rightfully use the title "Ecumenical" and has a leading role throughout the Orthodox Christian world; and
3. The treaty of Lausanne applies to the Ecumenical Patriarchate, thus providing an additional basis by which the Government of Turkey must protect the basic human rights of the Ecumenical Patriarchate and of the Greek Orthodox minority in Turkey.

The Ecumenical Patriarchate will continue using all avenues open to it by the legal system to seek redress of its grievances, with the full support of the Order of St. Andrew.

Also in this connection, the Order of Saint Andrew welcomed, on September 10, 2008, the release of a strong statement of the U.S. Commission on International Religious Freedom urging Turkey to implement the recent European Court decision regarding the Ecumenical Patriarchate.

5. A Policy of Ambivalence

The Turkish Republic often engages in actions that seem to first offer a glimmer of light which is then dashed by subsequent action. A major example of such action and regressive re-action is a Report by the Turkish Prime Minister's Human Rights Advisory Board issued in October, 2004. Significantly, the Report states as follows:

"Rather than monitor developments over the concept of "minority" and minority law in the world, Turkey remains stuck in the year 1923 and so misinterprets the Lausanne Treaty. The understanding of citizenship must be reconsidered and the example of multi-cultured, multi-identified, democratic, liberal and pluralist society model in Europe must be followed."

The content of this Turkish Human Rights Report was initially hailed by minority groups only to be subsequently suppressed as the Government of Turkey regressed back to its old ways as manifested in the harsh prosecution of the two Turkish academics who authored the Report; the prosecution was based on an accusation of "inciting people (minorities) to hatred and threatening the *unitary* state." The court procedure resulted,

fortunately, in an acquittal. However, on September 20, 2007 the Supreme Court of Appeals overturned the acquittal and reinstated the charges.

6. The Patriarch is a Loyal Turkish Citizen

In view of the attitude of the Turkish Government, one can reasonably ask: Who is the Patriarch? And is the Ecumenical Patriarchate a threat to secular Turkish society? The Ecumenical Patriarch is the spiritual leader of 300 million Orthodox Christians across the world. However, only approximately 3,000 Orthodox now live in Istanbul, a city of more than 12 million. The physical plant of Patriarchate itself is a small, unimposing enclave located in a working-class district of Istanbul, composed of the ancient Church of St. George (a former convent) and five other small buildings. The Ecumenical Patriarchate has been in this location since 1601. The present Ecumenical Patriarch and all his predecessors have always presented themselves as law-abiding citizens of Turkey. The Ecumenical Patriarchate does not proselytize. The Ecumenical Patriarchate and all individuals associated with it fully respect the secular tradition of Turkey.

Notwithstanding almost daily harassment to which he is subjected, the present Ecumenical Patriarch, in keeping with the traditions of his office, has reached out to his fellow man for peace and understanding. In 1994, he organized an inter-faith conference on “Peace and Tolerance” in Istanbul, bringing together the three monotheistic religions – Christianity, Islam and Judaism. In 2001, he again convened representatives of Christianity, Islam, and Judaism, this time in Brussels, with the subject “God’s Peace in the World” to declare that co-operation of religions and civilizations will lead to a friendly reconciliation and peaceful existence of people around the world. He has met with many religious and secular leaders of all faiths, and he has enthusiastically supported environmental causes. Last year, he addressed the 7th International Symposium on the Environment in Greenland where he said: “Humanity does not have the luxury to argue over economic, racial or religious differences.” The Ecumenical Patriarch has been awarded many honors for his role in promoting world peace and the environment, including the Gold Medal of Congress, the highest honor given by the United States.

On September 24, 2008, Ecumenical Patriarch Bartholomew delivered a major address to the Plenary Assembly of the European Parliament during the formal sitting of the Assembly in Brussels and was introduced by its President, Mr. Hans-Gert Pottering. Addressing the Members of the European Parliament (MEP), the Ecumenical Patriarch spoke of the value of the European project in promoting peace and tolerance, the importance of accepting minorities and the need for the EU to accept Turkey as a member. “From our country, Turkey, we perceive both a welcome to a new economic and trading partner, but we also feel the hesitation that comes from embracing, as an equal, a country that is predominantly Muslim. And yet Europe is filled with millions of Muslims who have come here from all sorts of backgrounds and causations; just as

Europe would still be filled with Jews, had it not been for the horrors of the Second World War” the Ecumenical Patriarch said.

7. Conclusions and recommendations

We believe that we have amply demonstrated that the Turkish Government has not to this day, understood the importance of a new, enlightened attitude and new policies of tolerance and respect for the Freedom of Religion and for protection of the human rights of its minorities. To the contrary, a policy of persecution and denial of rights and devious legal means has been followed for many decades. As a result, a systematic and continuous harassment of the Patriarchate, of the Greek and other minorities has been followed and practiced that produces a poisonous environment. Is there any question in anybody’s fair mind that the Ecumenical Patriarchate has been targeted for extinction? The Turkish Government seeks to deny its ecumenicity and its means of sustenance as well as the ability to maintain vital connections to the world-wide network of believers who, however, would applaud Turkey if it would take and apply a firm decision to support a viable and thriving Ecumenical Patriarchate.

Without significant action soon, the world and Turkey will lose the Ecumenical Patriarchate, a source of precious and irreplaceable spiritual, cultural and historical traditions and resources for the entire world. Only a short window of time is left for a change of attitude and reforms to be adopted by Turkey that will secure the Ecumenical Patriarchate’s survival.

We now have, in our hands, a strong and current legal benchmark to go by: The recent decision of the European Court for Human Rights. This benchmark confirms a sound interpretation and confirmation of all the provisions of the Treaty of Lausanne and restates the legal obligations of Turkey that this country has been, unfortunately, ignoring for almost a century. Direct reference can now be made to the ECHR ruling as a minimum standard for Turkey’s behavior. We expect to return next year to report on what has happened in the interim.

We ask this august assembly of a serious and weighty organization (OSCE) to place its full weight and support behind the ruling of the European Court and to advise Turkey that OSCE takes formal notice of the ruling as a serious and non-negotiable position of the international community regarding Turkey’s human rights obligations and to include the demand for immediate implementation of the Court’s decision in the agenda of discussions with the Government of Turkey. Furthermore, a fundamental change of policy is necessary in order for Turkey to convince its partners in this and other organizations, as well as the members of the European Union and indeed the world, that it is indeed a reformed state with a forward outlook, worthy of inclusion in the family of civilized nations.

