



ORDER OF SAINT ANDREW
ARCHONS OF THE ECUMENICAL PATRIARCHATE

Defenders of the Faith

HDIM.CS/0091/19/EN

18 September 2019

The Status and Issues of the Ecumenical Patriarchate of Constantinople
The Organization for Security and Cooperation in Europe (OSCE)
**Fundamental Freedoms I, Including Freedom of Thought, Conscience, Religion
or Belief**

2019

Presented on behalf of the Order of St. Andrew

by

Franklin Sisson, Archon Prepositos

Introduction

The Order of Saint Andrew the Apostle, Archons of the Ecumenical Patriarchate, must once again report that the Orthodox Ecumenical Patriarchate in Turkey is denied basic religious freedom.

The Order is a United States-based organization of Orthodox Christian laymen. Our mission is to defend the Ecumenical Patriarchate and to preserve its important role in the spiritual life of Orthodox Christians, as well as its important prophetic and pastoral voice for all the people of the world. The Archons are also dedicated to the defense of religious freedom for all people of faith worldwide. See archons.org. Among the Archons are members of the U.S. Congress and other offices of the U.S. government. They are also key leaders in business, the media, the arts, and other fields. The mission of the Order is founded on the precepts of the 1948 U.N. Declaration of Human Rights, which recognizes the freedom of religion as one of the four basic human rights. Please refer to the material we have made available to the delegates of this Conference.

The Ecumenical Patriarchate of Constantinople is one of the key institutions of the Christian faith. It was founded by the Saint Andrew, the First-Called Apostle, in 37 A.D., and has served as the highest see and holiest center of the Orthodox Christian Church throughout the world ever since. In 451 A.D., the Fourth Ecumenical Council of the Christian Church conferred upon the Archbishop of Constantinople equal rank to the Bishop of Rome and special responsibilities throughout the rest of the world. The title “Ecumenical Patriarch” dates from the sixth century and reflects the stature in which the Archbishop of Constantinople, which is

now known as Istanbul, has been held by the rest of Christendom ever since. The Ecumenical Patriarch today still retains responsibilities and privileges beyond those of any other Orthodox hierarch.

The Ecumenical Patriarch stands for religious freedom worldwide. In January 2019, he granted autocephaly, or independence, to the Orthodox Church in Ukraine, healing a longstanding split in the Church and dealing a blow to Vladimir Putin's efforts to use the Church to undermine Ukrainian sovereignty.

Yet despite its importance to Christians and Christianity, the Ecumenical Patriarchate has for many years now faced a hostile environment in Turkey, which at times threatened its very existence. This is one reason why in 2019, Turkey continues to be on the "watch list" of the United States Commission on International Religious Freedom (USCIRF), as it has been since 2013. According to the 2019 USCIRF Report, "In 2018, the state of religious freedom in Turkey remained deeply troubling, raising serious concerns that the country's current trajectory will lead to the further deterioration of conditions in the year ahead." The main issues are as follows:

Denial of Legal Personality

The Ecumenical Patriarchate has no legal identity or personality in Turkey. This is particularly difficult to understand, since the institution is 1,700 years old. This lack of legal personality or standing means the Ecumenical Patriarchate has no right to own property, not even the churches in which its parishioners worship. It cannot purchase property. It cannot even own the cemeteries in which its deceased Ecumenical Patriarchs are buried. The Ecumenical Patriarchate cannot even apply for a necessary permit to repair deteriorating church property.

In this, Turkey is in violation of the 1923 Treaty of Lausanne, which established the legal position and rights of minorities. Article 40 of the Treaty explicitly grants minorities the right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their religion freely therein.

The Treaty of Lausanne is still an internationally binding agreement. In addition, the EU Turkey 2003 Accession Partnership instructs Turkey to conform to European standards with respect to religious freedom.

Notwithstanding the above, the Turkish Government denies legal standing to the Ecumenical Patriarchate, the Armenian Patriarchate, the Jewish Rabbi's Office and other religious institutions.¹

Instead, Church property is owned by minority foundations, which operate independently of the Ecumenical Patriarchate. The General Directorate of Foundations (the GDF) has exercised rigid and tight control over the day-to-day management of minority foundations, in violation of the Lausanne Treaty. The GDF can arbitrarily delay the election of foundation board members, thus rendering the foundations inoperative. Another principal way the GDF has restricted the self-management of non-Muslim foundations has been the practice of seizing foundations when it unilaterally deems them to be "no longer of charitable or practical use."² These realities have been greatly responsible for the loss of the properties of the Ecumenical Patriarchate (owned via the foundation system). In 1936, the year the foundation law went into effect, the Ecumenical Patriarchate, its churches and institutions registered approximately 8,000 properties. In 1998, only 2,000 remained. Today that number is less than 500.

In a landmark opinion in 2009³, the European Commission for Democracy through Law stressed that the fundamental right of freedom of religion includes the possibility for religious communities to obtain legal personality. The Commission further stated that it could see no justification for not granting such rights to the non-Muslim religious communities in Turkey.

In 2008, the European Court of Human Rights ordered the return of the Büyükada Orphanage to the Ecumenical Patriarchate, notwithstanding the Turkish Government's argument that the Ecumenical Patriarchate lacked legal standing to hold title.⁴ Even though the deed was later registered in the Ecumenical Patriarchate's name, the Government still insisted that "the institution represented by Greek Orthodox Patriarch Bartholomew does not have a legal personality under

¹ 2012 US Commission on International Religious Freedom, page 199; see also 2013 Report, page 269; 2014 Report page 145.

² "A Tale of Reciprocity," Dilek Kurban and Konstantinos Tsitsalakis, Research Center for Minority Groups, Testev Publications, July 2010, page 11.

³ European Commission for Democracy through Law, Opinion No. 535/2009, www.venice.coe.int

⁴ www.echr.coe.int, Case of Fener Rum Patrikligi, case no. 14340/05, 8/07/2008

current Turkish law.”⁵ Three years later, in August 2011, the Government issued a decree that some confiscated properties would be returned. (See the paper presented by the Order in Session 6 of this Conference.) Some properties were returned: for example, forested land surrounding Halki Seminary, a former school building now housing the Turkish Government’s EU Entry Ministry in Istanbul, a building housing the Greek Consulate near Taksim Square, and some other small properties. However, they have been returned to minority foundations, not the Ecumenical Patriarchate. The Order is hopeful that the ruling of the European Court, which declares that the Ecumenical Patriarchate can hold legal title in its own name, will at last favorably resolve the issue of legal standing for all the Turkish non-Muslim minorities. The Order will monitor this question closely.

Property Confiscation and the Return of Confiscated Property

A separate paper on the related issue of Property Confiscation and the Return of Confiscated Property has been presented by the Order in Session 6 of this Conference. In this document, the Order further describes the process by which the property of the Ecumenical Patriarchate has been confiscated by the Turkish government and explains that the August 2011 decree allowing for the return of confiscated property often has been stalemated or applied in an unjust manner. In this accompanying paper, the Order also explains why the return of properties, to a large extent, is a charade. First, most of the property, which has been returned, is not income producing and, in fact, requires financial support. Second, the Government has not allowed the minority foundations to operate in a manner which will allow the returned property to be maintained effectively.

Halki School of Theology

The reopening of the Halki School of Theology (Halki) is a critical step to the restoration of full religious freedom for the Ecumenical Patriarchate.

Halki was founded in 1844 by Ecumenical Patriarch Germanos IV on the site of a much older monastery on the island of Halki (Heybeliada). Halki served the Orthodox Christian community worldwide until 1971 when it stopped admitting new

⁵ Public Statement by Deputy Prime Minister Bülent Arinc, in January 2011. He also stated that the Government of Turkey was “seeking to find an arrangement that recognizes the existence of the patriarchate but does not offer a legal personality to it, in line with the Lausanne Treaty and our laws.”

students because of a law banning private institutions of higher education. Throughout the years, almost a thousand students have graduated from Halki, including many distinguished clerics, theologians, and most of the Ecumenical Patriarchs elected since the School's founding.

Following its closure, the Ecumenical Patriarchate has had to send abroad the young men from its community who desire to enter the priesthood or study theology, usually to one of the theological schools in Greece, and in many instances they do not return to Turkey after their studies. Since the closure of Halki, the Ecumenical Patriarchate also has had difficulties in finding the staff needed to carry out its many administrative responsibilities and its worldwide mission. If this situation is not rectified in the near future, it could mean nothing less than the asphyxiation of the Ecumenical Patriarchate and the end of Christianity in one of its most important historic sites.

For many years, urgent petitions by the Ecumenical Patriarch, the Order and many others to allow the reopening of Halki have gone unheeded.

Every President of the United States beginning with President Jimmy Carter; former Vice President Joseph Biden; many U.S. Secretaries of State, including the current Secretary, Mike Pompeo; a host of European Union officials; and many international bodies also have repeatedly urged the Government of Turkey to allow the reopening of Halki. Sam Brownback, the US ambassador at large for international religious freedom, said recently: "The government of President [Recep Tayyip] Erdoğan continues to keep the Halki seminary closed. We call on them to let it be reopened."⁶

Ecumenical Patriarch Bartholomew has tirelessly met and discussed this issue many times with high-ranking officials of the Turkish government, including Turkish President Erdoğan. The President of the Turkish government's Directorate of Religious Affairs (Diyanet), Mehmet Gormez, publicly supported the reopening of Halki when he met with the Ecumenical Patriarch in July 2012. On that day, Professor Gormez embraced the Patriarch and stated:

As the Religious Affairs Directorate, we see non-Muslim citizens living in Turkey as an integral part of this country. Regarding religious

⁶ "US urge[s] 'immediate reopening' of Halki seminary," [Ekathimerini](#), June 22, 2019.

freedoms -- freedom of religion, freedom to receive an education and the sacredness of places of worship -- we demand for them the same rights that we demand for ourselves. We think it is a fundamental right for people from every ethnicity and religion not only in our country but also in every part of the world to practice their religion freely, educate their children in accordance with their beliefs and raise their own theologians.⁷

Notwithstanding all this, Halki today remains closed.

The U.S. Commission on International Religious Freedom (USCIRF) recently issued the following statement:

The (Turkish) Government's continued failure to follow through on the long promised reopening of the Halki Seminary is a disturbing indication of a lack of genuine will to resolve this *longstanding religious freedom issue*. (Emphasis added.)⁸

Freedom to conduct religious services and an end to the conversion of religious shrines from museums into mosques

Because Christianity thrived in Asia Minor for almost two millennia, many significant and historic Orthodox Christian sites and shrines exist in today's Turkey. In recent years, the Turkish government allowed religious services in some of these historic sites, including yearly services on the Dormition of the Theotokos, a major holy day of the Orthodox Church that falls on August 15, at the Soumela monastery near Trabzon on the Black Sea.

At the August 2010 service at Soumela, Ecumenical Patriarch Bartholomew said the following:

What happened at Panagia Soumela proved that the place (which is officially a museum) can also once a year serve as a place of worship. This is something beneficial for all. The Turkish state understands that we are not a threat but, on the contrary, that we love and work for the good of our country, beyond the material for the country resulting

⁷ www.parikiaki.com, July 9, 2012

⁸ 2014 USCIRF Report, page 146

from the pilgrims. Such actions are evidence that respect of religious freedom is growing in Turkey. This is a matter of principles and values in relation to basic human rights.⁹

Unfortunately, the Government has not allowed services at Soumela the past two years.

Even more disturbing is the fact that historic churches, which had been maintained as museums, have now been converted into mosques.¹⁰ One is Hagia Sophia in Trabzon (near Soumela), hailed as one of the finest examples of late Byzantine architecture.¹¹ The other is Hagia Sophia of Nicaea, site of the Seventh Ecumenical Council in 787.¹² In both instances, many Turkish scholars and local Turkish citizens voiced opposition to the conversions. Nine historic churches named Saint Sophia, maintained up until recently as museums, have been so converted.

Now there is an even more disturbing development. The Turkish government has been for several years considering converting the Hagia Sophia Museum in Istanbul into a mosque. Parliament has been asked to do this, with the intent being to restore Hagia Sophia as a "symbol of the conquest of Istanbul." Turkey's former deputy prime minister promised that Hagia Sophia soon would be "smiling" again as a mosque.¹³

In its 2014 Report, the USCIRF issued the following statement:

Whether driven by political considerations tied to Turkey's forthcoming elections, or for any other reason, opening Hagia Sophia as a mosque would clearly be a divisive and provocative move. It would send the message that the current government sees the sensitivities of Turkey's religious minority communities, particularly its ancient Christian community, as being of little or no consequence.

⁹ www.patriarchate.org, The Feast Day of the Dormition in Trapezounda, video uploaded August 30, 2010

¹⁰ "Another Byzantine Church Becomes a Mosque in Turkey." [www. Al-Monitor.com](http://www.Al-Monitor.com), 7-Aug-13.

¹¹ The New York Times, February 8, 2012

¹² The Economist, July 27, 2013

¹³ Reuters (UK edition) May 30, 2014

Conclusions and Recommendations

U.S. Secretary of State Mike Pompeo offered the following words to explain why the State Department in July 2019 invited 100 nations and 1,000 participants to its second Ministerial to Advance Religious Freedom.

This is America's first freedom, and we want to work to make sure other countries understand how central it is to the individuals that are in their country to have the opportunity to worship as one chooses or chooses not to worship, and to know that their government is not going to restrict, impose, impede, or punish those activities is central to human dignity.¹⁴

The Order, in the same vein, respectfully submits that in order to comply with the tenants of the OSCE, to which the Turkish Government has committed, the Turkish Government, without further delay, must undertake the following

- (a) Officially recognize that the Ecumenical Patriarchate and its institutions, as well as the institutions of other non-Muslim religious communities and faiths in Turkey, have legal personality and standing, with rights to acquire, own, build and repair property. If necessary, the laws related to minority foundations should be amended.

- (b) Fairly and expeditiously implement the August 2011 decree allowing for the return of confiscated property. The decree should be converted into settled law, and a truly independent body should be appointed to implement the law.

- (c) Allow the Ecumenical Patriarchate to reopen the Theological School of Halki.

¹⁴ "Pompeo: Why We're Hosting the World's Biggest Event on Religious Persecution," Interview by Jeremy Weber, Christianity Today, July 17, 2019.

(d) Fully implement the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to which Turkey has subscribed, and interpret the 1923 Lausanne Treaty so as to provide equal rights to all religious minority communities.

(e) Publicly commit to Hagia Sophia in Istanbul remaining a museum, as it has been since 1935.
