

**ECUMENICAL FEDERATION OF CONSTANTINOPOLITANS
(Eu.Fe.Con)**



**A Short History of the
Treatment of the Greek-Orthodox Community
of Istanbul (1923-2009) and
Present Human and Minority Right Issues**

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Table of Contents

- 1. Introduction,p.4.**
- 2. A short reference to the History of persecutions against the Greek-Orthodox Community of Istanbul after the Lausanne Treaty (1923), p.4.**
- 3. Present Human and Religious Right Violations, p.12.**
 - a) The Ecumenical Patriarchate and the Religious Freedoms.**
 - b) The Unmovable Properties of the Orthodox Church and the Greek Community Welfare Foundations.**
 - c) Problems of the Community Organization of the Greek Orthodox Minority.**
 - d) Educational Problems.**
 - e) Problems of Safety and Exercise of Psychological Pressure.**
- 4. Problems faced by Expatriate Members of the Greek Orthodox Minority of Istanbul, p.19.**
- 5. Conclusions, p.20.**

ANNEXES

1. Introduction

The Ecumenical Federation of Constantinopolitans is the federative body of the expatriated Greek Orthodox Minority of Istanbul numbering today more than 150.000 members and scattered all around the world because of the numerous persecution measures applied by the Turkish State during the last 86 years after the signing of Lausanne Peace Treaty¹ in 24/7/1923. The present Report aims to provide an overview of the History of the Violations and present status of the Human and Minority Rights of the Greek Orthodox Community of Turkey.

Since 1923, the size of the Greek Orthodox Community in Turkey has been dramatically reduced from 130.000 members to less than 2.000, due to systematic policy of discriminatory measures, pogroms and administrative harassment implemented by the Turkish state authorities.

2. A short reference to the History of persecutions against the Greek-Orthodox Community of Istanbul after the Lausanne Treaty (details are given in Annex II)

The policies of the Turkish state authorities against the Greek-Orthodox communities remained in Turkey after the Lausanne Treaty covered all the minority rights including the education, the ownership of property rights and the religious freedoms in full contradiction to the clauses of Lausanne Treaty of 1923, United Nations and European Convention of Fundamental Human Rights (Rome 1950).

A list of the most significant minority and human rights violations after the Lausanne Treaty can be listed as follows:

- Persecution against Ecumenical Patriarchate by interfering its functioning as religious institution and non-recognizing its legal status starting from the next day of signing of Lausanne Treaty.
- In 1923 establishing a state controlled “Turkish Orthodox”² church which exerts continuously violence against the Ecumenical Patriarchate.
- Prohibition of numerous professions by Greek citizens in 1932 despite they were subject to the same status as the Turkish Citizen Greek Orthodox members of Minority according to Lausanne Treaty.
- Confiscating significant part of the properties of Minority Welfare Foundations (1936).
- During the World War II (1941-42) driving the male population of 18-45 years old of non-Muslim minorities (Greeks, Armenians and Jews) members into “Working Battalions”³ under terrible conditions.
- Application of an economic extermination program during the years 1942-45 by implementing a special “Welfare Tax (Varlik Vergisi)”⁴ law which was applied

¹ See Annex I the Section on the Protection of Minorities of the Lausanne Treaty.

² See Annex, VII.

³ Rifat Bali, *Yirmi Kura Nafiye Askerleri*(in Turkish-The Work Battalions of non-Muslim Soldiers during 2nd WW),Kitabevi,2008,Istanbul.

selectively against the minorities. This resulted into economic destruction of many Greeks, Armenians and Jew families on a massive scale.

- Organization of a massive state organized Pogrom against the Greek Community and other non-Muslim minorities on the night of 6-7 September 1955 which resulted into the destruction almost all the Churches, Schools, Cemeteries, Shops and more than 4000 homes in Istanbul. The number of deaths of minority members exceeds 30 while the number of rapes was more than 300. The size of the Pogrom is comparable to Kristal Night in Nazi Germany against the Jewish Community in 9-10 November 1938⁵.
- In 1964-65 forceful deportation of 12.000 members of Greek Community holding Greek passports which were recognized to have the permit of stay in Istanbul after Lausanne Treaty. The deportations were carried with a few days short notice and followed by total confiscation of all individual properties of the Greek citizens leading into economic devastation of the deportees.
- Exertion on a continuous basis of persecutions against the Greek Minority by using administrative measures as well as state threats, economic boycott campaigns, prohibition of speech in other languages than Turkish and creating psychological terror.
- Massive confiscation of Minority Welfare Foundation properties based on a ruling of the Higher Court in 1974 characterizing the members non-Muslim minorities as “a sort of foreigners that is second class citizens” despite being citizens of the Republic of Turkey.
- Serious interferences to minority educational institutions such as appointing vice-Directors whose authority supersedes the Directors being minority members.
- In 1971 illegal closure of the Theological School, which has been functioning from 1843, in the island of Heybeliada (Chalki) and through this depriving the Greek Orthodox minority to train its clergyman
- Starting from the year 1964 the implementation of a state organized ethnic cleansing program in the islands of Gökçeada (Imbros) and Bozcaada (Tenedos) which until that time were populated by 10.000 Greeks only which were under the protection of the article 14 of the Lausanne Treaty. The so called “Dissolution Program” included closing of Greek schools, establishment of open prisons of heavy criminals, massive confiscation of properties and extensive physical abuses against the Greeks of the two islands⁶.

Unfortunately, some of the above mentioned long standing gross injustice practises still are being exercised by the Turkish State against the Greek minority such as religious freedoms,

⁴ Faik Ökte, (Book), *The Tragedy of the Turkish Capital Tax* (London: Croom Helm, 1988).

⁵ Speros Vryonis, Jr. (Book) *The Mechanism of Catastrophe: The Turkish Pogrom of September 6-7, 1955, and the Destruction of the Greek Community in Istanbul* (Greekworks.com, New York, 2005).

⁶ Elif Babul, Home or away-On the Connotations of Homeland Imaginaries in Imbros, in *Diaspora and Memory* (Book) ed.Marie-Aude Baronian, Stephan Besser,Yolande Jansen, Editions Rodopi,B.V.Amsterdam,2007.

foundations property rights, restrictions of educational institutions and individual's property rights despite some of positive developments during the last 5 years.

The Prime Minister of Turkey Mr.Recep T. Erdoğan, **in a historic statement on May 23, 2009 stated that the minorities in Turkey has been expelled due to unjust measures and this was not for the benefit of Turkey**⁷. He also added that fascistic methods were used against minorities. Although this statement has a very significant value, if it remains only as a verbal statement without initiating the adoption of any substantial measure to correct the injustices of the past, will have a small value for the improvement of human rights in Turkey, especially for the members of the non-Muslim minorities Turkish citizens. Immediate measures of restitution of Greek Orthodox Community are needed to improve the situation and the living conditions of its members and these are highly linked with the improvement of overall human rights conditions in Turkey as it is depicted in the following section.

A detailed presentation of the Violations of Human and Minority Rights is given in Annex II.

⁷ <http://www.hurriyet.com.tr/gundem/11714165.asp>,
<http://www.radikal.com.tr/Radikal.aspx?aType=RadikalDetay&Date=24.5.2009&ArticleID=937365> (Radikal Newspaper,24 May 2009).

Photographs of the Deportation of the 18-48 aged Men of the Minorities (Greek, Armenian and Jews) into Work Battalions in Turkey 1941-42





Extracts from Turkish Newspapers of February 1943 on the deportation to exile under severe climatic conditions of aged Minority members not being able to pay the arbitrary established Fortune Tax applied only to minorities. All the properties of the exiled members has been confiscated prior to deportation.

THE POGROM OF SEPTEMBER 6-7, 1955

The Attack of Storming Groups



Some Photographs of the Destructions after the Pogrom of 6-7 September 1955



The floor of the synagogue after the pogrom and the destruction of the interior (see also page 100).

The interior of the synagogue after the pogrom (see also page 100).



The interior of the synagogue after the pogrom and the destruction of the interior (see also page 100).

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The massive Deportation (12.000) in 1964 Members of the Greek-Orthodox Minority having the status of **Etablis** under the Lausanne Treaty (1923) and holding Greek citizenship with the accusation of “spying” against the Turkish State

3. Present Human and Religious Rights Violations.

This section aims to present the problems being faced by the Greek-Orthodox Community of Istanbul, as well as to record the violations of its rights, which have been established by the Lausanne Treaty (1923) and the latter human rights conventions such of United Nations and European Convention of Human Rights (ECHR - Rome 1950). Through this report we present the conditions being encountered by the Greek-Orthodox Community presently in Turkey, which despite the improvements taken place during the last years still are far being satisfactory and in compliance with European criteria in protecting minorities.

3.a) The Ecumenical Patriarchate and Religious Freedoms.

3.a.1) *Prohibition of the use of the Spiritual title of “Ecumenical Patriarch”*

The State of Turkey during the peace negotiations that lead to the Lausanne Treaty accepted the Ecumenical Patriarchate (Phanar) to stay in Istanbul, as a religious authority of the Greeks of Turkey. It is noted that this Treaty recognized the existence of minorities (defined as non-Muslim minorities) under the basis of religious criteria. However the Church of Constantinople-Istanbul has been recognized in 451 A.D during the most populous Saint Synode of Christian Churches as Ecumenical Patriarchate. This status and the religious title are inseparable properties of the Church of Constantinople-Istanbul and is recognized by all Orthodox Christian, other Christian Churches and by many state entities. Turkish State doesn't recognize this religious title and moreover by the ruling of the Higher Cassation Tribunal (Yargitay) dated 13/6/2007 *prohibited* the use of this title. The prohibition of the use of a religious title is not compatible with religious principles as they are determined by the ECHR. Turkey as a “Laicist” state is not obliged to recognize a religious title however it is an entirely different matter the prohibition of the use of a religious title, such as “Ecumenical” is in full contradiction with religious freedoms as are determined by the European Convention of Human Rights.

The ex President of the European Parliament Dr. Hans C. Pottering, following a letter sent to him by Eu.Fe.Con, sent a letter to Prime Minister of Turkey Mr.R.T.Erdogan on this matter emphasizing that by this ruling of Yargitay the fundamental principles of European Convention of Human Rights are violated. In the Annex III the relevant exchanged letters are given.

Turkey by intervening to the use of the title of Ecumenical Patriarchate is violating the principle of Laicism of its Constitution, since essentially interferes with the internal functioning of a Church. Furthermore the prohibition of the use of the title of Ecumenical constitutes violation of religious freedom, because the clauses of Lausanne Treaty are not respected and the article 9 of the ECHR is violated and in particular the freedom of religious expression and the organization of a religious community. However the Prime Minister of Turkey Mr. R.T.Erdogan during the visit or Prime Minister of Greece Mr.Kostas Karamalis in January 2008 stated that “*As long as the title of Ecumenical is a purely religious title we wouldn't have any objection of its use*” which constitutes a positive development. This statement also done recently by Turkish authorities and has been incorporated into the Report of the Human Rights

Commissioner of the Council of Europe Mr. Thomas Hammarberg⁸ published in Strasbourg on 1 October 2009.

3.a.2) *Non-recognition of the legal existence of the Ecumenical Patriarchate*

In parallel with the non-recognition of the Ecumenical Patriarchate with its religious title, the Republic of Turkey doesn't recognize the legal status of this religious institution, with the pretext being a Laicist state cannot recognize as a legal body a religious community (see Annex III the response letter of Ambassador Mr.Volkan Bozkir to Dr. Hans Gert Potering in 2008). As a result of this non-recognition of legal existence of Ecumenical Patriarchate the Turkish State doesn't recognize the right of Ecumenical Patriarchate to possess unmovable property. The recent ruling of the European Court of Human Rights concerning the case of Büyükada (island Prinkipo) Orphanage (given in the Annex IV) although recognizes the right of Ecumenical Patriarchate to possess and acquire unmovable properties, still remains the non-recognition its legal personality which causes serious difficulties the Ecumenical Patriarchate in carrying out its religious duties. In this matter despite the argumentation of Turkey about Laicism, it is evident that there is an unjust treatment of non-Muslim religious communities and consequently of the Greek-Orthodox Patriarchate, since within the Turkish Republic state organization the Presidency of the Religious Matters (Diyanet İşleri Başkanlığı), which is under the authority of the Prime Ministry and which operates as a legal body of the Sunni Muslim community.

3.a.2) The Turkish administration is continuing the ban of the operation of the Theological School of Heybeliada (Chalki), which was educating clergymen for the needs of the Ecumenical Patriarchate. The School started its operation in 1843 while continued its operation during Turkish Republic era from 1923 to 1971, under the supervision of the Ministry of Education, who was appointing the Turkish vice-Director at the Lyceum section of the School, without any problem with the mentioned operation status. After the year 1971, the School was closed with the pretext of prohibition of private higher (university) education institutions. The Turkish Administration is continuing having lack of political will in reopening of the School although presently non-state universities are allowed in Turkey. The non operation of the School is creating serious problems to Ecumenical Patriarchate to carry out its religious duties and forbids the Greek-Orthodox community of Turkey to educate its clergymen. The prohibition of the operation of the School violates openly of the article 40 the Lausanne Treaty which states that: "The Turkish citizens, which belong to non-Muslim minorities ... they will have especially the equal rights to constitute, administer and supervise, with their own expenses, all kind of philanthropic, religious or welfare institutions, schools and other type educational institutions, with the right to use freely their own language and carry out their religious practices, in these".

⁸ REPORT, by Thomas Hammarberg by Commissioner for Human Rights of the Council of Europe- Following his visit to Turkey on 28 June – 3 July 2009, Issue reviewed: Human rights, Strasbourg 1 October 2009.

3.a.3) *Difficulties in appointing Clergies*

Another problem caused because of the non recognition of the Ecumenical Patriarchate legal personality, is in practice the prohibition to appoint clergymen from abroad until presently. Up to now the Turkish authorities doesn't issue long term permit of stay and work permit to clergymen applying to work at the Ecumenical Patriarchate with the pretext of not having legal existence. To those clergymen applying to work at the Ecumenical Patriarchate only a temporary permit of stay is provided until now while to clergymen belonging to other Christian Churches a three year permit of stay is granted. This unjust treatment in combination with prohibition of operation of the Theological School of Heybeliada (Chalki) is causing conditions of denying the Ecumenical Patriarchate to fulfill its religious duties and destination.

3.a.4) *Hostility acts against the Ecumenical Patriarchate*

The Ecumenical Patriarchate has been a target continuously of hostile and defamatory actions. These actions in certain cases emanate from government owned institutions. Specifically in the book of course of "National Security" which is taught in the Lyceums and has been published by the Ministry of Education of Turkey, in the Chapter "The Geographic place of Turkey and the threats Against Turkey, the Neighboring Countries and the Relations with International Organisms", in the section "Relations with neighboring states: Greece "between the problems in the relations of Turkey with this country is reported" the Greek Orthodox Patriarchate (Fener Rum Patrikhanesi) and the issue of Theological Faculty Heybeliada (Chalki)"⁹. Through this way, a mistaken impression is created to the students that the Ecumenical Patriarchate is a problem that concerns the bilateral relations of Turkey and Greece, while actually it concerns the democratic freedoms in Turkey. In the Annex V we attach the relative pages of the school book. Also in the seminars given to the conscripts of the military forces it has been reported that, the instructors repeat similarly defamatory propaganda against the Ecumenical Patriarchate.

These defamatory actions cultivate an unjustifiable hostile attitude against the Ecumenical Patriarchate, rendering target of extreme circles and accordingly place in danger the fundamental human rights and the personal safety of members of Church. It should not be considered independent these state emanating policies, that the recent information coming out of the indictment drawn up by the responsible public prosecutor – against the terrorist the parastate terrorist organization "Ergenekon " it had placed in the foresight the Ecumenical Patriarch his Holiness Bartholomew, and also and the Armenian Patriarch.

3.b) The Unmovable Properties of the Orthodox Church and Greek-Orthodox Welfare Foundations.

3.b.1) *Recent Law on Welfare Foundations*

The new Law 5737/2008 Concerning the Welfare Foundations (known as Wakufs) which was put into force on February 2008, despite its certain positive provisions on the management of minority Wakufs by the minorities and also providing the possibility of return to the

⁹ See Annex V. Photocopies of pages of the book on the "National Security".

beneficiaries of the unmovable properties that have been confiscated by the State during the last decades, does not restore the justice in a many of categories of the real estates of minority foundations that were devolved to the jurisdiction of State in full contradiction to human rights and international treaties that has been signed Turkey. In the Annex VI we include the main points of Law 5737/2008 that continue creating problems to the non-Muslim minorities, thus as they have been prepared a respected NGO of Turkey TESEV.

3.b.2) No Compensation given to illegally liquated Properties of Welfare Foundations

The new Law 5737 on Welfare Foundations does not foresee payment of compensation for the real estates of minority institutions that have confiscated and trampled by the State and then allocated or sold into a third party. Through this the unjust treatment is perpetuated that has been a source of injustice of the minorities in the past. This category concerns mainly unmovable properties that had devolved to minority foundations and institutions afterwards the establishment of the Law 2762 in the year 1935. The Higher Cassation Court (Yargitay) in 1974, interpreting arbitrarily the Law, with a Coup de'Etat style ruling decided that the minority institutions do not have right to acquire unmovable properties apart from the those that was recorded in 1936(after the placement in force of the mentioned before Law 2762/1935). The State applied retrospectively this case law and after of this ruling of 1974 confiscated hundreds unmovable properties that have been acquired the minority institutions after the year of 1936 despite they possessed registered property rights.

3.b.3) Fused Properties of Welfare and Community Foundations

Another category of trampled minority real estate's for which Law 5737/2008 does not forecast any restitution is what has been declared by the state as "occupied-*fused*" (Mazbut) properties and has devolved to the property of General Management Welfare Foundations. This category concerns mainly the Greek Welfare Foundations (Wakufs). Up to today 24 Greek Wakufs with the hundreds of unmovable properties has been declared as "occupied" and hundreds of their unmovable properties has been confiscated. In this category belonging mainly the Orthodox Monasteries to which legal personality is not recognized. Also "occupied" have been declared churches and Community locals. Characteristic is the case of church of Saint George in the region Edirnekapi and the neighboring school. Following the confiscation by the State of the School, which is in a very close distance to Church, it was rented to a private person who converted the School into a Gazino of billiard and lucky games. The State allowing this use of this property that it has arbitrarily occupied, additionally offends the religious sentiments of Christians participating to the religious ceremonies of the Church. The confiscation of religious buildings (monasteries) with the process of declaring them as "occupied", which has been under the jurisdiction of the Ecumenical Patriarchate for hundreds of years and Greek Community, constitutes a gross violation of the article 40 of the Lausanne Treaty. To give an example is the case of the Byzantine Monastery Christ the Savior at the island of Kinalhada (Proti) which because has been declared as abandoned (mazbut) a special humiliating declaration is requested to be signed by Ecumenical Patriarch every time in order the premises of the Monastery to host children's summer camp.

3.b.4) *The Case of a State Established Puppet Church*

The Turkish State should proceed in a gesture of restitution of the justice and to return of the ownership to Ecumenical Patriarchate and the Greek Orthodox Community the churches: Virgin Mary “Kafatjani”, Saint John of Chion and Saint Nikolaos in Galata district, as well as the unmovable properties of these churches.

These mentioned churches and their unmovable properties have been confiscated arbitrarily in two phases in the years 1924 and 1965, by the self declared "Turkish Orthodox Church". The confiscation and violent alienation of the Ecumenical Patriarchate from its fortune happened under the tolerance and the acceptance of the State, which as it evident from many elements, was created the so called «Church» as counterpoise against the Ecumenical Patriarchate.

The so called "Turkish Orthodox Church" has not been recognized by any other Christian Church, does not have believers but also is not administered according to the principles that all the other Orthodox Churches function. Essentially this entity is managed for a 85 years period by a family, members of which in the past have admitted that they collaborate with the secret services of the State. Among the persons that has been arrested recently in the framework of dismantling the parastate terrorist organization “Ergenekon” has been the press representative of the so called “Turkish Orthodox Church” Ms. Sevgi Erenerol, who is accused seeking to overthrow the constitutional order and the government. Turkish authorities released information’s indicating that the church of Virgin Mary Kafatjani, which has been the seat of the so called “Turkish Orthodox Church”, has been also used as the secret headquarter of the mentioned illegal organization. The Church has been sealed by the police authorities. In the Annex VII a highly informative article of Turkish journalist Yonca Poyraz Doğan is presented on this issue of “**bogus Church**”¹⁰.

Taking into account: a) these three churches and their unmovable properties were occupied illegally with the tolerance of State, b) **the occupiers of the three churches cannot function as sanctuaries of adoration and we ask their immediate return to the Ecumenical Patriarchate.**

It should also be noted that the Perfect of Istanbul has forced illegally the provision of place in a Greek Minority Cemetery for the leaders of the so called “Turkish Orthodox Church” as shown in the documents attached in Annex XI. Such an act is a severe insult to Greek Orthodox Minority since members of this “bogus Church” has openly competed and acted with high hostility against the Ecumenical Patriarchate.

3.b.5) *Ownership of Cemeteries of Minorities*

According to the article 42 of the Lausanne Treaty the obligation of Turkey to protect non-Muslim minority cemeteries is established. However the ownership of the cemeteries with the provisions of various laws has been assigned into the Municipalities, contrary to the Lausanne Treaty and also against the Law 3998 of Turkey that was published in the Official Gazette on 13.6.1994 which rules the exception of minority cemeteries from the general rule of subordination of cemeteries to the municipalities. The courts, including the Higher Cassation Court (Yargitay), with various legal subterfuges deny recognizing the ownership of minorities on their cemeteries. The new Law 5737/2008 does not resolve this contradiction of Turkish

¹⁰ See Annex VII.

internal legislation. As a result of this many of the Orthodox cemeteries that are used for this purpose even before the 19'teen century face the danger of change of use. Such an action additionally will mean also destruction of cultural heritage of minority, since part of this heritage belongs also to the cemeteries.

3.b.6) Management of Properties by the Minority Welfare Foundations

The Law 5737/2008 provides some positive opportunities to the minority Foundations and Communities in the management of their unmovable properties. However despite the placement in force of the Law, still administrative rulings are issued prohibiting the management of minority real estate's by the legal owners. Administrations of minority schools, that ceased functioning because of lack of students, have submitted application to authorities to close officially the schools and then use the buildings for other purposes, received negative answer. The authorities invoke the principle of reciprocity between Turkey and Greece, which cannot be claimed in the exercising minority rights.

3.b.7) The Prohibition to Elect Minority Administration to the Greek-Orthodox Central Lyceum Foundation (1850)

The Authorities using administrative measures seek to place under State property the Central Lyceum (Rum Merkez Lizesi) in the district of Taksim, which is owned by the Greek Community. The request of the Greek Minority to carry out election for the Administration Board of this Foundation-School has been forbidden by state authorities. The issue is being judged by a Turkish court after an appeal of the graduates of this historic School (established in 1850).

3.b.8) The Necessity of Just Treatment of Minority Foundation Claims to recognize the ownership of their properties.

At the end of August 2009 the Greek-Orthodox Welfare Foundations have submitted their applications according to the clauses of the Law 5737/2008 for the recognition of their real estate properties which was abandoned by the 1974 Yargitay ruling. The number of applications submitted by the Greek-Orthodox communities of Istanbul and the islands Gökçeda-Bozcaada is 771 and 281 respectively totaling to 998. It is matter of highest importance these applications to be treated timely with justice.

3.c) Problems in the Community Organization of the Greek-Orthodox Minority

The circular issued by the Prefecture of Istanbul in 2004 constitutes a positive development by which the election of administrations of the minority foundations was allowed, after 13 years. The election of administrations constitutes fundamental prerequisites of the implementation of the article 40 of the Lausanne Treaty which states that "the Turkish nationals, belonging to non-Muslim minorities ...they will have especially the same equal rights to establish, to direct and to supervise, with their own expenses, all kind of charitable, religious or welfare foundations, schools and other type of education institutions". However in certain cases of minority individuals that were elected lawfully in Wakufs, the authorities did not allow them to take

office. After appeals of the elected members the authorities replied that they are not allowed to take office because their names were included in a list minority member that has been prohibited to participate to the elections taken place in 1991, without any other further justification. The practice of preparing a secret list of minority members that are prohibited, without any explanation, to participate to the administrations of minority foundation, is in full contradiction with democratic regimes and it constitutes violation of human rights.

3.d) *Minority Education Problems*

3.d.1) *Restrictions on the Enrolment of Students*

The Treaty of Lausanne establishes that the minorities will manage their schools. However the authorities by placing restrictions in the enrolment of students into the minority schools, thus violating the relevant article of the mentioned before Treaty and they limit the fundamental right of free access into education, to all parents they would wish study their children in a particular school.

3.d.2) *The Neutralization Mechanism of the Minority Administration by the “Deputy Director” and No Financial Support to Minority Schools*

Also according to the Treaty of Lausanne article 41, the Turkish State has obligation to subsidize the schools of minorities, which never happened any time. Still the State appoints to minority schools a "Deputy Director" of Turkish origin teacher who has higher administrative power compared to Directors of minority member. This measure causes serious obstacles in the administration of schools by the minority Communities, as it is established by the article of 40 Treaty of Lausanne.

3.d.3) *Restrictions on the Appointment of Minority Members Teachers*

The authorities continue occasionally denying the nomination of minority teachers seeking to force Greece to dispatch more Greek citizens teachers and equivalents Turkey to have the right dispatches more Turkish teachers into the Muslim minority schools in Western Thrace. This reciprocity in the exchange of teachers having established between the two countries, creates serious problems in the education of Greek-Orthodox minority and moreover renders hostage of inter-country relations between Turkey – Greece.

3.d.4) *Restrictions on the Cultural Activities*

Recently on 15 March 2009, because of the intervention of the Deputy Director at the Vlanga Primary School a theater play by 6-10 year old students was forbidden to be performed outside of their school at the premises of the Greek Community at the district “Vlanga”. The arbitrary pretext used by the Deputy Director of the Primary School has been the contradiction of the theater play with the regulations of Ministry of Education. The prohibition enforced by an oral objection without any written justification. This incident shows still the problems at the

minority schools because of the illegal acts of Deputy Directors which seem to be personal initiatives rather than Ministry of Education directives.

3.e) Problems of Safety and Exercise of Psychological Pressure (ANNEX IX)

3.e.1) During the last years there has been an increase of actions causing concern for the safety of sanctuaries and also members of minorities.

3.e.2) In November 2007 a team of the Forestry Service of (Prince) Islands without any warning proceeded in partial demolition of Abbey of the Monastery of the Metamorphosis of Christ at the island Heybeliada (Chalki), which exists in the same place from the times of Byzantium. The excuse making this act of destruction was that, there was no permit to carry out repair work of the roof of the temple. The Forestry Service team acted under the prompt of the director of the Forestry Service, which then exercised an indictment against the Bishop of Moschonision who has the competence on the mentioned Monastery. The trial presently is ongoing, while the same state functionaire exercised a new indictment against the same Bishop and Ecumenical Patriarch. The destructions happened on the abbey have been serious and yet have not been restored.

3.e.3) During the same period there has been attacks to two Greek Orthodox Churches (Agia Triada Church in Kadikoy) and Pammegiston Taksiarxon in Istinye) by young nationalists. In case of Kadikoy the young men attacked against the personnel of the Church. The police acted in time and arrested the perpetrators in Kadikoy incident.

3.e.4) In July 2008 there were two attacks and destructions in the Holy Fountain of Agia Fotini in the Kinalada island. The attack was attributed to individuals visiting the island as excursionists in weekends.

3.e.5) The above mentioned incidents in combination with the publications in press of Turkey connecting this type of attacks against the religious minorities with monitoring activities by the gendarme forces of the minorities, causes insecurity and they exercises psychological pressure on the Greek Orthodox minority.

3.e.6) On the night of 2-3 September 2009 unknown attackers broke the marbles of 90 tombs at the Balikli cemetery of the Greek-Orthodox Community of Istanbul.

4) Problems Faced by the Expatriated Members of the Greek-Orthodox Minority

4.a) The Prime Minister of Turkey Mr. Recep Tagip Erdogan in January 2008, during the visit of Greek Prime Minister Mr. Kostas Karamanlis, made a statement by which invited the Greeks of Istanbul possessing Turkish citizenship and living abroad, to return to their homeland. The Ecumenical Federation of Constantinopolitans (Eu.Fe.Con) responded to this invitation statement by sending a letter to the Prime Minister of Turkey in Turkish asking specific actions in order that this invitation acquires essential content. The English Translation of the letter sent by Eu.Fe.Con is given in Annex IIX. This letter places two basic prerequisites in order the return of the expatriated Greeks to the homeland could be achieved:

(a) change of the attitude of Turkish Government and Public Administration towards the existing Greek Communities of Turkey in Istanbul, and the islands Gökçeada (Imbros) and Bozcaada(Tenedos) and (b) Concrete measures to be taken by the Turkish Government to facilitate the return to homeland of the expatriated Greeks by force and the multiple and systematic persecution measures that were practiced by the Turkish Government and which a list is given in the Annex II.

Among the measures in addition to others should be acts that will restore the confidence of the expatriates to Government Authorities. As an example the offer of a formal apology by the Turkish Government for the violations of human rights of minority by government authorities, as also the introduction into the school books curricula in Turkey the past violations of human rights against the minorities, would significantly contribute along this direction.

4.b) The Parliament of Turkish Republic on 29/12/05 voted the amendment of the Law concerning the ownership of unmovable properties. The new amended law was published in the Official Gazette on 7/1/2006, Number of leaf 26046.

The examination of this Law shows that the new law imports new “traps” for expatriated Greeks that have lost their Turkish citizenship and they acquired Greek one. This Law forecasts that:

A - Only the nationals of countries, with which the Turkish Republic has contracted reciprocally, can inherent unmovable properties. In case where as result of hereditary rights for nationals reciprocity doesn't exist with the Republic of Turkey the corresponding unmovable is liquated by the State.

B - The real estates and the rights that were acquired in contradiction to this Law or are used for other purposes by the one that was acquired if they are not liquated by their owners, is liquated by the Turkish State and the owners are compensated .

A recent ruling (29/09/09) of the European Court of Human Rights on the case of Fokas v. Turkey (no.31206/02) the inheritance rights of the Greek citizens in Turkey is recognized.

Thus, with the pretext of reciprocity the heredity rights of the expatriated Greek minority members that have acquired Greek citizenship are violated. This measure essentially aims to break even the last bond of the expatriated members of the Greek Orthodox minority and their descendants with their place of origin, maintaining a real estate that they have inherited.

4.c) In regions that have been included in program of reconstruction (e.g. region Tarlabası) and elsewhere, confiscation of private ownerships is by the State is still continuing. The applied procedures aim in grabbing the real estate's by lawful tricks. The buildings that has been abandoned by their householders because of the above mentioned persecution practices against the Greek Orthodox minority, are declared abandoned fortunes (Enval-i metruke), then Courts seeks the beneficiaries and provided that they are not found the real estate it devolves into state. However because the beneficiaries henceforth live in the abroad, it is very infrequent with this process they are found interested and they recover the property on their real estates.

5. Conclusions

Modern Turkey frequently invokes the Lausanne Treaty as the founding Charter of the Turkish Republic by which its international status was recognized, however keeps silence on the issue that systematically and on extensive scale has violated the Treaty concerning the non-Muslim minorities. Turkey has the obligation to respect the minority rights, create and maintain conditions that minorities will continue their existence. Furthermore Turkish Government should take necessary steps to restitute the past injustices. We are much worried particularly for the shrinkage of the number of members of the Greek Orthodox minority, as a result of systematic violations of its human rights. The above report of present situation shows that there has not been any radical change in the attitude of Turkish Administration towards the accumulated problems of Greek Minority. The Turkish State should proceed immediately to take all those measures that will restore the injustices of the past and to create feelings of safety and stability to the members of the minorities.

In this framework in order to achieve this following measures should be taken by the Turkish Government:

- (1) Turkey should stop the interventions to the use of the spiritual title of the Ecumenical Patriarchate and recognize its legal personality. It should also revise the regulation of election Ecumenical Patriarch to allow the election of clergymen not possessing Turkish citizenship, and to obtain the Turkish citizenship after his election as happened in case of Archbishop of America Athenagoras in 1948 when he was elected as Ecumenical Patriarch.
- (2) The operation of Theological School should be allowed, with the status as operated until 1971 when was closed illegally. The appointment of foreign clergyman by the Ecumenical Patriarchate should be allowed, without restrictions of stay in the country.
- (3) All the churches and unmovable properties that have been occupied by the self declared “Turkish Orthodox Church” should be returned to the lawful owner the Ecumenical Patriarchate and Greek Orthodox Community.
- (4) The rulings of European Human Rights Court should be faced in a positive way by the Turkish government such as the case of the Greek Büyükada (Pringkipos) Orphanage already issued its first decision in July 2008 on this matter (ECHR 14340/95, Dec.8, Jul.2008). The Turkish state should reinstate and return the ownership of the Greek Büyükada Orphanage property to Ecumenical Patriarchate as a matter of fundamental justice.
- (5) The Law 5737/2008 concerning the Minority Welfare Foundations (Wakufs) should be improved in such a way that:

a – It should provide the capability minority welfare foundations (wakufs) to draw new bylaws and replacing the existing ones most of them being from the era of Ottoman Empire and opening the door for arbitrary actions of administration.

b – The fragmentation of minority foundations should be stopped because of the wakuf system and the unification of various wakufs should be allowed to achieve saving of costs and efficiency of the administration of the minority Community unmovable fortune.

c – The equality of the minority foundations (wakufs) and all other foundations should be recognized and discriminatory injustice practices against the minority wakufs should be stopped.

d – The occupied minority unmovable properties such as the case of the self declared “Turkish Orthodox Church” should be returned to their lawful owners.

e – Proper compensations should be given to minority foundations in case their unmovable properties have been sold to a third party.

f – The issue of minority cemeteries should be resolved and their ownership by the minorities should be recognized as clearly stated by the Lausanne Treaty article 42.

(6) The verbal prohibition of Istanbul Prefecture functionaries to carry out elections in minority foundations should be canceled.

(7) The administrative acts aiming to confiscate minority foundation properties such as the case of Central Lyceum should be stopped.

(8) The Circular published in 27/9/2008 concerning the implementation of the Foundations Law 5737/2008 should be implemented without any administrative obstacles and all the 998 real estate properties claimed to be returned to Greek-Orthodox Welfare Foundations should be treated in justice and timely.

(9) The Turkish administration should revise the status of the Vice Director in minority schools, in such way him or her not to have more administrative power than the minority member Director. The Turkish Government should subsidize the Minority Schools as stated in Lausanne Treaty and is an established practice in all European Countries.

(10) The Turkish Administration should allow the appointment minority teachers and should not invoke the reciprocity between Turkey and Greece.

(11) Specific measures should be taken by the Turkish Government to facilitate the return of the expatriated members of the Greek minority Communities of Istanbul and the islands Gökçeada and Bozcaada, in the spirit of letter of Eu.Fe.Con to the Prime Minister Mr. R.T. Erdoğan and the resolution of Council of Europe dated 28/6/2008 on Gökçeada (Imbros) and Bozcaada (Tenedos). Such measures to achieve this are:

a- Provide support and take initiatives to facilitate the return of Greeks of Istanbul that has been forced to leave their country because of the persecutions and violations of their human rights as described in Annex II. **The necessary Reparation Measures should be aligned with the Resolution adopted by the General Assembly 60/147 of the United Nations on the “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”. In this context the restitution of Turkish Republic citizenship to Greek minority members should be facilitated taking into account the massive loss of their citizenship after sloppy administrative measures in order to reduce their number during the 1960-1990’s.

b – All sorts of restrictions on acquiring non-movable properties by foreign citizens should be stopped and specifically the heredity rights should be recognized to Greek citizens. The recent ruling of the ECHR for the case of **Fokas v. Turkey** (no. 31206/02) should be faced positively by the Turkish Government and the existing administrative regulations and laws should be aligned with the previous rulings of ECHR on the property rights of Greek citizens.

c – All sorts of restrictions in the registration of students in the minority schools should be stopped.

d – All anti-minority references in the schoolbooks used for teaching in Turkey and curricula should be stopped for ever and good.

ANNEX I

EXTRACT FROM LAUSSANE TREATY ON THE PROTECTION OF MINORITIES

The Laussane Treaty was signed on 24/7/1923 between the British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State of the one part, and Turkey of the other part, as well as between their respective nationals.

SECTION III. PROTECTION OF MINORITIES.

ARTICLE 37.

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised 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.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

ARTICLE 39.

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

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission

to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

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.

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

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.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

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 authorisation 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. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that

any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

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.

ANNEX II

The violations of the Treaty of Lausanne and Human Rights Conventions by the Turkish Republic 1923 to 1999

1923-1929

1) In October 1923 Turkish Government restricted the civil and political rights of Greeks living there. Banks, civil services of all kinds and categories as well as big multinational companies and enterprises were forced to dismiss all Greeks from their employ.

(Violation of Article 39 of the Treaty of Lausanne).

2) In the same period, the political affiliations of the Greek teachers in Istanbul (Constantinople) became the object of the investigation conducted by Salih Zeki, General Director of the Turkish Ministry of Education. On this occasion of 104 teachers of Greek descent and 52 Greek teachers were dismissed, characterized as 'unfit' to teach in minority schools.

(Violation of Articles 40 and 41 of the Treaty of Lausanne – The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

3) In 1923 Turkey, aiming to restrict the Greek presence in Istanbul (Constantinople), arbitrarily characterized 40,000 Greeks, as *personae non gratae* who had found temporary refuge for reasons of safety outside Turkey, prior to the signing of the Treaty of Lausanne, removed their Turkish citizenship and proceeded to the mass confiscation of their properties. The excuse, as declared by Ankara, was that these people, have left the country with travel documents that were not accepted by the authorities of the Turkish Republic (i.e. have used passport issued by the Ottoman authorities and not by the Turkish Republic). In reality, when these people left in September and October 1922, the only authority in Istanbul issuing passport was the Ottoman one. Furthermore Turkey applied to define the non-exchange of population zone the municipality of Istanbul contrary to the clause of Exchange of Population of being defined as the Prefecture of Istanbul. Through these measure villages in the east and west of Istanbul were subjected to exchange of population (the villages of Pendik, Kartal, Maltepe and Florya).

(Violation of Article 2 of the Treaty on the exchange of populations, which was incorporated in the Treaty of Lausanne).

4) Between 1923 and 1929 Turkey, aiming to restrict the Greek presence in Istanbul, required that all Greeks settled in Turkey before 1918, and thus not exchangeable under the terms of the Treaty on the exchange of populations. The Greek view was justified, on 21/Feb./1925, by the International Court of Justice. Nevertheless, Turkey continued their policy.

(Violation of Article 2 of the Treaty on the exchange of populations, which was incorporated in the Treaty of Lausanne).

5) Turkey, in the framework of its strategic undermining and degradation of the Ecumenical seat of the Orthodox faith, gave its full support in September 1923 to the establishment of the so-called 'Turkish Orthodox Church', which was founded by father Efthym Karahisarides Erenerol, a priest from Keskin, Anatolia, who was the

blind instrument of Turkish State. In October 1923, father Efthym, by now renamed himself Pope Efthym, attempted to occupy the Patriarchal Compound, causing grave incidents, while the Turkish authorities did not take any measure.

(Violation of Articles 38, 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

6) By virtue of Decree No 1092/06.12.1923, Turkey downgraded the Ecumenical Patriarchate of Constantinople to a local NGO with no legal personality and determined that the Patriarch would be elected by clergymen who were Turkish nationals and were already serving in Turkey. The fact that Turkey was unable to unilaterally evict the Ecumenical Patriarchate from Istanbul, which is what it would have done for any institution governed by the domestic Turkish law, and was forced by the parties signing the Treaty of Lausanne to accept that the Ecumenical Patriarchate would remain in Istanbul, indicates the extent arbitrariness of the Turkish Republic.

(Violation of Articles 40, 42 and 43 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

7) Immediately after the installation of the Turkish authorities in Imvros and Tenedos, on 4/Oct./1923, where more than 95% of population was Greek, the Republic of Turkey completely ignored the special local administration and the autonomy which the two islands, which were offered to Turkey as a gift with the initiative of Great Britain in the framework of the Treaty of Lausanne, should have enjoyed. Government of Ankara appointed right away a Turkish commander and Turkish officers to the courts, customs houses, police and port authorities, dismissing all the elected local officials. They cut off the Christian leadership characterizing as *personae non gratae* 1,500 people from Imvros and 64 from Tenedos, who had found temporary refuge in safer places. Their real property was seized.

(Violation of Article 14 of the Treaty of Lausanne and Protocol XV Article 5 on amnesty, violation of Articles 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

8) On 12/Feb./1924 father Efthym burst into the historic church of Panaghia Kafatiani in Galatas (Karaköy) and the church of Sotiras Christos and took possession of them, with the undisguised support of the Turkish authorities. On 19/Feb./1924 the Patriarchal Holy Synod stripped father Efthym of his clerical attire, while he had already been excommunicated as an apostate and shameless traitor of the orthodox faith. The Turkish courts rushed with unprecedented eagerness to fine the Ecumenical Patriarch in April 1924 for the mental anguish suffered by father Efthym as a result of his excommunication, while the Turkish State officially conceded to him the churches he had occupied with the violent 'backing' of the Turkish mob!

(Violation of Articles 37, 39, 40, 41 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

9) On 30/Jan./1925, upon the conclusion of the mass for the celebration of the holiday of the three Hierarchs, the Turkish police invaded the premises of the

Patriarchate, arrested Ecumenical Patriarch Constantinos VI and after giving him an exchange of population passport led him to the railway station of Sirkeci and deported him from Turkey.

(Violation of Articles 37, 38, 40, 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

10) In the same year, the Turkish Government decided to shut down the historic Greek Literary Club and the contents of its invaluable library were scattered among the state libraries in Ankara and Suleymaniye and the various Turkish language and Turkish history societies. The books are still there.

(Violation of Articles 37, 38, 39, 40, 41 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

11) The Turkish Government, in order to prevent Greek teachers from teaching in Turkey, required them to pass examinations in the Turkish language for the approval of a new teaching license. Most courses in the Greek schools had to be taught in the Turkish language. Ethnic Greeks in Istanbul were forced to bear the burden of the double salaries paid to the Turkish teachers teaching in Greek schools, while at the same time they were asked to pay a special education tax, invented for the purpose of draining them. The Zappeion School for Girls had to shut down because there were statues inspired from the Greek mythology in its premises. The Patriarchal Commercial School, the Greek Commercial School in Halki and the Apostolides private school for languages had to shut down and their property has been confiscated by the State.

(Violation of Articles 37, 38, 39, 40, 41 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

12) On 14/Jun./1926 the Turkish Government, in the framework of its strategy of undermining and lowering the status of the Ecumenical Patriarchate, initiated criminal proceedings against the Ecumenical Patriarch and all the Holy Synod, on the grounds that they had convened a meeting at the Halki Seminary and not in Phanare (Fener), the administrative seat of the Ecumenical Patriarchate.

In the same period, the Turkish Government did not allow the organization of a Panorthodox Convention by the Ecumenical Patriarchate.

(Violation of Articles 38 and 40 of the Treaty of Lausanne)

13) The introduction of the Civil Code in Turkey, in October 1926, established for minority institutions an inability to acquire new real estate, either by property transaction or by donation or inheritance, while the Patriarchate's capacity as a legal entity was not officially recognized, thus causing huge impediments to the management and representation of the huge Patriarchal estate.

(Violation of Articles 37, 38, 39 and 40 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

14) Law 1151, passed by the Turkish National Assembly on 25/Jun./1927, substantially and officially abolished the self administration status of the islands Imvros and Tenedos, shut down on various pretexts the Greek School, prohibited the

instruction of the Greek language and placed Christians under persecution, to their final extinction.

(Violation of Articles 14, 27, 38 and 40 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

1930-1939

15) During the year 1930 the Turkish authorities openly intervened in the elections of the administration boards of the minority hospital in Baloukli and the community of Pera (Beyoglou), aiming at the big properties of the minority members.
(Violation of Article 40 of the Treaty of Lausanne).

16) Law 2007, passed by the Turkish National Assembly on 11/Jun./1932, banned Greek nationals exempted from the exchange of populations and legally residing in Istanbul from the exercise of thirty professions. These professions covered a wide spectrum, indicative of the intentions to indirectly force Greeks to emigrate voluntarily: The professions of itinerant salesman, barber, musician, photographer, carpenter, tailor and waiter were among the first to be prohibited for Greeks by the Turkish authorities. The banning of other professions as well followed later, compelling Greeks to make a painful choice: either remain unemployed, work illegally or emigrate from their land.

(Violation of Article 2, Convention IV, part (a) and Articles 37 and 40 of the Treaty of Lausanne).

17) Law 2596, passed by the Turkish National Assembly on 3/Dec./1934, prohibited all Christian clergymen to don cassocks outside the church. The only exception allowed by the Law manifests the Turkish intention to bring the Ecumenical Patriarch down to the level of the “puppet-priest” (father) Efthym Karahisarides Erenerol, since it set forth that only the Patriarch and father Efthym, under his capacity as self-declared head and leader of the Turkish Orthodox Church, were allowed to wear cassocks outside the church.

(Violation of Articles 37, 38, 40 and 43 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

18) In the same year, Law 2525, under which all Turkish nationals were obligated take on a surname, forced Greeks to Turkify their last names, because those last names with Greek roots were not accepted by the Turkish authorities. At the same time, a racist campaign was launched under the slogan ‘Citizens speak Turkish’, with the result that anyone daring to speak his mother tongue in the streets was abused and fined.

(Violation of Articles 37, 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

19) Law 2762 on Wakufs, (property dedicated to charitable institutions), passed by the Turkish National Assembly on 5/Jun./1935, placed minority communities under the control and supervision of the General Directorate of Charitable Foundations (Vakıflar Genel Müdürlüğü) and required them to submit statements as to their income and their properties. The management of minority

institutions and schools was assigned to a commissioner, appointed by the Turkish authorities.

(Violation of Articles 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

20) On 26/July/1934, a new decree in implementation of the Law 2007/1932, banned the Christian population who held the Greek nationality from the exercise of more professions, which resulted to the mass exodus of no less than 10,000 Christians with Greek nationality from Turkey.

(Violation of Article 2, Convention IV, part (a), and Articles 37 and 40 of the Treaty of Lausanne).

21) In the two years 1936-1937, Greek minority schools became the Turkish Government's target. All the courses had to be taught in Turkish, with the exception of the course of Modern Greek Language. The military education course was added, taught by an officer of the Turkish army. A Turkish deputy-principal was appointed to each minority school, answerable to the Turkish Ministry of Education, who gradually became the sole and dominant power in minority schools.

(Violation of Articles 39, 40 and 41 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

22) During the same period, pursuant to Law 2762/1925, the Turkish authorities appointed the infamous lawyer Istamat Zihni Özdamar, who was father Efthym's right arm, as commissioner to the Baloukli Charitable Foundation, causing an uproar in the Greek minority.

(Violation of Article 40 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

23) In 1939 all minority sports clubs were required to merge with Turkish sports clubs, so that they progressively shrank and lost their Greek identity.

(Violation of Articles 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

1940-1949

24) During WWII Republic of Turkey, found a wonderful opportunity, from the safety of its neutrality, to strike heavy blows on the ethnic Greeks of Turkey, taking advantage of the burdens passing Greece, due to struggling for the ideals of freedom and justice, at the side of the Allied forces. Thus in May 1941 the Turkish Government mobilized the prefectures in Eastern Thrace, starting from the prefecture of Istanbul. The enlistment offices were ordered, by way of a ciphered footnote under the mobilization decision, to summon selectively the reservists from the Greek, Armenian and Jewish minorities. This way, all Christians aged 20 to 45 were dragged to the army and were scattered in the depths of Asia Minor to construct roads and military buildings under the most adverse circumstances.

(Violation of Articles 37, 38 and 39 of the Treaty of Lausanne - The League of

Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

25) On 21/Sep./1941 ‘unknown’ arsonists threw on the wooden roof of the Ecumenical Patriarchate rags which they had immersed in gasoline and put on fire. The Patriarchal Building burnt to ashes, taking with it records, paintings of Patriarchs and valuable relics of the Greek population.

(Violation of Articles 38 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

26) On 11/Nov./1942, the Turkish Government with its Law 4305, using religion and ethnicity as criteria imposed an enormous emergency property tax, which aimed at the financial extinction of Christians in Turkey. The Law, which came to be known as Varlık Vergisi, (Asset Tax) required the payment within 15 days of an arbitrarily imposed tax by the tax inspector, and without the right to appeal. Four weeks after the imposition of the tax, failure to pay resulted to the confiscation of the taxpayer’s property, his arrest and displacement to forced labor-camps in Aşkale, at extremely bad weather conditions. In total, 1,869 illustrious members of the minority population saw their properties suddenly confiscated and themselves exiled to the Aşkale, where they built roads in order to settle their debt to the Turkish State. Their daily wages were 2 Turkish Liras, out of which one was deducted for the rudimentary meals they were given and the other one deducted with regard to their debt to the Turkish State. Most of them, in order to settle the debt arbitrarily imposed on them, would have to work from 200 to 300 years!

At the end of 1943 (When WWII considered) the victims were emancipated, but 21 Greeks died out in Aşkale.

(Violation of Articles 37, 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

27) In January 1943 the Turkish Government confiscated the properties of the Holy Orthodox Monasteries of Mount Athos Megisti Lavra and Koutloumousi on the island Imvros and started to relocate settlers from Asia Minor to the island. The Mayor and three Community chairpersons that dared to protest were banished in Asia Minor. The same destiny awaited two of the most important members of the Holy Synod: Metropolit Maximos of Chalcedon, who later became Ecumenical Patriarch, and Metropolit Dorotheos of Prussa.

(Violation of Articles 14, 37, 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

1950-1959

On 10 December 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights.

On 31 July 1950, Republic of Turkey signed the Convention on the Prevention and Punishment of the Crime of Genocide without any declarations and reservations.

On 4 November 1950, Republic of Turkey signed the European Convention for the protection of Human Rights and Fundamental Freedoms like being member of the Council of Europe. Conventions entered in force at Turkey on 3 September 1953.

28) On 6/Sep./1955 the Turkish Government, in a cold-blooded and preplanned manner, launched organized riots against non-Muslims in Istanbul. Within the time slot of six hours:

- 72 holy places from 95,
 - 36 Greek schools from 48,
 - 3 Greek newspapers from 3,
 - 4228 shops, companies, factories belonging to Greeks,
 - 2640 houses belonging to Christians
- were destroyed, looted or set on fire.

The tombs of the Patriarchs were destroyed and the Greek cemetery in Şişli was the target of a frenzied attack by the organized mob. The criminals were possessed with a cannibal-like mania and they ruined tombs, opened the more recent ones, and unburied corpses, which they knifed and tore to pieces. During this night of terror for the Greeks of Istanbul, **37 deaths, 30 of injuries and 300 rapes took place**, while icons and religious paintings of priceless historic and archeological value were destroyed or stolen.

The damages caused by this unheard of “riots” against the 150,000 Greeks of Istanbul was estimated by the Turkish government itself to be at **ONE BILLION U.S. DOLLARS** (1950’s valuation).

No one of criminals was arrested. The denial of the state involvement in the event took a place till to 2005.

(Violation of Articles 38, 39, 40 and 43 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne-Violation of U.N. Universal Human Rights Declaration).

(Violation of Articles 2, 3, 5, 8, 9, 13, 14, 16 of European Convention on Human Rights).

29) On 16/Sep./1955 the Turkish authorities interdicted the publication of the minority newspaper ‘Eleftheri Phoni’ and arrested its publisher Andreas Lambikis, whom they imprisoned without a warrant or official charges for a period of three months in the military jail of Harbiye.

(Violation of Articles 37 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Article 10 of European Convention on Human Rights).

30) In November 1956, the Turkish authorities arrested twelve members of the Greek Association of Constantinople, which they dissolved by court decision in April 1958, allegedly for espionage for Greece and for financing the struggle of the organization EOKA in Cyprus.

(Violation of Articles 38, 39, 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne – Violation of Convention IV of the Treaty).

(Violation of Articles 3, 5 and 7 of European Convention on Human Rights)

31) From early 1957 to 1959 the Turkish authorities deported 57 personalities of the Greek Orthodox minority in Istanbul, including reporter Dimitrios Kaloumenos, who had captured with his camera the vandalism's of 6/Sep./1955.

(Violation of Articles 37, 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 3, 5 and 10 of European Convention on Human Rights)

32) During the same period, the Turkish authorities with a campaign levered mainly by students-members of Anti-Greek organizations and societies used psychological pressure on consumers, forcing them not to buy products from shops owned by Greeks. To that end, they distributed propagandist leaflets in front of the Christian shops, with the slogan 'Bu dükkan gavurların malıdır. Yanındakine girin, çünkü Türkün'dür (This shop belongs to an infidel. Prefer the shop next door, it belongs to a Turk). This campaign, combined with the other one asking people to speak only Turkish – the relevant slogan 'Vatandaş Türkçe konuş' was everywhere – maintained the unbearable feeling of terror, which surrounded the Christians of Istanbul.

(Violation of Articles 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 5,8, 9 and 14 of European Convention on Human Rights)

1960-1969

33) The Turkish authorities announced new restriction measures about the exercise of various professions by Greeks in Istanbul in 1960, in implementation of Law 2007/1932.

(Violation of Article 2, Convention IV, part (a) and Articles 37 and 40 of the Treaty of Lausanne).

(Violation of Articles 3, 5, 8, 9 14 and 16 of European Convention on Human Rights)

34) That same year, the Turkish authorities abolished the three central Greek Orthodox boards of Stavrodromion (Pera, Beyoğlu), Halkidona (Kadıköy) and Galatas (Karaköy), which coordinated the ethnic Greek institutions. That way, the real estate belonging to the institutions was led. However, thought to terrorized the Greek Orthodox, at the Turkish State.

(Violation of Article 40 of the Treaty of Lausanne).

(Violation of Articles 6, 7, 8, 9, and 14 of European Convention on Human Rights)

35) Law 222 of 1961 arbitrarily brought minority schools under the jurisdiction of the Turkish Ministry of Education, for the purpose of circumventing the obligations undertaken by Turkey under the Treaty of Lausanne.

(Violation of Articles 37, 39, 40 and 41 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 7, 8, 10 14 and 16 of European Convention on Human Rights)

36) In 1962 an application for the reconstruction of the Patriarchal Palace, after the damages it had suffered from the fire of 1941, was rejected. Similar applications for the maintenance of other buildings belonging to the minority, such as the Pringipos Orphanage (Büyük Ada), the Metropolis at Derkon and the Tatavla (Kurtuluş) School were also rejected. In the same year the plot of the church of Agios Georgios (Saint George) in Therapia (Tarabya) was arbitrarily occupied for the purposes of developing a big tourist complex, without any attention paid to the protests of the Christians.

(Violation of Articles 38, 39, 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 3, 5, 6, 8, 9 and 14 of European Convention on Human Rights)

37) In 1963 the church of Sotiras Christos, which in 1924 had been forcefully occupied by father Efthym, was torn down by the Turkish authorities. This church, 12 years after it had been occupied by coup by the father Efthym, had been returned to the Christians after a long struggle in the courts. In 1955 it had been completely destroyed by the organized criminals– unlike the church of Panagia Kafatiani, which had remained under the control of the father Efthym and which was left untouched during the night of the events. After it was torn down, the Turkish authorities awarded damages to father Efthym!

(Violation of Articles 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

38) In 1964 the Turkish authorities implemented a coordinated wave of persecutions, aiming at the complete extinction of the Greek minority of Istanbul:

The year began with the authorities setting the proper climate, with the stoning of the Patriarchate. This was followed, on 10/Jan./1964, by the stoning of the Sinaitic Monastery of Agios Ioannis in Phanare (Fener). Then the wave of persecutions assumed torrential dimensions. Three principals of Greek High Schools and eleven Greek teachers dismissed. Orthodox clergymen were forbidden entry in Greek schools by virtue of Circular No 410/16/26.03.1964. On 1/Apr./1964 Emilianos, Metropolite of Seleukia and Iakovos, Metropolite of Philadelphia, were deported from Turkey and were deprived of the Turkish nationality. Nine days later, on 10/Apr./1964, the Patriarchal printing office, which had been in operation since 1927, was shut down and the publication of the ecclesiastical publications 'Apostolos Andreas' and 'Orthodoxy' was forbidden. The handling of Greek books, whatever their form, in minority schools, the teaching of the religious education course and the celebration of the religious holidays of Easter, Christmas and New Year's Day were forbidden by virtue of Circular No 3385, issued on 15/Sep./1964. On 20/Sep./1964, the community cemetery of Kouskoutzouki (Kuzguncuk) was desecrated and on the following day, on September 21, 1964, the church of Panaghia in Exi Marmara was stoned. Between October 4 and 9 the Patriarchate was blockaded by a mass of organized 'demonstrators'. Morning prayers were forbidden for Greek students in minority schools by virtue of Circular No 8459, issued on December 18, 1964. Students were also forbidden to use the Greek language. At the same time, the historic Greek Orphanage in Pringipos (Büyük Ada) was shut down at one night, when the building was forcefully occupied by the Turkish authorities.

(Violation of Articles 37, 38, 39, 40, 41, 42 and 43 of the Treaty of Lausanne – The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation all Articles 2 to 16 of European Convention on Human Rights).

39) On 16/Mar./1964 Turkish Prime minister İnönü transgress the Treaty of 1930 (signed between Greece – Turkey) and from March 1964 the Turkish Government began the mass expulsion of Greeks from Istanbul in the most provocative, flagrant and blatant violation of the Treaty of Lausanne, given that there was absolutely no question that Greek nationals settled in Istanbul (Constantinople) prior to 1918 were not exchangeable.

The summary mass persecution of the Greeks was the last blow to the wounded and bled Hellenism of Istanbul. The expulsion was suddenly announced in the press, accompanied by the simultaneous seizure of the moveable property and confiscation of the real property of the deportees, forcing them to leave the country with only what they could fit inside the suitcase they carried and no more 200 Turkish Liras per person (about 40\$). The Turkish authorities were so eager to uproot the ethnic Greeks of Istanbul, that in the lists they published with the names of the Greeks to be deported, allegedly on the grounds of being dangerous to the safety of Turkey, they included the names of people with mental or physical disabilities, hundreds of elderly persons who could only move around with difficulty as well as at least six dead people!

(Violation of Articles 37, 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation all of Articles between 2 - 16 of European Convention on Human Rights)

40) On 2/11/1964, the Turkish Government by virtue of its secret decree which acquired the reference num. 6/3801, proceeded to the methodical looting of the huge Christian properties, make illegal the transfer of property titles to persons of Greek nationality and blocking the collection of all amounts due, all proceeds, incomes and bank accounts. This unprecedented plundering was kept secret and implemented faithfully for decades, until it was uncovered twenty-four years later.

By the same law on article 5 the local state agents has the right to expropriate any assets without to pay. Using these rights in the island Imvros, 98% of arable land was expropriate (in 1960 25.000.000 m² expropriate lands belongs to Greeks. In 1990 it decreased to 600 m²). Fishing, which was an important means of livelihood for the residents, was prohibited.

By the same secret legislative (6/3801 depend on law 1062 par.1) forbade Greek citizens to purchase any assets in Turkey. There was some kind of articles at new secret legislative on 1995 (B.03.0.UİG.0.00.00.7-1995-YUNANİSTAN).

(Violation of Articles 37, 38, 49 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 3, 5, 6, 8, 9, 10, 13 and 14 of European Convention on Human Rights)

41) In 1964 the Metropolitan and elders of Imvros (change the name of island to Gokceada) were exiled to Asia Minor. Gendarmerie camps were established and settlers were transferred from Black Sea Shore and Bulgaria. The area was declared 'supervised zone' and all Greek and foreign visitors had to secure a special permit from the Dardanelles'(Çanakkale) Prefect. Sometime later, open prisons for long-term convicts were relocated to the island, in order to terrify the residents, whose only way out was that, which the Turkish authorities systematically implemented: to leave their ancestral hearths.

In same year all the school buildings and assets of schools on Imvros Island were confiscated. All teachers dismissed by the state and forbidden them to teach in any other Greek School at Turkey.

(Violations of Articles 14, 38, 39, 40 and 41 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 5, 6, 7, 8, 9 and 14 of European Convention on Human Rights)

42) In September 1965, father Efthym occupied by force, with the undisguised support of the Turkish authorities, the holy churches of Agios Ioannis in Hion and Agios Nikolaos in Galata (Karaköy). The Turkish authorities rushed to offer him the Greek institutions in the area, including 2 schools and 52 properties. Since then, all the legal efforts for the return of the churches and institutions have been met with legalistic problems, which have resulted to the continuous adjournment of the relevant proceedings!

(Violation of Articles 38, 40, 42 and 43 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 5, 6, 7, 8, 9 and 14 of European Convention on Human Rights)

43) In 1965 Andreas Lambikis, publisher of 'Eleftheri Phoni', the minority newspaper, arrested and imprisoned. The newspaper, printing presses and the premises owned by him were seized, and the publisher was ousted from Turkey with the charge of 'insulting Turkism'.

(Violation of Articles 38, 39 and 40 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 5, 6, 9 and 10 of European Convention on Human Rights)

44) The persecutions in minority schools continued, despite the rapid decline in the number of students. In 1967 another 39 teachers were dismissed and 6 Greek elementary schools were shut down. Children whose identity bore the indication 'Christian' instead of 'Rum' were not allowed entry in minority schools, and were forced to attend Turkish elementary schools.

(Violation of Articles 38, 39, 40 and 41 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 2, 3, 5, 6, 7, 8, 9, 10 and 14 of European Convention on Human Rights)

(Violation of Article 2 par. E of Convention on the Prevention and Punishment of the Crime of Genocide)

45) Law 903/1967 imposed a 5% tax on the annual gross Vakıf income. The acquisition of any real property in excess of that stated in 1936 was prohibited. The establishment of new minority institutions was prohibited.

(Violation of Articles 37, 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

46) In this period on Imvros Island 262 holy places were desecrated and 248 of them were sacked. The sixteenth century historical church from town of Kastro was set on fire.

(Violation of Articles 38, 40 and 42 of the Treaty of Lausanne).

(Violation of Articles 6, 7, 8, 9, and 14 of European Convention on Human Rights).

1970-1979

47) On 9/July/1971 the Turkish Government, in an effort to strangle the nursery of Orthodox clergymen, discontinued the operation of the Seminary of Halki. In the 127 years from its foundation, 930 clergymen had graduated from the Seminary, including 12 Ecumenical Patriarchs, 2 Patriarchs of Antiochy (Antakya) , 4 Archbishops of Athens and 1 Archbishop of Tirana.

At the same time, all Greek minority schools were required to open courses with the Turkish oath ending with the phrase 'Ne mutlu Türküm diyene', which means 'How happy I am a Turk!'

(Violation of Articles 6, 7, 8, 9, and 14 of European Convention on Human Rights).

(Violation of Articles 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

48) In September 1974 the Turkish authorities turned to mosques the Byzantine monastery of Akatalyptos Maria Diakonissa, which was built in 582, the monastery of Myreleo and the church of Agia Theodora.

(Violation of Articles 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 8,9 and 10 of European Convention on Human Rights)

49) In the islands of Gokceada (Imvros) and Bozcaada (Tenedos), the Greek Orthodox residents who had lived through persecutions and terrorism, now had to suffer more tribulations. The year after Stelios Kavalieros was murdered by 'unknown' parties in Panaghia, Imvros in 1973, the Mayor of Imvros, together with 20 eminent islanders, were put in prison in the Dardanelles (Çanakkale). On the night of the Turkish invasion in Cyprus, in July 1974, the old Metropolitan Church of Imvros was looted and the cemetery of the village Castro on the island was desecrated. In the following summer Styliani Zouni, mother of two, was raped and murdered by a Turkish soldier in the village of Agii Theodori, Imvros. Finally, in the two-year period 1975-1976 more lands, from what little had remained in the hands of the Christian residents, were expropriated for next to nothing, as usual.

(Violation of Articles 14, 37, 38, 39, 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 2, 3, 5, 6, 8, 9, 10 and 14 of European Convention on Human Rights)

(Violation of Article 2 of Convention on the Prevention and Punishment of the Crime of Genocide)

50) The Turkish authorities, with Law 502/1978 managed to shrink the community property of the Baloukli Hospital to what it was in 1936, annulling all transfers of moveable and real properties which had taken place by virtue of donations, bequests etc.

(Violation of Article 40 of the Treaty of Lausanne).

1980-1989

51) The 1980s were the *coup de grace* for the Christians of Gokceada and Bozcaada (Imvros and Tenedos), in the form of new ‘unsolved’ murders. In July 1980 George Viglis was massacred in Schinouli, supposedly by ‘unknown’ parties. In 1984 Efstratios Stylianidis was murdered in Schinouli and Nikos Ladas in PanHaghia. A few years later Zaphiris Deliconstantis was murdered in the village of Glyky. In 1984 the Turkish Government, bringing to a conclusion the infamous ‘eritme programı’ (melting program), meaning the plan for the complete Turkification of the Greek islands of Gokceada and Bozcaada (Imvros and Tenedos), proceeded to seize the last remaining 956 thousand square meters, prohibiting cattle breeding and characterizing all remaining pastures as forestland or lands to be reforested and national parks.

(Violation of Articles 14, 37, 38 and 39 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 2, 3, 5, 6, 8, 9, 10 and 14 of European Convention on Human Rights)

(Violation of Article 2 of Convention on the Prevention and Punishment of the Crime of Genocide)

52) On February, 1984 the Greek cemetery in Therapia (Tarabya) was the target of a frenzied attack by the organized mob. Same cemetery has second attack on 19/May/1986

(Violation of Articles 38, 40 and 42 of the Treaty of Lausanne).

(Violation of Articles 6, 7, 8, 9, and 14 of European Convention on Human Rights).

53) On 29/May/1985, they tore down the whole front of the holy church of Agios Georgios in Makrochori (Bakırköy).

(Violation of Articles 40 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

54) On July 1985 the government of Turgut Özal gave some rights to the Greeks who were deported of 1964. They were given the right of claim for lost properties. At same time with 8-118-27433 the government ordered all the minions of law to “pay attention to their decision”.

This was the starting date for new Turkish foreign policy with two facets; one for the foreign countries to proof “the democratic face of Turkey”, the other for local minions to “to maintain all policies against minorities”.

1990-1999

55) After a period of 20 years since the last elections permitted in the Greek communities of Istanbul, in March 1991 elections were held. However, the procedure permitted was only a parody, since the members of the appointed returning committee were also the only candidates! A Greek woman, who dared to protest, was found abused in her home, after having received the ‘visit’ of unknown parties who had tried to ‘bring her to her senses’.

(Violation of Article 40 of the Treaty of Lausanne).

56) In the same year, the Turkish authorities took arbitrary occupation of

the building of the Greek community of Tzivali (Cibali) and the Community building of Agios Phocas in Mesochori (Ortaköy), Bosphorus. In both cases, the Turkish State paid the expenses for the restoration of the occupied buildings.

(Violation of Articles 40 and 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

57) On 25/Aug./1991, perfectly organized demonstrators, with not only the tolerance but also the open support of the Turkish authorities, besieged, under the sounds of epic songs of the janissaries, the premises of the Ecumenical Patriarchate, which they blocked off for four days and nights in a row. When they had the pleasure to leave, they kept trumpeting forth their intention to return and install a Turkish patriarch in the premises of the Patriarchate!

(Violations of Articles 38, 40, 42 and 43 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

58) In April 1992, four churches and one holy water spring were the targets of attacks: The church of Evangelistria, at the foot of Tatavla (Kurtuluş), the church of Agios Georgios in Edirnekapi, the church of Agios Ignatios in Halkidona (Kadıköy) and the holy water spring of Prophitis Ilias in Mega Revma (Arnavutköy). In all these cases, the culprits removed undisturbed icons and religious vessels of great historic and archaeological value, without getting arrested of course.

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

59) In August 1993, 'unknown' parties entered the Christian cemetery of Neochori (Yeniköy), and opened and looted 30 tombs. At that time, the church in the cemetery of Prophitis Ilias was broken into and robbed, while at the holy water spring of Parthenos Maria in Göksu, bold culprits opened a great hole on the wall of the building, destroyed the premises and the holy water's taps.

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

60) On 12/Jun./1993, 'unknown' parties as usual, catapulted an improvised Molotov bomb onto the building of the newly built, with great trouble and expenses, Patriarchal House in Phanare (Fener). The fire was extinguished by the clergymen, because the Fire Department was unable to intervene!

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

61) In early August 1993, one more incident shocked the Christian minority of Istanbul. A twelve-year old girl, Petroula Syrigou, was dragged by force inside a black Mercedes by three 'unknown' parties, in front of the eyes of a large number of witnesses. The poor girl was found a little while later naked and molested in a state of aphasia, which lasted three whole days. On the third day, Petroula Syrigou died and was buried in the Christian cemetery of Neochori (Yeniköy). A few days later, on 24/Aug./1993, vandals broke into the same cemetery and after breaking the tomb marbles, scattered the bones of the dead and unburied a corpse from its shroud in order to tear it apart!

(Violation of Articles 38 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the

Treaty of Lausanne).

(Violation of Articles 2, 3, 5, 6, 8, 9, 10 and 14 of European Convention on Human Rights)

62) On 28/Sep./1993 eight 'unknown' persons entered the premises of the Ioakimion School for Girls in Fener, used a tank of gas and started a fire and then disappeared. The fire was extinguished by the local residents, because the Fire Department did not deem it necessary to make an appearance. The following month, in October 1993, a big rock was thrown inside the premises of the Patriarchate from the neighbouring hill, a regular army bomb was placed in the church of Panagia ton Ouranon, in an old quarter of Istanbul, which fortunately did not explode, while the fire started by 'unknown' parties at the Monastery of Agios Georgios in Principos (Büyük Ada) ruined a significant part of the building. In November 1993 'unknown' parties threw two bombs inside the precinct of the church of Panagia in Eğrikapı and disappeared.

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

63) On 30/Mar./1994, three improvised incendiary Molotov bombs were catapulted from the northern wall of the Patriarchal House in Fener and twelve days later, on 12/Apr./1994 Molotov bombs were thrown inside the yard of the Greek Grand National School in Fener.

On the night of 30/Apr./1994 'unknown' parties broke into the church of Metamorphosis in the Şişli cemetery, stole 7 icons of great value, four gold candle-stands and ruined various religious vessels. Immediately after that, they broke into the neighbouring chapel of the Apostles Petros and Pavlos, and desecrated the grounds.

On the night of 1/Aug./1994 'unknown' parties entered into the chapel of Agios Ioannis Prodromos in the cemetery of Makrochori (Bakırköy), stealing innumerable icons and desecrating the grounds. In September 1994 the Turkish authorities, in a characteristic insult to the religious sentiment of Christians, make available the old Byzantine church of Haghia Irini for the conduct of an international conference.

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

64) In April 1995 the house of BBC correspondent Alkis Kourkoulas was broken into and valuable documents were stolen. In June of the same year 'unknown' parties broke into the church of Aghios Ignatios in Halkidona (Kadıköy), stealing icons and five silver candle-holders and into the Holy Water Spring of Parthenos Maria in Göksu, ruining furniture. On 4/Oct./1994 'unknown' parties murdered and robbed the elderly Christina Frangopoulou in Pringipos (Büyükada).

(Violation of Articles 38 and 42 of the Treaty of Lausanne - The League of Nations has guaranteed the implementation of said Articles, as set forth in Article 44 of the Treaty of Lausanne).

(Violation of Articles 2, 3, 5, 6, 8, 9, 10 and 14 of European Convention on Human Rights)

65) On 3/Mar./1996 the church of Panagia ton Ouranon became again the target of 'unknown' perpetrators. A powerful remote-controlled explosive device was discovered by the church attendant and disposed of at the last minute by the Turkish

police. On 16/Sep./1996 two bombs went off almost simultaneously, one in the Byzantine church of Panagia in Mouchli (Fener) and the other in the now shut down building of the Ioakeimion School for Girls in Fener. Thirteen days later, on 29/Sep./1996 a grenade was catapulted onto the roof of the Patriarchal Church of Haghios Georgios, causing damages to the building.

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

66) The bomb attacks in Fener went on under the impassive indifference of the Turkish Government. Thus, on 2/Dec./1997 a fresh bomb attack at the seat of the Ecumenical Patriarchate resulted to the serious injury of deacon Nectarios from Rethymnon, Crete and to extensive damages in the Holy Church of Agios Georgios. On 13/Jan./1998 the 'unknown' parties entered at two o'clock in the afternoon into the holy water spring of Agios Therapon near Agia Sofia, murdered the 73-year old keeper Haviaropoulos, threw his corpse into a well, grabbed valuable icons and set the place on fire in order to cover their tracks!

(Violation of Article 42 of the Treaty of Lausanne).

(Violation of Articles 2, 3, 5, 6, 8, 9, 10 and 14 of European Convention on Human Rights)

67) On the night of 30-31/Mar./1998 vandals entered the cemetery in Tatavla, ruined 51 tombs and pillaged undisturbed the grounds.

(Violation of Article 42 of the Treaty of Lausanne).

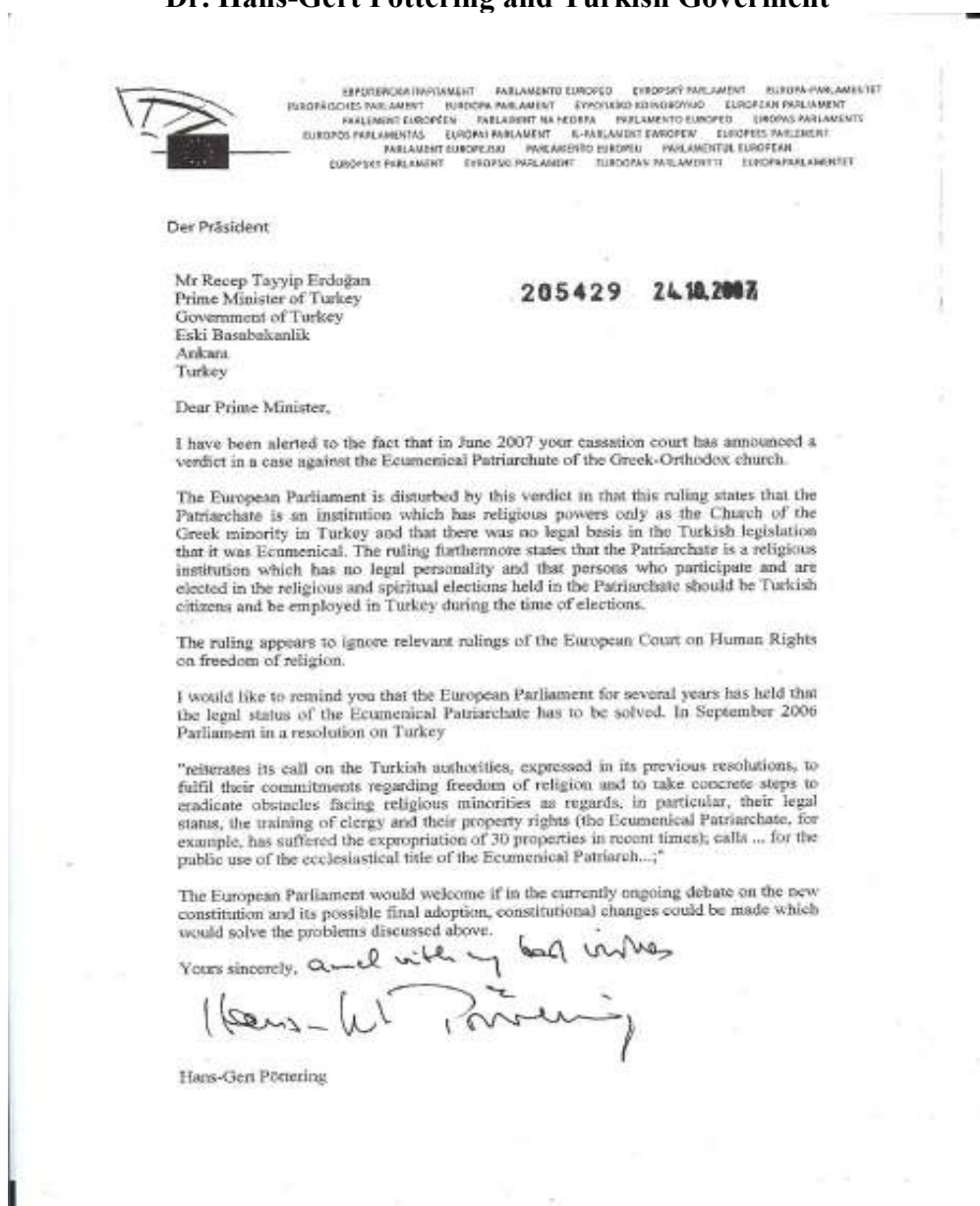
(Violation of Articles 3, 6, 8, 9, and 14 of European Convention on Human Rights)

68) In early November 1998, the Turkish Government arbitrarily removed the supervisory committee returning of the Seminary in Halki, on the grounds of their alleged 'mismanagement' and 'propaganda against the Turkish State', condemning in fact the whole Institution to shut down.

In the context a brief list containing of only some of the incidents against the Greeks of Istanbul, Gokceada (Imvros) and Bozcaada (Tenedos), the population contraction of the ethnic Greeks in Turkey is easily understood.

ANNEX III

Letters Exchanged between the ex President of European Parliament Dr. Hans-Gert Pöttering and Turkish Government



Response of Turkish Ambassador at European Commission to the Letter of President of the European Parliament sent to Prime Minister Mr. Recep Tayyip Erdoğan

13. MAY. 2008 20:54

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**Permanent Delegation of Turkey
to the European Union
The Ambassador**

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PE - COURRIER EP - ENTREE
21-04-2008
N° 4228

Brussels, 16 April 2008

Excellency,

With reference to your letter of 24 October 2007 addressed to H.E. Mr. Recep Tayyip Erdoğan, Prime Minister of the Republic of Turkey, and taking into consideration the recent developments pertaining to the contents of your communication, I would like to bring the following to your attention.

The status of the Greek Orthodox Patriarchate was determined in accordance with the "Gentlemen's Agreement" reached at the margins of the Lausanne Peace Conference in 1922-23, whereby, Turkey allowed the Patriarchate to continue to reside in Istanbul, on the condition that it provides services for only the religious and spiritual needs of the Greek Orthodox minority in Istanbul. It has been then established that the Patriarch himself is a Turkish citizen and remain so. Mr. Venizelos, in his capacity as the head of the Greek delegation also willfully accepted this decision, as stated in the minutes of the Lausanne Peace Conference.

I believe, the historical and legal background also lays the ground for why according to Turkish law the title "Ecumenical" is not applicable and why the Patriarch himself must be a Turkish citizen. In other words, the Patriarchate accepted to shed all its political and administrative privileges granted by the Ottoman authorities in order to continue to reside in Istanbul.

H.E. Mr. Hans-Gert Poettering
President of the European Parliament
European Parliament
Office of the President
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B-1047 Brussels

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As to the legal status, let me also underline the fact that the secular nature of the Turkish Constitution does not allow any religious community to acquire legal personality, as is the case in some European countries. The ongoing works on the drafting of a new Turkish constitution are aimed to improve the living standards of all Turkish citizens and widen the scope of rights, but do not question the fundamental secular nature of the Turkish Republic.

As to your view that the respective ruling of the Supreme Court of Appeal appears to ignore the European Court of Human Rights (ECHR) on the freedom of religion, I must state that I cannot subscribe to it. The reasoning behind the ruling of the Supreme Court of Appeal dated 13 June 2007 is based on the above understanding regarding the status of the Greek Orthodox Patriarchate. It has nothing to do with hindering the freedom of religion of the Patriarchate. Quite on the contrary, the Turkish legal system is based on preserving the freedom of religion of all and preventing any dominance over the other.

The Court made a clarification and emphasized that the Patriarchate enjoys its religious authority only over the members of the Greek Orthodox Minority and is bound by Turkish Law. It further stated that there is no legal basis for the Greek Orthodox Patriarchate to claim religious superiority over other national Orthodox churches, through using the title "ecumenical". Therefore, there is no legal ground to uphold any decision taken by the Patriarch, emanating from the title of "ecumenical". In other words, this title cannot be used as a pretext to hinder or tamper with the religious freedoms of others, which are under the protection of the Turkish Constitution and other laws. The Court's aforementioned decision upholds this fundamental principle and in this case protects the Bulgarian Orthodox Church over the international dominance of the Greek Orthodox one.

Regarding the alleged obstacles before religious minorities in Turkey on the training of clergy and property rights, let me bring the following to your attention:

Turkey understands the need of the Greek Orthodox community to train its clergy. In fact, this decision of the Turkish Constitutional Court in 1971 which eventually led to the closure of the Heybeliada School had nothing to do with the Greek Orthodox community or that institution. However, after that decision which defined the institutions that are eligible to teach constitutes a legislative impediment in the reopening of the Heybeliada Theological School in its former status. According to the relevant provisions of the Constitution and the Law on Private Education, religious instruction at higher, intermediary and elementary levels is possible only under the supervision of the State. The restriction applies not only to the Greek Orthodox community, but also to all religious communities in Turkey and any solution on the training of clergy has to be found within this legal framework.

Our authorities have proposed various formulae to open the Heybeliada Theological School. Unfortunately, the Patriarchate has refused the proposal on the reopening of the School under the aegis of Istanbul or Marmara University. At the moment, the Turkish Ministry of Education and the Higher Education Council are in search of a workable solution for the reopening of the Heybeliada Theological School.

HEURE DE RECEPTION 18. AVR. 17:26

HEURE D'IMPRESSION 18. AVR. 17:27

Pertaining to the property issues, legal amendments that have been introduced into Turkish legislation since 2002 have offered a more liberal ground to the non-Muslim minority foundations. Accordingly, they were given the right to acquire new immovable property, to hold their elections freely and to enlarge the election area of their constituencies, if need be. Free elections were made for three Greek Orthodox foundations, upon their application. The Greek Orthodox community foundations have also lodged applications which resulted in the registration of 216 real estate in their names.

There have been no complaints received by our authorities on the claims of the expropriation of 30 properties of the Greek Orthodox Patriarchate. This issue was brought to the attention of the members of the European Parliament during the discussion of the Eurlings Report, to which you referred in your letter.

Moreover, the new "Law on Foundations" which provides further flexibility to the non-Muslim community foundations in their operations was adopted by the Turkish Parliament and approved by the President in February 2008. According to the new Law;

- Foundations can acquire and dispose of properties without any permission.
- Foundations can sell or change their properties without any permission. They will need court decision only for selling their properties devoted at establishment.
- Foundations can give and receive donations without any permission.
- Non-moveable properties at the disposal of non-Muslim community foundations, but registered in pseudo or fictitious names shall be registered to the respective non-Muslim community foundations.
- Non-moveable properties donated to the foundations or purchased by the foundations after 1938, but returned either to their donors, the General Directorate of Foundations or the Treasury, shall be returned to the respective non-Muslim community foundations.
- Non-Muslim community foundations were having difficulties due to need of change in their purposes and charitable acts. From now on, their administrative bodies can propose such changes to comply with current circumstances.
- They can establish commercial operation and corporations and participate in to existing corporations.
- Non-Muslim community foundations shall be represented by a member in the Foundation Assembly.
- Managers of foundations will be dismissed only by court decisions.

- in cases of mismanagement, financial penalty will be imposed instead of dismissing of administrators of the foundation in question.

In recent years, Turkey has been updating its legal framework and expanding minority rights, where possible. While doing this, any government is under the obligation of remaining within the boundaries of fundamental legal instruments such as the Lausanne Treaty - which is the founding document of the Republic of Turkey - our Constitution and other fundamental laws or court rulings. One must also bear in mind that making legal amendments is a sensitive process and that any change in the legal framework regarding minorities will affect not only the Greek Orthodox minority, but society as a whole. These changes do not take place in a vacuum and set legal precedents. While amending the legal framework, it is our obligation to take into account social, historical and cultural facts, together with *sui generis* cases affecting our country.

Using this opportunity, I also would like to bring to your attention the plight of the Turkish Muslim minority in Western Thrace/Greece who are deprived of their right to administer their waqfs, to elect their religious leaders and to enjoy equal opportunities in education, in economic life and in political participation, and whose ethnic identity is denied. I am sure you would be quite surprised to see that the Turkish Muslim minority is deprived of using the word "Turkish" for their waqfs, social and cultural establishments.

I am confident that, in your capacity as the President of the European Parliament, you will not hesitate to carry those breaches of human and minority rights in an EU country to the agenda of the Parliament in the upcoming period.

I hope this information will be useful in your future deliberations and can be circulated to all MEPs who are interested in these issues.

Please accept, Excellency, the assurances of my highest consideration.



Volkan BOZKIR
Ambassador
Permanent Delegate

ANNEX IV

**The DECISION of EUROPEAN COURT OF HUMAN RIGHTS ON THE
AFFAIR ECUMENICAL PATRIARCHATE AT TURKEY**

EUROPEAN COURT OF HUMAN RIGHTS

514

8.07.2008

Press release issued by the Registrar

CHAMBER JUDGMENT

FENER RUM PATRIKLİĞİ (ECUMENICAL PATRIARCHATE) v. TURKEY

The European Court of Human Rights has today notified in writing its Chamber judgment¹ in the case of *Fener Rum Patrikliği (Ecumenical Patriarchate) v. Turkey* (application no. 14340/05).

The Court held unanimously that there had been a **violation of Article 1 of Protocol No. 1** (protection of property) of the European Convention on Human Rights.

The Court found that the question of the application of Article 41 of the Convention was not ready for decision and reserved it in its entirety. (The judgment is available only in French.)

1. Principal facts

The applicant, Fener Rum Patrikliği (the Ecumenical Patriarchate), is an Orthodox church in Istanbul. It currently brings together and represents the Orthodox minority in Turkey. It is represented by His All Holiness the Ecumenical Patriarch Bartholomew I.

The case concerned the annulment by the Turkish authorities of the applicant church's title to certain real property.

In January 1902 the Ecumenical Patriarchate acquired real property using its own capital. The property consisted of a 23,255 m² piece of land on the top of the main hill on the island of Büyükada (Istanbul), on which stood a main five-storey building and a secondary two-storey building.

In 1903 a foundation of the Orthodox minority, the "Foundation of the Büyükada Greek Orphanage for Boys" ("the Orphanage"), was given the use of the property. When the Foundations Act entered into force on 13 June 1935 the legal personality of

the Orphanage was officially recognised and the property concerned was mentioned in the declaration registered by it in 1936. In 1964, for safety reasons, the Turkish authorities ordered the Orphanage to vacate the premises. The Ecumenical Patriarchate maintains that it took over the possession and management of the property again that same year.

On 22 January 1997 the Directorate General for Foundations issued a decision to the effect that the Orphanage was a “defunct” foundation. The decision stated, among other things, that the Orphanage’s governing body had been dismissed and that the Directorate General for Foundations had taken over its management. The Orphanage appealed in April 1997, seeking the annulment of the decision. In November 2003 the Supreme Administrative Court upheld the dismissal of the appeal. An application for rectification lodged by the Orphanage is still pending.

On 16 March 1999 the Directorate General for Foundations took proceedings to have the applicant’s title annulled and the property re-registered in the name of the Orphanage, which since 1997 had been under the management of the Directorate. In December 2002 the District Court ordered the disputed property to be registered in the name of the Orphanage, noting, among other things, that the Patriarchate had carried out no maintenance work on the property, which was a historical monument of international importance. The applicant appealed against that judgment, which was set aside by the Court of Cassation in September 2003 for procedural irregularity.

In February 2004, however, the District Court again annulled the applicant’s title to the property and ordered it to be registered in the name of the Orphanage. The Court of Cassation upheld that decision. It held that since the declaration registered by the Orphanage in 1936, the property had belonged to the Orphanage and no longer to the applicant.

2. Procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 19 April 2005 and declared admissible on 12 June 2007. A public hearing was held in the Human Rights Building, Strasbourg, on 27 November 2007.

Judgment was given by a Chamber of seven judges, composed as follows:

Françoise **Tulkens** (Belgian), *President*,
András **Baka** (Hungarian),
Ireneu **Cabral Barreto** (Portuguese),
Rıza **Türmen** (Turkish),
Mindia **Ugrekhelidze** (Georgian),
Antonella **Mularoni** (San Marinese),
Danutė **Jočienė** (Lithuanian), *judges*,

and also Sally Dollé, *Section Registrar*.

3. Summary of the judgment²

Complaint

The applicant church alleged in particular that by ordering the registration of its real estate in the name of the Orphanage, under the management of the Directorate General for Foundations, the domestic courts had breached its right to the peaceful enjoyment of its possessions. It relied on Article 1 of Protocol No. 1 (protection of property).

Decision of the Court

Article 1 of Protocol No. 1

The domestic courts annulled the applicant church's title to the property in question and decided to transfer it to the Orphanage. The applicant was thus deprived of its possession. The Court accepted that the annulment of the title was based on the Foundations Act of 13 June 1935. The aim of that Act was to protect the public interest.

The Court indicated that it was not in dispute that the property in question had been acquired by the applicant church with its own capital. Even though, immediately after its acquisition, the property had been earmarked for a specific usage, the applicant church had always been regarded as its owner. Moreover, only part of the property had been concerned by that usage.

The Court pointed out that the ownership of the property had not been called into question by the courts or the administrative authorities, neither after the acquisition in 1902 nor after the declaration of 1936, until 1997 when the action for annulment of title was brought. The ownership had thus remained unchallenged from 1964, when the property was vacated for safety reasons, to 1997. From 1964 onwards, the use of the property by the Orphanage had in fact virtually ceased.

Since it first obtained the use of the property in 1903, the Orphanage had never claimed to be its owner, neither at the time it registered its declaration in 1936 nor at a later date. That claim was not made until it had been considered "defunct" by the Directorate General for Foundations in 1995, when the Directorate, acting on behalf of the Orphanage, claimed ownership based on the 1936 declaration. However, the declaration had stated that the Orphanage ran the "Greek Orphanage for Boys" but not that it was the "owner" of the premises.

In the light of those observations, among others, the Court found that, even supposing that the property in question had been set aside for a specific usage over a long period of time, there was nothing to suggest that that usage had had the effect of nullifying the original title.

In the Court's view, the Turkish authorities were not entitled to deprive the owner of its possession without providing for appropriate compensation. The applicant church, in the present case, had not received any compensation at all. In those circumstances, the applicant having had to bear an individual and excessive burden, there had been a violation of Article 1 of Protocol No. 1.

Article 6 and Article 14 in conjunction with Article 1 of Protocol No. 1

Having regard to its finding in respect Article 1 of Protocol No. 1, the Court considered that it was not necessary to examine the other complaints separately.

Judges Baka, Ugrekhelidze and Mularoni expressed a concurring opinion, which is annexed to the judgment.

ANNEX V
Extracts from the Book “National Security”

DÖRDÜNCÜ BÖLÜM
TÜRKİYE’NİN KONUMU VE TÜRKİYE’YE YÖNELİK TEHDİTLER, ÇEVRE
ÜLKELER VE ULUSLARARASI KURULUŞLARLA İLİŞKİLER

DERS PLANI
ONUNCU KONU
ÇEVRE ÜLKELERLE İLİŞKİLER

1. Genel
2. Yunanistan
 - a. Kıbrıs Sorunu
 - b. Ege Denizindeki Sorunlar
 - c. Diğer Sorunlar
3. Rusya Federasyonu
4. Gürcistan
5. Ermenistan
6. İran
7. Irak
8. Suriye
9. Bulgaristan
10. İsrail
11. Ukrayna
12. Romanya
13. Orta Asya Türk Cumhuriyetleri
14. Sonuç

doğal uzantısı olması gerçeğinden hareketle Ege'nin hakça bölüşümünün ikili görüşmelerle çözülmesini istemektedir.

3) Hava Sahası Sorunları

Yunanistan, 1931 yılında o dönemde hava sahası 3 deniz mili olduğu hâlde, sivil havacılık ve hava polisliği amacıyla hava sahasını 10 deniz miline çıkaran ulusal bir düzenleme yapmıştır. Yunanistan'ın mevcut 6 millik karasularına göre hava sahasını 4 deniz mili artıran bu uygulamayı Türkiye reddetmiştir.

Uçuş İrtibat Bölgesi (FIR) hattından sonra Yunanistan, sivil hava trafiğinden sorumludur. FIR hattı siyasi sınır değildir.

4) Egemenliği Uluslararası Antlaşmalarla Yunanistan'a Devredilmemiş Ada, Adacık ve Kayalıklar (Coğrafi Formasyonlar) Sorunu

Coğrafi Formasyonlar (Ada, Adacık ve Kayalıklar) üzerindeki egemenlik iddiaları, Ocak 1996'da "İkizce Kayalıkları" krizi ile birlikte resmî nitelik kazanmıştır.

5) Gayri Askerî Statüdeki Adaların Silahlandırılması Sorunu

Lozan ve Paris Antlaşmasının silahtan arındırdığı, Türkiye'ye çok yakın adaların silahlandırılması, Türkiye ile Yunanistan arasındaki ilişkileri olumsuz yönde etkilemektedir.

6) Arama-Kurtarma Sorumluluk Sahası Sorunu

Arama-kurtarma sahaları, Uçuş İrtibat Bölgesi (FIR) sahaları ile çakışık alanlar değildir. Türkiye, arama-kurtarma sınırlarını müzakere etmeye hazır olduğunu birçok kez uluslararası platformlarda açıklamıştır.

c. Diğer Sorunlar

1) Rum-Pontus Meselesi

2) Azınlıklar Meselesi

→ 3) Fener Rum Patrikhanesi ve Heybeliada Ruhban Okulu Meselesi

ANNEX VI

MAIN POINTS OF THE LAW 5737/ 2008 CAUSING PROBLEMS TO THE MINORITY WELFARE FOUNDATIONS (WAKUFS)

The new Law 5737/2008 on the Wakufs cures in a very limited scale the extensive injustices of the past that suffered the minority institutions. Only a limited number of real estate's are returned to their legal owners while the main problems remaining despite this new Law are:

- The requirement of application of "reciprocity" with regard to the application of law for the minority institutions (article 2, par.2) is not compatible with the European Convention of Human Rights, the Treaty of Lausanne and also the Constitution of Turkey. This "reciprocity" principle cannot be instituted to a foundation established to serve citizens of Turkish Republic. The removal of the article 2, par.2 of the Law 5737/2008 is requested.
- After the article 5 par.1 in combination with the article of 101 (4) Urban Code of Turkey is places limitation on the right minorities to establish Wakufs (Welfare Foundations) .
- After the article 7 par.2, election of administrators is forbidden concerning the Wakufs (Welfare Foundations) that has been declared as "occupied" (mazbut) by the General Directorate of Wakufs. It is obvious that those minority institutions which subjected to this arrangement after unjust practices of the past (accepted by the explanatory report of the very same Law) they are prevented to acquire elected administrations by the minorities that they belong. This measure influences in extensive degree the Greek Minority. This article must be deleted.
- The article 25 par.1, places the minority foundations and institutions into a non-equal rights position as compared to general foundations concerning their activities within Turkey. These restrictions should be removed.
- The article 7 that constitutes a Transient Provision and is the most serious concerning the Greek Minority does not cure the unjust practices of the past because of acts Governments of Turkey concerning the confiscation of real estates. More specifically the proposed processes of return of real estates that have been confiscated following the ruling of 1974 of Yargitay but also with various other administrative illegal procedures are placed in to serious restrictions:
- In order a real estate to be returned to minority foundation it must be under the usage of the minority foundation which constitutes a gross contradiction in itself.
- The return of real estate's that has been confiscated they are placed in the restriction: "that they could not be acquired from the minority wakuf". This term limits to a large extent the real estate's that will be returned to the minority welfare foundations(wakufs) and institutions.

ANNEX VII

Article about the self declared “Turkish Patriarchate” at ZAMAN Newspaper of Turkey

Ergenekon gang-linked bogus Turkish Patriarchate in spotlight

A self-declared "Turkish Orthodox Patriarchate" that is based in İstanbul has neither a congregation nor a spiritual base and has turned out to be a creation of the Turkish state together with some members of the Greek Orthodox community in Turkey in the 1920s when parts of Anatolia were invaded by the Greeks.



Sevgi Erenerol (L), the spokesperson for a group called the Turkish Orthodox Patriarchate, and ultranationalist lawyer Kemal Keriñsiz are both under arrest in connection with the Ergenekon probe.

As Sevgi Erenerol, who bears the title "media and public relations officer of the Independent Patriarchate," remains in custody as part of last week's arrests in efforts to deal with shadowy networks within the state, the political role of the church she claims to represent has come to light.

The Turkish-speaking Karamanlı Greek community of Cappadocia in Anatolia supported the Turks during the War of Independence, said Elçin Macar, the author of "İstanbul Rum Patrikhanesi" (İstanbul Greek Patriarchate, 2003) and a professor at Yıldız Technical University's department of political science and international relations.

"Supporting the struggle of Turkish nationalists during the war, Father Eftim was a village priest and had no place in the hierarchy among other churches. He was preaching in Turkish although he was Greek Orthodox," he said.

Originally Pavlos Karahisarithis, Eftim was his religious name, and he later changed it to

Zeki Erenerol. He is the great grandfather of Sevgi Erenerol.

"Even though he was married, Eftim became the preacher of a village church out of necessity and later became the leader of the patriarchate in Kayseri in 1922 under the name the 'Independent Patriarchate of the Turkish Orthodox'," Macar said.

But as the population exchange took place between Greeks and Turks, his small congregation in the area moved out of the country; Eftim and his family were exempted from the population exchange and moved to İstanbul in 1924, together with the patriarchate, Macar explained.

Father Eftim gained some followers in Galata, an area with a large Greek population.

Macar said Father Eftim was hostile to the Greek Patriarchate and claimed that the Greek Orthodox Patriarchate in İstanbul was ethnically centered and favored the Greek population. However, most of the ethnic Turkish Orthodox in Turkey and Greece remain affiliated with the Greek Orthodox Patriarchate in İstanbul.

In 1962 when Father Eftim was ill, his son Turgut (George) Erenerol was ordained as "Turkish Orthodox patriarch," taking the name Eftim II. The father died in 1968 and the Greek Orthodox Church refused to bury him in the Greek Orthodox cemetery, located in the Şişli district of İstanbul. The funeral proceeded only after an intervention by state authorities and was attended by Turkish dignitaries.

"Every time a member of this family dies, the burial of the deceased has required the Turkish state's intervention," Macar said. "The patriarchate is a title shared only by members of the Erenerol men in the family. They are married and still take the title against Christian tradition and rules."

Eftim II died in 1991 and again no priest wanted to conduct the funeral. His brother Selçuk Erenerol ascended to the patriarchate taking the name Eftim III. He died in 2002.

Sevgi Erenerol, the daughter of Selçuk Erenerol and the sister of Paşa Erenerol (the current Eftim IV), was arrested last week for alleged links to a Turkish nationalist underground organization named "Ergenekon." According to allegations, the Turkish patriarchate serves as a headquarters for the organization.

Known for her nationalist activities, she ran for Parliament as a candidate of the Nationalist Movement Party (MHP) at the time of MHP leader Alparslan Türkeş. She also showed up at trials based on Article 301 of the Turkish Penal Code (TCK), which restricts freedom of speech, to support the prosecution of those who stood accused of violating the article.

Macar said today that the number of followers in the Turkish Orthodox Patriarchate is close to zero, excluding the Erenerol family, which governs the patriarchate.

The family owns a number of properties which belong to the "Independent Turkish Orthodox Foundation" around two churches in Galata, St. Nicholas and Panayia Kafatiani, both inactive.

When it comes to potential "patriarchs" in the family, Macar said there are Selçuk Erenerol's sister's sons Ümit and Erkin Kuntoğlu as well as Turgut Erenerol's son Timur Erenerol.

"In an interview, Turgut Erenerol said, 'My father damaged my future, but I won't do the same for my son'," Macar said, adding, "So far, it seems like the patriarchate is a family dynasty."

31 January 2008, Thursday
YONCA POYRAZ DOĞAN

ANNEX IIX

LETTER OF Eu.Fe.Con TO PRIME MINISTER OF TURKEY MR ERDOGAN

To: Honorable Prime Minister of
Republic of Turkey

4 March 2008

Honorable Prime Minister,

We have observed with much interest the declarations have been made during the visit of Honorable Prime Minister of Greece K. Karamanlis to Turkey (23-25 January) by him and you.

We observe that the contacts held gave the opportunity to discuss the problems encountered by the two bordering countries at the most high level, determine the positive development of relations and also decide on the required efforts to resolve the pending issues.

We, Honorable Mr. Prime Minister, as Greeks of Istanbul, citizens of Turkish Republic, we have been forced to be expatriated for reasons which are well known, with much sorry we observe our remaining Community in Istanbul and in the two islands of Gokceada and Bozcaada being diminishing, the Community Establishments (schools, orphanages, hospitals, elderly houses, Theological School of Heybeliada) being threatened with confiscation, have been confiscated or not being returned to their legal owners, except in few cases and with much delayed procedures.

Our existence in Istanbul and the two islands is historic.

Our contribution to the Turkey rich cultural, economic, social and scientific development is essential and important.

We are a basic constituting element of Turkey and we are determined to continue this provided the rule of law conditions will prevail within Turkey.

Our ancestors, for many centuries together with the other citizens have provided very significant contributions to the Ottoman Empire and Turkey culture and civilization.

Because of this reason Honorable Mr. Prime Minister we have received with happiness your invitation and initiative to return to our homeland. We have deep desire to return home, reestablish our professional activities and reopen our new homes.

However Honorable Mr. Prime Minister despite this our deep desire as Greeks of Turkey we are deeply concerned seeing the reasons forcing us to leave our homeland has not been abolished.

In case of return home, who will support us? We don't sure whether the Turkish state will show interest and a sincere support in our effort to reestablish in our homeland despite our nostalgia to coexist together with our Muslim co-citizens.

It is a very difficult matter to reestablish our Communities despite our sincere desire and your real desire.

In the first place it is necessary a change of attitude towards the Greek Community of Istanbul which has diminished to only few thousand members and its Holy Authority the Ecumenical Patriarchate.

It is required a change of attitude of the State Authorities based on the Rule of Law and respect to Human Rights so we can feel as equal right citizens.

Honorable Prime Minister,

We strongly wish your invitation to be a start of positive developments, and this initiative to continue and not to be forgotten.

We sincerely hope the State to treat us with justice and State policies and practices to be eliminated by the old practices against our Minority and Human Rights and we thank you for your initiatives.

This letter is to express our positive response towards your declarations and taking seriously your invitation.

Because of this reason Honorable Mr. Prime Minister we expect a radical change of attitude of State Authorities and Functionaries along the line of Rule of Law towards our Community and seeing prompt examples of this change of attitude. Such of change of attitude will be a very positive continuation of your declarations.

Yours Sincerely

Nikolaos Ouzounoglou
President

Michael Mavropoulos
General Secretary

ANNEX IX

RESOLUTION BY THE ECUMENICAL FEDERATION OF CONSTANTINOPOLITANS CONCERNING THE ACTS OF VANDALISM AND DESECRATION AGAINST CHRISTIAN ORTHODOX CHURCHES IN ISTANBUL

18 November, 2007

The Ecumenical Federation of Constantinopolitans (EU.FE.CON) is closely watching with agony and utmost concern the renewed escalation of attacks against Places of Faith in Istanbul during the past few days, including the desecration and sacrilege of the Holy Trinity Church of the Diocese of Chalcedon, the intimidation and terrorisation of the church's sexton, and the writing of anti-Christian/anti-Greek hate graffiti on the walls of the Church of the Archangels (Taxiarchon Church) of Istinye in Bosphorous.

Moreover, the unlawful decision undertaken by the local Forestry Authority overseeing the island of Halki (Heybeli Ada) to condemn and demolish the historic Christ the Saviour Monastery (let alone without prior warning or legal due process) raises serious questions as to the commitment of the Turkish State Authorities to respect cultural diversity and minority rights as well as to afford adequate protection of religious freedom in that country. It is noteworthy that the Church of Transfiguration, which is situated on the grounds of the aforementioned monastic complex, has sustained major structural damage. It is critically important that the Turkish authorities take –among other things- full responsibility for the archaeological restoration of the damages.

Collectively taken, deplorable acts of this kind are tantamount to sheer violation of basic Human Rights, the Rights for Minorities and Religious Freedom. Unless these incidents are dealt with promptly and decisively, they are bound to have a negative impact on Turkey's EU accession path envisaged through the implementation of a series of constitutional amendments and democratic reforms in keeping with the founding principles of the European Union.

The Administrative Council of the Ecumenical Federation of Constantinopolitans
EU.FE.CON is the Federative body of the 200.000 Expatriated Greek Community of Istanbul all over the world.



EUROPEAN COMMISSION
Directorate-General Enlargement

B - CROATIA, The former Yugoslav Republic of MACEDONIA, TURKEY
B.3 - TURKEY

Brussels, 06 December 2007
DG(2007) 106185

Dear Mr Uzunoglu,


Mr Rehn has asked me to reply to your e-mail letter of 19 November 2007 including the Resolution of the Ecumenical Federation of Constantinopolitans of 18 November 2007.

The Commission is aware of the events you mention in your letter and follows them closely. We intend to discuss them with the Turkish authorities at all appropriate levels.

In its recent Progress Report on Turkey the Commission has pointed out that in 2007 the environment in Turkey as regards freedom of religion has not been conducive to the full respect of this right in practice; also, that a legal framework has yet to be established in line with the ECHR so that all religious communities can function without undue constraints.

We expect Turkey to make swift progress in this direction and we strongly believe that the continuation of the accession process is the best guarantee for this.

Yours sincerely,



Christian Danielsson

Nikolaos Uzunoglu
nnap@otenet.gr

**DISCUSSION HELD AT THE EUROPEAN PARLIAMENT ON THE
ATTACKS AGAINST ORTHODOX TEMPLES, AFTER THE RESOLUTION
OF Eu.Fe.Con AND REQUEST OF M.Ps Antonios TRAKATELLIS and
Ioannis GLAVAKIS**

Mr Olli Rehn, member of European Committee and responsible on Enlargement, answered in interpellation of member of Parliament Ioannis Gklavaki, with regard to the attacks that are realized against orthodox churches in Istanbul. The interpellation of Gklavaki had as follows: The attacks caused damage in the Temple of Saint Trinity in the Chalkidona and they terrorize the workers in the Temple, while in the walls of Temple of Brigadiers in the Bosphorus signs were written against the Christianity and the Greek Minority. What this do actions Commission has done, concerning the violation of fundamental human rights in Turkey which they create snags in the efforts of aid of democratic values, they don't facilitate the integration of Turkey in the EU. How the Commission is thinking to act? In order that Turkey to continue smoothly to her join course to E.U. and how the respect to different religions, cultures and cultures will be guaranteed. The Commissioner Mr. O. Rehn, for his part, answering in this interpellation, said that the last violent energies at the Greek Orthodox Churches in Istanbul and in her outskirts do not help in the reconstruction of environment of tolerance, which is essential for the predominance of respect opposite in the religious freedom. Then, the European Commissioner reminded that last July the Ministry of Interior of Turkey published a Circular concerning the attacks against the non-Muslim religious establishments of adoration and after characterizing this a positive step, it added that this Circular should be placed in force, so to improve the situation. It is noted that the Discussion in the European Parliament took place after the submission of a Resolution on the Attacks against the Orthodox Temples by the Ecumenical Federation Constantinopolitans (Eu.Fe.Con) to the corresponding Members of the European Parliament Prof. Antonis Trakatellis and Mr. Ioannis Gklavakis who both submitted the interpellation that was mentioned before.

ECUMENICAL FEDERATION OF CONSTANTINOPOLITANS

4 September 2009

The Administration Board of the Ecumenical Federation of Constantinopolitans (Ec.Fe.Con) being informed on the damages caused by vandals on the night 2-3 September 2009 in a large number of graves (90) in the Greek Orthodox cemetery of Balikli expresses its deep concern and condemnation of this act.

Attacks against cemeteries constitute grave acts of violence against human rights as are experienced in cases of grave anti-minority acts. The motivation of vandals is the humiliation of the Community which the dead belong. This act of Vandalism, having done on the anniversary of terror 6-7/9/1955 night and the recent report of Member of Parliament of Turkey on the targeting of minority houses in Istanbul raises our concern on the matter.

Turkish Government must act immediately by taking the necessary legal steps to find those responsible of this act, brought them to justice and their exemplary punishment.

Ec.Fe.Con as the federative body of the expatriate Greek Community of Istanbul of all the World, has alarmed in past the Turkish Government and International Organizations on the need to take measures in order to eliminate acts of racial hatred in Turkey. We urge the Turkish government to eliminate the mechanisms of production and violence, directed against minority rights, as outlined in the Treaty of Lausanne, the European Convention on Human Rights and other relevant international treaties.

On Behalf of the Administration
Board of Ec.Fe.Con.



Nikolaos Ouzounoglou
President

Michail Mavropoulos
General Secretary

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ANNEX X

“THE SECRET DECREE of 1964” – KARARNAME

Date of decision 2 November 1964

DECREE

Number of decision: 6/3801

The Ministerial Council, on the basis of the proposal dated 16 September 1964 No.L6(22)D.V.3.382 of the Ministry of Foreign Affairs and the provisions of the first article of Law 1062, has decided upon the following as counterbalancing the losses which has been caused to Turkish citizens in Greece by the various acts and the various measures of the Greek Government.

1. Any act in connection with the transfer of the ownership of immovables and of other real rights over immovables which are situated in Turkey and belong to persons of Greek nationality, as well as any other act which would have as a consequence the transfer of the above rights is hereby suspended.

2. a. Any purchase price, revenue, income, etc. realised by immovables situated in Turkey and belonging to persons of Greek nationality shall be blocked without any exception.

b. Any act for the unblocking of the accounts or the moneys which have been blocked because they related to revenues from immovables of the above persons or which which are to be blocked in accordance with the provisions of the present decision is hereby suspended (apart from expenses for the maintenance and living expenses of this in Turkey who have blocked account and have no other means or income for their maintenance. These expenses must not exceed the sum of 1500 TL a month).

3. The provisions of the first and second article of the present decision shall no be implemented in cases of collection and monitoring of debts of any kind to the State or to public law legal persons, for taxes, duties, charges, etc.

4. In the event of the compulsory purchase of the above-mentioned immovable's, the provision of the first article of the present decision shall not be implemented.

5. Without prejudice to the provision of the third article and apart from instance as to the monitoring and execution of a non-appealable court decision, for the purposes of the collection of a debt, it shall not be possible for the immovables to be seized and compulsory sold by the organ executing the decision.

6. It shall not be possible for division or distribution of an immovable to be carried out by common consent of all the shareholders and following a unanimous decision on their part if there are among them shareholders of Greek nationality, and dissolution of the joint ownership may be effected only by a non-appealable judicial decision and on condition that the sum to which the shareholder of Greek nationality is entitled will be subject to the provisions of paragraph (a) of the second article of this decision.

7. The provisions of the present government decision shall not be implemented in the case of persons of Greek nationality who are not also of Greek descent.

8.A change of nationality effected after the coming into force of this government decision on the part of persons of Greek Nationality shall not be taken into account.

9. The courts and the other judicial authorities must take into account the above matters and, in cases where they discover any act or action contrary to the provisions of the present government decision, must immediately inform the Tax Office of their district as to the case in question.

The President of Republic
C. Gursel
Signatures of Council of Ministers

Council
Degree of Council Ministers Republic of Turkey

Number 88/12592

The Degree 6/3801 dated 2/11/1964 is suspended after Ministry of Foreign Document EIEU.V/760.419/88 dated 3/2/1988 following the decision of Council of Ministers on 3/2/1988.

Kenan Evran
President

T.Ozal
Prime Minister
Signatures of Ministers

ANNEX XI

REQUEST OF ISTANBUL PERFECT FROM ISTANBUL MUNICIPALITY FOR
THE PROVISION OF PLACE IN GREEK ORTHODOX CEMETERY TO
LEADERS OF THE SO CALLED "TURKISH ORTHODOX CHURCH"

T.C.
İSTANBUL VALİLİĞİ
Emniyet Müdürlüğü



SAYI: B.05.1.EGM.4.34.00.12.09.2.02/
KONU: Mezar yeri talebi

30/07/2002

180011

İSTANBUL BÜYÜKŞEHİR BELEDİYE BAŞKANLIĞINA

İLGİ: İçişleri Bakanlığı'nın 12.07.2002 gün ve 149557 sayılı yazısı.

İçişleri Bakanlığı koordinatörlüğünde ilgili kurum temsilcilerinin katılımlarıyla 20.05.2002 tarihinde yapılan toplantıda Bağımsız Türk Ortodoks Patriği Selçuk ERENEROL'un Patrikhaneye ilişkin sorun ve taleplerinin görüşülmesi sonucunda Bağımsız Türk Ortodoks Patrikhanesinin müstakil bir mezarlık yeri veya Büyükdere Caddesi No:41 adresinde bulunan Şişli Ortodoks Mezarlığından bir yer tahsis edilmesine karar verildiği ilgi sayılı yazı ile bildirilmiştir.

Makamı İlimiz Beyoğlu Karaköy Değirmen Sokak No:2 adresindeki Bağımsız Türk Ortodoks Patrikhanesinde bulunan Patrik Selçuk ERENEROL (Tel:0212 244 28 10) ile irtibat kurulup mezarlık yeri talebinin biran önce sonuçlandırılarak İçişleri Bakanlığı'na arz edilmek üzere neticeden bilgi verilmesini rica ederim.


Osman DEMİR
Vali a.
Vali Yardımcısı

Ruling of Istanbul Municipality to Greek Orthodox Cemetery of Şişli to provide a
Place to Erenerol Family

İSTANBUL
BÜYÜKŞEHİR BELEDİYE BAŞKANLIĞI
Sağlık İşleri Daire Başkanlığı
Mezarlıklar Müdürlüğü
Fen-Kadastro Bürosu
SAYI : 12734-35-20-50 823/2347
KONU : Şişli Rum. Ortadoks mez. 12/09/2002

ŞİŞLİ RUM-ORTADOKS MEZARLIĞI
Büyükdere cad. NO :41

İLGİ : 30/07/2002 tarih ve B.05./EGM.4.34.00 12/09/2002 sayılı İstanbul valiliği,
Emniyet Müdürlüğü yazısı.

İlgi yazıda Bağımsız Türk ortadoks patriği Selçuk ERENEROL'un talebi doğrultusunda mezarlıktan yer tahsis edilmesine karar verildiği belirtilmektedir.
Taraflınızca tetkik edilerek mezarlık girişi sol kısımda bulunan alanın tahsis edilmesihususunda gereğini rica ederim.

Doç.Dr.A.Z.ŞENGİL
Sağlık Daire Başkanı

EK: 1 İlgi Yazı Fotokopisi