The Crucial Role of Minority Rights in a Nation State The case of the Greek-Orthodox Community of Turkey in 20th Century Prof. Nikolaos Ouzounoglou

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The unified global body of the expatriated Greek-Orthodox Community of Istanbul

Topics to be addressed:

- 1. A review of the history of the Greek-Orthodox Community after 1923.
- 2. The sources of anti-minority state policies during 1923-2000 and their consequences.
- 3. The unbreakable relation of strengthening of "Rule of Law" and "Respect of Constitutional Fundamental Rights" with the status of Minority Rights.
- 4. The Importance of "Remedy and Reparation" in the Context of U.N. Resolution 60/147 and the efforts of EFC towards the Government of Rep. of Turkey.
- Conclusions.

A review of the history of the Greek-Orthodox Community after 1923.

- The status of the Community was established by the international Lausanne Treaty (L.T.). signed 24/7/1923.
- The Community members were exempted of Population Exchange between Turkey and Greece which was annexed to L.T. It was stated that ALL GREEKS established (ETABLIS) within the Perfect of Istanbul (as defined by the law of the year 1912) before 30 October 1918 will have the right to stay in Istanbul. However the Community population being 300.000 dropped to 125.000 because of the consequences of war in Anatolia and interpretation of the non-exchange zone being the Metropolitan Municipality instead of the Prefect written in the French text. The Community consisted of 100.000 members excitizens of Ottoman Empire obtaining the citizenship of new Turkey and 25.000 citizens of Greece. Both components were exempted of Population Exchange and remained in Istanbul.

Lausanne Treaty SECTION III.PROTECTION OF MINORITIES.

ARTICLE 37.

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognized as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

ARTICLE 38.

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

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ARTICLE 39.

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

ARTICLE 40.

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal 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 own religion freely therein.

ARTICLE 41.

Educational rights...

ARTICLE 42.

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities. • • •

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

ARTICLE 43.

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

ARTICLE 44.

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations.

ARTICLE 45.

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

Violations of L.T. 1923-40

- Interventions in Greek Schools; arbitrary dismissal of hundreds of teachers.
- Interference in the internal affairs of the Ecumenical Patriarchate.
- Establishment, with state support, of a Pseudo-Turkish Orthodox Patriarchate by an ex-Orthodox priest Eftim Karahisaridis Erenerol, whose family members to this day illegally occupies 3 churches + 50 real estate properties in the district of Karakoy for 80 years it has been an arch-enemy of the Ecumenical Patriarchate.
- -Dismissal of all Greek Employees from state offices and foreign companies (1923-24).

Violations of L.T. 1923-40

- Closing down the "Literary Society" (1924) and of several schools.
- Shutting down the National Council (1925), a social institution dealing with issues of family law pertaining to members of the Greek Orthodox community.

DURING THE PERIOD 1930-1940 THE RELATION BETWEEN GREECE AND TURKEY WERE CORDIAL TO THE LEVEL THE POSSIBILTY OF AN "AEGEAN CONFEDERATION WAS DISCUSSED"

- Prohibition of several professions to minorities (1932) (such as pharmacists, medical doctors, etc.), despite the Greek-Turkish Friendship Pact (1930). End result was the expatriation of 12.000 Constantinopolitan Greeks.
- Confiscation of properties from Greek foundations (1936); interfering with the right to elect administrative boards of minority foundations and appointment of "government posted" administrators (1936).

Violations of the Treaty of Lausanne by Turkey in the period 1940-1946

In May 1941 forced servitude in "Labor Battalions" of Greek,
Armenian and Jewish males was established
(May 1941-December 1942).



Violations of the Treaty of Lausanne by Turkey in the period 1940-1946

The infamous Welfare Tax 1942-44

- In November 1942 the Government of Turkey introduced a tax law with the intent to financially exterminate non-Muslim minorities. The amount of tax to be paid was exorbitantly high and was arbitrarily determined by the local leader of the People's Republican Party.
- Deportation to Ashkale about 2400 people were sent to exile;
- This Law was abandoned in 1943, after Cyrus
 L. Sulzberger published two articles about it in New York Times.
- The truth about the methods used was revealed by the Chief Tax Officer of Istanbul, Faik Ökte, who was in charge of implementing this law; he published a book in 1952 inspired by the remorse he felt.





The Period 1946-1955

- In an internal document titled "Report on Minorities" issued in 1946 by a Committee of the People's Republican it was stated that it was the objective of the Party, that the planned 500th (1953) anniversary celebration of the Conquest of Istanbul in 1453, occur "without the presence of any Greeks", meaning they will all be expelled before that date.
- -The beginning of the anti-colonial struggle by Greek Cypriots in 1950 provided opportunity and reason to implement the plan.
- During 1952-55, part of the press systematically fueled the fire of hatred against Greeks in general and demonized them as enemies of the state.
- -The Turkish State supported and facilitated establishing the "Cyprus is Turkish" organization, with branches throughout Turkey. This organization acted as a coordinator of attacks against the Greeks of Istanbul.

ALL THIS HAPPENED WHILE RELATIONS BETWEEN GREECE AND TURKEY APARENTLY WERE ENJOYING A HONEYMOON

Towards the night 6-7/9/1955

- -The Turkish Secret Services organized and executed a provocation by detonating a small amount of explosive (transported by diplomatic pouch) at the house of Mustafa Kemal Ataturk in Thessaloniki, Greece.
- Just after the incident the perpetrators were arrested by Greek Police.
- -Following demands of extradition from Turkey, the perpetrators of this provocation, while on trial, were deported by order of Thessaloniki Court; when they reached Turkey, they were welcomed as heroes. The main organizer of the provocation Oktay Engin, was appointed by the Turkish Government to oversee the "Special Committee on Minorities," the purpose of which was to uproot and expel minorities.



The evening newspaper "Istanbul Ekspres" that announced the ostensible bombing of the house of Mustafa Kemal Atatürk, was printed 4 days before the events and circulated in 200.000 copies around 4 p.m. on 6/7/55 – while usually its circulation was 5.000.

The three Phases of the Destruction

- In less than one hour, around 7 p.m, attacks started against Greek Institutions and properties in all the European and Asian districts of Bosphorous, in the Old city, and in the Princes islands. Taking into account the lack of communications means that time, these simultaneous attacks within a 60X30 km region, show the preplanning of the whole operation.
- The raiding mobs consisted of at least 100.000 persons. They carried out the attacks in three consecutive phases:

Destruction of doors

Looting

Setting on fire

- -The targets were 64 Greek Churches, Cemeteries, Foun-dations (Schools, Hospitals, the Main Charity Institution Balikli), shops and houses of Greeks.
- -Also, attacks were perpetrated against Armenians and Jews.
- -The battle-cry that dominated was: "Today is for your properties, tomorrow will be for yourselves".
- The Police forces were indifferent and in some cases encouraging the attackers. The mobilization of the army units came very late.















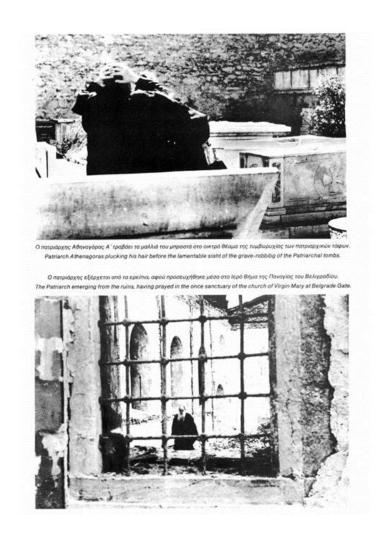


The results of the Attacks (Helsinki Watch data, Books of H. Hristides, S. Vryonis)

- Destruction arson of 71 churches.
- Destruction arson of 26 schools -5 sports clubs
- Destruction arson of 4.500 shops, of factories and 3 newspapers.

Extended destructions of cemeteries, profanation of many graves among which graves of Ecumenical Patriarchs.

- Destruction of 2.100 houses. Number of Greeks who died 37 (There was no order for slaughter).
- Attacks in the families of Greek Officers in Izmir (Smyrna) and arson to Greek Consulate.
- 300 rapes of women.



















Afterwards

- -The destruction continued for more than 12 hours, despite the proclamation of martial law.
- The destructions exceed 1billion \$.
- -The most important issue however was the moral blow against the Greeks who experienced the sacrilege of their sacred values and relics.
- -The Turkish Government refused its involvement and incriminated the few Turkish leftists as organizers of the riots. These were freed after months, because there was no evidence proving their involvement.
- -The 3000 persons arrested for their participation in the riots, were set free after 3 months. Nobody was punished.
- -The Government of Turkey attempted in every way to conceal the fact that there was an organized plan to exterminate the Greeks of Constantinople.
- -The effort to hide the events failed because of the pictures taken by Dimitrios Kaloumenos, and later transferred by the journalist G. Karagiorgas, outside Turkey.
- -The compensation of the victims ended up in a political game and finally, the compensation given was only 10% of the damages.





The "Trial" of the Event of 6-7/9/1955 after the Military Takeover of 27/5/1960

- In May 1960 the government of Menderes is overthrown by a coup and the members of the Democratic Party, in power during the years 1950-60, were arrested and tried in an extraordinary court within a Naval base in an island (Yassiada) near Istanbul.
- Among the cases to be tried were also the events of 6-7/9/1955. Essentially, this Trial sought to cover the mechanisms that executed the extermination attack of the Greeks of Istanbul and protect the real perpetrators. Three members of the Menderes Government were sentenced to sanctions of a few years, while the prime organizers of the events and the "agent provocateurs" planning and executing the Thessaloniki bomb incident, were acquitted.



Disclosure of the real organizer

-General Sabri Yirmibeşoğlu, founder and for 25 years Commander of the Special Warfare Directorate of the General Staff of Turkey, in 1992 during an interview for TEMPO magazine stated the following:

-"THE ORGANIZATION AND EXECUTION OF THE OF SEPTEMBER 6-7TH 1955 OPERATION WAS MAGNIFICENT (MUHTEŞEM) AND WAS COMPLETELY SUCCESSFUL!"

-HE ADMITTED THAT THE NEWSPAPER "ISTANBUL EKSPRES" KNEW OF THE PLAN AND PUBLISHED THE NEWS ABOUT THE SALONICA BOMBING A COUPLE OF HOURS BEFORE OF THE ACTUAL EVENT.

The preparation of the Exiling - Deportation Program 1964

- During the Trial of 6-7/9/1955 events in a secret session it was disclosed that the deportation of the établis Greek citizens was planned as early as 1957.
- The severe inter communal clashes that started in Cyprus around Christmas of 1963, had an immediate impact on the atmosphere in Istanbul against the Greek-Orthodox Community, despite the fact that this Community had nothing to do with the events in Cyprus.

Planning of Exile of the Community

- -The law on restrictions to the exercise of 20 professions by foreign nationals with the exception of business owners that had been in force since 1932, was strictly implemented.
- On November 7, 1962, the ruling 28-4869 of the Prime Minister İsmet İnönu, established a special "MINORITIES SUBCOMMISSION" at the level of the Prime Ministry; the members of this Commission were exclusively drawn from the security forces, secret services and General Army Staff. This commission was the supreme authority for all minorities issues, was placed above all the other legislative, judicial and executive authorities and has operated as the central coordinating body for all the suppressive and repressive measures against the non-Muslim minorities till its replacement in 2004 by a commission having a political composition.

16 March 1964

- The Prime Minister of Turkey İsmet İnönü on March 16, 1964 declared the unilateral abolishment of the Convention on Establishment, Commerce and Navigation that had been signed in 1930; the declaration was published in the Official Journal. Immediately, the Tax Authorities of Istanbul took under close surveillance the members of the Greek-Orthodox community holding Greek citizenship and started the fiscal liquidation of their commercial activities in Turkey.
- The deportation procedure started with an evening visit of the police in civilian clothes at the residences of the victims who were invited to present themselves the next day to the 4th Directorate of the Istanbul Police Department. At the Police Directorate, they were, under duress, ordered to sign a paper without being allowed to read it, in which they were "confessing" that they had carried out spying actions against Turkey in favor of Greece; under strict surveillance they were treated as ordinary criminals and ordered to leave Turkey in a few days. They were allowed to carry with them only 20 kilograms of personal items and 20 Dollars.
- All the properties of the deportees were "frozen" following a ruling of the Council of Ministers in November 1964 via Secret Decree 6/3801, according to which no legal actions such as transfer or inheritance could be carried out for

The Deported Greeks of Istanbul because of the harmful actions against the State of Turkey.

























Economic boycott of the Greek businesses

The archives of the Commerce Chamber of Istanbul show that, at the beginning of 1964, the 36.000 active members of the Chamber included 1000 Greek citizens; 18.000 businesses belonged to members of the Greek-Orthodox Community holding Turkish citizenship. Just after the start of the deportations, in April 1964, nationalist, university-student organizations (with both right and left leanings), without any interference from the Government, organized a wide spread economic boycott. Printed signs (see image next) were placed at the entrance of Greek shops where one could read: "... as the money spent in this shop produces bullets used against your Turkish brothers in Cyprus, do not buy here". This campaign was implemented in parallel with the slogan "Citizens, speak only Turkish and warn those not obeying".





Oppressive measures against the Greek Institutions

In parallel with the deportations, an extensive program of repressive measures, decided by the special Minorities Sub-Commission, were put in force:

Turkish vice directors were appointed at the Greek schools who limited the competence of the Greek directors, and all signs recalling the Greek-orthodox identity and culture were removed (e.g., signs in Greek, even cross-shaped window frames

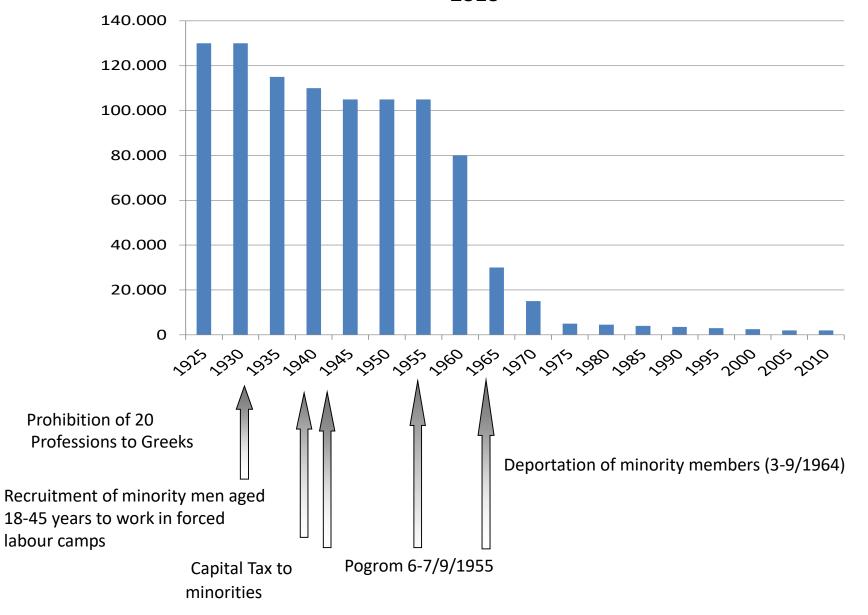
- Students with Ottoman Empire ancestors from the region of Epirus – the prefecture of Arnavit (vilayeti) – who were identified in their documents as "Arnavut-Orthodox" were expelled from the Greek schools; only those identified as "Rum (Greek)-Orthodox" were allowed to stay.

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The Consequences of the Deportations

- A drop of the Greek population of Istanbul from 90.000 to less than 30.000 in a 12 month period.
- The anti-minority policies planned and implemented by the special MINORITIES SUBCOMMISSION resulted in an exodus of the Greek-Orthodox, as well as of other non-Muslim minorities. These anti-minority policies are not only violations of all the articles of the Lausanne Treaty (1923) regarding the protection of minorities, but also of the European Convention of Human Rights of Rome (1950). The worse persecution measure against the minorities occurred in 1974, when the Higher Cassation Court of Turkey (Yargitay) issued a ruling stating that the real-estate properties registered in the name of non-Muslim foundations after 1936 should be confiscated by the State, based on the argument that the non-Muslim minorities despite being citizens of the Republic of Turkey were also "foreign citizens". This legal aberration of Yargitay was abolished by several decisions or the European Court of Human Rights in Strasbourg. However, in spite of some reparations, there are still pending serious injustices against the non-Muslim minority foundations.

Population of the Greek Minority living in Istanbul 1923-2010



In post War European History the only community almost completely (98%) expelled is the Greek- Orthodox Community of Istanbul and the islands: Gökçeada/Imbros-Bozcaada/Tenedos

The sources of anti-minority state policies during 1923-2000 and their consequences.

Analysis of the human rights violations against the Greek-Orthodox minority in Turkey clearly shows that:

- The primary source has been the nationalistic ideologies conceiving any difference from assumed "ideal citizen" as potential danger. The non-Muslim minorities in principle were declared as potential internal enemies.
- The tensions or the good relations of the states of Greece and Turkey were irrelevant on the implementation of anti-minority measures. Only timing of pre-planned measures were linked to the relation between the two states.
- While the citizens belonging to Muslim religion of majority were also severely persecuted, still the nationalist practices exploited the religion as instrument against the non-Muslim minorities.
- The violations of Constitution and International Treaties endorsed by Republic of Turkey effected not only the minority but all the citizens of Turkey. This is true even Republic of Tukey in 1954 has been one the first country endorsing European Convention of Human Rights.

- -The inability of judicial system to protect human rights of Minorities. Secret decrees discriminating were binding the independence of tribunals and as a result different unpublished laws were used to discriminate minority members citizens.
- -The hate publications by part of the press throughout 1950-2000 against the minorities were systematic and unlimited.
- -A "Special Minority Committee" under the office of the Prime minister was active during 1962-2004 with superseding powers to overturn any favorable ruling of judicial or even executive authorities. THIS PRACTISE IS CONTRARY TO RULE OF LAW PRINCIPLES.
- Although the above mentioned mechanisms have been abolished the consequences of the past injustice practices continue to still pose serious problems to minorities.

The unbreakable relation of strengthening of "Rule of Law" and "Respect of Constitutional Fundamental Rights" with the status of Minority Rights. The Developments during 2004-2017

- In 15 May 2010 the Prime minister of the time Mr. R.T. Erdogan issued a Circular drawing the attention of all state authorities abandoning old practices of discriminatory measures against minority citizens.
- On numerous occasions during this period higher state officials recognized the misdoings against the minorities in the past.
- A Parliamentarian Commission in 2013 investigating the military interventions recognized that the Pogrom of 6-7/9/1955 was pivotal in the development of these Constitutional diversions in the Country.
- The restrictive measures towards the minority welfare foundations were eased and in 2008 a law passed allowing the return of their real estate properties. The implementation of the law allowed only part of the properties while many issues are still pending.

International Treaties

Although the Rep. of Turkey has signed (13/10/1972) and ratified (16/09/2002) the U.N. Convention on the Elimination of All Forms of Racial Discrimination still administration authorities and Courts are reluctant to accept its implementation.

Unfortunately the Rep. of Turkey has neither signed and ratified the Framework Convention for the Protection of National Minorities of European Council.

The Importance of "Remedy and Reparation" in the Context of U.N. Resolution 60/147 and the efforts of EFC towards the Government of Republic of Turkey.

The strategy of EFC

Why the past should not be forgotten Remedy-Reparations towards Injustices of the Past

"Atrocities in the past must be recognized, documented and learned from - but not distorted or misused for political purposes"

Thomas Hammarberg, 2010

Commissioner of Human Rights of Council of Europe

Despite the progress of the respect of human rights based on the landmark of European Convention on Human Rights (1950) the issue of Remedy and Reparations towards the victims of the massive scale violations still remain in a transitionary state. This is a serious breach and weakens the whole institution of human rights. The promise of respecting human rights in future is put in doubt if REMEDY and REPARATIONS of the past injustices are not implemented.



Resolution adopted by the General Assembly

[on the report of the Third Committee (A/60/509/Add.1)]

60/147. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

Proposals Submitted by EFC to Authorities of Republic of Turkey during the last 5 years

-Restitution of citizenships including to 2-3nd generation expatriated members: More than 40.000 members of the Community during 1964-2000 were stripped of their citizenship in order to decrease their rights. Following proposals of EFC citizenships were reinstated although is some cases special difficulties are encountered.

-If the Community to survive a state funded project for the repatriation of young members of expatriated Community should be implemented. Despite numerous submission of proposals no response has been received. In this context a proposal to establish research institutes with the contribution of Constantinopolitan scientists from various Universities abroad. Proposals remain unanswered.

Proposals of EFC

The survival of the Community is directly linked to the solution of the problems faced by the minority community in Istanbul, such as:

1) Elections of Administrative Councils in the Minority Welfare Foundations

Despite the existence of a law imposing elections every four years of the General Directorate of Welfare Foundations (GDWF), in January 2013 with a sudden ruling these elections were abolished and the Minority Foundations carry on without the much needed elections.

2) Fused Minority Foundations

A large number of Greek-Orthodox Minority Foundations (15 belonging to Ecumenical Patriarchate of Constantinople, 2 to the Patriarchate of Jerusalem and 1 to Mount Sinai St. Katherine Monastery) during the years 1960-1990's had been placed by the GDWF under the Fused-Merged (Mazbut) status meaning that the Minority is prevented to elect members of the administrative boards of these foundations.

3) Establishment of a Coordinating Body of the Greek-Orthodox Minority Welfare Foundations

Presently the number of Minority Welfare Foundations being 70 in number and because of severe depletion of population of members of Community residing in Istanbul, they are facing unsurmountable problems. The necessity of establishing a central Coordinating Council which existed till 1962 is necessary and to this end GDWF should recognize a Minority Body of Coordination of Welfare Foundations.

4) Difficulties in guaranteeing the individual Property Rights of the members of the Expatriated Greek Community.

In the framework of the discriminatory measures exercised in particular during the period 1964-2000 based on the use of "Secret Decrees", the individual property rights of the Greek-Orthodox Minority members were grossly violated. As a consequence, a large number of real estate properties belonging to members of the Community are under the status of "abandoned properties". Although presently no restrictive measures of the past are implemented, the situation of these abandoned properties is being exploited by some illegal extortionists which are acting against the laws of Republic of Turkey. The necessity of establishment of legal advice service, under the auspices of Ombudsman of Turkey was raised by EFC during the last 4 years. This is imperative since an extensive "black market" operation is growing by the mentioned extortionists and this is not only damaging the expatriated members of the Minority but is also blatantly braking the laws of the Republic of Turkey.

5) The continuing illegal occupation of the Greek-Orthodox Churches in the district of Karakoy

Three historic churches with their properties (50) are still illegally occupied by the descendants of the Eftim Karahisaridis-Erenerol family, whose leader in 1924 self-declared himself as a "Turkish-Orthodox Patriarch" and consequently occupied illegally, by force and with the blessing of the Government of Turkey at the time, the mentioned churches. Down the years, this family with no congregation whatsoever are unjustly abusing the incomes of the rental properties belonging to the three churches (one of the church was expropriated in 1958 while the compensation was given illegally to E. Karahisaridis). The three Churches and all their properties should be returned immediately to the right owner which is the Greek Orthodox Community of Istanbul.

6) Theological School of Halki.

The Theological School on the island of Heybelidada (Halki) was closed following the ruling of Ministry of Education of Turkey in 1971 despite the fact that the School was established in 1843 during the Ottoman Empire and continued to function during the subsequent Republican era. This long standing prohibition is against the religious rights of and is preventing the Ecumenical Patriarchate to carry out its worldwide mission as leader of Christian Orthodox Church of 350 Million believers. The Ecumenical Patriarchate is an international institution serving humanity, religious tolerance and protection of environment.

Conclusions

Especially valid for the Greek-Orthodox Community of Turkey

- In Nations States the violation of human rights of minority Communities is directly linked with the absence of Rule of Law principles which affects the whole population.
- The suppressive measures against minorities rarely stems from external relations.
- In the context of respect Human Rights it is vital to integrate strongly the necessity of REMEDY and REPARATION measures towards victim communities which is important for the strengthening of Democracy and Rule of Law. The endorsement of these are for the benefit for all citizen.