



ORDER OF
SAINT ANDREW
the apostle

ARCHONS OF THE ECUMENICAL PATRIARCHATE

Religious Freedom: The Ecumenical Patriarchate in Istanbul

The Organization for Security and Cooperation in Europe

2007 Human Dimension Implementation Meeting

Warsaw, Poland

September, 2007

As Prepared:

On behalf of the Order of Saint Andrew the Apostle, we thank you for allowing us to discuss with you, once again, the increasingly hostile environment faced every day by the Orthodox Ecumenical Patriarchate in Istanbul.

The Order of Saint Andrew the Apostle is a United States-based organization of Orthodox Christian laymen, whose mission is to preserve the existence and well-being of the Ecumenical Patriarchate, the spiritual center of 300 million Orthodox Christians world-wide. Members of the Order can be found in the U. S. Congress and elsewhere in government, the professions, the business world and the arts. Please refer to the material we have made available to the delegates of this Conference.

The Ecumenical Patriarchate was founded by the Apostle Andrew in 37 A.D. and has served as the religious center for Orthodox Christians ever since. In 451 A. D. the Fourth Ecumenical Council of the Christian Church conferred upon the Bishop of Constantinople equal rank to Rome and special responsibilities throughout the rest of the world. The term "Ecumenical Patriarchate" dates from the sixth century and reflects the stature in which the Bishop of Constantinople was held by the rest of Christendom. When

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Constantinople (later renamed Istanbul) fell to the Ottoman Turks in 1453, Sultan Mehmet the Conqueror officially recognized the Ecumenical Patriarch (at the time, Gennadius II) as Ethnarch of the Orthodox peoples, with continuing authority over other Patriarchates. In the succeeding centuries, the Ecumenical Patriarchate continued its existence in Istanbul, exercising its spiritual ministry over world-wide Orthodoxy. Unfortunately, institutions of the Turkish government and actions allowed by local government, have now made the Ecumenical Patriarchate's survival in Istanbul problematic.

Last year, we detailed certain events and conditions in Turkey which threatened the Ecumenical Patriarchate. I will refer to them below. With respect to those problems, I regret to say, Turkish authorities have undertaken no remedial action.

Instead, what has ensued recently is even more threatening. On June 26, 2007, in a case where the only issue concerned the authority of the Ecumenical Patriarch to dismiss a priest from duty because of inappropriate liturgical behavior, the Supreme Court of Turkey in dicta stated the following:

“As it can also be understood from the letter of Istanbul Governorate dated 6 December 1928 and numbered 1092, the persons who will participate and get elected in the religious and spiritual elections that will be held in the Patriarchate, should be Turkish citizens and be employed in Turkey during the time of elections. This is a clear indication that the Patriarchate does not have the title “ecumenical.” It is unquestionable that the Patriarch and the employees of the Patriarchate are subject to the Turkish law as regards their activities and their titles; and that they will be subject to the provisions of the Turkish Penal codes where their actions constitute an offense under the framework of Turkish laws.”

This pronouncement of the Turkish Court has two consequences. The first is to introduce the specter of criminal prosecution. This past August, the Prosecutor of Istanbul's Beyoglu District twice requested the Ecumenical Patriarch to testify why he used the phrase “the ecumenical nature of the Patriarchate” during an international conference of approximately 1,000 Orthodox youth in Istanbul. The Prosecutor, it was reported, was considering whether to bring criminal charges against the Ecumenical Patriarch. According to the New Anatolian wire service, under Article 219 of the Turkish penal code, the Ecumenical Patriarch could be fined and /or imprisoned for a term between one month and one year if found guilty of using the word “ecumenical.” Even if the Ecumenical Patriarch is not charged in this particular instance, as reports the past several days now suggest, the message is still very clear. If the Ecumenical Patriarch or any employee of the Ecumenical Patriarchate use the word “ecumenical” in reference to a title which is 15 centuries old, they may be subject to criminal prosecution.

The second consequence of the Court's dicta is ultimately to force the closure of the Ecumenical Patriarchate in a manner not yet attempted. The present Ecumenical Patriarch, who was born and raised in Turkey, is a Turkish citizen. However, decades of harassment and seizure of property have exacted their intended toll, and the local Orthodox population has dwindled to perhaps 3,000. Eventually, the only worthy successors will be prelates who are not Turkish citizens. Within the Church, it is understood that a successor, who is not a Turkish citizen, upon his election would petition for Turkish citizenship. However, according to this recent Court decision, the election will be invalid *ab initio*. In addition, the court decision further seals the fate of the Ecumenical Patriarchate by seemingly mandating that the electors must themselves be Turkish citizens at the time they cast their ballots. At present, half of the 12 person Synod (the bishops who elect a new Ecumenical Patriarch) are Turkish citizens, but as they age, the number of Turkish citizens will further dwindle. Non Turkish citizens, who are members of the Synod, may be subject to criminal prosecution if they dare vote.

In addition to the above court decision and its consequences, there was more unfortunate news this past year. In July a network of retired Turkish officers, calling themselves the "National Forces Union," was accused of having planned to assassinate the Ecumenical Patriarch, after a cache of explosives and weapons was discovered near the Patriarchate and other incriminating evidence was found on the NFU's computer records. The group apparently also was planning to assassinate the Armenian Patriarch and a prominent Jewish business man. Strengthened security measures are required.

During the historic visit of Pope Benedict XVI to the Ecumenical Patriarchate last November, shortly after the last OSCE conference, Turkish authorities systematically harassed more than 200 pilgrims (many of them elderly) who had traveled from the United States to witness the event. After the evening doxology service, they were made to walk more than two miles through the dark streets of the Phanar district, long after the papal party had departed (hence, there were no security issues), before boarding their buses to return to their hotel. Moreover, members of the press bearing Turkish press credentials and press passes of the Ecumenical Patriarchate were denied entrance to the Patriarchate, even though they were on the pre-approved list. The work server preferences on the computer and communication systems in the Patriarchate's press room were remotely changed, causing the wireless internet connections to fail. Even the caterer for the luncheon in honor of the Pope was denied entrance to the Patriarchate until such time as it was certain that the luncheon offered by the Ecumenical Patriarch would be delayed. The harassment was evident.

Who is the Ecumenical Patriarch? Is the Ecumenical Patriarchate a danger 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 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

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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 Patriarch and all individuals associated with the Ecumenical Patriarchate 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. For example, 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. Two weeks ago he addressed the 7th International Symposium on the Environment in Greenland where he said the following. “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.

As previously said, the repressive conditions reported to you last year still have not been corrected. Some of them are as follow:

1) The Ecumenical Patriarchate is not recognized by the Turkish government as a legal entity, which results in the deprivation of its property rights. For example, the buildings on the grounds of the Patriarchate itself are not recognized as property of the Patriarchate.

2) The Ecumenical Patriarchate is not recognized by the Turkish government as having an “ecumenical” character as spiritual leader of 300 million Orthodox Christians (see above).

3) The Synod of the Ecumenical Patriarchate cannot elect a new patriarch without his being approved by the Turkish government. Indeed, all candidates must be Turkish citizens (see above).

4) The Ecumenical Patriarchate has severe visa restrictions placed on it by the Turkish government with regard to students and priests who come to study and serve at the Ecumenical Patriarchate.

5) The Ecumenical Patriarchate is not permitted by the Turkish government to have its own printing facility to publish religious journals, treatises and books.

6) The Ecumenical Patriarchate has not been allowed to reopen its seminary on the island of Halki (Heybeliada) for the purpose of educating and training priests. This denial is not on account of Turkey's secular tradition. Twenty three non-Christian schools for training religious leaders operate unfettered within the country.

7) The Ecumenical Patriarchate continues to have its properties confiscated without compensation by the Turkish government. As was noted in the 2005 report by the Helsinki Commission, the laws are structured in such a way that the confiscations technically may appear legal, but they are administered in an inappropriate manner. For example, building permits are not granted for structures in need of repair until such time as they are declared to have been abandoned.

Among the properties which have been confiscated are the following: (a) properties belonging to Balukli Hospital and Home for the Aged; (b) the Patriarchal Orphanage on the island of Prinkipos (Buyukada); and (c) the Monastery of Metamorphosis on the island of Proti (Kinali).

Balukli Hospital and Home for the Aged is a 250-year old hospital which serves some 30,000 Turkish citizens each year, for the most part free of charge. It has been maintained by income derived from various properties donated to it. Since 1974, some 153 of these properties have been confiscated by the Turkish government. The hospital recently has been informed that it is subject to a 42% tax retroactive to 1999.

On March 20, 2006, legal title to the orphanage on the island of Prinkipos was unilaterally altered, taken from the Ecumenical Patriarchate, and given to the Turkish state. The Ecumenical Patriarchate had been petitioning the Turkish government since 1963 for permission to repair and renovate the orphanage, to no avail. The building is the largest wooden structure in Europe and has great historical significance. The Ecumenical Patriarchate has taken this case to the European Court of Human Rights.

The Ecumenical Patriarchate was informed that of its 11 monasteries on the Princess Islands, three monasteries and the property of another have been registered in the name of the General Directorate of Foundations, six are now listed as having no owner, and one is not listed at all. This transfer of ownership purportedly occurred in 1976 and 1977, but the Ecumenical Patriarchate was never notified. Thus for more than thirty years the Ecumenical Patriarchate has been using and maintaining these monasteries and has been unaware that it no longer owns them.

Last year, the Ecumenical Patriarchate was also informed that its ownership of several properties adjacent to the Monastery of St. George Karype on the island of Antigone (Burgazada) had passed to the Ottoman Foundation of Silahtar Abdulah Aga Vakfi (as of June 1, 2006). This foundation then transferred control to the Regional Directorate of Foundations, which is now demanding rent from the Ecumenical Patriarch for the use of these properties, as well as for the living space within the monastery.

In 1924 a “Turkish Orthodox Patriarchate” was established by the Turkish government, and although it has no priests and no faithful, it has been given three Greek Orthodox churches in the Galata area of Istanbul by the Turkish government. The Turkish government collects rental income from properties owned by these three churches.

In 1936 the Greek Orthodox Church in Istanbul owned more than 8,000 properties. By 1999, the number had been reduced to about 2,000. Today the number is less than 400, many of them being small churches or other buildings of little commercial value.

The list of confiscations is too long to detail in this paper.

In the Helsinki Final Act and the Vienna and Copenhagen Concluding Documents, the OSCE participating states repeatedly affirmed that religious freedom is a fundamental human right. The Vienna Concluding Document (1989), paragraphs 16 and 32, provides as follows:

“In order to ensure the freedom of the individual to profess and practice religion or belief, the participating state will, *inter alia*,

(16.4) - respect the right of these religious communities to establish and maintain freely accessible places of worship or assembly, organize themselves according to their own hierarchical and institutional structure, select, appoint and replace their personnel in accordance with their respective requirements and standards;

(16.7) - in this context respect, *inter alia*, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;

(16.8) - allow the training of religious personnel in appropriate institutions;

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief;

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(16.11) - favorably consider the interest of religious communities to participate in public dialogue, including through the mass media; and

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(32) - allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, *inter alia*, through travel, pilgrimages and participation in assemblies and other religious events.

Sadly, the Republic of Turkey has failed to live up to any of these principles with respect to the Ecumenical Patriarchate, notwithstanding the fact that Turkish Republic is a signatory to the OSCE. Clearly, the Ecumenical Patriarchate fared better in over 500 years of Ottoman rule than it has in the last 84 years under the modern Turkish Republic. As Monsignor Edmond Farhat, Papal Nuncio of the Vatican in Istanbul, observed, “religious freedom in Turkey exists only on paper.” (ANSA, June 25, 2005) Turkey is now at a critical crossroads in its history. In the next few years, its accession to the European Union will be decided. The OSCE participating states should demand of the Turkish authorities that, prior to a vote on accession to the European Union, religious discrimination against the Ecumenical Patriarchate must cease and the consequences of past discrimination must be remedied.