

# **ARMENIANS IN TURKEY TODAY**

Dr. Tessa Hofmann

**A CRITICAL ASSESSMENT OF THE SITUATION  
OF THE ARMENIAN MINORITY  
IN THE TURKISH REPUBLIC**

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## **The Forum of Armenian Associations in Europe**

The Forum of Armenian Associations in Europe was established in 1998 to assemble and facilitate co-operation between Armenian organizations in the European Diaspora. It now counts member organizations in 18 European countries and growing. The Forum is pluralistic and deals with all issues of interest to its member organizations, including international relations, human rights issues, economic co-operation and cultural matters.

The EU Office for the Armenian Associations of Europe assists Armenians associations in working with the European institutions; it helps provide information of the highest standard to the European institutions on Armenians issues and disseminates information on EU policies that are relevant to Armenians.

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## Foreword

87 years after Turkey's Armenian population was exterminated, the country's small remaining Armenian minority is still the target of intense prejudice, often nurtured by part of the country's media and political establishment. Armenians are still subject today to an impressive array of discriminatory measures, whose apparent purpose is to make life as an Armenian impossible in Turkey.

Turkey is now knocking insistently at the door of the European Union. Should not the country's current policies towards the survivors of the genocide be an essential litmus test of its willingness to adopt 'European values' and consolidate democracy?

The purpose of this report is to provide accurate information on the current situation of Armenians in the Turkish Republic to all those, including political leaders, elected representatives, diplomats, officials, journalists and experts who are involved in Turkey's preparations to join the European Union. The report was written by Dr. Tessa Hofmann, one of the foremost specialists in her field; and our hope is that it might help contribute to an improvement in the policies of the Turkish Republic regarding its Armenian minority in particular and Armenians in general.

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## Executive summary

Some 70 000 Armenians still live in Turkey, most of them in Istanbul. The Eastern part of Turkey is this people's original homeland, which was emptied of Armenians in the course of the genocide of 1915, of follow-up cleansing operations in the following decades, and of persistent discrimination towards Armenians and other Christians in these areas. Most Armenians belong to the Apostolic church, while a small minority are Catholics or Protestant.

The situation of Armenians can be described as the combination of intense prejudice with an impressive range of discriminatory legal and administrative measures. The accumulation of the many restrictions, the arbitrariness with which changes occur and the legal uncertainty, which favours arbitrariness, determine the daily life of the Armenian community in Turkey. The aim of these restrictions is the assimilation or emigration of the Armenians.

The activities of Armenian organisations, like those of all non-Muslim minorities, are strictly restricted to the religious, social and educational fields, under the authority of the church and of religious foundations. The right of association is not recognized to minorities. Yet even strictly religious activities are gravely hindered through government measures resulting *inter alia* in a critical shortage of priests, confiscation of church property, dissolution or paralysis of essential decision-making bodies within the church, and interference in church elections.

Schools are subjected to similarly abusive interference concerning the education of teachers, the number of weekly hours teaching is allowed in the Armenian language, (currently 4), who is and is not allowed to attend an Armenian school or how schools are run. For instance, the authorities can and do paralyse the operations of schools at will. Violent attacks on schools also occur on occasions, though they are more often targeted at churches or cemeteries.

Nor are individual rights and freedoms respected as far as Armenians are concerned. Armenians (and other non-Muslim minorities) are barred from the civil service, army careers and the legal professions; Armenians doing their military service are the victims

of discrimination and abuse; and freedom of speech is carefully circumscribed. Criticism of the government's treatment of minorities, in particular, is out of the question.

Armenians are regularly the target of campaigns and harassment, in which part of the media and political elite join forces to whip up public fear, resentment and anger toward an urban minority now representing at most 0.1% of the country's population and routinely blamed for the country's troubles. The school curriculum also contributes to teaching hatred of the Armenians. As a result, "Armenian" remains a term of abuse and polls indicate that Armenians are the most hated people in Turkey, while 73% of Turkish children think Armenians are "bad people".

The country's thousands of Armenian historical monuments, furthermore, are also being intentionally destroyed or left to decay, in a massive effort at obliterating the memory of the Armenian presence in Anatolia.

### RECENT REFORMS AND CHANGES

The Turkish Grand Assembly passed a package of reforms in August 2002 to prepare the way for EU accession. As far as Armenians and other non-Muslim minorities are concerned, this package introduces two relevant changes:

- It is now allowed to broadcast TV or radio programmes in their mother tongue.
- Religious foundations belonging to minorities can now acquire property- providing they obtain a specific authorization from the Council of Ministers.

Both reforms mark progress of sorts. But the changes concerning the rights of religious foundations to own property is considerably limited by the obligation to obtain permission from the Council of Ministers, a procedure wide open to abuse and discrimination. Furthermore, while these reforms do address real problems, they address only a small fraction of the wide range of measures affecting the situation of Armenians and other minorities.

Some changes, furthermore, are now being introduced for the worse: the education ministry has recently changed the school curriculum to reinforce its anti-Armenian bias.

## Recommendations

The following demands and recommendations stem from the available evidence.

1. The authorities must protect the members of the Armenian community in Turkey as well as their institutions against attacks and threats; they must also investigate and prosecute those responsible for such offences more consistently than in the past.
  2. The discrimination and mistreatment of servicemen belonging to non-Muslim minorities must be stopped, and a control body as well as a complaint procedure must be created for that purpose in the army.
  3. The systematic financial pilferage of religious foundations must be put an end to. In this respect, a series of laws governing the situation of minorities must be revised, and all the properties of foundations confiscated under the previous law must be returned to their owners.
  4. Discriminatory and offensive reporting on minorities in general and on Armenians in particular must be stopped. This also applies to the Turkish media, who must exercise self-control and must recognize their responsibility for the creation and hardening of prejudices against minorities. Appropriate measures must also be taken so that Turkish citizens commenting on the Armenian genocide as a historical fact are protected from attacks in the Turkish media.
  5. The disturbing anti-Armenians atmosphere, based on ignorance and prejudice, which obviously prevails in broad sections of society, must be countered through education in schools aimed at reducing ethnic and religious prejudice. This must also involve a revision of schoolbooks, particularly in the field of history.
  6. Turkish politicians and high-level representatives of the authorities must also recognize their own responsibility for the protection of minorities and be called to answer for public statements hostile to minorities.
  7. Those Armenians still remaining in Turkey as well as the members of others non-Muslim minorities should no longer have to feel threatened. Among the confidence-building measures to be implemented, the Turkish State must guarantee unrestricted access to all levels of the civil service to members of non-Muslim minorities. Members of minorities must furthermore actively and forcefully be encouraged to apply for positions in the civil service, as they have de facto been excluded from such opportunities for decades.
  8. The practice of prosecuting those Turkish citizens who publicly express the opinion in words or in writing that the Armenian genocide is a historical fact must be stopped immediately. The European Community, in line with previous European Parliament resolutions, should for its part take appropriate measures to encourage Turkish academics, publishers and journalists to contribute to the inter-ethnic reconciliation through a critical reassessment of history.
  9. The Turkish government is called upon to comply with its obligation under numerous international agreement and treaties to protect and maintain Armenian cultural assets. In particular, it should prevent any further manipulation or destruction of Armenian cultural monuments under the pretext of their protection, of their restoration or of archaeological research. It would be desirable for that matter to set up international teams of researchers and experts in the field of conservation and restoration, in which experts from Armenia should also take part.
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## Introduction

In 2003, the Republic of Turkey will celebrate its 80th anniversary. This, along with the country's wish to join the European Union as a full member, offers an occasion both to carry out a critical inventory and to examine whether the Treaty of Lausanne of 1923 proved to be an instrument for the protection of the collective and individual rights of "non-Muslim minorities" in Turkey.

The documentation that follows relies extensively on published sources such as reports by non-governmental and human rights organizations, academic analyses as well as coverage by the Armenian, Turkish and German press. These sources have indeed been accepted as the basis of legal evidence by the judicial authorities of the Federal Republic of Germany.

This report concentrates on the situation of the Armenian minority in Turkey within the last ten years. However, it also deliberately includes earlier events. Medium and long-term developments must be taken into account to understand the problems of the Armenian minority, as well as their ongoing and recurrent character.

## Historical Settlement Area

Until 1915, the area of historical settlement of the Armenian people was the Armenian highland, defined as a territory about 300,000-400,000 km<sup>2</sup> situated between the adjacent plateaus of Iran and Anatolia, and between Northern Mesopotamia and the Caucasus. This is where the ethno genesis of the Armenian people took place around the middle of the first millennium B.C. The economic, agricultural and political centres of this region were the Van plains and the Ararat valley. By contrast, the current settlement area of Armenians is restricted to the Republic of Armenia (29,740 km<sup>2</sup>) and Nagorno Karabakh (5,000 km<sup>2</sup>.)

## Christianity as an integral component of national identity

According to the traditions of the Armenian Church, Christianity became a state religion as early as 301.

The Armenian Apostolic Church is thus the oldest state church in the world since the disappearance of the smaller, older Christian kingdoms of Northern Mesopotamia. The Christian faith and national identity merged at an early stage, but after the first big schism of Christianity at the Council of Chalcedon (451 A.D.), the Armenians found themselves siding with the other pre-Chalcedonian churches such as the Syrian Orthodox, Coptic and Ethiopian churches. Christianisation has left a deep mark on Armenian history and culture and Christianity is therefore an integral component of Armenian identity.

## Present numbers, social situation and geographical distribution of Armenians in Turkey

The national office for statistics of the Republic of Turkey estimates that, out of a total number of 82,000 Armenian citizens in Turkey, eight to ten thousand live abroad, predominantly in Germany, the Netherlands and Belgium. Of the 72,000 who remain in the country, only five percent live outside of Istanbul<sup>1</sup>. Even the *Annual Report on International Religious Freedom*, published by the U.S. Department of State for 2001, estimates the number of members of the Armenian Apostolic church in Turkey at only about 50,000<sup>2</sup>. In the 1990's, the number of Armenian Catholics (Armenian Uniates) in Turkey shrank from about 5,000 to less than 2,000 (in 1999)<sup>3</sup>; the number of Armenian Protestants is estimated at 500. The Armenian community in Turkey estimates its own numbers at about 60,000 to 65,000. Strikingly, the official census in Turkey shows virtually no increase of the Armenian minority since 1935: the official record for 1935 gives a figure of 57,000, compared to 58,000 for 1965<sup>4</sup>.

Additionally, 12,451 citizens of the Republic of Armenia currently live in Turkey according to Turkish Interior Secretary data of 2002. A total of 82,249 citizens of the Republic of Armenia are thought to have entered Turkey between 1997 and 2001<sup>5</sup>.

<sup>1</sup> See Voskeritchian, Taline: Drawing strength from the history and cultural legacy of their beloved city. In: „AIM“ (Armenian International Magazine), December 1998, p. 38

<sup>2</sup> Department of State: Annual Report on International Religious Freedom 2001. December 2001, p. 382. Internet source: <http://www.state.gov/gdrl/rls/irfr/2001/>

<sup>3</sup> See Avakian, Florence: Interview with Patriarch Mesrob II of Istanbul and Turkey (PART I). In: Azg/Mirror-Spectator On-Line, 27.05.1999; Internet source [http://www.arzo.com/arzo2/MIRROR\\_SPECTATOR%2005\\_27\\_1999.htm](http://www.arzo.com/arzo2/MIRROR_SPECTATOR%2005_27_1999.htm)

<sup>4</sup> Committee for Monitoring Minority Rights: Minorities in Turkey. (Istanbul), 02.06.1996, P. 3

<sup>5</sup> See „Agos“ (Internet edition of 17.07.2002). <http://www.agos.com.tr/indexeng.html>

As the Armenian population of the Ottoman empire was estimated before World War I and before the genocide of 1915-16 at 2.5 to 3 million<sup>6</sup>, the percentage of the total Christian population would have amounted to one quarter of the total Ottoman population. Today Armenians form the largest Christian minority in an environment that is almost exclusively Muslim. Among 67.8 million inhabitants in the Republic of Turkey<sup>7</sup>, less than one percent are Christians (foreigners included<sup>8</sup>); the number of all Christians in Turkey is in fact probably only about 0.15 percent<sup>9</sup>.

All parishes outside of Istanbul have shrunk markedly since 1964, and many disappeared towards the end of the 20th century. Today, none of them still retains its own priest. Only 200 families still lived in Diyarbakir in the 1960s, home to the only Apostolic Armenian parish in Anatolia at that time. In June 1985, the Armenian Patriarch came across as few as 35 Armenians there and in 1994 Scottish travel journalist William Dalrymple met only Lussine (Lüsyne Baco), a distracted old Armenian woman in the care of Kurds who had forgotten her language when her husband was killed. Lussine's Kurdish caretaker reported that the roof of the dilapidated church collapsed under the weight of the snow in the winter of 1993-94. Lussine was the last Armenian inhabitant of an area where 570,000 Armenians had lived in 1914<sup>10</sup>. She was brought to Istanbul a few years ago by the Armenian author Mıgırdıç Margosyan and died shortly thereafter in the Armenian elderly home of Yedikule. Now only an old Armenian by the name of Anto (Andranik) lives in Diyarbakir and serves as caretaker for the Armenian church.

There were five other priests<sup>11</sup> with their own parishes in Kayseri (which counted 20-30 Armenians including surrounding villages and towns<sup>12</sup>), Antakya (or

Antiochia, 35 Armenians), Iskenderun, Kırıkhan (Hatay, only two Armenians in 2001<sup>13</sup>) as well as in Vakıfii Köyü (Vakıf), the last Armenian village in Turkey (150 inhabitants<sup>14</sup>). Those parishes catered to the spiritual needs of small communities and of individuals scattered over vast areas at the time. The priest in Vakıf died a few months ago, leaving his position vacant. On important holidays or on certain special occasions, members of the Clergy are dispatched from Istanbul in order to hold religious services, to give the sacraments and to carry out other services for the benefit of the remaining communities.

Although outside historic settlement areas, Istanbul is not perceived as an Armenian Diaspora community: *"Istanbul is not a settlement of immigrants (Kaghut) like Beirut. It is something unique, between the Fatherland (Hairenik) and the Diaspora (Spyurk). We are a community (Hamaynk)"*, explained Robert Haddeler, publisher of the daily newspaper *Marmara*, published since 1940, about the special position of Istanbul for the Armenians<sup>15</sup>. Armenians can look back on a long story in Istanbul, which started in the 6th century. 200,000-250,000 Armenians lived in Constantinople around the turn of the 20th century. The Kurtuluş quarter has the largest Armenian population today,

but they previously inhabited traditionally "Christian" quarters such as Yeşilköy (San Stefano), Bakırköy, Kumkapı, Samatya, Altımermer-Yedikule, Kadıköy (Chalcedony) as well as the Princes Islands (Papaz Adaları) where many Armenians from Istanbul spend the summer months. As skilled workers, craftsmen and independent entrepreneurs, they belong to the lower to upper urban middle classes of Turkey. They are scarcely represented in public service positions, due to both open and covert discrimination: state officials must be Muslim (cf. IV.1.).

Ethnologists estimate that, apart from Christian Armenians, there are 30,000 to 40,000 Muslim 'crypto-Armenians', living in Turkey who have adapted to the

<sup>6</sup> Ibid.

<sup>7</sup> U.S. Department of State, Bureau of Democracy, Human Rights, and Labor: Country Report on Human Rights Practices; Turkey 2001. March 4, 2002. p. 1  
Internet source: <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8358.htm>

<sup>8</sup> Duncker, Gerhard: Fremde Federn: *Christen in der Türkei - wie Fische auf dem Trockenen*. „Frankfurter Allgemeine Zeitung“, 14.12.2001, p. 14. – The author is an Protestant pastor in Istanbul.

<sup>9</sup> Oehring, Otmar: Zur Lage der Menschenrechte in der Türkei - Laizismus = Religionsfreiheit? „Missio“, 2001, No. 5.

<sup>10</sup> Dalrymple, William: *From the Holy Mountain: A Journey in the Shadow of Byzantium*. London, 1997. p. 81 f.

<sup>11</sup> According to Patriarch Mesrob II. (1999). – see. Avakian, op. cit.

<sup>12</sup> In 1937, two thousand Armenians are supposed to have lived in Kayseris – a town of about 70.000 inhabitants at that time.. – see. „Virtual Ani“, Internet source

<http://www.virtualani.freeserve.co.uk/kayseri/kayseri.htm>

<sup>13</sup> Department of State, Annual Report, op. cit., p. 385.

<sup>14</sup> Hermann, Rainer: *Die Enteignungen in der Türkei dauern an; Kassationshof: Annahme aller Vermögenswerte der NichtMuslime seit 1936 ist gesetzwidrig*. „Frankfurter Allgemeine Zeitung“, 20.12.2001, p. 12; there are only 135 inhabitants according to the report of Radio Free Europe/Radio. –see Naegele, Jolyon: Turkey: Village Survived The Century's First Mass Ethnic Expulsion. Internet source:

<http://www.rferl.org/inca/features/1999/05/F.RU.990527132152.html>

<sup>15</sup> quoted from: Voskeritchian, op. cit., p. 38

Kurdish or Turkish majority of the population. There are also about 20,000 Hemşinli Muslims whose homeland is between Trabzon (Trapesunt) and Erzurum, though they are also disseminated further to the northeast. Although some of their ancestors had adopted Islam as early as the 16th century, the Hemşinli were able to better preserve their Armenian dialect than many Armenians in Istanbul. With the exception of the Hemşinli, Armenian Muslims and Crypto-Christians are scattered minorities. As such, they are particularly exposed to humiliations and ongoing persecutions on the part of fellow Muslims, who doubt their religious loyalty and continue to identify them with Christian Armenians.

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## I. In Ottoman times: historical review and background

Nine-tenths of the historic Armenian settlement zones came under the domination of the Ottoman Turks after about 200 years of devastating wars between the Ottoman Empire and Iran (Peace Treaty of Diyarbekir, 1639). The regions of Kars and Ardahan were later acquired by Russia after the Russo-Turkish war of 1877/8, only to be signed away to Turkey by the former Soviet Union in the Treaty of Brest-Litovsk of 1918.

The position of the Armenians as well as all remaining non-Muslims (Christians and Jews) in the Ottoman Empire was determined by Muslim legal principles. Non-Muslims were socially and legally subordinate, paid two types of tribute (*dschisija* and *charadsch*) as well as additional and higher taxes and were not allowed to possess their own land as the ground they cultivated was granted only as feudal tenure. Until 1908 military service remained out of the question for non-Muslims and they were not allowed to carry weapons. The Ottomans established an Armenian Apostolic Patriarchate as early as 1461, shortly before the conquest of the Byzantine capital Constantinople, whose rule included the pre-Chalcedonian, i.e. the east and west Syrian churches.

The Armenian Apostolic church was a component of the *millet* system. The word *millet* (Arabic for nation) designated not an ethnic unit, but a denomination or religious community. To the three traditional communities of faith of the Ottoman Empire- the *ermenî milletî* (Apostolic Armenian church), the *rum milletî* (Greek-Orthodox church) and the *yahudi milletî* (Jewish) – were added the *katolik millet*<sup>16</sup> under pressure from France and Austria in 1831 and the recognition of the Armenian Protestants (*ermenî protestant milletî*) in December 1850. According to Muslim tradition, the *Millet*s administered their internal matters and law as long as these concerned only internal disputes between members of the same *millet*.

<sup>16</sup> A union of all Catholic religion(s) in the Ottoman Empire under the authority of an Armenian Uniate bishop. - See Koutcharian, Gerayer: *Der Siedlungsraum der Armenier unter dem Einfluss der historisch-politischen Ereignisse seit dem Berliner Kongress 1878: eine politisch-geographische Analyse und Dokumentation*. Berlin, 1989 (Freie Universität Berlin/Institut für Anthropogeographie, Bd. 43), p. 43

Timid reforms were attempted in the first half of the 19th Century, in the context of the collapse of Ottoman military despotism, and under pressure from the great European powers of the time. The Russo-Turkish Peace Treaty of Adrianople (22 February 1829) obliged the Ottoman Empire to improve the living conditions of its Christian subjects for the first time. Ten years later, in the Constitutional Charter of Gülhane (1839), Sultan Abdülmecid (Abd al-Majid) granted the same status to all citizens regardless of their religion, and guaranteed the integrity of the person as well as the rights to honour and property. But it was only after the Crimean War (1853-6) that the Constitutional declaration of 1839 was implemented, through the Decree *Hattı Hümayun* („Imperial Edict“) of 18 February 1856, influenced by the British Ambassador to Constantinople of the time, Lord Stratford. As a consequence, Sultan Abdülmecid was able to convince the Paris conference a few weeks later, where the outcome of the Crimean War was negotiated, that his readiness for reform should be expressly recognized in article 9 of the Treaty of Paris of 30 March 1856.

Sultan Abdül Aziz, who succeeded his murdered brother on the throne in 1861, finally topped off the reforms with the first Ottoman Constitution, promulgated on 23 December 1876. In this constitution, all subjects of the Sultan were referred to as “Ottoman citizens” and guaranteed citizens’ basic rights as well as individual freedom such as freedom of conscience, the right to own property, etc. The Millet system was preserved however, and this is one of the imperfections of, and contradictions within, the constitution.

Due to the difficult political situation in the country, Sultan Abdülhamit II dismissed Parliament on 14 February 1878 and suspended the constitution for 30 years. Under article 61 of the Berlin Treaty (13 July 1878), the Ottoman government was obliged to “carry out immediate improvements and reforms in the provinces inhabited by the Armenians, as required by local needs, and to protect them against the Circassians and Kurds”. However pressure was not exerted by the European powers as they had in other instances- as France had done for instance as the protective power for the Maronite Uniates in Lebanon or Russia in protecting the Orthodox Greeks and Balkan Slavs- because the Armenian Church did not

belong to a supranational religious group within Christianity.

At the beginning of the 20th century, a Turkish nationalism developed in response to the freedom struggles of the Greeks, Balkan Slavs and Arabs. The turn of events, including the loss of Turkish territories in the Balkan war (1912-13), confirmed its ideologues in their belief that the preservation of the Ottoman Empire required the turkification of this multi-ethnic and multi-religious country, which would have to be achieved through the assimilation of Muslim minorities as well as the deportation, and if necessary the annihilation, of the Christian groups. The all-powerful nationalistic war government of the so-called young Turks, officially called the Committee of Unity and Progress (*İttihat ve Terakki Cemiyeti*), who ruled after 1913, implemented this program in 1913-1914 through the displacement of the terrorized Greek population of Eastern Thrakia and of the Ionian. Starting in 1914, Christian Ottoman citizens, and particularly Greeks and Armenians, were exploited to death in slave labour camps or murdered. After the annihilation of the intellectual and political elite of the Ottoman Armenians at the end of April 1915, the annihilation of the total Armenian population, planned and organised on a national scale, was set initiated. The reorganised Ottoman intelligence service *Teşkilat-ı Mahsusa* ("Special Organisation") of 1916, which included 30,000 people<sup>17</sup> at the height of the genocide, carried out this task through massacres and death marches, in which hundreds of thousands of victims died of plague, hunger and general exhaustion. On 4 October 1916, the German ambassador Radowitz responded to an enquiry by the Reich's Chancellor as follows: "(...) if one estimated the total number of Turkish Armenians at 2.5 million and the number of those sent away at 2 million, and accepted the same ratio between the number of survivors and the dead, as among the orphans of Sister Rohner, one would arrive at a number of more than 1.5 million dead and around 425,000 survivors. The previous estimations of the dead varied between 800.000 and 1 million and at first glance do not seem exaggerated<sup>18</sup>."

***The Lausanne Treaty indirectly revives the Ottoman millet system, in contradiction with the officially secular nature of the Turkish Republic***

In genocide research, the genocide of the Armenians, alongside that of the European Jews, the genocide of the Khmer Rouge, and that of the Hutus in Rwanda is considered an example of "total genocide"<sup>19</sup>. Robert F. Melson defines it as „the first total Genocide of the 20th century“ and a “prototype for the following genocides”. The *Association of Genocide Scholars*, declared on 13 June 1997 in a resolution, “that the mass murder that was committed to the Armenians in Turkey in 1915 represents a case of Genocide according to the United Nations Convention on the prevention and punishment of genocide. [The Association of Genocide Scholars] condemns the denial of the Armenian Genocide by the Turkish government, their official and unofficial agents, and their supporters<sup>20</sup>.”

With the Peace Treaty of Sèvres (10 August 1920) the *de facto* powerless Ottoman government recognised Armenia as an independent country (Art. 88) and agreed that US President Woodrow Wilson<sup>21</sup> would determine the boundaries of the Armenian State. But the changes failed due to the armed and political resistance of the opposition established by Mustafa Kemal in Ankara and triggered an attack on the Republic of Armenia, planned in the spring of 1920 and launched on 23 September 1920. A further 198,000 Armenians<sup>22</sup> died from massacres, epidemics and starvation before the assault was stopped by the Sovietization of the Armenian Republic.

The armistice of Mudanya, which followed the takeover of Smyrna and Constantinople by Ankara's opposition troops on 11 October 1922, opened the way for an International Peace Conference in Lausanne on 20 November 1922, whose subcommittee for national affairs considered the Armenian demand for a homeland for the surviving Armenians (12-14 December 1922). At the Committee meeting of 7 July

<sup>19</sup> See Melson, Robert F. : Revolution and Genocide. On the Origins of the Armenian Genocide and the Holocaust, Chicago, 1992; Scherrer, Christian P.: Preventing Genocide: The Role of the International Community. Internet source: <http://www.preventgenocide.org/prevent/scherrer.htm>;

<sup>20</sup> quoted from Armenian National Institute, Internet source: <http://www.armenian-genocide.org/affirmation/recognition/69.htm>

<sup>21</sup> According to the Wilson-decision of 22.11.1920, the Republic Armenia was awarded an increase of 90.000 square kilometers of Ottoman territory, which included parts of "armenian provinces" Wan (20.000 square kilometers of 39.300 total area), Bitlis (15.000 of 27.100 square kilometers) and Erzurum (40.000 of 49.700 square kilometers).

<sup>22</sup> See the discussion of the numbers of the victims in Koutcharian's documentation, op. cit., p. 156

<sup>17</sup> Parlar, op. cit., quoted from Avakjan, op. cit., p. 78

<sup>18</sup> Parlar, op. cit., quoted from Avakjan, op. cit., p. 78

1923 there was no longer talk of the right to self-determination or to a homeland for the Armenians, but rather only of the “Armenian refugees”. The solution of this problem was entrusted to the League of Nations.

The Armenians are thus no longer mentioned in the Treaty of Lausanne of 24 July 1923. Protection is not granted to ethnic groups, but exclusively to non-Muslim religious minorities, i.e. Christians and Jews. The far more numerous non-Turkish Muslim ethnic groups of Turkey are ignored and suffer to this day of the denial of the rights denied them in the fields of culture, language and tradition. Although the Lausanne Treaty does not list the non-Muslims of Turkey by name, it only acknowledges the Christian Denominations already recognized in the Ottoman Empire as *millet*s, i.e. the Greek Orthodox (*rum millet*), Armenian Apostolic, Armenian Uniates and Armenian Protestants. The Syrian churches suffer to this day of the fact that they are deprived even of the very limited protection of the Lausanne Treaty.

A government body called the Minority Commission (*Azınlıklar Tali Komisyonu*) is competent for and endowed with full powers on matters relating to minority affairs. Although the existence of this Commission only became known in 1999, it seems that it has existed in secret since 1972. Established at the request of the Prime Minister, its exact functions and competence are still unclear. The Minority Commission is believed to be composed of five members, including one representative each from the “National Security Council” (*Milli Güvenlik Konseyi*), the “National Intelligence Service” (*Milli İstihbarat Teşkilatı*), the Interior and the foreign ministries, and a Ministry of State subordinate to the Prime Minister’s office with responsibility for foundations. A representative of the Health or Education Ministry is consulted on questions concerning minority hospitals and schools. The decisions of the Committee are irrevocable, they cannot be appealed even by the minorities themselves, and cannot even be overturned by an order of the courts<sup>23</sup>.

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<sup>23</sup> From Oehring, op. cit., p. 23

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## II. In the Turkish Republic

### Ongoing persecution

#### During the persecution of the Pontic Greeks in 1922-24

As British historian Christopher Walker writes: “The Pontic Greeks (in Trebizond province) were savagely persecuted in the years 1922-24, until the community was virtually wiped out; and as a spin-off of their persecution Armenians were subjected to renewed attacks<sup>24</sup>.”

#### 1929 in Harput, Diyarbekir and Mardin

In the summer of 1929 and in the following months, “new deportations of the sad remnant of Armenian peasants and artisans, living on the fringes of the ancient home country of Turkish-Armenia, were set in motion<sup>25</sup>.”

“At that time altogether 30,000 Armenians were banished. “in a despatch dated Aleppo, 14 November 1929, British consul A. Monck-Mason reported that refugees had been arriving continually for the preceding six months from the regions of Kharput, Diyarbekir and Mardin. In his opinion, ‘the settled policy of the Turkish government seems to be to get rid of all Christian elements in the distant Anatolian provinces by all means short of absolute massacres (...).’ Aleppo, he continues, has been the sanctuary for the daily caravans of Armenians. ‘Whole families are sick, and nearly all are absolutely destitute.’ He quotes an Armenian from Kharput saying: ‘in Turkey today we have no means of existence; we are persecuted, robbed, ill-treated, thrown into prison, judged, and, if we are lucky, deported.’ Bombs had been thrown into churches, and the Armenian bishop of Diyarbekir murdered by seven drunken soldiers. Estimates of those expelled in the 1929-30 deportations put the number at 30,000<sup>26</sup>.”

<sup>24</sup> Walker, Christopher J: *Armenia: The Survival of a Nation*. London, 1980. p. 345

<sup>25</sup> Walker, op. cit., p. 348

<sup>26</sup> Walker, op. cit., p. 348

## Legal discrimination: banishment and confiscation of property

### Banishment

Since the early 1920's a series of laws and regulations have governed the return of Armenians of Ottoman nationality as well as questions relating to Armenian properties. These laws were aimed at impeding or preventing the return of Armenians of Ottoman nationality into Turkey. A law was adopted as early as September 1923, stating that no Armenian who had emigrated from Cilicia and the “Eastern Provinces” could return to Turkey. A second law of 23 May 1927 states that all citizens who had not participated in the war for independence and had not returned to Turkey between 24 July 1923 and the announcement of the law would lose their citizenship.

In August 1926, the Turkish government announced that it would retain all property seized before 6 August 1924. This concerned mainly the property seized by the Young Turk wartime junta deported Armenians, which, according to official announcements, had been registered and safeguarded by the state for the deportees. Armenian peasants, who had survived deportation and later ventured to return to their village of origin, found that Muslims had occupied their farms and threatened to kill them if they insisted on the return of their property. In many cases the Muslim mob hung the returning Armenians from their own fruit trees with the encouragement of the local authorities<sup>27</sup>.

### Deportation

Members of non-Muslim minorities who do not possess Turkish citizenship are threatened with deportation in times of crises. Thus, at the height of Greek-Turkish tensions over Cyprus in 1964, Turkey applied a law from the 1950s which annulled the residence permits of 20,000 Greeks, many of whom were married to Turkish citizens and owned real estate in Turkey. They had to leave Turkey within a few days and could only leave with 20 kilograms of baggage and 20 Turkish Lira<sup>28</sup>.

<sup>27</sup> Koutcharian, op. cit., p. 172

Lang, David Marshall; Walker, Christopher: *The Armenians*. 2nd rev. ed. (London, January 1977) (Minority Rights Group Report No. 32), p. 15

<sup>28</sup> Committee for Monitoring Minority Rights, op. cit., p. 5



**Current problems.** When the House of Representatives of the USA debated a resolution about the genocide at the Armenians in October 2000, then opposition politician Tansu Ciller called for the deportation of the allegedly 30.000 Armenians without Turkish citizenship living in Turkey<sup>29</sup>.

## **Varlık Vergisi kanunu: the property tax for non-Muslims 1942-44 - a violation of Articles 39 and 40 of the Lausanne Treaty**

After the occupation of Greece during Nazi Germany, parts of the ascending elites in adjacent Turkey showed increasing sympathy for the Nazis<sup>30</sup>. On 12 November 1942, an additional tax, levied exclusively on non-Muslims, was introduced on the basis of law 4305. This law concerned 4 to 5 thousand of an estimated 28,000 Armenians, Greeks, Jews and even *Dönme* (Jews or Christians converted to Islam), the Armenians being affected by the highest taxes<sup>31</sup>. Those who could not pay up were exiled or condemned to forced labour in "Turkey's Siberia", namely in the quarries of Aşkale near Erzerum, where 21 forced labourers died<sup>32</sup>. According to Turkey's Head of Government at that time, Şükrü Saracoglu, the tax did not aim to finance war costs, but to help turkify the economy, as only 8,000 of the 19,000 firms registered in Istanbul at the time belonged to Turkish Muslims<sup>33</sup>. The „property tax“ was repealed on 15 March 1944 after the country had collected more than six billion current Turkish pounds<sup>34</sup>.

**Current problems.** 70 years after the introduction of the discriminatory and ruinous property tax, the political elite of Turkey has so far had difficulties to approach this subject objectively. The popular novel "The pearls of Ms. Salkım" (*Salkım Hanımın Taneleri*)

by the Turkish author and politician Yılmaz Karakoyunlu<sup>35</sup> recounts individual stories illustrating the repression of non-Muslims in Turkish society during WW II, a fact long suppressed. Not only did the author receive one of the country's most important literary prizes in 1990, the 1999 film by director Tomris Giritlioğlu, based on the novel, also won an award. The film nevertheless triggered a sharp controversy when Turkish state television aired the movie on its first channel at the end of 2001 (in the meantime, the author of the novel had become Minister with responsibility for the state television). The *Turkish Daily News* wrote about the film: "It shows that a large community in Turkey is ready to share its country's 'dirty laundry' with the world and join the long list of nations and communities who are trying to apologise for a past they are not proud of"<sup>36</sup>. But Members of Parliament complained about its "unpatriotic behaviour". Critics from the ranks of the Nationalist Movement Party (MHP) as well as the Old Kemalists of the Party of the Democratic Left took offence that Etyen Mahcupyan, an Armenian from Istanbul, contributed to the script together with two Turkish Authors. Ahmet Cakar (MHP) was outraged by the fact that the film suggested that Armenians in Aşkale were treated the same as in a German concentration camp. "Either, one angry nationalist declared, one sides with the Armenians, these 'so unbelievably treacherous and rotten people', or for the Turks. 'Thank God I am a Turk and a Muslim', he continued and filed a lawsuit against Yücel Yener, CEO of TRT, that 'Traitor of the Fatherland'<sup>37</sup>."

The "Association of Opponents of Genocide", a human rights Initiative based in Germany for the human rights of Turkish descendents received a letter of refusal from the author of the film when the Association enquired whether he could show the video at a public event.

## **Discrimination in the '1970s**

The increase in requests for asylum by "Turkish Christians" has led European churches to focus their attention on the situation of the Christians in Turkey. At the end of 1979, the "Churches Committee on Migrant Workers in Europe" a panel of different European

<sup>29</sup> It burdens the Turkish-Armenian relations: *US-Repräsentantenhaus wirft der Türkei Völkermord an den Armeniern vor*. „Berliner Zeitung“, Internet source: <http://www.priest-akbulut.de/armenierd.html>

<sup>30</sup> Turkish Cinema Newsletter, Internet source: <http://www.turkfilm.net/arc46.html>

<sup>31</sup> „One of the darkest events in Turkish history was the Wealth Tax (...), levied discriminatorily against non-Muslims in 1942, hobbling Armenians with the most punitive rates.“ - Smith, Thomas W.: *Constructing A Human Rights Regime in Turkey: Dilemmas of Civic Nationalism and Civil Society*. Draft Paper presented at the American Political Science Association annual conference hold in San Francisco, August 29 - September 2, 2001. p. 4. Internet source: <http://pro.harvard.edu/papers/042/042001SmithThoma.pdf>

<sup>32</sup> Committee for Monitoring Minority Rights, op. cit., p. 1

<sup>33</sup> The information comes from the Turkish historian, Ridvan Akar, who wrote a two-volume book about happiness tax. From: Hermann, Rainer: *Auweia, unsere Perlen rollen in den Gully*. „Frankfurter Allgemeine Zeitung“, 29.12.2001

<sup>34</sup> Hartunian, Hambarsum: *Vom Lausanner Friedensvertrag bis heute*. „pogrom\_Zeitschrift für bedrohte Völker“, Jahrgang/ set of issues 11, No. 72/73, May 1980, p. 34

<sup>35</sup> Y. Karakoyunlu is member and deputy of ANAP Party.

<sup>36</sup> Quoted from Turkish Cinema Newsletter, op. cit.

<sup>37</sup> Hermann, Rainer: *Auweia, unsere Perlen rollen in den Gully*: Kanalreiner gesucht/ looking for a sewerage cleaner; *Ein Kinofilm im Fernsehen nötigt die Türken zur Prüfung ihres Geschichtsbildes*. „Frankfurter Allgemeine Zeitung“, 29. Dezember 2001



churches, produced a documentation and came to the following conclusion on the subject of the living conditions of remaining Christian minorities in Eastern and South-eastern Anatolia: “There has been an increased in cases of violence against Christians during the years 1975-1979, whereas at the same time, the Christian population is plainly declining. The following conclusions can be drawn:

- Christians are victims of recurrent acts of force that are specifically aimed against them.
- If the victims report the acts to the police or the courts, the group will be exposed to retaliation.
- The police and the court authorities accept the withdrawal of reports without forwarding the case to the district attorney.
- Persons who were arrested because of crimes against Christians have been released shortly after their conviction, even if the official judgment in some cases orders several years in prison.
- Escaping or residing in a foreign country no longer offers Christians protection from persecution as long as they still have relatives in Turkey who can be used to intimidate or blackmail those living in Europe<sup>38</sup>.

## Serfdom: feudal client relationship

The researchers of the report mentioned above also attacked the continued practice of slavery at the expense of Christian peasants in a region that was described merely as “East of the Tigris”. (“*Fla*” from Arabic “Fellacha”, or “peasants”; in Kurdish, this is an insult for “non-believers” or Armenians.) These serfs performed vassal services for Kurdish landowners, in order to receive protection against others. The breakdown of the feudal system and/or the loss of power of the tribal Kurds vis-à-vis the non-tribal Kurds only aggravated the situation of the Christian Armenians:

“Each *Agha* has power over some Armenians who are in the position of vassals (...) In return for services to the *Agha*, the *Flas* receive their protection. Until recently (15- 20 years ago) a *Fla* had to perform every type of work for his *Agha*, carry his meal and his weapons, dye his clothes, take care of his children, serve him food or coffee, etc.

A *Fla* could be handed over to another *Agha* as a gift or payment, and he could be given to his daughter if she wanted to marry. The reason why these *Flas* were able to escape the genocide of 1915 and the earlier massacres is that they were the only capable workmen, i.e. blacksmiths, weavers, dentists, and traders. The remaining inhabitants of the area were poor Kurdish peasants who were economically dependent on the Armenians.

So the *Aghas* resolved to rescue all who had not been able to escape although many were forced to convert to Islam. The latter, called ‘Musulmani’, freed themselves from this vassalage, but achieved no better position than before.

Today the *Flas* are still in the hands of their *Aghas* and must serve them. However, the influence of the *Aghas* on communal living has declined considerably, which means that the Armenians receive less protection from their *Aghas* than before. On the other hand, the non-tribal Kurds (...), namely the poor, illiterate farmers mentioned above who had been suppressed for many centuries by the *Aghas*, gained in significance. They represent 80 percent of the total population [in the region], and were able to attain political power in the region as a result of their number and increased political awareness.

They regard the Armenians as the puppet of their enemies, the tribal Kurds, and commit all kinds of atrocities against them in the knowledge that they will not be met with much resistance. They need not fear punishment, as neither the police nor the *Aghas* would take action<sup>39</sup>.”

## Forced Islamisation at the beginning of the 1980s

Turkey is considered a secular country, where the separation of state and religion is anchored in the constitution. In practice however, the opposition between state and religious institutions is much less

<sup>38</sup> *Christliche Minderheiten aus der Türkei*: A report of a committee of churches

<sup>39</sup> *Christliche Minderheiten*, op. cit., p. 41 f.

than in western democracies. The real reason for this is that, for the Founder of the Turkish movement for modernisation, the Committee of "Unity and Progress", and for their Kemalist successors, Islam meant "ethnicity, not religious belief"<sup>40</sup>. Religious and nationalistic fanaticism increased after the military coup of September 1980. The increase in the conversion of Christian Armenians to Islam may be due to this. These conversions occurred among a nation that, for centuries, has always resisted attempts at conversion, with rare exceptions in times of existential crises, and has never done so voluntarily. For Armenian Christians, but also for their Muslim environment, this religious commitment is an integral component of collective ethnic identity- the forced conversion to Islam is equivalent to the forced renunciation of one's own people.

The population of the countryside and of small towns was subject to particular pressure. Alongside individual cases, which were triumphantly reported in the Turkish press each time with a picture and full name of the convert- thus, preventing the return of the converted to his or her former beliefs- there were also collective conversions in the 1980s, such as the case of the 600 inhabitants of the Armenian village *Harent (Acar in Turkish)* in the district of Siirt, in the early summer of 1983<sup>41</sup>. The Islamic Armenians of Harent had already transformed their church into a mosque by the end of 1983<sup>42</sup>. The residents of Harent (*Acar*) were known as especially aware Armenians, who regularly listened to the Armenian and Kurdish foreign programmes from the Soviet Armenian radio in Yerevan. They also gave their children specifically Armenian first names such as Sevan, Ararat or Yerevan. It was therefore supposed in Armenian circles outside Turkey that the population in this border area now overwhelmingly inhabited by Kurds had been forced to convert after the failure of a punitive expedition by the Turkish military in Iraqi-Kurdistan at the end of May 1983<sup>43</sup>. On 23 October 1984, the daily newspaper *Tercüman* reported that 19 Armenians in the district of *Gerger* in the city of *Adiyaman* were also converted.

But even a conversion to Islam does not protect the Armenians from discrimination. The daily newspaper

*Hürriyet* thus reported in June 1989 that the Justice Ministry denied a post to Niyazi Gosker from *Gohta (Adiyaman district)*, after it became known that the applicant was a converted Islamic Armenian<sup>44</sup>. The authorities openly prohibit the return of a Muslim Armenian to Christianity. In 1989, a court of appeals thus rejected the request by Ismail Gupar, a Muslim Armenian, to correct the religion recorded on in his identity card from "Islam" to "Christian", following the conversion of the plaintiff to the "Jehovah's Witnesses", a sect persecuted in Turkey anyway<sup>45</sup>. The then Armenian Apostolic Patriarch in Jerusalem caused a controversy in the Turkish press when he published a report in February 1988 according to which a million Armenians lived in Turkey who had been Islamicized by force<sup>46</sup>.

## Threat to life and limb: attacks on the Armenian community in Istanbul.

### "Istanbul's Kristallnacht" of 6-7 September 1955

In times of international crises in Turkey- as regularly happens in connection to Cyprus, with Greece and since 1991 with the Republic of Armenia- the Armenian minority in Turkey again becomes the target of acts of violence tolerated by or even connected to the State. Thus, during the so-called 'Kristallnacht'<sup>47</sup> of Istanbul, Turkish mobs equipped with shovels and axes attacked Greek and Armenian residential quarters, looted businesses and killed three people<sup>48</sup>. The riots resulted in the looting of 4,000 Greek, Armenian and Jewish businesses; the arson, looting and desecration of 24 Greek and 4 Armenian churches; the desecration of numerous cemeteries; the destruction of 32 Greek and eight Armenian schools; and over 300 casualties. The total damage amounted to between \$270-360 million dollars<sup>49</sup>. What triggered the riot was the intentional dissemination by the Turkish secret police of the false report of an

epd-Documentation, No. 48/79, Frankfurt am Main, 12 November, 1979

<sup>40</sup> Kieser, Hans-Lukas: Armeniermord und Diplomatie. *Von der Lästigkeit vertuschter Geschichte*. A draft for *Traverse*, section „Debatte“. Internet source: <http://www.hist.net/kieser/mak4/TraverseDebatte.htm>

<sup>41</sup> See die Istanbuler Zeitung „Güneş“, 25. July 1983

<sup>42</sup> „Güneş“, 25.01.1984

<sup>43</sup> Koutcharian, op. cit., p. 172

<sup>44</sup> From: *Marmara*, 30.06.1989

<sup>45</sup> „Nor Marmara“, 28 April, 1989

<sup>46</sup> „Nor Marmara“, 17 Februar, 1988

<sup>47</sup> The parallel between the „Reichskristallnacht“ of 9 November, 1933 and the acts of violence of 6/7 September 1955 consists in the fact that their political initiators sought to intimidate and drive out the respective victim groups through organized mass violence in which terror was supposed to be limited to material damage.

<sup>48</sup> Committee for Monitoring Minority Rights, op. cit., p. 1

<sup>49</sup> Hartunian, op. cit., p. 34; *Die antigriechischen Tumulte vom 6./7. September 1955 in der Türkei*. Ed. The Journalists' Union of the Athen's Daily Newspapers. Reprinted in: „pogrom“. Zeitschrift für bedrohte Völker, Jg. 11, Nr. 72/73, May 1980, p. 86 f.

alleged Greek assault on the birthplace of Mustafa Kemal "Atatürk" in Thessalonica.

### Retaliation for the attacks of Armenians abroad in 1977-1979

With the creation of four foreign Armenian militant underground organisations from 1975 on, the Armenians minority was once again placed in the position of hostage and became the defenceless target of Turkish acts of retaliation. Several bomb attacks were thus carried out against Armenian religious and cultural institutions in Istanbul between 1977 and 1979. The church of the Armenian Apostolic Patriarchate was bombed in retaliation for an assault on the son of the Turkish ambassador in The Hague on the 19 October 1979<sup>50</sup>.

Although the French secret services shot Hakob Hakobian, the leader of the most active underground organization, in Athens in April 1988, the Turkish state security service took it for granted that ASALA continued its activities, even on Turkish territory. For a long time, Turkish officials frequently used the accusation of collaboration with the ASALA and foreign Armenian circles to incriminate extreme left-wing Turkish opposition groups. When Turkish security forces launched an action against a training camp of the opposition group TIKKO ("Worker and Peasant Liberation Army of Turkey") in *Gatera* near *Izmit* on 24 January 1988, a 24 year-old Armenian, Manvel Demir, was heavily injured, and later died in the hospital. In 1989 the parents of the victim raised allegations against four of the policemen involved in the action, who were accused of severely torturing Manvel Demir during his interrogation, even though their son had no connection whatsoever either with ASALA or TIKKO<sup>51</sup>.

### Political persecution of Armenian clergymen and laymen after the military coup of 1980

At least 14 Armenians were arrested and some of them tortured after the military coup of 1980 in Istanbul. These were respectable and active members of the community. The most startling case is that of the

young Archimandrite Hayk Manwel Yerkatian (born in 1954), who was arrested on 10 October 1980 at Istanbul airport and was convicted in March 1983, after an excessively long pre-trial detention, to 14 years in prison followed by four years of "internal exile". This sentence was handed out because he was arrested in possession of the 1950 autobiography of the deceased Armenian priest Schikaher, which describes, among other things, the genocide of 1915, as well as of a map of Armenia published in 1888 by the Uniate Armenian order of the Mekhitarists. Furthermore the judgment referred to Yerkatian's history teaching at the boarding school of the Armenian Patriarchate of Jerusalem, hence abroad. During Yerkatian's detention while waiting for trial he was tortured by having his finger- and toenails torn out. After many years of international protests, on 18 May 1986, he was released from the military prison of *Çanakkale* to the Armenian Patriarchate in Istanbul, officially due to his poor health. He has not been amnestied since then.

Hrant Güzelyan, an Armenian Protestant lay preacher, was convicted on 9 March 1982, in Istanbul to 16 months' imprisonment for alleged "anti-Turkish propaganda" and for "turning Turkish children into Armenians". Güzelyan was the actual initiator of a relocation program that was later taken over by the Apostolic Armenian Patriarchate. Starting in the 1960's, Güzelyan had tried to resettle the remaining Western Armenian population to Istanbul through this program in order to teach their children in the language and belief of their ancestors. The thinking behind the program was that an Armenian community concentrated in Istanbul could be cared for more easily, more cheaply and more intensively than a minority scattered outside Istanbul. Turkish authorities had already threatened Güzelyan earlier on<sup>52</sup>.

### Anti-Armenian media campaigns and the acts of violence by the extreme right, 1992-1994

A new wave of violence against Armenian cemeteries, churches and schools in Istanbul broke out when the post-Soviet Republic of Azerbaijan once again failed to reconquer the region of Mountainous Karabakh, populated by an Armenian majority, which had been under Azerbaijanian administration during the Soviet

<sup>50</sup> Hofmann, Tessa: Anschlag auf armenische Kirche. In „Berliner Sonntagsblatt“, 4 November 1979

<sup>51</sup> „Kotschnak“, 19.02.1988; „Nor Marmara“, 30.06.1989

<sup>52</sup> *Armenischer Kirchenführer in der Türkei verschwunden*. In: „idea-spektrum“, 25.3.1981, Nr. 16/17; See also Koutcharian, op. cit., p. 175

period. Turkey had openly declared itself the protector of Turkish-Azeri interests in the Eastern Transcaucasus from the outbreak of the conflict in and around mountainous Karabakh in 1988, and joined Azerbaijan's embargo and blockade against the Republic of Armenia in 1993, even though the latter had stated repeatedly (in 1993), that Nagorno Karabakh, not Armenia, is a party to the conflict and Azerbaijan's negotiating partner. Graffiti first appeared on Armenians schools and churches in Istanbul in 1992 after Karabakh Armenian units took over the territory of Khodjalu, inhabited by Azerbaijanis, at the end of 1992, which caused violent reactions in the Turkish media, with frequently racist overtones. Someone wrote on the wall of the Armenian school in the Istanbul district of Feriköy: "You will pay the bill!" A slogan in another place read: „Karabakh will become your grave!<sup>53</sup>". Anonymous hate mail and telephone threats accumulated at Armenian institutions, including the Apostolic Armenian Patriarchate.

The comments made by Turkish President Turgut Özal in the spring of 1993 alarmed not only the Armenian minority in Turkey, but also to the Armenians of the worldwide Diaspora. Özal, who had sided with those in Turkey who called for a military intervention on behalf of Azerbaijan, declared during a trip through Azerbaijan and the post-Soviet Turkic Republics of Central Asia: "what will happen then if three of our bombs hit Armenia? Will they [Western Powers] intervene in Turkey?<sup>54</sup>" Hinting at the Armenian genocide of 1915-16, he threatened: "They [the Armenians] learn nothing from history. In Anatolia, they also tried it. But they got an incredible slap in the face [i.e. the genocide]. And they have not forgotten the pain to this day. If they try it again here [in Azerbaijan], relying on this or that foreign country for help [i.e. Russia], they have something coming<sup>55</sup>." Alpaslan Türkeş, the founder of the extreme right wing party *Milliyetçi Hareket Partisi* (MHP- the Nationalist Movement Party) was among those who advocated a military intervention in Armenia. On 8 April 1993, the official daily newspaper *Türkiye* had already announced: "Like the Karabakh mountains, Armenia has been Turkish land for millennia (sic!) and it will

also belong to the Turkish people. Then, in the Caucasus, Armenians will only be found in the Museums<sup>56</sup>." The columnist Mustafa Necati Özfatura, notorious for his inflammatory anti-Armenian articles in "*Türkiye*", voiced an open threat of genocide shortly thereafter: "we will make sure that the number of the Armenians in Armenia becomes as much a museum statistic as in Anatolia<sup>57</sup>."

Since March 1992, an anti-Armenian campaign provoked by the Turkish media and politicians also led to disadvantages in professional and business life. The Armenian daily newspaper *Marmara* reported on 9 March 1994 that an atmosphere of hostility was being generated against members of minorities, and particularly Armenians and Jews. Armenian industrialists and members of Trade associations received anonymous faxed letters with the demand: "Don't do business with Jews and Armenians!" Moreover, the recipients received a list with the names and addresses of Armenian and Jewish characters and were requested to add to the list and pass it on to five further addresses to create a snowball effect.

Although even the nationalistic newspaper *Hürriyet* condemned this letter-campaign as fascist, this case of racist discrimination in Turkish business life is not an isolated one. As a result of a concerted disinformation and slander campaign, in which Turkish media and public authorities openly collaborated, Armenian lawyer and spokesperson for the Armenians Patriarchate Luiz Bakar deplored at a press conference convened on the 18 October 1994 that Armenian businessmen and industrialists had recorded a collapse, or at least a drastic decline in their business with Eastern Anatolia. On this occasion, Ms. Bakar condemned the ongoing smear, disinformation and hate campaign in the Turkish media, calling it "anti-Armenian paranoia" and turning to the Turkish media representatives, asked: "Is it another 6 and 7 September that you want? Do some circles wish us to leave our homeland and seek refuge elsewhere? (...) What is the goal of this psychological war directed against the Armenians? Is it that Armenian children can no longer play on the street, that Armenian women can no longer go to the market, that Armenian firms can no longer operate?<sup>58</sup>"

<sup>53</sup> Armenisch-Deutsche Korrespondenz, June 1992, Nr. 76, p. 13

<sup>54</sup> Quoted from „Armenisch-Deutsche Korrespondenz“, June 1993, No. 80, p. 15

<sup>55</sup> „Türkiye“, 16.04.1993, Quoted from Armenisch-Deutsche Korrespondenz, op. cit., p. 16

<sup>56</sup> *Ibid.*

<sup>57</sup> Quoted from *Marmara*, 3.5.1993

<sup>58</sup> Quoted from *Marmara*, 27.10.1994

In an apparent response to this press conference, a new flood of hate mail delivered to Armenians at their work or private addresses was started in the Istanbul neighbourhoods of *Bakırköy* and *Yeşilköy* where many Armenians live. These letters were signed by the “*Ülkü ocakları*” (Coalition of Idealists, literally: “idealistic herd”, “idealistic patriots”), a youth organisation affiliated with the MHP. In their letters they described the Armenians as parasites that for the centuries had exploited the Turkish people, whose kindness had been answered with massacres; they added that their patience would soon be exhausted; and that the Armenian massacre -allegedly -begun under the Ottomans would now resume. The mass graves of Turkish victims that were discovered in Erzurum and Northeast Anatolia wounded the hearts of the Turks. All of which proves that the Turkish people has raised a snake at its breast. The letters ended with the threat: “they will be called to account for everything. Do not forget: Turkey belongs only to the Turks. We will free Turkey of this exploitation. Don’t force us to send you to Yerevan! So leave now, before we do! Or else, it will boil down, as our Prime Minister (Tansut Çiller.) said, to: ‘either you put an end to it, or else we will.’ That is a final warning<sup>59</sup>!” The Armenian Patriarch informed of the hate mail campaign the Mayor of Istanbul and the Chief of Security in a letter dated 23 October 1994, and the President, Prime Minister Çiller, Interior and Foreign Ministers, as well as the Minister responsible for Human Rights, in another dated October 24, a letter in which he deplored the hostility towards Armenians by the „*Ülkü ocakları*” at a time when he was very disturbed by the false reports concerning alleged ties between the Armenians, their church and the PKK. Moreover the Patriarch appealed directly to Alparslan Türkeş, described in one of the letters as the leader of „*Ülkü ocakları*”. Türkeş disputed any connection between his party and the hate mail campaign in a telephone conversation on 24 October 1994 and in a meeting with Armenian representatives from Bakırköy and Yeşilköy. The Patriarch reminded him however, that some persons who had been involved in an assault on the Armenian church of “the Birth of Maria” in Bakırköy had access to MHP headquarters.

On 5 April 1993 approximately 100 people demonstrated in Bakırköy, which is inhabited by many Armenians, threatening: “If the international community remains indifferent, we will carry out the necessary

actions against the Armenian minority in Turkey!<sup>60</sup>” Five days later unidentified individuals wrote anti-Armenian slogans on the walls of the *Surb Hovhannes-Avetaranitch* church (church of the Hl. Apostles John, also named *Narlıkapı church*). Because of its isolated situation, this Apostolic Armenian church consecrated in 1749 in the Narlıkapı district (today Yedikule) has since been a prime target for Turkish riots. On 10 April 1993, the Armenian cemetery of Kumkapı was also desecrated and destroyed. Three days later, the Turkish daily newspaper *Cumhuriyet*<sup>61</sup> reported the desecration of 12 Armenian and six Catholic graves in the Kadıköy district.

All five Armenian cemeteries in Istanbul were vandalised during the wave of violence from 10 April 1993 to August 1994, particularly those located in the Kumkapı and Kadıköy neighbourhoods. At least 20 facilities belonging to the Apostolic Armenian church and its communities were subjected to attacks, in some cases repeatedly. In January 1994 in the weekly paper “*Aydınlık*”, Baskın Oran, lecturer on questions of minorities at the University in Ankara, mentioned that Armenian schools and churches were continually thrown stones and shot at. The aggressors also threw excrement through the church windows<sup>61</sup>. Part of the attacks occurred during church services, which set off panic among the faithful. On 11 July 1993 “unknown” perpetrators hurled molotov cocktails into the Narlıkapı church during a baptising ceremony, and the church’s windows and marble portal were to be repeatedly damaged in the course of further attacks. On 4 January 1994 the church was shot at for the first time. On 26 September 1993, an “unidentified person” climbed up the bell tower of the *Surb Astvatsatsin*-church (the Church of the Holy Mother of God) in the Bakırköy district and damaged the cross while another culprit entered the church through the main door, where he urinated.

The relevant Parish Councils and the Patriarch complained repeatedly to the competent authorities. The patriarch at the time, Karekin II (born Bedros Kazancyan), wrote to the governor of Istanbul on 26 July 1993. In this letter dated on 22 July 1993 he listed all previous attacks and recalled his earlier letter of February and May 1993, which had elicited no reaction. The chairperson of the Narlıkapı church council made it known that the church had been

<sup>59</sup> Quoted from *Marmara*, 24.10.1994

<sup>60</sup> *Marmara*, 6.4.1993

<sup>61</sup> From *Marmara*, 17.01.1994

attacked ten times during the course of 1993. On 12 January 1994, then Archbishop Mutafyan reported in an interview with the weekly newspaper *Tempo* an attempt by believers, incited by the Imam of the mosque of Beyazid to storm the building of the Armenian Patriarchate. This had been prevented only thanks to the intervention of the police<sup>62</sup>. While Article 312 of the Turkish penal code (concerning appeals to inter-ethnic hatred) was used innumerable times against critics of Turkish national politics, in this case the Muslim clergymen responsible were freed without sanction and even remained in office.

There are only two reports of offenders being caught after attacks against Armenian institutions. In March 1994, “Islamic terrorists” were blamed for the attacks on Narlikapi church<sup>63</sup>. This is surprising since the numerous attacks on this church are most probably attributable to perpetrators from the environment of the extreme right party MHP. This arouses the suspicion that the arrest of “Islamic terrorists” is intended to incriminate political opponents connected with the Refah party or Islamic fundamentalists. The second incident reported in the Armenian press in Turkey is the arrest of “thieves” who were charged with the looting of an Armenians church at the end of August 1994.

The anti- Armenian riots and media agitation against Armenians in 1992-1994 were the first to attract the attention of Turkish human rights activists. A Committee for Monitoring Minority Rights was first established in January 1994 in the Istanbul section of the Human Rights Association (*Insan Haklari Dernegi*, IHD). “The Committee aims to follow up the violations of the rights of ethnic, cultural and religious groups living in Turkey and inform the public in this respect<sup>64</sup>.”

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<sup>62</sup> *Marmara*, 13. 01.1994

<sup>63</sup> *Marmara*, 26.3.1994

<sup>64</sup> Quoted from a report dated 2. June 1996.

### III. Armenian institutions and their problems

Under the provisions of the Treaty of Lausanne, Armenians in Turkey are not seen as an ethnic minority, but rather as a religious, i.e. non-Muslim minority. Their minority rights therefore only encompass the maintenance of the Armenian language to the extent that it is part of the Armenian Apostolic or Uniate Armenian rites. The church and private Armenian schools thus represent the most important institutions for the preservation of Armenian religious as well as cultural identity. Meanwhile, over the decades, legal and administrative restrictions have led to a continuous erosion of their ability to operate. The Committee for Monitoring Minority Rights of the human rights association of Turkey describes the situation as follows:

“Despite the formal acknowledgement of certain rights such as the right to freely observe religious activities, to maintain the ownership of the property held by the Armenian foundations and to issue publications and conduct education in their own language under the 1923 Lausanne Treaty which granted the Armenians the ‘minority’ status, the community witnessed restrictions on these rights to varying degrees in parallel to the changes in the political climate<sup>65</sup>.”

The accumulation of the many restrictions, the arbitrariness with which changes occur in the world of domestic and foreign policy and the legal uncertainty, which favours arbitrariness, determine the daily life of the Armenians community in Turkey. The aim of the restrictions is the assimilation of the Armenian community, as noted by the Austrian South-eastern European expert Florian Bieber:

“The pressure on the Armenian community to assimilate also points to a general observation in respects to homogenising tendencies in Turkey. The Kemalist Republic conflicts with the Armenians and other non-Muslim communities for two reasons. First of

all there is the secularisation, which – as mentioned – threatens to deplete the religious minorities of their prime identifying characteristics. While the majority of Sunni has sufficient strength in numbers to retain their identity either through other criteria than religion or through informal religious networks, minorities cannot gather a similar cohesion. Secondly the nationalist nature of the Turkish republic constitutes a major problem for the non-Muslim minorities. This is because nations tend to endorse the majority’s language, religion and perception, all of which contradict or at least differ from those of most of these minorities. Furthermore most non-Muslim minorities tend to have a different ethnic or national background than the majority of Turks. So from this perspective too, their position is highly volatile. This dual assimilatory pressure, religious through secularisation and ethnic through nationalism, has recently been reinforced by the revival of Islam. This revival as has been pointed out previously originates in a somewhat moderate level from the state and in a more radical form from the Islamists. (...) The two non-Muslim minorities, Armenians in particular, find their treatment put into the context of Turkish foreign policy<sup>66</sup>.”

#### 1. Churches

The institution of the Apostolic Armenian Patriarchate in Turkey was not originally established by the Armenian Church, but by Sultan Mehmet II soon after the Conquest of Constantinople to counterbalance the Greek Orthodox Patriarchate. Since its foundation, the Patriarchate of Constantinople (Istanbul) has erected 55 churches, most of them in the 18th and 19th centuries. The number of churches and chapels used for service has declined continuously over the last decades. Today, according to the Armenian Apostolic Patriarchate, there are 38 churches and chapels in Istanbul as well as its surroundings, administered by 33 Parish Councils<sup>67</sup>. However, religious services are only held in 30 churches, and in many only on the day of the Patron Saint, as well as at Christmas and

<sup>65</sup> Committee for Monitoring Minority Rights, op. cit., p. 3

<sup>66</sup> Bieber, Florian: Religious Minorities between the secular state and rising Islam: Alevis, Armenians and Jews in Turkey. Internet source: <http://www.juedisches-archiv-ghfrank.de/kehilot/turkei/TY-mind.htm>

<sup>67</sup> Information from Patriarch Mesrob II. (1999). See Avakian, op. cit.

Easter. Services are rotated from church to church due to a lack of clergymen.

The Uniate Armenian church maintains 12 churches and chapels in Istanbul and its surroundings as well as another church in Mardin (Southeast Turkey), while the Protestant Armenians possess four churches in Istanbul.

## Problems

**A lack of priests.** Only 25 clergymen are currently available to the Armenian Patriarchate, including the Patriarch himself. In 1985 the Patriarch of the time already complained of a shortage of at least 60 priests. The chronic shortage of priests is caused by the closure of all theological universities in Turkey in 1969. While the Muslim universities were later allowed to reopen, the Armenian (Dprevank) and the Greek-Orthodox theological seminaries on the Chalkis island (Heybeliada) remained closed. Armenian clergymen who were not Turkish citizens were not allowed to practice in Turkey, while Armenians who were Turkish citizens and attended seminaries abroad ran the risk of not being allowed to return to Turkey<sup>68</sup>.

**Obstruction of church autonomy.** In Turkey, as in the rest of the World, the Synod is the supreme body of the Armenian Apostolic church. It selects both the Spiritual and the Secular Committees. Only three of the nine positions on the Religious Council are filled, because re-elections are forbidden and some members have since died.

The Synod and the Secular Committee were closed in 1961, following the military coup of 1960. A "Consultative Committee of the Patriarchate"<sup>69</sup> was established in its place, with government permission, in 1990, whose dissolution the government ordered on 1 December 1997. The Secular Committee, established by Patriarch Karekin, had advised him on legal, media, real estate and educational questions. The Turkish government justified the ban saying that Turkey is a secular country and that such a Committee would form a precedent for other religious communities and "cause unrest". The Committee's members were threatened with legal prosecution if they did not immediately cease their work. Today, the Patriarch has no advisory committee for civil matters. The continuity

of the problems of the Armenian church in Turkey becomes apparent from the following passage from a memorandum dated 29 March 1978 by Patriarch Schnork and entitled "obstruction to self-administration":

The institution of the Synod has been the highest advisory and decision-making body in the Armenian church, as it is in other churches too. The synod selects two central bodies: a religious and a secular committee. The election of the latter was not permitted, thus endangering the unity of decision-making and the integrity of the church."

Even the Parish Councils are not fully operational. Their autonomous operation is prevented by the "Çevre" ordinance of 1974, whereby both the electors and the candidates to Parish Council elections must be residents of their respective Parishes. This requirement is hardly achievable however, due to the constant decrease in the numbers of the Armenian Community of Istanbul over the last 40 years.

**Obstruction to elections within the church.** Karekin, 83rd Patriarch of the Armenian Apostolic church in Turkey, died in March 1998. On 23 March 1998, an electoral commission was formed to organise the election of the 84th Patriarch. It was to be carried out according to the "Armenian Constitution" of 1860, a charter granted by the Ottoman government concerning the self-government of the Armenian Apostolic *millet*, and according to the relevant Turkish regulations of 18 September 1961. As part of the procedure, the electoral commission also directed a formal application to carry out the elections to the Turkish government on 20 May 1998. There were two candidates: Bishop Şahan Sivacıyan and 42 year old Bishop Mesrob Mutafyan, until then representative of the Patriarch and Locum tenens until the elections.

As soon as Mutafyans' candidacy was known, a massive campaign of slander was launched by the high-circulation daily *Turkiye*<sup>70</sup> and by TV channel TGRT, which belongs to the same media group, both associated with the Islamist party *Fazilet* (Virtue) Party- formerly *Refah* (prosperity). The campaign swelled in the course of April 1998 into a flood of accusations of the worst kind against Mutafyan in particular and the Armenians in general. On April 12th,

<sup>68</sup> Duncker, op. cit.

<sup>69</sup> Oehring, op. cit., p. 24

<sup>70</sup> See also Baker, Barbara G.: Turkish State Blocks Patriarchal Election. "Compass Direct", August 19, 1998. Internet source: <http://www.churchnet.org.uk/news/files3/news089.html>



1998, *Türkiye* started a series of articles under the title “the Actions of the Armenians”, which dealt for example with the “true events of 1915”, in an article which drew upon the entire repertoire of Turkish denial of the genocide of 1915. The main message of the series was the affirmation that Armenians had murdered hundreds of thousands of Turks in 1915.

On 14 April 1998, *Türkiye* published an editorial dedicated exclusively to Mutafyan. The newspaper wrote that the bishop was an extremist and was suing Turkey at the European Court of Human Rights; that he was a member of the Armenian *Daschnakzutiun* Party; that he was connected with the foreign powers in an alliance intended to restore the Treaty of Sèvres and thus destroy Turkey; that he was planning a conspiracy and terrorist attacks against Turkey, together with the Armenian community of Turkey; that Mutafyan was a special agent for Armenia, and so on.

On the 23 April 1998 “*Türkiye*” published another editorial under the title „the Armenian menace”, calling the government, among other things, to prohibit the election of a new Armenian Patriarch and other community activities. Mesrop Mutafyan filed a lawsuit for “injury of his individual rights and to the honor of the Armenian people”<sup>71</sup>. On 9 May 1998 *Marmara* announced that Mutafyan had won in first instance against *Türkiye*. The same day however *Marmara* also reported that “certain university groups” had conducted opinion polls in the Turkish population on the subject of the elections to the Patriarchate and „asked very few helpful questions.”

Simultaneously, the TGRT television channel was giving headline coverage to *Türkiye*’s smear campaign against Mutafyan (see for example on 7 and 9 May 1998).

On the 14 May 1998, the Patriarchate’s electoral commission published a statement to the Turkish public stating that the current press campaign was spreading hostility and hate against all Armenians in Turkey. At that sensitive time before the elections, this had to be seen as “threatening and unjustifiable acts”. On 18 May 1998, the Turkish newspaper *Radikal* wrote, the press campaign against Mutafyan gave the impression that the government did not wish to see the young and pugnacious Mutafyan become Patriarch.

<sup>71</sup> *Marmara*, 23. April 1998

### Assaults and attacks on churches.

1. On 11 April 1997 “unknown perpetrators” attacked Surb Astvatsatsin church (Holy Mother of God) in the Istanbul district of Eyüp-İslambey<sup>72</sup>.
2. On 22 April 1997, *Marmara* reported that, on the eve of the Muslim *Bayram* festival, unidentified individuals perpetrated an attack with explosive materials on the *Surb Yeria* church (church of the holy Elias) in *Eyüp-Nişanca*. The paper commented that: “the assaults on this church are almost innumerable. It is also incomprehensible that the security authorities have not prosecuted the previous assaults.”
3. On Sunday, 23 June 2002, the German press agency (DPA), based on information from the Turkish news agency *Anadolu*, reported: “A bomb has exploded in front of an Armenian church in Istanbul. The blast caused light damage according to *Anadolu*. There were no clues as to who the culprits or their motives might be. In Istanbul there were two further bomb attacks, damaging several businesses. Here too, the details are unclear. At the beginning of the month, a charge placed under a tree exploded not far from the Blue Mosque.”
4. Under the headline “New Attack on Armenian Church in Turkey”, the Armenian daily newspaper *Azg* (Yerevan) reported on 29 June 2002, on the basis of news from the Armenian newspaper *Marmara*: “(...) windows of an Armenian church in Istanbul’s Kandilli<sup>73</sup> borough were broken, the rope of the bell was torn off and the church’s door was marred. Tigran Gevorkian, head of Kandilli parish council said the police was informed about the incident and an inquiry was launched to track down the perpetrators. Recalling that a bomb exploded last week near the Armenian church of Saint Gregory in another Istanbul borough the daily writes that the impression is that “we are going back to former days.”

## 2. Armenian schools

All 19 Armenian day schools in Istanbul are private schools, financed exclusively by the Armenian Apostolic as well as Armenian Uniate communities (4

<sup>72</sup> *Marmara*, 12. April 1997

<sup>73</sup> This is the church of the Twelve Apostles (Surb Yergodasan Arakelots Kilisesi) in Kandilli.

schools). Four of the schools are secondary schools, four are intermediate schools (6th to 8th grade) and seven are elementary schools. The number of students who go to private Armenian schools rather than Turkish public school is declining; in 1999 there were 3.800 students<sup>74</sup>. The number of Armenian schools has also declined correspondingly. According to article 10 of the law on foundations, school buildings which are left empty or which are no longer used can be handed over to another foundation with the same purposes. However, a decision of the Council of Ministers is required on every such occasion, and this takes a long time. The entire procedure constitutes a violation of article 40, line 2 of the Lausanne Treaty<sup>75</sup>.

The Turkish state finances only Turkish teachers, who are most often forced on the Armenian schools, as well as the obligatory Turkish headmasters (deputy directors). Only five schools are high schools (9th to 11th grade).

## Problems

The report made by the Turkish 'Committee for Monitoring Minority Rights' (1996) stated: "Turkey, a party to the 1995 UN Convention for Children's Rights, had put reservation on three articles, namely Article 17 granting children the right to develop their own culture in their own language, Article 29 acknowledging the right of minorities to broadcast radio and TV programmes in their own language and Article 30 giving the right of education in one's own language<sup>76</sup>."

### **The freedom to choose a school is threatened.**

Each school year Armenian parents must reapply for state authorizations for their children to attend Armenian schools. These formal applications are time consuming. The authorities' request for proof of the pupils' Armenian Apostolic or Armenian Uniate affiliation is difficult to fulfill, especially for families living in areas without churches and therefore without the possibility of baptizing their children or register them with the church. Alternatively, the children and their parents might have identity documents indicating that they belong to another Christian denomination (Syrian

Orthodox, Chaldean). If a child is enrolled in a Turkish school in the meantime, he or she cannot change to an Armenian school later on. Furthermore, the "Çevre" regulation forces children to attend a school in their own district, a provision which again forces Armenian communities to keep loss-making and poorly attended schools open, while other schools are overcrowded, but cannot be extended.

A proof of Armenian religious affiliation must again be provided when a child enters secondary school, regardless of the fact that it has already been provided when he or she entered primary school.

Children from bi-national marriages are confronted with particular problems, as the Turkish Ministry of Education's inspectors consider only the paternal descent due to Muslim legal traditions. Thus a child with an Armenian father can only go to an Armenian school for as long as the father lives. If he dies, the child is no longer considered an Armenian and may no longer attend the Armenian school. Children with Armenian mothers and non-Armenian fathers are prevented from going to Armenian schools<sup>77</sup>.

### **The Turkish Director and Armenian Headmaster.**

The Deputy Headmaster of an Armenian school is always an ethnic Turk. He is responsible inter alia for countersigning all school correspondence. He can thus paralyze the work of a school at will. The Turkish school council must vet the Armenian Headmaster before he can enter into function. This ratification is often delayed and sometimes altogether denied.

The five surviving Greek schools in Istanbul have to contend with similar problems as the Armenians. Here however, the office of the Deputy Headmaster is always used much more openly to both control and gather information. On 10 June 1997, *Milliyet* reported that the Turkish Ministry of Education had invited the Turkish Headmasters of the Greek schools to a meeting. There they were blamed for allowing that "...the students enter into Greek schools as Turk and come out again as Greeks." It was their patriotic duty to keep an eye on and prevent the active Turkish teachers at these schools from working closely with their Greek colleagues. Too narrow a cooperation

<sup>74</sup> According to information of the Apostolic Armenian Patriarch Mesrob II. in an with Florence Avakian. See Avakian, op. cit.

<sup>75</sup> Oehring, op. cit., P. 31

<sup>76</sup> Committee for Monitoring Minority Rights, op. cit., P. 2

<sup>77</sup> Oehring, op. cit., P. 30

would be seen as treason. The headmasters were representatives of Turkey and have to report everything they see. *Marmara* commented on 10 June 1997 that “all of this looks very familiar to our school directors. They have not forgotten that the Minister of Education discussed the same issue with the Turkish directors of our schools two years ago, where he called for vigilance.”

**Acute lack of teachers.** There has long been an acute shortage of teachers as a result of the obligation, introduced in 1971, to attend a Turkish boarding school for teachers outside of Istanbul for four years. Many Armenians give up the teaching profession because trainee teachers are forced by this obligation to live among Turks and away from their community and parental protection. Naturally, Armenian language and culture are not part of the education of Turkish teacher trainees, although the Armenians must later teach in the Armenian language. Their linguistic level will therefore be as high, or as low, as it was when they came out of secondary school as they acquire no further linguistic knowledge during their studies.

In 1970, there was already a 30% shortage of Armenians teachers. Nevertheless, by contrast with Greek private schools, non-Turkish citizens are not allowed to work as Armenian teachers. In addition, unlike the Greeks, Armenian candidate teachers must obtain an official authorisation before they are appointed. This procedure can last up to a year.

**Reduction in native language instruction.** The number of hours per week of teaching in Armenian has been reduced steadily since 1972 and is now only 4, one of which is dedicated to teaching religion. The occasional announcement by the Ministry of Education that the remaining subjects will also have to be taught in Turkish is cause for considerable concern among the Armenian community in Istanbul. The newspaper *Marmara* commented on such a directive issued in January 2000: “The teaching of subject matters in Armenian is a right our schools enjoy. If all subjects are to be taught in Turkish then what is the point of spending so much to maintain and preserve our Armenian schools? The newspaper therefore reported that the Turkish authorities have said they would send Turkish teachers to schools, if the Armenian schools were unable to teach those subjects in Turkish. ‘At this juncture, when we are preparing to integrate with European standards, how can the education ministry

force such an initiative on our schools?’ concluded the newspaper<sup>78</sup>.”

**Attacks on schools.** Like Armenian churches, Armenian schools are the target of nationalistically or religiously motivated aggressions against the Armenian minority in Istanbul. On 9 July 1997 *Marmara* reported that anti-Armenian graffiti appeared on the walls of the Dadian School in Bakirköy (Istanbul), which featured the name of the former Armenian underground organisation ASALA. Unidentified individuals had carried out two attacks using explosives against the same school just a few days earlier.

### 3. Foundations.

*Turkish nationals belonging to non-Muslim 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.*

*(Treaty of Lausanne, Article 40)*

Under Turkish law, churches and their institutions do not count as legal entities, let alone as subjects under public law; they cannot be incorporated as associations or companies, but rather only as foundations. Due to legal restrictions, the income of these foundations can come only from the sale, rental or leasing of real estate. Foundations belonging to non-Muslim minorities therefore set aside the income from property rental to support their public facilities such as schools and hospitals, but also to the maintenance of their churches and retribution of clergymen<sup>79</sup>.

The Government oversees religious facilities and education through its Directorate of Religious Affairs (*Diyanet İşleri Müdürlüğü*). Religious officials, including imams, are civil servants. Religious minorities, established under the Lausanne Treaty in 1923, and their affiliated churches, monasteries, and religious

<sup>78</sup> Turkish Ministry Demands Teaching in Turkish. In. „Asbarez Online“, January 31, 2000.

<sup>79</sup> Hermann, Rainer: *Die Enteignungen in der Türkei dauern an; Kassationshof: Annahme aller Vermögenswerte der NichtMuslime seit 1936 ist gesetzwidrig*. „Frankfurter Allgemeine Zeitung“, 20.12.2001, P. 12

schools are regulated by a separate government agency, the Office of Foundations (*VakıFlar Genel Müdür-lüğü*). The “*VakıFlar*”, an institution dating back to the Ottoman Empire, must approve the operation of churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages<sup>80</sup>. There are 160 minority foundations, including Greek Orthodox (about 70 sites), Armenian Apostolic (about 50) and Jewish (20). Minority foundations may not acquire property for any purpose, although they can lose it. If a community does not use its property because of a decline in the size of its congregation over 10 years, the *VakıFlar* takes over direct administration and ownership<sup>81</sup>.

**Recent problems.** The Jewish, Armenian and Orthodox communities are in danger of losing a number of properties because of a law that states that “extinct” properties - buildings which have had a prolonged absence of clergy or laypersons or a lack of attendance- revert to the government<sup>82</sup>.

An extraordinary difficulty results from the fact that non-Muslim foundations can only run those properties which they had included in the list of investments they submitted in 1936. The Turkish law on foundations of 1926 and 1935 prohibits the acquisition of property after 1936 but is enforced selectively and only to non-Muslim foundations since 1974. Based on this selective interpretation, 39 of the Armenian Community of Istanbul’s properties have fallen into the hands of the Turkish state. There is only one case where disputed real estate was returned to the legal successor of the previous owner (the Armenians family Palakasyan).

The real estate confiscated exclusively from non-Muslim minorities is found in parts of the city with high property prices. The real estate belonging to Armenian foundations was and is still particularly targeted<sup>83</sup>.

Recent examples are indicated below in chronological order:

- On 18 May 1997 *Radikal* reported the expropriation of a 250 year-old residential house of the Kavafyan family in Istanbul. An older descendant of the family still inhabited the house with his wife; they are now homeless. The national Vakif Administration had prepared the expropriation for quite a long time. There the authority, asserting that it could not verify that the 89 year-old man had inherited the house from his parents who died in 1960, obliged him to pay the rent accumulated over a considerable time to the Vakıf administration.
- On 10 June 1997 *Marmara* reported that the mayor of Şişli (ANAP party) had sought to expropriate a large portion of land of 6400 m2 belonging to the Karagözyan orphanage. Prior to this, an offer of purchase had been made to the trustees of the Orphanage, but the absurd price offered (64 million lira, compared to an actual value of one trillion lira) reveals that this offer was a sham. Furthermore, both the acquisition of replacement property and access to the proceeds of the purchase were prohibited to the Armenian institutions. When the trustees rejected the sale, the mayor ordered their immediate expropriation. As a result of intensive efforts of the Armenian community as well as a shift in public opinion caused by the appeals of the Armenian community and of part of the left- wing Turkish media, the mayor of Şişli withdrew his decision to expropriate on 17 June 1998. *Marmara* reminded its readers in a commentary of 19 June 1998 that the danger was only momentarily avoided, because the expropriation of this property was not be the first attempt of its kind and would certainly not be the last. The confiscation of the garden of the Mekhitarist School (an Armenian Uniate order) in Istanbul/Pangaltı is regularly put back on the agenda.
- On 13 June 1997, *Hürriyet* reported that the mayor, who belongs to the Refah party in Beyoğlu (Istanbul) allowed the historic Protestant Armenian church of Çıksalın to be destroyed entirely. The church had been expropriated a year and a half before that in order to build a health centre on the Area.

<sup>80</sup> U.S. Department of State: *Annual Report on International Religious Freedom for 1999: Turkey*. Washington, DC, September 9, 1999. Internet-Fundselle:

[http://www.state.gov/www/global/.../irf\\_rpt/1999/irf\\_turkey99.htm](http://www.state.gov/www/global/.../irf_rpt/1999/irf_turkey99.htm), P. 1

<sup>81</sup> *Annual Report on International Religious Freedom 2001*, op. cit., P. 383

<sup>82</sup> *International Coalition for Religious Freedom: Religious Freedom World Report: Turkey*.

Updated June 8, 2001. Internet source:

[wsiwyg://102/http://www.religio...freedom.com/wrtpEurope/turkey.htm](http://www.wsiwyg://102/http://www.religio...freedom.com/wrtpEurope/turkey.htm), P. 2

<sup>83</sup> Hermann, Rainer; *Welle von Enteignungen in der Türkei: Nicht-Muslimische Stiftungen in Bedrängnis*. „Frankfurter Allgemeine Zeitung“, 16.03.1999

- The Turkish newspaper *Sabah* reported on 26 March 1998 that the mayor of Eyüp in Istanbul wished to expropriate the garden around Church ‘Surb Astvatsatsin’. He was reported to have been planning for some time to build a shopping centre there. The parish raised a complaint against the plans. *Marmara* commented that: “It is known that, for some time now many district mayors have been looking to take our property. Where might this lead to?”<sup>84</sup>
- In April 2000 *Marmara* reported that the City Council of Istanbul-Kartal wanted to seize a part of the premises of the church (St. Mark) in order to widen the street. The chairperson of the community council, Ms. Marie Özçelik, protested this and recalled that the city had already seized a part of the church’s property in 1972 without compensation to widen the streets: “we have submitted a complaint and nothing came of it. I leave the decision up to the conscience of the officials”, said Ms. Özçelik<sup>85</sup>.

The supreme judiciary authority on cases involving expropriations is the Court of Cassations in Ankara, which in a decision from December 2001 created a precedent for an extensive expropriation of the non-Muslims in Turkey. The court stated more explicitly than ever before that, since 1935 minorities in Turkey can neither acquire property nor accept donations or inheritance. If there is no remaining living legal successor of the original owner, as is the case of most donations and inheritance, the property goes to the Turkish state. The case concerned the transfer of real estate to the foundation of the Armenian hospital Surb Prkitsch (Holy Redeemer), whose services are popular with Turkish patients as well, due to the very good reputation the hospital enjoys among the Istanbul population<sup>86</sup>. The judges of the court of cassation found that the foundation had to transfer the real estate in question to the Turkish treasury. The only remaining appeal now available to the plaintiff is the European Court of Human Rights.

Patriarch Mesrob II repeatedly indicated that Turkey does not comply with its obligations under article 42 of the Treaty of Lausanne, for example in the obligation to provide equal rights. The article contained no

provision excluding the acquisition of new assets by new foundations. He said, after publication of the recent judgement, that it is very difficult to understand, as it is in contradiction with the Turkish constitution as well as against human rights. The Turkish Constitution guarantees equality regardless of belief, religion and race. The Patriarch is convinced that the present legal situation in Turkey can be improved. Those properties whose entry in the property register has been or will be deleted cannot be return to the foundations. And the Patriarch therefore asked rhetorically whether it is Turkey’s intention to make it impossible for foundations to receive enough income to maintain the value of their property. He also asked Ankara whether each Turkish citizen does not have the same right to property.

The latest decision of the Court of Cassations acknowledges the European “Progress Report” on Turkey published by the European Commission on 13 November (2001). In its chapter on “Assets, Citizens and Political Rights”, this report notes that the Christian churches are still confronted with difficulties, especially on the question of the ownership of property. Turkey had avoided addressing the question of minority rights in its National Programme, adopted in March the same year, in which it charts its course to EU membership. This omission presumably is probably due to an intervention by deputy Prime Minister and chairperson of nationalistic movement party (MHP), Devlet Bahçeli: he had argued that Turkey would confess to having made mistakes in the past, but not as far as the corresponding chapter is concerned<sup>87</sup>.

On 1 August 2002, the Grand National Assembly of Turkey announced a 14-point Reform programme that included the abolition of the ban on Christian foundations inheriting property in force since 1936. However, the new rules envisaged already appear in many ways criticisable, overly bureaucratic and therefore of no practical value:

- Foundations must prove to the Council of Ministers that there is a need and an economic basis for such ownership, and the Council of Minister’s Council must approve such ownership (compare with the problems of Armenian schools, III.2.)
- Foundations may not establish contacts with foreign relief organizations in any way without

<sup>84</sup> *Marmara*, 26. March 1998

<sup>85</sup> Quoted from Asbarez Online, April 19, 2000. Internet source

<http://www.asbarez.com/aol/2000/000419.htm>, P. 2

<sup>86</sup> Herrmann, *Die Enteignungen*, op. cit.,

<sup>87</sup> *Ibid.*

the approval of the Ministry of the Interior, the Foreign Ministry and the Council of Ministers.

- The regulations must be viewed as highly discriminatory in view of the fact that they apply only to non-Muslims (the ownership of real estate for Muslims is free from such restrictions), the regulations must be considered as strongly discriminatory. Since 1936 hundreds of buildings have been confiscated by the State and used for other purposes. There has been no mention whatsoever of returning the properties confiscated under the law of 1936 to their rightful owners.
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## IV. Violations of fundamental individual civil rights

### 1. Freedom of choice of profession

*Turkish nationals belonging to non-Muslim minorities will enjoy the same civil and political rights as Muslims.*

*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 honors, or the exercise of professions and industries.*

Treaty of Lausanne, Article 39, 1,2

In spite of the protective provisions of the Treaty of Lausanne as well as corresponding provisions in the Turkish Constitution, non-Muslim applicants are discriminated against on the job market. They are excluded from top and intermediate positions in the civil service and in the security forces. The US State Department's 1999 Human Rights Report puts it somewhat superficially: "some members of religious minorities claim that they have limited career prospects in government or military service as a result of their religious affiliation. There are no non-Muslim senior officers in the military, according to a senior military official, because non-Muslims do not apply to attend the military academy and officers must be graduates<sup>88</sup>."

The underlying reason for the de facto exclusion of members of non-Muslim minorities lies in the continued hold of Muslim legal tradition: „under Islamic religious law (Sharia), it is illegal to give executive governmental posts to non-Muslims. It is true that this law was occasionally disregarded even in Ottoman times. But the Islamic population is consciously aware of the impropriety of such violations, in particular since religious law entitles and even requires religious Muslims to act in the government's place if it fails to honor its „obligations“. Armenians, like other Christians, cannot take high-level posts in the courts,

the police, the military, or the diplomatic service: for instance, there are no Armenian judges or Armenian career officers<sup>89</sup>.“

In a paper published in 2001 Dr. Otmar Oehring, Head of the Human Rights Unit of the international Catholic Mission Missio in Germany, who has extensive knowledge of the human rights situation in Turkey, wrote: „[It] is still true... that the access of members of non-Muslim minorities to the civil service is obstructed and prevented to this day in numerous ways. Admission to military schools is categorically denied. This is not only a violation against the equality principle of Article 10(1) of the Turkish Constitution of 1982, but also a violation of Article 39(2) of the Treaty of Lausanne<sup>90</sup>.“

There are hardly any lawyers among the members of the Armenian minority of Istanbul, as experience has taught them that they will not be able to find clients in Turkish society due to anti-Christian or anti-Armenian prejudice.

### 2. The right to hold political office

With the exception of one member of the Jewish minority, there are no non-Muslim members of the Grand National Assembly of Turkey. There are no provisions for reserved seats for members of religious minorities, as exist for instance in the Islamic Republic of Iran.

### 3. Protection against discriminatory treatment during military service

Christians are often subject to discriminatory and degrading treatment from fellow soldiers and from superiors during their military service. "They are insulted as 'infidels' or as 'dirty Christian pigs who won't even let themselves be circumcised'. [T]hey are harassed and physically abused. At the same time, they are constantly threatened with forced circumcision. [...] Not all Christian recruits are able to withstand such mental and physical terror, so that many are 'voluntarily' circumcised<sup>91</sup>."

It is difficult however to obtain information about the

<sup>88</sup> US. Department of State: *1999 Country Reports on Human Rights Practices*. Released by the Bureau of Democracy, Human Rights, and Labor. February 25, 1999. P. 54. Internet source: [http://www.state.gov/www/global...ts/1999\\_hrp\\_report/turkey.html](http://www.state.gov/www/global...ts/1999_hrp_report/turkey.html)

<sup>89</sup> Deutsch-Armenische Gesellschaft e.V.: *Bericht zur Lage der Armenier in der Türkei*. Februar 1989, P. 6

<sup>90</sup> Oehring, op. cit., P. 32 f

<sup>91</sup> *Ibid.*



scope and the specific forms of violence against young Christians due to the particularly strong taboos concerning sexual violence in Middle-Eastern societies.

#### 4. Freedom of opinion, conscience, research and the press

The genocide of Armenians of Ottoman nationality during the years 1915 and 1916, for which the nationalist war-time regime *İttihat ve Terakki Cemiyeti* Party is responsible, represents to this day the biggest political taboo in the Turkish Republic. The historical factuality of this event is officially denied or played down as a forced relocation with collateral damages required by war or civil war. Consequently, it is impossible for relatives or spokespersons of the Armenian community in Turkey to publicly memorialize the victims or to publicize the genocide of 1915 in a manner other than that of the official position. On the contrary, they have to endure that Turkish museums of local history, such as in Van or in Erzurum, have sections about the alleged extermination of the Turkish and Muslim population by the Armenians. On the border to Armenia in the vicinity of Iğdır, a 45 meter high, martial monument was dedicated to the alleged Turkish victims of an Armenian genocide on October 5, 1999, along with a similar museum. The monument consists of five crossed swords and, according to a spokesperson of the governor of Iğdır, it is also visible from the Armenian capital city Yerevan: „Whenever the Armenians look towards their holy Mount Ararat, they will see our monument“<sup>92</sup> The official opening took place in the presence of the entire military elite of Turkey, including the chief of staff Hüseyin Kivrikoğlu as well as president Süleyman Demirel. In his address, Minister of State Ramazan Mirzaoğlu claimed that between 1915 and 1929 Armenians killed almost 80,000 people in Iğdır<sup>93</sup>.

In the past, the mere possession, even by foreigners temporarily present in Turkey, of books about the genocide of Armenian citizens of the Ottoman Empire

<sup>92</sup> Cited in Wolfgang Koydl, *Die Täter setzen sich ein Denkmal: Türken errichten Mahnstätte für Opfer armenischer Übergriffe* (The perpetrators memorialize themselves: Turks erect a memorial for the victims of Armenian attacks. *Süddeutsche Zeitung*, December 1, 1999, p. 10.

<sup>93</sup> From 1878 to 1917, Iğdır belonged to the Russian Empire, and between 1918 and 1920, to the first Armenian Republic. A report on the mass deaths among the then mainly Armenian population due to hunger and epidemics can be found in Melville Carten, *The Land of the Stalking Death: a Journey Through Starving Armenia on an American Relief Train*, *National Geographic Magazine*, November 1919. Published in excerpts on the Internet at <http://www.virtualani.freehost.co.uk/history/accounts/igdir.htm>.

could result in criminal prosecution<sup>94</sup>. Many members of the Armenian minority of Istanbul have therefore „cleaned“ their personal libraries of such „incriminating“ literature during times of crisis. To this day, merely mentioning the genocide in public can lead to criminal prosecution. Here are four current examples of this.

#### a) Freedom of Speech, Opinion and Conscience

During times of crisis, religious leaders of non-Muslim minorities in Turkey, in particular of the Greek and Armenian communities, are expected to declare publicly their loyalty to the Turkish government, and to condemn the governments or legislatures of Greece and Armenia or even the Armenian Diaspora or the legislature of those states or institutions who recall the past and present persecution of non-Muslims in Turkey. In October 2000, the debate over Resolution 596 on the Genocide of the Armenians in the US House of Representatives led to a renewed interest of Turkish media in such declarations of loyalty by Christian religious leaders in Turkey. When Yusuf Akbulut, the Syrian-Orthodox priest of Diyarbekir<sup>95</sup>, not only affirmed journalists' queries that a Turkish genocide victimizing Armenians „of our religion“ had taken place in 1915, but that Syrian-Orthodox Christians were also affected, the prosecutor of the State Security Court in Diyarbeki initiated proceedings against him on October 18, 2000. In the accusation, he referred among other things to an October 4, 2000 article of *Hürriyet* correspondent Ayhan Acetden that was published under the damning headline „The Traitor Among Us“. Through this, and through earlier publications (in the Diyarbeki tabloid *Star*, in the local paper *Olay*, and in a programme broadcast by the *Kanal D*, a cable TV channel, all on October 3, 2000.) the priest had, in the opinion of the prosecutor, committed the crime of „public incitement among the

<sup>94</sup> Cf. the case of the Armenian priest Manwel Jerkatjan is described above under II. – Ralph-Raymond Braun, then tour guide and Ph.D. student at the University of Konstanz, Germany (now an author of travel handbooks), was arrested in the city of Van on June 10, 1982, when two German-speaking Turks overheard him telling the German study travel group that he was guiding on the Vansee island Achtamar about the persecution of Armenians in the years 1895-1896 during the reign of Sultan Abdülhamit II. The two Turkish listeners reported the tour guide who was thereupon sentenced to 16 months jail and a subsequent five months 'probational stay' in Ankara "for slander and abuse of Turkishness", even though Braun's comments about the persecution of Armenians in the late 19th century did not mention the actual genocide of 1915/1916. The offense was compounded by the fact that two "incriminating books" were found in his baggage: a book on the situation of Kurds in Turkey, authored by Jürgen Roth and others, and the trial records of "The trial of Talaat Pascha", originally published in 1921. (Berlin 1921; republished 1980 and 1985, Göttingen/Wien). R.-R. Braun spent six months in the Diyarbeki prison and was not released until early January 1983 after the intervention of then Foreign Minister of Germany Genscher.

<sup>95</sup> Pastor of the Meryem- (St. Mary's) Church, with a community now comprising just 35 people (10 families).



population to hatred and enmity on the basis of differences of class, race, religion, religious affiliation or region“ (§ 312/ 2-3,31 Turkish Penal Code – TPC). After a total of three court hearings the proceedings against Pastor Akbulut were closed on April 5, 2001 for the following reasons: a) the strong international interest generated by the case, as well of the presence of international, including also parliamentary, observers; b) the defense’s arguments that the accused had not understood his statements as an interview (public statement), but as a private opinion; and c) the court’s view that there were no addressees for any appeals to interethnic hate since there no longer were any Armenians or Syrian-Orthodox people living in the region. Therefore, this was not, as many have claimed, an „acquittal“, but a sophistic reasoning that allowed the closure of a procedure that had come to strain foreign relations. In the summer of 2001, the religious leader was denied permission to travel to Germany where he was supposed to receive the *Shalom-Preis*, (Peace Prize) which is annually awarded by the Association for Justice and Freedom of the Catholic University of Eichstätt.

## b) The case of Akin Birdal

At an October 2000 conference in Bremerhaven (Germany), Akin Birdal, the former chairman of the Human Rights Organisation of Turkey, supposedly stated publicly: „everybody knows what has been done to the Armenians, and Turkey must apologize for it.“ Legal proceedings were instituted against him pursuant to § 159(1) TPC for „public slander of Turkishness. The proceedings were opened on 1 March 2001 and the prosecutor, who is relying on an article in the Turkish paper *Gözcü*, is seeking a prison sentence of six years for the internationally acclaimed Turkish human rights activist. The court has so far been convened eight times. In September 2000, Birdal had been released from a ten-month sentence pursuant to § 312 TPC („Incitement of interethnic hate“). The sentence resulted from Birdal’s public support for the rights of the Kurds.

## c) Freedom of the press

In 1990, the Istanbul publisher and human rights activist Ragıp Zarakolu was, together with Birdal, one of 90 founding members of the Turkish Human Rights Society (IHD). Zarakolu, and even more so his wife Ayşe Nur Zarakolu, have had to suffer through

numerous criminal proceedings resulting from the publication of critical articles concerning Turkey’s minority politics as well as her historical taboos. One of the most important written contributions about the genocide of the Armenians, the book „the Armenian Taboo“ by French genocide researcher Yves Ternon, was immediately impounded and banned after its publication in 1993. Ayşe Zarakolu was subjected to systematic financial as well as physical sanctions by the state. The publication of the Turkish edition of Professor Vahakn N. Dadrian’s study „Genocide as a Problem of National and International Law: The World War I Armenian Case and Its Contemporary Legal Ramifications“ (1989) caused its Armenian-American author and its Turkish publisher to be charged in February 1995 with „racist and separatist incitement of the Armenians against the Turkish society“. However, during the trial the judge conceded that the prosecutor’s assertions were not true, and that, even if the Armenians were incited, they would not present a danger to Turkish society, since they had become a dwindling minority in Society. The judge in the proceedings against Yusuf Akbulut in April 2001 appears to have also followed a similar argument.

Turkish publisher Ayşe Nur Zarakolu, who died of cancer in early 2002, had to serve four prison sentences for her courage as a publisher and was tortured on one occasion. In an interview held on 3 July 1997, Ms. Zarakolu said:

*“There are some subjects in Turkey which cannot be discussed, like the Armenian genocide. But if you want to stop genocide, you must discuss its history as the Germans now do.*

*I am not prepared to leave Turkey and live in another country. They must leave, not us. We love our country and we want to make it more democratic. It is more difficult to do it from outside. We believe our work is important for everybody who wants to change the system. We want to make Turkey a real democracy, a country of different religions and races who can live together<sup>96</sup>.”*

**Current Problems.** In the years 2000-2001, which were characterised by strong anti-Armenian resentment, the Turkish human rights activist,

<sup>96</sup> Penny Young, Turkey (Interview with Ayşe Zarakolu). *Index On Censorship (Index On-Line)*, on the Internet at [http://www.oneworld.org/index\\_oc/news/turkeya030797.html](http://www.oneworld.org/index_oc/news/turkeya030797.html).

journalist and author Yelda found herself forced to leave her hometown of Istanbul. She requested political asylum in Germany because of the impossibility to write truthfully in Turkey about the discrimination of ethnic and religious minorities and about taboo issues such as the genocide of Armenians. Her request for asylum was immediately granted as entirely justified by the relevant German authorities. This example shows that publishers or journalists who specialise professionally in minority issues and human rights violations cannot pursue their profession in Turkey – not even if, like Yelda, they try to use a pseudonym.

#### **d) Freedom of research**

In May 1997, the German Academic Dr. Hilmar Kaiser, who specializes in the history of the persecution of the Armenians in the Ottoman Empire, was forbidden the use of the Ottoman state archive of Turkey „for life“ by Necati Aktaş, the Assistant General Director of the archive of the Turkish Prime Minister<sup>97</sup>.

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<sup>97</sup> Mannik Khatchatrian. Genocide scholar „banished for life“ from Ottoman Archives. 18 May, 1997. *Asbarez*, on the Internet at <http://www.cilicia.com/armo10e4.html>.

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## V. Anti-Armenian Reporting in the Turkish Media

The improper, untruthful, and often defamatory reporting of the Turkish media on Armenians and Armenia over decades and up to the present day is one of the main causes of the fear of further persecution among the Armenian minority. A direct connection between the reporting and attacks on Armenian properties has been sufficiently demonstrated. In the context of anti-Armenian riots in 1993, the Turkish daily newspaper *Cumhuriyet* quoted a cemetery guard on 13 April 1993, who responded in full sympathy for this wave of riots against Armenian and Catholic cemeteries: “Every day one sees and reads something anti-Armenian on television and in the newspapers. The boys are influenced by it. That is not their fault!”<sup>98</sup>

The hostile reporting of minorities in the media reinforces an already existing hostile frame of mind about Armenians in Turkish society. The Committee for Monitoring Minority Rights says to this: “the Media play an important part in the systematic harassment of minorities, humiliating their ethnic and religious identity. To give an example, at a time of acute competition, the boss of one of the powerful newspapers can accuse his rival of being ‘the son of a Greek’. The word Armenian is frequently used as an insult. During periods of escalating tension between Turkey and Greece or Armenia, Greeks and Armenians living in Turkey become a target of harassment”<sup>99</sup>.

„Turkish nationalism (...) has by no means ceased to harass the Armenian community up to the present day. Attacks on Turkish diplomats in the 1970s by ASALA, an Armenian organization based outside Turkey, and the Azerbaijani-Armenian armed conflict in the early 1990s revived anti-Armenian campaign chiefly by the press and the racist movements. Hostility against Armenians from time to time assumes such dimensions that Turkish subjects Armenians can be held responsible for the acts of the PKK (Kurdistan Worker Party) from 1980 on. In fact it has become customary to hear that the word ‘Armenian’ used as an insult by these circles”<sup>100</sup>.

<sup>98</sup> Quoted from *Armenisch-Deutsche Korrespondenz*, p. 15

<sup>99</sup> Committee for Monitoring Minority Rights: *Minorities in Turkey*, p. 2

<sup>100</sup> *Ibid.*, p. 4

The expert for South-Eastern Europe, Florian Bieber, writes two years later in a study: “In the nineties, the conflict between Armenia and Azerbaijan puts Armenians again in an awkward position. (...) Attacks against Armenian churches and misrepresentation of Armenians remain commonplace in Turkey. Frequently attempts were undertaken by the government to connect the PKK with Armenians. This aims at inflating the role of Armenians in order to construct a conspiracy theory against the Turkish state. Since Armenians are the largest non-Muslim group in Turkey, they are prime targets of religious and nationalist propaganda. Here again the rhetoric of the secular Nationalist and Islamist coincides.”<sup>101</sup>

### ARMENIAN AND KURDISH SEPERATISTS THREATEN TURKEY A campaign of slander

Apparently, the coupling of anti-Armenian and anti-Kurdish resentments in the 1990s was the obvious result of an initiative by leading Turkish politicians and high-ranking military men. *Hürriyet* published a secret letter of Turgut Özal, the Turkish President at that time to the Prime Minister Süleyman Demirel on 12 November 1993, in which Özal proposed among other things, to regain the sympathies of the population in the Kurdish territories by propagandistic means, if necessary by specific disinformation. Apparently, the string of “disclosures” of Turkish Army leaders and high-ranking civil servants on an alleged Kurdish-Armenian alliance against Turkey since the summer of 1993 until the kidnapping of Öcalan served to reach this goal. Partially, this campaign was also directed to the Armenian Republic that was repeatedly accused in the Turkish media of hosting training camps for the PKK. As Turkey took pretext of the alleged existence of such training camps in Northern Iraq to launch cross-border military punitive expeditions, similar action against its Armenian neighbor could not be excluded.

The commander of the tank division in Bitlis, General Tagma, claimed in July 1993 that every seventh PKK-member was Armenian and uncircumcised: “The PKK-members are the grandsons of those [Armenians] who struck the Ottoman Empire in the back during the First

<sup>101</sup> Bieber, Florian, p. 8

World War!”<sup>102</sup> In the influential *Milliyet*, Ünal Erkan, the Governor of the State of Emergency in Southeast-Turkey at the time declared: “In our computer we have registered 800 PKK members of Armenian descent. One part originates from Syria and Iran, another part from Armenia!”<sup>103</sup> Erkan in Diyarbakir complained of the danger of a Kurdish-Armenian alliance on January 26, 1994. On this occasion, he spoke of one hundred Armenians in the rows of the PKK as well as “600 foreign militants”. Erkan gave the “Armenian question” [the common Turkish description of the genocide of 1915] and “revenge for 1915” as Armenian reasons for the alleged collaboration. To explain the Kurdish reasoning, he gave the alleged opinion of a PKK-Commander: „If we [Kurds] were led by one of our own, our leadership would be weak. However, if we take one of them [Armenians], he will pursue our cause with a firm hand.”<sup>104</sup>

Since the summer of 1993, the claim emerged repeatedly in the Turkish media that PKK leader Abdullah Öcalan (Apo) was himself an Armenian and, according to national television TRT (first program) from 6 March 1994 his true Armenian name was Artin Hakobian. The television reporter of TRT explained to the Kurdish citizens in Turkey that the Armenians had seized control of the PKK<sup>105</sup>. Shortly thereafter, the *Turkish Daily News* located the PKK-leader in Lachin, in a territory controlled by Karabakh-Armenian forces. The Turkish national television TRT repeated this “announcement”<sup>106</sup>.

Turkish journalists traveled to the Republic of Armenia in the autumn of 1993 in order to see for themselves that PKK training camps existed. A co-worker of the magazine *Aktüel* found only 21 villages of the Yezidi Kurdish speaking minority in Armenia, whose inhabitants appeared to be disturbed by the fate of the Kurds in Turkey and who did not deny their partially existing sympathies with the PKK. In spite of a noisy headline announcing “the collaboration of the PKK with the Armenians”, even *Hürriyet* had to admit on 11 November 1993 that it did not discover any Kurdish training camps in Armenia. Nevertheless, other media subsequently repeated the claim: the newspaper “Günaydın” claimed on 6 December 1993 that both the Armenians and the Greek Orthodox church financed

the PKK through the World Council of Churches, and that the money went to buying weapons. Asked about this by the reporter of *Günaydın*, the substitute of the Patriarch of the Armenians in Turkey, Archbishop Mutafyan denied the claims and observed that until that point not a single Armenian PKK fighter was caught, or else he would have been shown 10 hours daily on television; the newspaper proceeded to insult Mutafyan on 9 December 1993, calling him a „Yalancı Papaz (lying priest).

*Türkiye* claimed again in September 1994, with reference to Turkish Prime Minister Ciller, the General Staff and the Foreign Ministry, that the PKK maintained six camps in Armenia where it was allowed to publish three newspapers. The paper claimed that the population of three Armenian towns as well as 13 Armenian villages was being instructed to become PKK-fighters. The Azerbaijani military defeat in and around Mountainous Karabakh, perceived by many Turks as a national shame, was explained by the intervention of the PKK on the side of the Armenians<sup>107</sup>. The right-wing nationalist paper “*Tercüman*”, quoting Azerbaijani news agency *Turan*, already claimed on 15 February 1994 the existence of an alliance of the PKK with the Armenians in the eastern Transcaucasus: according to this source, Öcalan had found refuge in Armenia and received \$12 million dollars from the Armenian government. Apparently, 600 PKK-fighters were fighting with the Armenians against the Azerbaijanis<sup>108</sup>.

The disinformation campaign in the Turkish media reached a new high on 25 May 1994 when the two newspapers *Tercüman* and *Sabah* tried to prove the “dirty collaboration” between the Armenians and the PKK with a photo showing PKK-leader Öcalan with an alleged Armenian clergyman. “Turkish security forces” were said to have taken the photo on 3 March 1994 during a secret meeting between Öcalan and the clergyman. *Özgür Ülke* (Free Country), the successor newspaper to the pro-Kurdish organ *Özgür Gündem* made the correction on May 31, 1994 that the photo shows M. Yohanna, the Syrian-Orthodox bishop of Aleppo, and furthermore that the photo was not taken at a recent secret meeting but at a meeting on 10 March 1993 which the Kurdish news agency *KURD-HA* also reported on, as did the magazine *Özgür Halk* (Free People) on 15 July 1993. The photo in question

<sup>102</sup> Quoted from *Marmara*, July 17, 1993

<sup>103</sup> Quoted from *Marmara*, August 2, 1993

<sup>104</sup> Quoted from *Marmara*, January 27, 1994

<sup>105</sup> See also *Marmara*, March 7, 1994

<sup>106</sup> See also *Marmara*, March 19, 1994

<sup>107</sup> Quoted from *Marmara*, September 12, 1994

<sup>108</sup> Quoted from *Marmara*, February 16, 1994

had been seized by “Turkish Security Forces” during a search in the rooms of the agency *Özgür Gündem* on 10 December 1993, and obviously subsequently passed on<sup>109</sup>.

But in spite of such corrections and multiple protests of the Apostolic Armenian Patriarchate, the photo was often published as evidence by the Turkish media, with its last publication so far in the newspapers *Ortadoğu* and *Yeni Asya* in October 1994. The Turkish authorities enlarged it to the size of a poster and added the provocative subtitle “Apo is a servant of the Armenians” and then hung it up at public places and in public buildings in Eastern Turkey. *Sabah* and *Cumhuriyet* reported on October 23, 1994 in Van that citizens were forced by policemen to glue the photo on the windshields of their cars<sup>110</sup>.

It is not only the media, but also schoolbooks and „statements of politically responsible persons“ that contribute to anti-Armenian prejudice and acts, writes Turkey expert Otmar Oehring<sup>111</sup>. „The example of a poll conducted in 1999 among (Turkish) youths concerning their attitude to Armenians shows the results of the educational bias in schools, of statements by politicians on the subject and the reporting stance of certain news media. This specific poll showed that 44.2% of youths thought that there were no good Armenians; that 28.9% believed that the majority of Armenians were bad, but that there were some good ones; that 24% believed that the majority of Armenians were good, but that there were some bad ones; and, finally, that 2.7 % believed that there were no bad Armenians. In another poll concerning the most unpopular people, also conducted in 1999, the Armenians took first place with 76% of answers naming them.“<sup>112</sup>

#### ARMENIANS AS MURDERERS OF TURKS AND MUSLIMS

Since the 1970s, the Turkish media has dwelt on the crimes that Armenians are said to have committed against Turks and Muslims during and directly after the First World War. In the East of Turkey, mass graves have been “discovered” again and again in the main area of settlement of the Armenians until 1915, the skeletons or parts of skeletons of which were said to

be victims of the Armenians. As one can read on a Turkish propaganda website on the Internet scientists unambiguously ascertained the identity of these bones as Turkish, even decades after the event. *Milliyet* reported on 2 May 1993 on the discovery of a mass grave with one thousand corpses in the village Tazegül in Erzurum. The director of the Institute of History of the University in Erzurum claimed on this occasion that Armenians had killed three million men between 1916 and 1918 in the area of Erzurum, Erzincan, Muş, Artvin, Bitlis, Ağrı, Kars among others<sup>113</sup>. *Hürriyet* reported on the discovery of a further mass grave by security forces at the foot of the Ararat (Turkish Ağrı Dağ) on 11 March 1994<sup>114</sup>. Simultaneous to the disclosure of the “dirty alliance” between the PKK and the Armenian clergy, the second channel of the Turkish public television showed two historical series in 1993-94: “Experienced History” and “The Blood on the Wall”, the latter being a pseudo-documentary work that was produced in the middle of the 1980s. “Experienced History” began with a talk-show in April 1994, in which pro-Turkish scientists were allowed to publicly express their view on history and once again repeated their accusation that the Turkish population of Anatolia had been the victim of the Armenians during the World War I and not the other way round<sup>115</sup>. In a further part of the series, it was maintained that the Armenians had always been a foreign body in the country<sup>116</sup>. The talk show, broadcast a few days before the Armenian Annual Memorial Day of the genocide (24 April 1915), as well as the defamatory shows on television frightened the Armenian society in Istanbul. *Marmara* reported with unusual openness on the feelings of the Armenian readers: “our readers ask us, how much longer the national television intends to continue its targeted anti-Armenian agitation and who, in the places of authority, will protest?” After the broadcasting of the second part of “Experienced History” on 6 April 1994, “unidentified individuals” set fire to the Surb Harutyun Church in Kumkapı, Istanbul, at 11 in the night.

**Current Problems.** Since the 1990s, in their home country or abroad, a few Turkish human rights activists and scientists have dared to acknowledge as a historical fact or condemn the genocide of Armenians. They thereby not only risked criminal prosecution, as in the case of Akin Birdal (see IV.4.b), but were also

<sup>109</sup> See also Armenisch-deutsche Korrespondenz, December 1993, Nr. 82, p. 14

<sup>110</sup> Quoted from *Marmara*, October 24, 1994

<sup>111</sup> Oehring, *ibid.*, p. 32.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Marmara*, May 3, 1993

<sup>114</sup> *Marmara*, March 11, 1994

<sup>115</sup> *Marmara*, April 4 and 6, 1994

<sup>116</sup> *Marmara*, April 20, 1994

deeply insulted, both professionally and personally by the Turkish media. One of the most common insults and insinuations consists in being called a traitor, an instrument of foreign intelligence services, as well as an „ethnic Armenian“ or „degenerate“. Being denounced in the Turkish media as a „traitor to the nation“ can lead to prosecution in the security courts, as is illustrated by the case of Yusuf Akbulut.

On April 20, 2001, under the headline “Degenerate Turk“, Süleyman Selcuk reported in the European edition of *Hürriyet* on the ethnically Turkish chairman *Society of Opponents of Genocide* based in Frankfurt on the Main, who had handed a petition to the Grand National Assembly of Turkey for the recognition of the genocide of the Armenians signed by more than 10 000 Turkish citizens. In November 1999. In April 2001, Mr. Ertem participated in a press conference on this subject held in the buildings of the German Parliament: „while Turkey was being accused yesterday in the German Parliament of having committed genocide of the Armenians, the ethnically Turkish chairman of the *Society of Opponents of Genocide*, Ali Ertem, vomited his hate of Turkey.“

When lecturer and sociologist of Turkish origin Dr. Elcin Kürşat-Ahlers reported on the genocide of Armenians at a conference of the Protestant Academy of Mühlheim (Ruhr, Germany) on 23 March 2001, Ertuğ Karakullukçu, then editor-in-chief of the foreign edition of *Hürriyet*, claimed in an article that she had attacked „the founder of the Turkish Republic, Mustafa Kemal Atatürk, vomiting saliva, slime and hate. “Furthermore, *Hürriyet* wrongly claimed that the academic sympathized with the PKK and had demanded that Turkey pay damages to Armenians<sup>117</sup>. The paper painted a „gang of people of Turkish origin“ who had „wandered off the true path“ at this „hate-conference“, organized in part by Ms. Kürşat-Ahlers. „With regards to these ‚opportunists‘ in Mühlheim, he [Karakullukçu] made a drastic appeal to ‚Ankara‘: „The head of the snake should be crushed while it is still small.“ *Hürriyet* wrote a total of 14 articles agitating against the academic, who by no means remained the only victim.

<sup>117</sup> Maron, Thomas. *Der Kopf der Schlange soll zerquetscht werden*: Academic Elcin Kürşat-Ahlers is fighting against *Hürriyet*'s portrayal of her as a national traitor. *Frankfurter Rundschau*, Nr. 179, 4 August, 2001

On April 12, 2000 *Türkiye* reported on another event in Germany and on one of the participants, the Turkish author and human rights activist Doğan Akhanlı: “One of the Armenians, Doğan Akhanlı, who addressed the meeting and claimed that over a million Armenians were murdered, vomited his revenge upon the Ottomans and Turkey.“ Mr. Akhanlı, who among others has published a novel about the genocide of the Armenians (*Kiyamet Günü Yargıcları – The Judges of the Final Judgement*, Istanbul 1999), has variously been decried as “Armenian“ or “ethnically Armenian“, for it is evidently unbearable for his opponents that an ethnic Turk should “admit“ the genocide of Armenians.

In the year 2001, there were a total of six proceedings pending against *Hürriyet* in Germany by Turkish and German academics who had been defamed in articles of its European edition in connection with the genocide of Armenians. Professor Udo Steinbach, head of the Middle-East Institute (Orient-Institute) in Hamburg, was accused of being involved in secret service activities directed against the Turkish state. A similar accusation was levelled at the Turkish social scientist Dr. Taner Akçam, who was the first Turkish academic to

acknowledge the genocide of Armenians: the Turkish media portrayed him as an instrument or a pupil of the German federal intelligence service.

In May 2001, Cem Özdemir, then German Member of Parliament of Turkish origin,

obtained an injunction against *Hürriyet*, because the paper, in a defamatory campaign lasting several weeks, had insinuated that Özdemir had kissed the hand of an Armenian priest at a ceremony in Cologne.

*Hürriyet*, the most widely circulated daily newspaper in Turkey, is published daily under the nationalist motto „Turkey for the Turks!“

The Armenian newspaper *Agos*, which is published in Turkish, reported in July 2002 that a Turkish police dog trained to sniff drugs in Ankara was given the Armenian male first name “Artin“. When the newspaper enquired with the Istanbul police authorities, where “Artin“ is currently stationed, they were told that it is customary in Turkey to give dogs foreign names<sup>118</sup>.

<sup>118</sup> *Agos*, 19. July 2002, Nr. 329, P. 1

## VI. Neglect and destruction of Armenian cultural heritage

Turkish authorities hinder the preservation of churches and chapels used for religious services by the Armenian Church in many ways. Any restoration, renovation, or even alteration and extension of any kind, of churches beyond a certain cost threshold are subject to the authorization of the Vakıflar Genel Müdürlüğü (General directorate for religious Foundations) and, more recently, to that of the Foreign Ministry. This procedure was never authorized by the Lausanne Treaty and is in fact in direct contradiction with it (Art. 40, para. 2 VL)<sup>119</sup>.

In the past, many such authorizations were rejected under the pretext of protecting historical monuments. Urgent repairs have thus been delayed or prevented year after year. The construction of new churches was out of the question, even as the number of mosques increased constantly in Turkey, and is currently at about 70 000.

While the authorities hinder the maintenance of churches currently in use, the rich and extremely valuable historical art of the Armenian architectural heritage is also systematically and intentionally neglected. This neglect and destruction of an architectural heritage which is both sacred in character and of worldwide significance has been frequently documented in the past, both by Armenian and non-Armenian scholars<sup>120</sup>. Sacred historical monuments require especially intensive maintenance and restoration in an earthquake-prone region with strong temperature variations both in winter and in summer. Yet since the foundation of the Republic of Turkey, Armenian churches and monasteries have been destroyed, diverted from their original purpose and used as stables, for storage, and even as jails and lavatories. In some cases, they have been protected as examples of "Seljuk architecture" while in others they have been transformed into mosques. A particularly sinister instance of such a conversion is that which affected the cathedral of Urfa, in which 300

Armenians were burned alive in 1895, an event then characterized as a holocaust by American missionary Corinna Shattuck. The cathedral has been used as a fire station by the local fire brigade since the extermination of the Armenians of Urfa in October 1915. It was transformed into a mosque in 1993<sup>121</sup>.

The list of destructions, both active and passive, is long. We list only a few examples below<sup>122</sup>:

The church of Surb Sarkis (Holy Sergios) of Tekor (now Dikor), erected in the 5th century and believed to be the earliest domed basilica in Armenia, stood intact until the year 1912, when an earthquake caused the collapse of the dome, most of the roof, and much of the southern facade (in some books other years are given than 1912). Another earthquake in 1936 caused an unknown amount of additional damage. The present condition of the remains - with only fragments of the concrete core remaining, entirely stripped of facing stone - is mostly the work of man rather than earthquakes<sup>123</sup>.

- The church of Zipni in the village of the same name (today Varli), probably erected in the 7th century, was turned into a mosque<sup>124</sup>.
- The Monastery of the Holy Apostle Bartholomew was blasted. It had been erected on the site of the martyrdom of the apostle in the province of Aghbak, region of Vaspurakan, and was considered one of the most important pilgrimage sites of the Armenian people and Christian world.
- The Monastery of Holy Karapet (St John) was plundered and partly devastated in 1915. It was turned into a heap of stones during the artillery trainings of the Turkish army in the 1960's. The stones were later used for the foundation of a village of the same site.
- The Turkish army destroyed the Monastery of Varak (Varakavank in Armenian, Yedi Kilise in Turkish, near Van) on April 30th 1915, during the siege of Van. A Kurdish village, called Bakraçlı, later grew up around the ruins of the surviving

<sup>121</sup> Dalrymple, op. cit., P. 78.

<sup>122</sup> Unless otherwise referenced, all the information that follows is from: *The Genocide of the Armenians by the Turks*. Erevan, 2002. P. 27 f.

<sup>123</sup> the Web site „virtual Ani“ provides an exhaustive description with historic and contemporary illustrated documentation.

<http://www.virtualani.freemove.co.uk/tekor/tekor.htm>

<sup>124</sup> For more details see: <http://www.virtualani.freemove.co.uk/magazberd/magazberd.htm>

<sup>119</sup> Oehring, op. cit., P. 28

<sup>120</sup> Mainly through the Armenian organisations „Terre et culture“ and „Research on Armenian Architecture“, which operate without government permission and thus can only work under „conspiratorial“ conditions.



churches. Parts of the buildings were used as a warehouse and stable. Varakavank is now left to „decay naturally“<sup>125</sup>.

- Only the church of Surb Sargis (Holy Sergios) stands among the five churches of the monastery of Khtsgonk (9-11th centuries; Beşkilise in Turkish), which remained in use until 1920, when the Turks expelled the remaining Armenian population of the Kars region. After this, the area became a restricted military zone that was closed to visitors (as late as 1984 a special permit was needed to travel to Digor). When historians next visited the monastery in 1959, only Surb Sargis remained standing, though seriously damaged. It was reported that villagers at that time said that Turkish soldiers had blown up the churches. The modern inhabitants of nearby Digor still say the same thing. There is little doubt that the destruction was caused by explosives. Lumps of masonry from the destroyed churches have been flung far from their original positions. The slopes between the spurs are filled with shattered fragments of stonework, chunks of inscription-covered wall, fragments of columns, and bits of ornate sculpture. The damage to the St. Sargis church is even more telling - the side walls of the apses and chapels have been blown outward, evidently by explosives placed within the building. The location of a dated piece of modern graffiti (positioned so that it was lit by a window that is now destroyed) suggests that the destruction took place sometime after 1955<sup>126</sup>.
- The Church of the Holy Apostles (Arakelots) in Kars was converted into a mosque in 1998.
- The numerous stone fragments engraved with valuable Armenian stone engravings and inscriptions were used for repair work on a mosque in Bitlis in 1973.
- William Dalrymple reports examples of systematic destruction of Armenian cultural heritage (churches and stone crosses known

as *khatchkars*). He writes *inter alia* that „during the construction of the dam of Keban in 1965 the artificial lake had become a threat for a series of historical monuments and the task of rescuing the buildings emerged. Five monuments were especially important: a pair of fine Ottoman mosques, a small Syrian Orthodox church, and two Armenian churches, one of which contained exceptional tenth-century frescoes. The rescue operation is recorded in the *Middle East Technical University (Ankara) Keban Project Proceedings*. The report describes how the two mosques were moved stone by stone to a new site. The Syrian Orthodox church was surveyed and excavated. The two Armenian churches were entirely ignored. Although the most ancient and perhaps the most interesting of the threatened monuments, they did not even receive a mention in the report. They now lie for ever submerged beneath the water of the lake.“<sup>127</sup>

The same situation occurred during the construction of Birecik dam. Among other buildings to disappear was the medieval monastery fortress Hromkla (in Turkish “Rum Kale”) near the upper reaches of the Euphrates. From 1147 to 1292, this building was the seat of Armenian Katholikoi and of a Skriptorium which produced some of the greatest among Armenian illuminations.

While there is evidence of numerous instances of intentional destruction until the 1970's, a new problem appeared in the 1990's, that of “destructive restoration”, i.e. pretences of archaeological excavation and amateurish restoration. In this connection, the excavations carried out in Ani, the medieval capital of the Armenian kingdom of Shirak are especially deserving of criticism. „Starting in 1991, archaeological excavations began on various structures at Ani. These excavations are under the direction of Professor Beyhan Karamağaralı of Hacettepe University, Ankara. Critics have said that she has no understanding of Armenian art, and that most of her work at Ani has little to do with proper archaeology and consists mainly of clearing the debris and fallen masonry that has accumulated over a building to expose any surviving foundations. Material that modern archaeologists would seek to carefully

<sup>125</sup> *Neglecting Armenian Monuments, Turkey Violates Lausanne Treaty*. „Armenian Forum“, 17 August 2000. Internet source: <http://www.gomidias.org/forum/af6mon.htm>

<sup>126</sup> See also photos of the cloister before and after its destruction in „Virtual Ani“, <http://www.virtualani.freeserve.co.uk/khtzkonk/khtzkonk.htm>

<sup>127</sup> Dalrymple, op. cit., P. 85



record and study is simply discarded. What is certain is that she is rarely on-site, happy to allow her excavations to be left to the shovels and pickaxes of unsupervised labourers.”<sup>128</sup>

“In 1995 extensive excavations were started along the length of the outer walls, on both sides. The centuries of debris that had accumulated at the base of the walls was cleared away - in some parts this was over 3½ metres deep. This was not an attempt to make an archaeological excavation: no archaeologists were present and the material removed was not inspected but simply dumped into tipper trucks and taken away. Most of the excavating was done using heavy machinery including bulldozers and excavators.”

“This work was done as a prelude to a similarly questionable ‘restoration’ of the walls, organised and paid for by the Turkish Ministry of Culture. Restoration in Turkey most often simply means destruction followed by crude rebuilding - many historic monuments in that country have been irreparably ruined by such so-called restorations, and the walls of Ani were not to be an exception (...). In 1998 work on the walls was stopped after condemnations of the end results.”

However, a great deal of money was being made from the so-called restorations by local building contractors and politicians (who are often the same people: the MHP, the governing party in Kars, is known to be heavily involved in the Turkish construction industry). In 1999 the process of destruction was resumed on an even larger scale. The workers now had an on-site stone cutting factory, the walls of which were entirely built from stone looted from the ruins.

These ‘restorations’ have nothing to do with preserving the buildings or encouraging tourism, and their appalling results have nothing to do with simple bad planning or a lack of knowledge of what should be done - there was never a valid archaeological reason to start the work because it goes against every established practice of modern archaeological conservation elsewhere in the world.

The truth is that the surviving monuments at Ani are being exploited like an opencast mine for the extraction of money. As long as Ani can be used by Ankara politicians as a conduit to distribute State

money into the pockets of their local political and business allies in Kars (Professor Karamağaralı has reportedly called them a ‘Mafia’) then the ‘restorations’ will continue until everything in Ani is destroyed.”<sup>129</sup>

It seems particularly disastrous that the future of Ani is in the hands of a member of the MHP, as Prof. Karamgarali became a member of that far-right party in May 1998<sup>130</sup>.

As further illustrated by the example of Ani, the Armenian origin of monuments is never mentioned. Instead, they are described as Byzantine or Turkish monuments, or described by the name of the dynasty under which they were constructed (Bagratide in Shirak, Artsruni in Vaspurakan), without a mention of the ethnic affiliation of these Armenian aristocratic families.

#### SYSTEMATIC DESTRUCTION OF HERITAGE AND DISCOURAGEMENT OF SCHOLARS

“I had heard other similar stories of the mysterious disappearance of Armenian remains, and the following year, working as a journalist for the *Independent*, I was able to investigate the subject in some detail. (...) By the end I had amassed a body of evidence which showed the alarming speed at which the beautiful, ancient and architecturally important Armenian churches of Anatolia were simply vanishing from the face of the earth. (...) There was nothing very sinister in the cause of the condition of the buildings. Some had been damaged by earthquakes; and the explosion of Turkey’s population had caused a demand for building material which the churches readily supplied; others had been fatally undermined by Turkish peasants digging for ‘Armenian gold’, the legendary El Dorado of riches supposedly buried by the Armenians before they were ‘deported’ in 1915.

“Nevertheless it was clear that the Turkish antiquity authorities had not exactly gone out of their way to stop the Armenian monuments from falling into decay. During the 1980s numerous Seljuk and Ottoman mosques and caravanserais had been restored and consolidated, but this treatment had not been extended to one single Armenian church. The

<sup>128</sup> “Virtual Ani”. <http://www.virtualani.freeseerve.co.uk/history/history3/history3.htm>

<sup>129</sup> „Virtual Ani”: <http://www.virtualani.freeseerve.co.uk/history/history4/history4.htm>  
<sup>130</sup> From „Turkish Daily News”, May 19, 1998. Internet source: [http://www.turkishdailynews.com/old\\_editions/05\\_19\\_98/dom2.htm](http://www.turkishdailynews.com/old_editions/05_19_98/dom2.htm)

Armenian monastery on the island of Aghtamar in Lake Van, arguably the most famous monument in Eastern Anatolia, had belatedly been given a guardian, but this had not stopped the building's decay: five of the main sculptures - including the famous Adam and Eve - had been defaced since the guardian's appointment, and there had been no attempt to consolidate the building in any way. One British architectural historian I talked to maintained that there was a 'systematic bias' in what the Turks restored or preserved. Moreover it was clear that academics - both Turks and foreign - were strongly discouraged from working in Armenian archaeological sites or writing Armenian history. A British archaeologist (who, like almost everyone I talked to on this subject, begged to remain nameless) told me, 'It is simply not possible to work on the Armenians. Officially, they do not exist and have never done so. If you try to get permission to dig an Armenian site it will be withheld, and if you go ahead without permission you will be prosecuted.' The truth of this was graphically illustrated in 1975 when the distinguished French art historian J.M. Thierry was arrested while making a plan of an Armenian church near Van. He was taken to police headquarters where he was fiercely interrogated for three days and three nights. He was released on bail and managed to escape the country. In his absence he was sentenced to three months' hard labour.

"Fear of this sort of thing severely restricts the investigation of Armenian remains and leads to a kind of selective blindness in those scholars whose professional careers demand that they continue to work in Turkey."

William Dalrymple: *From the Holy Mountain: A Journey in the Shadow of Byzantium*. London, 1997 pp. 83 ff.

According to 1974 UNESCO data, 464 of 913 buildings that remained standing after the genocide of 1915 were destroyed, 252 were turned into ruins and 197 are in dire need of reconstruction. Though Turkey has adopted legislation for the preservation and reconstruction of historical monuments, no Armenian monument has been repaired in Turkey up until now without changing its Armenian nature. A program of falsifying the monuments is being implemented now, and the work of „repairing“ the walls of Ani has now started. Armenian architectural monuments are being blasted systematically and become targets military

exercises; their hewed stones are used as building material<sup>131</sup>.

Turkey has signed up to numerous international agreements concerning the protection of monuments and the cultural heritage of minorities. It is a member of UNESCO but has not declared a single Armenian monument situated on its territory as World Cultural Heritage, not even those attracting numerous tourists such as the Island of Akhtamar on the lake of Van or the ancient city of Ani. The Revised European convention on the Protection of the Archaeological Heritage, signed by Turkey on 30 November 1999, came into force on 30 May 2000. „This Convention updates the 1969 Convention to take account of considerable changes affecting archaeological heritage over the last 20 years, with the development of major urban planning and large-scale engineering projects in most European countries.“<sup>132</sup> But, in a study published on 17 August 2000, Armenian [criminal] lawyer Anahid M. Ugurlayan came to the conclusion that "Thousands of Armenian cultural monuments are subject to a policy of wilful neglect on the part of Turkey."<sup>133</sup>

<sup>131</sup> *The Genocide of Armenians by the Turks*, op. cit., P. 27

<sup>132</sup> Press release of the Press service of the Council of Europe, 30 November 1999

<sup>133</sup> *Neglecting Armenian Monuments, Turkey Violates Lausanne Treaty*. „Armenian Forum“, 17 August 2000. Internet source: <http://www.gomidas.org/forum/af6mon.htm>

## VII. Conclusions and recommendations.

Turkey has signed a number of international agreements that provide for equal rights for all people and, moreover, guarantee the specific rights of minorities:

- Article 14 of the European Convention on Human Rights states that *“the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”*
- The Commission on Security and Cooperation in Europe’s Meeting of Experts on National Minorities (1991) guaranteed the rights of all minorities to establish and maintain their own educational institutions, organizations, and associations.
- Article X of the Turkish Constitution provides equality and the right to be free from discrimination.
- On July 24, 1923 the treaty of Lausanne was adopted with Turkey as a signatory.

Almost 80 years have passed since the signing of the Treaty of Lausanne. During this period, Turkey has experienced many events and crises. Yet from the point of view of non-Muslim minorities, the last 80 years have been marked by the disregard and infringement of the provisions for their protection provided by the Treaty of Lausanne.

Of the treaty’s provisions concerning the rights of minorities, there is not one which has not been more or less systematically flouted. That this was allowed to happen is also the result of the indifference of, and disagreements between, the signatory powers of the Lausanne Treaty.

The serious abuses of general human rights as well as of collective and individual minority rights has

generated a durable feeling of arbitrariness, powerlessness and insecurity among the members of the Armenian minority of Turkey. In a city whose history and culture has been marked by an Armenians presence for one and a half thousand millennia- and thus, longer than by Turks- Armenians now feel like foreigners, guests or hostages. In 1994, the paper *“Armenian International Magazine”* quoted an Armenian of Istanbul as saying: *“We are guests here. If they say we have to leave, there is nothing we can do about it”*<sup>134</sup>. In June 2002, an Armenian woman from Istanbul still described the relations of the Armenian minority with the Turkish state and Turkish society at large in similar terms: *“We are hostages in their hands. Sure, they allow us to pray in our churches. And we are also allowed to pay for our schools. But that is all. They do what they please with us.”* The memory of the wave of attacks on Armenian churches and schools and the threats of the 1990s is still alive.

Two political developments must be underlined in this connection as serious impediments to the improvement of the situation of minorities.

### 1. The increase in right-wing extremism tolerated by the

**state.** “While it is true that Ankara has reined in Turkish ethnic extremists, enforcement of civic nationalism has weighed more heavily on Kurds, Islamists and the left. ‘Separatist’ violence generally has elicited a harsher response that violence committed by right-wing *ülkücüs*, literally, ‘idealists’, who espouse a toxic ethnic Turkish, and in some cases Pan-Turkic, nationalism. Former Prime Minister Tansu Çiller referred to the *ülkücüs* as ‘those who have fired bullets for the state’, who are ‘honourable’ and will be remembered with respect.’ If anything, the racist right is being rehabilitated. The Milliyetçi Hareket Partisi (MHP), or National Action Party, has long inhabited fringes of Turkish politics, its greatest claim to infamy probably being its ties to Mehmet Ali Ağca, the would-be assassin of Pope John Paul II. In the April 1999 elections, however, the MHP won 16,5 percent of the popular vote, making the second largest

***“We are hostages in their hands. Sure, they allow us to pray in our churches. And we are also allowed to pay for our schools. But that is all. They do what they please with us.”***

<sup>134</sup> Armenian International Magazine, August-September 1994, page 61

party in parliament and the lynchpin partner in the current [October 2002] coalition government<sup>135</sup>.

It is worth remembering that the attacks and threats against the Armenian community in Istanbul and against some of its members in the 1990s were caused overwhelmingly by members of the far right “Ülkü oçakları”.

**2. The Islamization of the state.** The secular character of the Turkish republic has been increasingly eroded over the last two decades. The leader of the Human Rights office of the Catholic missionary organisation “Missio” in Germany summarizes the extremely dubious evolution of human and minority rights as follows: “otherwise, how could the Bureau for Religious Affairs, once considered as an instrument in the fight against Islam, or at least to exercise a close control over it, have a budget provided by the state of € 471.4 million in 2000, and 90 000 employees? The State no longer controls Islam, the state has instrumentalized its Sunni variant, which it manages and supports. Turkey has thus to some extent become an ‘Islamic’ or rather a ‘Sunni Republic’. Is Religious freedom guaranteed in such a climate?”

Freedom of religion comprises freedom of belief, conscience and worship, that is, the right to practice one’s religion undisturbed. A constitutional counterpart of religious freedom is the duty for the state to exercise religious and ideological neutrality. This religious neutrality is undoubtedly not provided in Turkey. The only religious freedom which is truly guaranteed is that of those who conform to the Sunni variant of Islam supported by the State<sup>136</sup>.

**A positive development.** Non-governmental organisations dedicated to the improvement in the human rights situation and, to a lesser extent, the protection of minorities, began to appear in the 1990s. A number of scientists, authors and publishers, in Turkey and especially in the Turkish-speaking communities abroad, particularly in Germany and in the USA, have initiated a critical debate on formerly taboo issues relating to Turkish history, and particularly on the subject of the 1915/16 genocide of 1,5 millions Ottoman Armenians. This has irrevocably broken the governmental monopoly of opinion on the interpretation of history, which had been guarded by

the Turkish Historical Society (Türk Tarih Kurumu), a body established in 1931 on the orders of Mustafa Kemal. Nevertheless, this development does not constitute a genuine counter current to the nationalistic and religious tendencies referred to above, and individual dissident voices do not counterbalance the state-sponsored historical propaganda: „*The (Turkish Historical) Society is still active, along with state archivists and republican-leaning historians, in promoting nationalist historiography. Among other issues, there has been a concerted effort to diminish the Armenian Genocide. The Ministry of Foreign Affairs also publishes denials and wields its diplomatic influence, most recently arranging to have a resolution memorialising the massacres withdrawn from consideration by the U.S. Congress.*“<sup>137</sup>.

**Obstacles to democratisation: half-hearted efforts towards reform.** The half-heartedness of the efforts for reform are not the cause of the difficulties in protecting human and minority rights in Turkey, or of the difficulties involved in carrying out academic and journalistic work relating to the historical roots of organized mass violence.

The revision of those parts of the Turkish criminal code which had been extensively abused for the prosecution of dissidents in the past, thus proved to be disappointing. Article 8 and 312 as well as other articles of the criminal code have not been deleted but even partly extended. For instance, article 8, part of the anti-terror Legislation, previously dealt only with “written and oral propaganda” which threatens the state security; after revision, this came to include “visual propaganda” as well. By contrast, the scope of article 312,2 which prohibits the “*incitement to hatred on the grounds of class, religion or race*” has been restricted to cases where a “threat to public order” can be proved. Yet at the same time, revised article 312 now includes a new criminal offence, i.e. cases of “*insult to a part of the population or to the honour of the People*”. This allows every critical comment on Turkish history to be misinterpreted as a criticism against the honour of the people and prosecuted as such.

The prosecution against Ömer Asan, who belongs to the Islamicized Pontus Greek minority, illustrates how the “reformed” paragraphs of the criminal code are still essentially used as a gag. Six years after the

<sup>135</sup> Smith, op. cit., P. 4 f.

<sup>136</sup> Oehring, op. cit., P. 40

<sup>137</sup> Smith, op. cit., P. 4

publication of his book "Pontos Kültürü" (Istanbul, 1996), he was called a "traitor" and "a friend of Greece" in a television programme and accused of supporting those who seek to re-establish Orthodox Christianity in the Pontos region. „These accusations snowballed, in what seems like an orchestrated assault undertaken by the influential, nationalist MHP party (...)”<sup>138</sup>. „On 21 January 2002, the State Security Tribunal in Istanbul banned the latest edition of the book "Pontos Kültürü". Proceedings were initiated under article 8 of the criminal code on 10 July against Mr. Asan and his publisher Ragıp Zarakolu. A total of about 100 authors and journalists are currently being prosecuted in Turkey”<sup>139</sup>.

## Recommendations

The following demands and recommendations stem from the available evidence.

- The authorities must protect the members of the Armenian community in Turkey as well as their institutions against attacks and threats; they must also investigate and prosecute those responsible for such offences more consistently than in the past.
- The discrimination and mistreatment of servicemen belonging to non-Muslim minorities must be stopped, and a control body as well as a complaint procedure must be created for that purpose in the army.
- The systematic financial pilferage of religious foundations must be put an end to. In this respect, a series of laws governing the situation of minorities must be revised, and all the properties of foundations confiscated under the previous law must be returned to their owners.
- Discriminatory and offensive reporting on minorities in general and on Armenians in particular must be stopped. This also applies to the Turkish media, who must exercise self-control and

***Turkey has a two hundred year long history of reforms that were largely forced upon it from abroad, but without the backing of the majority of the Turkish elite.***

must recognize their responsibility for the creation and hardening of prejudices against minorities. Appropriate measures must also be taken so that Turkish citizens commenting on the Armenian genocide as a historical fact are protected from attacks in the Turkish media.

- The disturbing anti-Armenians mood, based on ignorance and prejudice, which obviously prevails in broad sections of society, must be countered through education in schools aimed at reducing ethnic and religious prejudice. This must also involve a revision of schoolbooks, particularly in the field of history.
- Turkish politicians and high-level representatives of the authorities must also recognize their own responsibility for the protection of minorities and be called to answer for public statements hostile to minorities.
- Those Armenians still remaining in Turkey as well as the members of others non-Muslim minorities should no longer have to feel threatened. Among the confidence-building measures to be implemented, the Turkish State must guarantee unrestricted access to all levels of the civil service to members of non-Muslim minorities. Members of minorities must furthermore actively and forcefully be encouraged to apply for positions in the civil service, as they have de facto been excluded from such opportunities for decades.
- The practice of prosecuting those Turkish citizens who publicly express the opinion in words or in writing that the Armenian genocide is a historical fact must be stopped immediately. The European Community, in line with previous European Parliament resolutions, should for its part take appropriate measures to encourage Turkish academics, publishers and journalists to contribute to the inter-ethnic reconciliation through a critical reassessment of history.
- The Turkish government is called upon to comply with its obligation under numerous international agreement and treaties to protect and maintain

<sup>138</sup> Dowd, Siobhan: *Silenced Voice: Ömer Asan*. „Digital Freedom Network”, April 8, 2002. Internet source: <http://www.dfn.org/news/turkey/omer.htm>

<sup>139</sup> *Ibid.*

Armenian cultural assets. In particular, it should prevent any further manipulation or destruction of Armenian cultural monuments under the pretext of their protection, of their restoration or of archaeological research. It would be desirable for that matter to set up international teams of researchers and experts in the field of conservation and restoration, in which experts from Armenia should also take part.

Naturally, a legal revision and reform can only take hold if they are conceived not as a cosmetic, but as a sustained structural transformation. Turkey has a two hundred year long history of reforms that were largely forced upon it from abroad, but lacked the backing of the majority of the Turkish elite. This discrepancy has been the cause of the reluctance and half-heartedness which are still witnessed today on Turkey's "Road to Europe".

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