

## **Religious Freedom: The Ecumenical Patriarchate in Istanbul**

2006 OSCE Human Dimension Implementation Meeting  
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I thank you for the opportunity for the Order of St. Andrew/Archons of the Ecumenical Patriarchate to express its views regarding religious freedom as it relates to the Ecumenical Patriarchate in Istanbul. The Order of St. Andrew is a United States-based organization consisting of Orthodox Christian laymen who seek to promote the well-being of the Ecumenical Patriarchate, the spiritual center of 300 million Orthodox Christians throughout the world. Among these Orthodox Christian laymen are members of Congress, the government, the professions, and the business world.

May I briefly relate the Orthodox Christian Church to a church with which you may be more familiar - the Catholic Church. The Orthodox and Catholic churches were one until 1054, when because of doctrinal and other differences, a formal separation occurred. Pope Benedict XVI is the 265<sup>th</sup> direct successor of the Apostle Peter; Ecumenical Patriarch Bartholomew is the 269<sup>th</sup> direct successor of Peter's brother, the first called Apostle Andrew. The Apostle Andrew established the first Christian center in 37 A.D. in the city which was to become known as Constantinople in 330 A.D. The Ecumenical Patriarchate has had a continuous existence of nearly 2000 years, although since the fall of Constantinople in 1453 to the Ottoman Turks, it has been severely suppressed and stifled in its holy mission by both the Ottoman Turks and by a succession of Turkish governments throughout the 20<sup>th</sup> century.

I regret to inform you that the state of the Ecumenical Patriarchate with regard to religious freedom has seen no improvement in the twelve months since the last OSCE Human Dimension Implementation Meeting here in Warsaw. Indeed in many ways it has worsened. Radical nationalists continue to harass and intimidate the Ecumenical Patriarch in the course of fulfilling his religious duties. In both October and November of 2005, demonstrations took place at the entrance to the Ecumenical Patriarchate. The demonstrators are members of the extreme rightwing Nationalist Movement Party, the Turkish Lawyers Union, the Union of Families of Martyrs and the Labor Party.

One of the primary leaders in these demonstrations is Kemal Kerincsiz, a lawyer who is the main spokesman of the Turkish Lawyers Union, an ultranationalist lawyers group. Maureen Freely, writing in the New York Times on August 13, 2006, states that Kerincsiz' "rabidly xenophobic sound bites have turned him into a national celebrity." Freely quotes Kerincsiz as saying that "the European Union means slavery and a prisoner's chains for Turkey." Kerincsiz has stated that the Ecumenical Patriarchate will be expelled from Turkey in 2-4 years through the Turkish court system based on Article 301 of Turkey's Penal Code.

In January of this year in Izmir an effigy of the Ecumenical Patriarch was placed in a boat and pushed offshore by demonstrators protesting the Orthodox Epiphany religious services at the dockside. On April 29 of this year, Ecumenical Patriarch Bartholomew was greeted outside the Church of Saint Theodore in Malakopi in Cappadocia by a group of nationalists shouting insults and chanting "God is Great." Shortly thereafter a Turkish public prosecutor initiated legal action against the ecumenical Patriarch on behalf of Kemal Kerincsiz and his ultranationalist group.

The public prosecutor called on the Ecumenical Patriarch “to submit as soon as possible and definitely within 10 days from the reception of the present document... the full identity, particulars and the addresses of the clerics who participated in the holding of the religious service.” The public prosecutor also requested a “certified copy” of Article 4 of a 1935 regulation that allows the Ecumenical Patriarch “to appear publicly outside churches and outside the time for performing holy services in ecclesiastical attire.”

In June of this year, at the historic Basilica of St. John in Pergamon, demonstrators chanted insults in attempts to drown out the religious services being led by the Ecumenical Patriarch. The ultranationalist group Milli Guc claims to have 2 million signatures calling for the expulsion of the Ecumenical Patriarchate from Istanbul. In such a climate of fear and intimidation, the Ecumenical Patriarch amazingly continues to serve 300 million Christians of the Orthodox faith throughout the world.

The Ecumenical Patriarchate today continues to be suppressed and restrained by the following conditions:

- 1) The Ecumenical Patriarchate is not recognized by the Turkish government as a legal entity or personality;
- 2) The Ecumenical Patriarchate is not recognized by the Turkish government as having an “ecumenical” character as spiritual leader of 300 million Orthodox Christians;
- 3) The Ecumenical Patriarchate cannot elect a new patriarch without his being approved by the Turkish government; indeed all candidates must be Turkish citizens;
- 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 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;
- 7) The Ecumenical Patriarchate continues to have its properties expropriated and confiscated by the Turkish government.

Among the properties which have been expropriated are the following: properties belonging to Baloukli Hospital and Home for the Aged; the Patriarchal Orphanage on the island of Prinkipos (Buyukada); and the Monastery of Metamorphosis on the island of Proti (Kinali). Baloukli 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 supported by income derived from various properties donated to it. Since 1936, some 153 of these properties have been confiscated by the Turkish government. The hospital was informed recently that it is subject to a 42% tax retroactive to 1999.

The orphanage on the island of Prinkipos on March 20, 2006, had its title altered, and through legal manipulations ownership was taken from the Ecumenical Patriarchate and given to the Turkish state. The Ecumenical Patriarchate has petitioned 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 has just recently learned that of its 11 monasteries on the Princess Islands, three monasteries and the property of another have been registered to the name of the General Directorate of Foundations, six are 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 thirty years the Ecumenical Patriarchate has been using and maintaining these monasteries and has been unaware that it no longer owns them.

The Ecumenical Patriarchate has further just recently learned that the ownership of several properties adjacent to the Monastery of St. George Karype on the island of Antigone (Burgazada), through title manipulation has passed to the Ottoman Foundation of Silahtar Abdulah Aga Vakfi as of June 1, 2006. This foundation through further manipulation has passed to the control of 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.

The extent to which the Turkish government will go to seize illegally properties belonging to the Ecumenical Patriarchate has no bounds. In 1924 a “Turkish Orthodox Patriarchate” was established, 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.

It is surely apparent to even the most neutral observer that properties of the Ecumenical Patriarchate are being looted through a maze of legal manipulations with the cooperation of a corrupt court system. Since 1923, the Ecumenical Patriarchate, its foundations and minority Greeks of Istanbul have filed over 10,000 cases in the Turkish courts. They have won approximately 20 cases. And yet the Turkish government presents itself to Europe and the world at large as a bridge of understanding between East and West. It trumpets a U.N.-backed project co-sponsored by Turkey and Spain as an “Alliance of Civilizations” which aims to defuse Muslim-Christian disputes and misunderstandings through dialogue. Foreign Minister Abdullah Gul, speaking on September 13, 2006, at the French Presidential Palace in Paris at a conference entitled “Mediterranean Cultural Workshop: Dialogue Among People and Cultures,” said the following: “The fact that Turkey embraces common humanitarian values such as good governance, transparency, and the rule of law ... within the framework of a modern pluralist democracy ... makes all of us more hopeful for the future.” Differences, Mr. Gul said, should be taken as riches.

Where, one might ask, is Turkish good governance in its relations with the Ecumenical Patriarchate? Where is Turkish transparency as it defrauds the Ecumenical Patriarchate of its properties with the assistance of corrupt courts? Where is Turkish rule of law in regard to the tenets of the OSCE? From the Helsinki Final Act to the Vienna and Copenhagen Concluding Documents, the OSCE participating states have affirmed time and time again that religious freedom is a fundamental human right. May I briefly quote from the Vienna Concluding Document (1989), paragraph 16:

“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 finally may I quote paragraph 32, which empowers the Ecumenical Patriarch with the right to invite religious leaders, such as the Pope, to visit the Ecumenical Patriarchate without sending his invitation through the Turkish government: “They (the participating states) will 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....”

The Ecumenical Patriarchate had greater religious freedom during 400 years of Ottoman rule than it has had in the 83 years of existence of the Turkish Republic. Since the fall of Constantinople in 1453, the Ecumenical Patriarchate has been a living testament to the religious coexistence of Christians and Muslims, difficult as this coexistence may have been at times. The Ecumenical Patriarchate has served as a bridge between the Muslim East and the Christian West; this role is now in jeopardy. At a moment in history when there are few institutions in the world that can speak with spiritual and intellectual respect and clarity to both East and West, the Ecumenical Patriarchate is being driven to extinction. I respectfully call on this body to reaffirm your commitment to its preservation.