

# THE GREEK ORTHODOX CHURCH IN TURKEY: A VICTIM OF SYSTEMATIC EXPROPRIATION



March 16, 2005

Briefing of the  
Commission on Security and Cooperation in Europe

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Washington: 2006

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## ABOUT THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

The Helsinki process, formally titled the Conference on Security and Cooperation in Europe, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. As of January 1, 1995, the Helsinki process was renamed the Organization for Security and Cooperation in Europe (OSCE). The membership of the OSCE has expanded to 55 participating States, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia.

The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <[www.osce.org](http://www.osce.org)>.

## ABOUT THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The Commission on Security and Cooperation in Europe, also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance by the participating States with their OSCE commitments, with a particular emphasis on human rights.

The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <[www.csce.gov](http://www.csce.gov)>.

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MARCH 16, 2005

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# **THE GREEK ORTHODOX CHURCH IN TURKEY: A VICTIM OF SYSTEMATIC EXPROPRIATION**

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**March 16, 2005**

## **Commission on Security and Cooperation in Europe Washington, DC**

The briefing was held at 10 a.m. in room 2360, Rayburn House Office Building, Washington, DC, Elizabeth Pryor, Senior Advisor, Commission on Security and Cooperation in Europe, moderating.

*Commissioners present:* Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe; Hon. Alcee L. Hastings, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

*Staff present:* Elizabeth B. Pryor, Senior Advisor, Commission on Security and Cooperation in Europe and Chadwick R. Gore, Staff Advisor, Commission on Security and Cooperation in Europe.

*Participants present:* His Eminence, Archbishop Demetrios, Primate of the Greek Orthodox Church in America, Exarch of the Ecumenical Patriarch; Rabbi Arthur Schneier, President, Appeal of Conscience Foundation; His Eminence, Theodore Cardinal McCarrick, Roman Catholic Archdiocese of Washington; Dr. Anthony Limberakis, M.D., National Commander, Archons of the Ecumenical Patriarchate of the Order of St. Andrew the Apostle; and Dr. Bob Edgar, General Secretary, National Council of Churches.

Mr. SMITH. Good morning. My name is Chris Smith. I'm the Co-Chairman of the Commission on Security and Cooperation in Europe.

Just very briefly, by way of background, I have served on the Commission since my second term, which began in 1983. And this briefing is an important briefing. And we'll get into the substance very, very shortly.

But I do want to recognize that it's so good to see my old friend and colleague, Bob Edgar. Bob and I served on the House Committee on Veterans' Affairs for a large number of years. Matter of fact, we were just talking. One of his chief assistants is now the director of government affairs for the Paralyzed Veterans of America and is doing a great job there.

But it's so good to see you, Bob, after all these years.

Good morning, ladies and gentlemen. I do convene now this Helsinki Commission briefing to highlight congressional concerns regarding systematic Turkish Government efforts to undermine the existence of the Greek Orthodox Church in Turkey.

With the date for E.U. negotiations now set, Turkey has taken bold steps to bring its laws into harmony with European Union standards. At the same time, however, Turkey's policies concerning religious freedom and the Greek Orthodox Church have come under increased international scrutiny, and so they should.

Our concerns include property expropriation and continued closure of the Halki Seminary, obstacles to ownership and repair of churches, and the steadfast refusal of Turkish authorities to recognize the ecumenical status of the Orthodox patriarch.

Today we have an outstanding group of panelists who will speak to these concerns. And this information, by the way, will then be passed on to members of Congress, House and Senate, so that they can be better informed about what is really going on.

In addition, the Helsinki Commission will hold a second briefing in the near future to highlight problems faced by Muslims and other faiths in Turkey.

The justification for property seizures is complex, but the core issue is simple: The patriarch-owned properties have shrunk by almost 80 percent, from 8,000 in 1936 to 1,700 at present; 1,100 of the remaining 1,700 are not legally recognized and are especially vulnerable to seizure.

There is a pattern: Properties are threatened with expropriation when the population of a religious community drops below a certain level. The government then determines a property has fallen into disuse, as they call it, and assumes its management.

Last September, Turkey did adopt regulations to improve the way the size of the religious community is gauged to give communities with legal status the ability to acquire new property.

However, the legislation ignores the fact that these seizures are fundamentally illegal, while not allowing communities to reclaim hundreds of properties expropriated by the state.

The most glaring property issues regard the Orthodox Theological School of Halki, seized in 1971, when the government nationalized all institutions of higher education.

The continued closure of the only educational institution in Turkey for Orthodox Christian leadership is untenable and unconscionable.

This has had a deleterious effect on the ability of Turkey's Greek Orthodox citizens to train the next generation of clergy.

The Greek Orthodox Church and other communities, like the Armenian Orthodox, Syrian Orthodox and Catholic churches, have been deprived of important cultural sites and places of worship.

Reformers should terminate the ability of government agencies to seize the property of a religious community, while also simplifying the process for groups to regain clear title to their lost holdings.

Should there be no local community, the property should revert to the religious community and not to the state.

Reportedly, the foreign ministry's reform monitoring committee is advocating for reforms that ensure the return of seized property or the payment of compensation. I certainly hope this happens.

The issue is, indeed, black and white. Property must be returned and expropriations must end.

Members of the Helsinki Commission have been constant and vocal advocates for the Greek Orthodox Church, as well as other religious groups experiencing problems in Turkey, be they Muslim, Christian, or other.

Current Turkish policies violate OSCE commitments and threaten the viability of the patriarch's presence in Istanbul.

Turkey has a proud history of religious tolerance, but current government policies appear targeted to bring about the eventual exodus of the Greek Orthodox from Turkey entirely.

I urge the Government of Turkey to continue with its good reform program, but take immediate actions to support the Orthodox citizens and bring its laws and policies into conformity with their OSCE commitments.

I'd like to now turn our program to Elizabeth Pryor, who is one of our experts on the Helsinki Commission, who will be introducing our distinguished panel. And then we will go into the briefing itself.

Elizabeth?

Ms. PRYOR. It is my pleasure to introduce our distinguished panelists today. After their presentations, we'll take questions.

After the presentations, we'll be taking questions from the floor. And you can also get a copy of the proceedings. Usually, they're available within 24 hours from our Website, which is [www.csce.gov](http://www.csce.gov).

Our first panelist today will be His Eminence, Archbishop Demetrios, who was elected Archbishop of America on August 19, 1999, by the Holy and Sacred Synod of the Ecumenical Patriarch, convened by His All Holiness Ecumenical Patriarch Bartholomew.

He was enthroned as the spiritual leader of 1.5 million Greek Orthodox Christians in America at the Archdiocesan Cathedral of the Holy Trinity in New York City on September 18th, 1999.

Archbishop Demetrios, Primate of the Greek Orthodox Church in America and Exarch of Atlantic and Pacific Oceans, is the sixth Archbishop of America since the Greek Orthodox Archdiocese was established in 1922.

Our next panelist after him will be Rabbi Arthur Schneier. He's known internationally for both his leadership on behalf of religious freedom and human rights and his work for religious freedom and tolerance. He is founder and president of the Appeal of Conscience Foundation and spiritual leader of the Park East Synagogue, an historic landmark in New York City.

Mr. Schneier is a Holocaust survivor who has devoted a lifetime to overcoming forces of hatred and intolerance, and has set an inspiring example of spiritual leadership by encouraging interfaith dialogue and intercultural understanding, and promoting the cause of religious freedom around the world.

Cardinal Theodore E. McCarrick was installed as Archbishop of the Roman Catholic Archdiocese of Washington on January 3rd, 2001. He's Chancellor of the Catholic University of America, president of the Board of Trustees of the Basilica of the National Shrine of the Immaculate Conception. A founding member of the Papal Foundation, he has served as its president since 1997.

Cardinal McCarrick also is a member of the Board of Catholic Relief Services.

For the Vatican, he serves on the Pontifical Council for Justice and Peace, the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, and the Pontifical Commission for Latin America.

Dr. Anthony J. Limberakis is a graduate of Duke University School of Medicine and is the president of Bustleton Radiology Associates Ltd., a radiology practice in metropolitan Philadelphia.

Dr. Limberakis was invested as Archon of the Ecumenical Patriarchate in 1987 and has served on its national council since 1989, and subsequently as its national secretary.

He chaired the Archon Patriarchal Concert for Peace, featuring Nana Mouskouri during the recent visitation to America of His All Holiness Ecumenical Patriarch Bartholomew.

And finally, the Reverend Dr. Bob Edgar serves as General Secretary of the National Council of the Churches of Christ in the United States, the leading U.S. organization for the movement for Christian unity.

Under his leadership, the council is refocusing its energies on two major initiatives. One is a 10-year domestic mobilization to overcome poverty. The other is an exploration of an expanded ecumenical vision for the new millennium, a conversation that includes Evangelical and Pentecostal churches, the Roman Catholic Church, and the council's member communities.

I think we'll start with Archbishop Demetrios. And let me turn the floor over to you, sir.

Archbishop DEMETRIOS. Honorable representatives and U.S. Representatives and members of the Helsinki Commission, Representative Smith, Ms. Pryor, distinguished members of the panel, ladies and gentlemen:

We thank you for giving us the opportunity to speak about the very difficult situation in which our venerable Ecumenical Patriarchate of Constantinople finds itself vis-a-vis the Turkish Government.

I'm speaking to you as the Archbishop of the Greek Orthodox Church in America, with a constituency between 1.5 million and 2 million people, a constituency which ecclesiastically belongs to the Ecumenical Patriarchate.

As the archbishop of this church, I feel that what happens to the Ecumenical Patriarchate has a direct impact on us here, both as Orthodox Christians and as American citizens.

And I'm speaking with an increased experience, because for the last year I have been a member of the Synod of the Ecumenical Patriarchate, participating there once a month for two days in the works of the patriarchate, therefore I have an immediate experience of what's going on.

The foundation of the Ecumenical Patriarchate may be traced to apostolic times, to the 1st century A.D., when Christianity reached what is now Turkey.

In the 4th century A.D., Emperor Constantine transferred the capital of the Roman Empire to the East, to the so-called, at that time, known as Byzantium, and named the new city Constantinople.

It was in this context that the Ecumenical Patriarchate began to take its institutional form that we know today, as the religious and ecclesiastical administrative center of the Orthodox Church worldwide.

The Ecumenical Patriarchate and its surrounding areas served as the locations for the seven ecumenical councils of the undivided Christian church, which were convened over the course of the first Millennium.

The Ecumenical Patriarchate continued to exist even after the dissolution and the fall of the Byzantium Empire in 1453. It existed and, at times, even thrived under the rule of the Ottoman Empire, and since the founding of the Turkish Republic in the 20th century.

Today, there is great importance for the continued ministry of the Ecumenical Patriarchate in coordinating the affairs of other Orthodox Christian jurisdictions worldwide, in fostering dialogue with other Christian denominations, and in promoting peace, tolerance and reconciliation among the religions of the world.

Despite this realized importance of its ministry, the Ecumenical Patriarchate today and its constituency in Turkey continue to suffer from unfair treatment at the hands of the Turkish state.

A tragic instance of this treatment were the riots of 1955, carried out in Smyrna and Istanbul against the Greek Orthodox minority Community.

These sad phenomena, which were provoked by the Turkish Government, unjustly reduced a flourishing community of over 100,000 Greek Orthodox citizens in the city of Istanbul alone to the present remnant of only 2,000 to 3,000—from 100,000 down to 2,000 to 3,000 today.

The effects of this reduction led to an expropriation against the Greek Orthodox community by the Turkish government that continues to this day.

Characteristic of this expropriation was the closure of theological school mentioned already by Mr. Smith, the closure of the Theological School of Halki on the island of Heybeli in 1971, on the pretext of its being a privately run university-level academic institution.

In spite of numerous petitions and appeals to the Turkish Government for its reopening, including personal appeals made by Presidents George H.W. Bush and Bill Clinton—and allow me to say that I was there when both presidents arrived and spoke on behalf of the Halki reopening—in spite of this advocacy, the Government of Turkey still refuses to allow this important school to reopen.

The Theological School of Halki is the only institution of the Ecumenical Patriarchate for the training of its clergy. One cannot underestimate its importance for the essential survival of the Ecumenical Patriarchate. If you don't have a school, you don't have clergy. If you don't have clergy, you go down by an inexorable process.

Another major problem facing the Ecumenical Patriarchate today is the continuous confiscation of church property by the Turkish Government, which refuses to recognize titles to Greek Orthodox minority properties purchased or acquired by donation after 1936.

Recently, the Supreme Court of Turkey ruled against the Ecumenical Patriarchate, allowing the government to confiscate a very large and historic orphanage belonging to the Greek Orthodox community on the island of Prinkiponisos.

Approximately 1,400 properties belonging to the Ecumenical Patriarchate have been confiscated, of which 152 were recently taken from the Baloukli hospital in Istanbul. This hospital of the Ecumenical Patriarchate serves the needs of the general Turkish citizenry, with quite advanced centers for drug and alcohol treatment.

Today, the Baloukli hospital is threatened with bankruptcy by the recent imposition of an unbearable retroactive tax on the grounds that it is not considered a nonprofit organization.

Yet another problem is the refusal of the Turkish Government to recognize the legitimate ecumenical title of the Ecumenical Patriarchate. This title refers to the conciliatory role of the Ecumenical Patriarchate in its global ministry.

It is a title that is historically established since the 6th century and internationally recognized by political and religious communities. Yet the Turkish Government refuses to allow the Ecumenical Patriarchate to use this title in all contexts.

There is not only this unhistoric prohibition of the title Ecumenical Patriarchate, but the government refuses to allow the Patriarchate, as well to other religious minorities, to have legal status as such.

In closing, I would like to express my deep pain and serious concern at the very existence of this phenomena in Turkey today, especially at a time when the international community is particularly sensitive to the importance of religious freedom, human rights and the protection of the rights of religious minorities.

These problems are all the more distressing when one considers that the Ecumenical Patriarchate has been a major and consistent proponent over the recent years in favor of Turkey's accession to the European Union.

It is my hope that the Commission will give urgent attention to these problems so that the Greek Orthodox community of Turkey and the Patriarchate, together with all other minority communities in Turkey, such as the Jewish and Armenian communities, may be protected in their lawful right to contemplate a secure existence and a prosperous future.

Thank you.

At this point, I would like to ask for a short interference, intervention, by the distinguished lawyer, Mr. Emmanuel Demos, who has been heavily involved in the whole issue of the rights of the Patriarchate over the last years.

Mr. DEMOS. Thank you, Your Eminence.

Distinguished members of the council, of the panel, I am the General Counsel of the Greek Orthodox Archdiocese. I have with me here today the legal basis of our case. It is contained in a study, a 60-page study done by the Yale Law School, the Lowenstein Human Rights Clinic of the Yale Law School. And this will be available on the Internet, and you'll be able to share in it.

And with me is Professor Jim Silk of the Yale Law School, who heads the Lowenstein Clinic, and one of the authors of this report, Maria Pulzetti, to whom I will cede part of my time.

I just want to make a couple of comments.

In addition to the complaints that His Eminence referred to, the most serious one at the moment is the fact that the Turkish Government, contrary to the Treaty of Lausanne, which I'll refer to in a moment, insists that it has the right to approve or dis-

approve or veto the person who might be nominated to be the Ecumenical Patriarchate and insists that that person be a Turkish citizen.

On top of that, they have been insisting that the members of the Holy Synod, which in effect in American corporate parlance is the executive committee of the Patriarchate, which consists of 12 Archbishops or Metropolitans, they have been insisting that they be Turkish residents and citizens.

There is absolutely no basis in Turkish law for this. And the Treaty of Lausanne makes it absolutely clear that this type of interference is unwarranted. And the Treaty of Lausanne, within its own terms, states that the treaty is part of the fundamental law of Turkey and may not be changed by any other legislative or administrative action.

The Patriarch very bravely last year sent a letter to the Turkish Government and informed them that this was his position, and as a result he named six new Metropolitans and Archbishops to the Ecumenical Synod, of which His Eminence was one. And to date the Turkish Government has not been heard from. I mean, theoretically, they could have arrested the six and run them out of the country. But they have quietly acquiesced to that.

So this is one of the major things that we have concern with, because opening the School of Halki, it would be 10, 12 years before you can raise, educate and give experience to students so they could rise into leadership positions. The Ecumenical Patriarchate, by its own terms, is ecumenical and is the leader of archdiocese and dioceses metropolises throughout the whole world, and there's absolutely no legal reason why this should be limited to Turkish citizens.

I also want to make the point that this is not a Greek versus Turkish issue. That's for the Greek Government to worry about. This is a human rights issue. And it's a human rights issue not limited to the Greek ethnic group. The Treaty of Lausanne talks about non-Muslim minorities. Which means it could be Jewish, it could be Catholic, it could be Greek Orthodox.

As a matter of fact, the Wall Street Journal several months ago, in a front page story, told the story of a Presbyterian minister who somehow turned up in Turkey, at first to minister to expats who were living and had retired to certain parts of southern Turkey. And he raised some money to buy a church. The Turkish Government has refused to let him buy this church.

In the meantime, there are Turkish people, originally Muslims, who apparently want to join this church. And it would seem to me, if you're a non-Muslim and you're a citizen of Turkey, you're protected by the Treaty of Lausanne as well.

The Prime Minister of The Netherlands, on a trip to Turkey, bitterly complained to the Turkish Prime Minister and pointed out that there are over 300 mosques in The Netherlands alone, not to mention how many there may be throughout all of Europe. And he just could not understand why the Turkish Government couldn't allow this.

As His Eminence said, we wholeheartedly support the accession of Turkey into the European Union, because I think this will have a beneficial effect on all of Europe.

But the bottom line, if you want to be part of Europe, act like a European.

I will now turn it over—because in addition to the Treaty of Lausanne, there are at least four or five European and other international treaties to which Turkey is a party, which make it unequivocally clear that every action that the Turkish government has taken is illegal.

And they pay great lip service that they do everything legally, but in effect it's a very, very cynical use of the law, because they find every little thing to pervert the law.

They passed legislation in response to the European Union three years ago in order to make it easier for people—for religious groups—to register their properties, and yet they turn around and they administer the law where they make it even more difficult and put time periods and this and that.

So, in effect, they've turned the thing on its head and make it more difficult for the desired objective of the European Union to be accomplished.

Maria, do you want to—

Ms. PULZETTI. Hello. My name is Maria Pulzetti, and I am a student at the Yale Law School and a student in the Lowenstein International Human Rights Clinic at the law school.

I'd like to thank the Commission and Archbishop Demetrios for allowing us to share our report with you today.

I just want to give a very brief overview of the report. I think anyone who is interested in a more detailed analysis can pick up a copy outside.

The report is titled "Turkey's Compliance with its Obligations to the Ecumenical Patriarchate and the Orthodox Christian Minority." And we researched this report at the request of the archdiocese, and we found that there's a very clear international consensus that Turkey does not uphold its obligations with regard to the Patriarchate and the Orthodox minority.

As a party to several international human rights treaties, a Member State of the Council of Europe and a participating State in the Organization for Security and Cooperation in Europe, Turkey has taken on binding obligations to protect the rights of religious minorities and to prevent discrimination on the basis of national origin, religion, or ethnicity, all of which apply to the Greek Orthodox minority.

Turkey violates these obligations with its law and practice restricting the activities of the Patriarchate. The European Union, United Nations bodies, and the United States have repeatedly criticized Turkey's discriminatory treatment of religious minorities, and in particular their restriction upon the activities of the Patriarchate.

For example, the U.S. State Department issues annual—I'm sure you're all familiar with these reports—Country Reports on Human Rights Practices. And for each year over the past several years, and indeed in the report that was issued this year, on February 28, 2005, the State Department criticizes such issues as the legal status of the Ecumenical Patriarchate, the treatment of the Ecumenical Patriarchate's foundations, the seizure of property, the closure of the Halki Seminary, and the leadership restrictions upon the Synod.

The European Union, which issues frequent reports on Turkey's compliance with the accession criteria, has also criticized Turkey's restriction on the legal personality of the Ecumenical Patriarchate, on the seizure of property, on the treatment of non-Muslim religious minority foundations, on the restrictions on the training of Orthodox clergy, and on reservations Turkey has made to international treaties, especially with regard to religious education.

I wanted to tell you a little bit more about sort of the sources of international law that we looked to in making our findings.

In recent years, Turkey ratified the two major U.N. human rights treaties that, together with the Universal Declaration, make up what we call the International Bill of Human Rights. These are the International Covenant on Civil and Political Rights, the ICCPR; and the International Covenant on Economic, Social and Cultural Rights, which has a very long acronym.

And the ICCPR in Article 18 protects freedom of thought, conscience and religion. And the U.N. Human Rights Committee, which interprets the ICCPR, has interpreted Article 18 to protect the building of places of worship, the freedom to choose religious leaders, and the freedom to establish seminaries or religious schools.

Similarly, the International Covenant on Economic, Social and Cultural Rights protects the right to education and obligates states not to interfere with the right of individuals and bodies to establish and direct educational institutions.

Another major U.N. human rights treaty, which is actually the most widely ratified human rights treaty in existence today, is the Convention on the Rights of the Child. Turkey has ratified this convention. And this convention protects children's rights to manifest and practice religious beliefs and the right to religious education.

Now, in ratifying these three treaties, Turkey did enter reservations to its ratification, especially with regard to religious minorities. And although these ratifications have some arguable force in international law, it is notable that the European Union has criticized sharply Turkey's ratifications to those central provisions of those treaties.

You all here are quite familiar also with the OSCE and Turkey's obligations with regard to the OSCE, so I won't go on about that for too long. But the OSCE does include obligations to protect the rights of national minorities, and those are interpreted to protect national minorities' rights to establish and maintain their own educational, cultural and religious institutions, organizations and associations.

And it's worth noting that the OSCE High Commissioner on National Minorities has visited Turkey to investigate Turkey's protection of religious minorities.

Finally, I would like to briefly introduce the European Convention on Human Rights and Fundamental Freedoms.

As a Member State of the Council of Europe, Turkey is obliged to uphold the provisions of the European Convention. There are two relevant provisions of the European Convention to this issue.

The first is Article 9, which requires Turkey to protect freedom of religion, including freedom to manifest religion and worship, teaching, practice and observance.

As interpreted by the European Court of Human Rights, Article 9 applies to religious groups and organizations, as well as to individuals.

Article 1 of Protocol 1 to the convention protects the right to peaceful enjoyment of one's possessions. And this also applies to both institutions and individuals.

The court's jurisprudence on Article 1 of Protocol 1 strongly protects individuals' and religious institutions' rights to own and enjoy their property.

We interpret it that Turkey's seizure and restriction on the use of the Ecumenical Patriarchate's real property may violate Article 1 of Protocol 1 of the European Convention.

And the last note I would like to make is that in the European Union accession process, which has been very much in the news lately with regard to Turkey's human

rights compliance, the European Commission has repeatedly criticized Turkey's treatment of religious minorities.

In their accession report of 2004, the Commission wrote, "Although freedom of religious belief is guaranteed in the constitution and freedom to worship is largely unhampered, non-Muslim religious communities continue to encounter obstacles. They lack legal personality, face restrictive property rights and interference in the management of their foundations, and are not allowed to train clergy."

In conclusion, all religious minorities in Turkey have internationally protected rights to practice their religion, train clergy, appoint religious leaders, own and use property, operate religious schools, and associate in religiously affiliated foundations.

The Turkish Government also has an obligation to protect the security of non-Muslim minorities and religious institutions.

Ms. PRYOR. Thank you very much.

And thank you, Archbishop.

I'd like to give the floor now to Rabbi Schneier.

You have the floor, sir.

Rabbi SCHNEIER. Chairman Smith and members of the Helsinki Commission, Your Eminence and members of the panel:

It is my privilege to appear before this Commission to give you some insights to the Appeal of Conscience Foundation's encounters with the Government of Turkey since 1991.

I also want to commend the U.S. Helsinki Commission for the important work it has accomplished since its inception in 1976 on behalf of human rights and religious and ethnic minorities.

The Appeal of Conscience Foundation since 1965 has worked on behalf of religious freedom and human rights and the protection of religious sites. In fact, in the year 2000 we took the initiative to urge the United Nations to adopt a resolution for the protection of religious sites worldwide.

I am happy to tell you that U.N. Resolution A55L81, which was unanimously adopted by the General Assembly, called for the protection of all religious sites worldwide, and Turkey was one of the signatories of that U.N. resolution.

I have a particular interest in the protection of religious sites because as a child in Vienna—I am a Holocaust survivor—I saw my synagogue burning on Kristallnacht in 1938. And what started with the burning of books, and continued with the destruction and burning of synagogues, eventually ended up with the burning of human beings.

So this issue of protection of religious sites and human rights and religious freedom is a personal issue, which I feel very deeply about. It was only 60 years ago that we put an end to the Nazi tyranny that claimed millions and millions of innocent human lives.

And as we have heard, so many treaties have been enacted, both at the U.N. and the European Community. The question is not just the signing, but the implementation and the enforcement.

Let me recall my trip to Ankara and Istanbul in 1991, with Cardinal McCarrick, trustee of the Appeal of Conscience Foundation, then Archbishop of Newark. We went to Ankara and Istanbul. Remember, this was at the time of the collapse of the Soviet Union. You had many, many Muslim states in Central Asia. And the question: Which way are they going to turn? And I made a statement on return from that trip that Turkey could

be a role model instead of Iran being a role model for these Central Asian Muslim communities.

We met at the time with His All Holiness, Patriarch Bartholomew I, and proposed a co-sponsorship of an international conference called The Peace and Tolerance Conference. And His All Holiness enthusiastically supported the idea.

We met with then Prime Minister Demirel and leaders of the Turkish Government. And after overcoming several obstacles, it was agreed that this conference should take place, and it did take place at the Bosphorus Swissotel in Istanbul in 1994.

We brought together religious leaders from Central Asia and the strife-torn Balkans. I still remember the market murder in Sarajevo at the time, when the conference took place. And 120 religious leaders gathered in Istanbul under the joint auspices of the Ecumenical Patriarchate and the Appeal of Conscience Foundation, with the support of Pope John Paul II, who sent Cardinal Etchegaray to this conference to represent him.

It was a widely supported Conference of Peace and Tolerance. As a result of that conference, the conclusion was—a crime perpetrated in the name of religion is the greatest crime against religion. It was prophetic.

It sounds very relevant today, doesn't it? We spoke about that in connection with the conflict in the former Yugoslavia, the ethnic conflict, that luckily did not turn into a major religious war.

Cardinal McCarrick and I, speaking to the leaders of Turkey in preparation for the conference, immediately encountered a sensitive issue, which I believe is still the core of the difficulty today. That is, we referred to the Ecumenical Patriarch as the Ecumenical Patriarch.

In talking to the government leaders, they kept on saying, “No, Rum Patrarchaneza.”

This is really a question of the definition of the legal status of the Ecumenical Patriarch, which is still a bone of contention. I think that this issue is still haunting us. In fact, the Lausanne Treaty was invoked by you. There is a clear definition of establishing the role of the Patriarch.

Anyhow, despite the initial obstacles, the Peace and Tolerance Conference brought credit to Turkey as a venue for inter-religious co-operation in pursuit of peace and tolerance.

It was widely reported. It was a successful conference. And a byproduct of the conference was also the improvement of relations between the Ecumenical Patriarchate and the Turkish authorities at that time.

The ecumenical status, the legal status of the Patriarchate still needs to be recognized by Turkey today. That is the critical point.

The Turkish Government—and this is a very firm statement—the Turkish Government should take advantage of the worldwide respect that the Ecumenical Patriarch enjoys from the international community.

I speak as a partner with His All Holiness. We have been together in action, not only in Istanbul, in Brussels, the European Community, and other conferences.

He is one of the outstanding leaders in terms of dialogue, inter-religious cooperation, preaching tolerance—all the essential and critical requirements today for all of us to co-exist on this Earth.

The Turkish Government should really take advantage of his standing in the international community, as well, and I emphasize, from his constructive role to put greater harmony in Turkish society.

He has always emphasized that, the harmony of Turkish society.

Another issue is the closing of the seminary in Halki. The Appeal of Conscience Foundation has repeatedly called to the attention of the Turkish Government—and I have had personally many discussions with cabinet ministers about its reopening.

A theological school is really a lifeline. And if you don't have that lifeline, you know, it is like you cannot breathe unless you have air. And the reopening is essential for the continued spiritual well-being and continuity of the small Greek Orthodox community in Turkey.

Your Eminence, you have given us an historical overview of this issue.

Then, finally, I traveled to Turkey after the 2003 terrorist bombing of the Istanbul synagogue. What came clearly through to me, that international terrorism makes no distinction between Christian, Jew and Muslim. We are all equal. And basically what we are facing: either we stand together and reject those who do not believe in coexistence or we succumb to them.

We are not going to succumb to them because we want to live—and this is a personal philosophy of mine—to live and let live. And basically that is the message that I would urge the Helsinki Commission to convey to the Turkish government: live and let live. And that means the minorities, religious and ethnic minorities.

The test of democracy, the barometer of democracy, is how the majority treats the minority.

So it was devastating to see the destruction that was brought by these suicide bombers who had no respect for their own life, and certainly no respect for the life of others.

I visited the maimed and the sick, more Muslims than Jews, in the hospitals, in the American hospital in Istanbul. His Holiness Bartholomew I and I were at the funeral of many of the victims who perished.

And, again, the Turkish Government is to be commended for aiding the restoration of the destroyed buildings and business establishments. But it is surprising, according to reports that we received, that the Patriarchate has been unable to receive permission to repair the damage it suffered to one of its churches from the bombing.

And finally, we stood shoulder to shoulder with the Turkish people, if you recall that tragedy of the earthquake. And it was my privilege—and this was the height of summer, the end of August, when there is no one around in Washington—of bringing together the religious leaders of this great American community to Washington, to the State Department, with Secretary of State Albright, including the acting head of the Greek Orthodox Church and the Armenian Church.

We all stood together during that tragedy trying to seek and actually give, to energize the American public opinion for support.

American Christians, Muslims and Jews, we stood together to help our brothers and sisters in Turkey to cope with their terrible tragedy. A call for action and prayer emanated from the meeting with Secretary Albright.

In the same spirit—and with this I close—we call upon the Government of Turkey to support the principle of equitable treatment of all minorities.

Yes, we, too, support Turkey's entry into the European Union.

This is why I think it is important that Turkey pay particular attention to the needs of its religious and ethnic minorities. I believe that, again I want to repeat, I think Turkey should take a leadership role in showing the international community that, in addition to being a signatory to all the various charters and conventions, there is a firm commitment to the principle of live and let live.

Thank you so much.

Ms. PRYOR. Thank you very much.

My understanding is that Cardinal McCarrick is running a little bit late, but will be joining us later. So at this moment I'd like to turn the floor over to Dr. Limberakis.

You have the floor.

Dr. LIMBERAKIS. Your Eminence, our beloved Archbishop, Congressman Smith, Ms. Pryor, members of the Helsinki Commission, and distinguished panelists with me:

I thank the Helsinki Commission for the opportunity to bring to its attention the deleterious effects and efforts of the Government of Turkey to undermine the existence of the Ecumenical Patriarchate of Constantinople, the spiritual center of the world's 300 million Orthodox Christians located in Istanbul, Turkey.

I am the national commander of the order of St. Andrew, Archons of the Ecumenical Patriarchate, which is under the direct jurisdiction of the Ecumenical Patriarch and its Exarch in the United States, Archbishop Demetrios of America.

Ladies and gentlemen, the Ecumenical Patriarchate is the victim of religious persecution by the Government of Turkey. This persecution is systemic, involving multiple levels of government, including local and national, judicial and legislative. It is insidious, occurring over many decades, and devastating, designed to ultimately obliterate the very existence of the Ecumenical Patriarchate.

The Order of St. Andrew is an organization comprised of leading Orthodox Christians in the United States whose mission is to support and defend the Ecumenical Patriarchate. Our ranks include Members of Congress, such as Senator Paul Sarbanes and Congressman Michael Bilirakis; former members of White House administrations, including George Tenet and Tom Korologos; businessmen, such as Alex Spanos, the owner of the San Diego Chargers; professionals and academicians, such as Dr. John Brademas, former President of New York University, and Dr. Constantine Papadakis, President of Drexel University; members of the Federal bench; and preeminent stewards of the Orthodox faith throughout the United States.

I wanted to bring to your attention various violations of religious human rights that the Archons have personally witnessed during our many pilgrimages to the Ecumenical Patriarchate in Istanbul, and our recent visits with government leaders in Ankara.

The U.S. Department of State, with the assistance of Undersecretary of State Marc Grossman, and in cooperation with past and present U.S. Ambassadors to Turkey, including Ambassadors Mark Parris, Robert Pearson and currently Eric Edelman, has been instrumental in fortifying our position to seek religious freedom in Turkey.

Ambassador Edelman is especially committed to seeking an improvement in their dismal human rights record. He accompanied the Archon leadership in February and

December 2004 to meet with cabinet ministers of the ruling AK party in Ankara, including Deputy Prime Minister and Foreign Minister Abdullah Gül, Minister of Education Hüseyin Çelik, Minister of State Responsible for Religious Affairs Mehmet Aydın, and Minister of Interior Abdülkadir Aksu.

The Government of Turkey imposes severe restrictions on the ownership of property by the Ecumenical Patriarchate and of the Greek Orthodox community, as His Eminence commented earlier. It has confiscated thousands of properties of the Greek Orthodox community.

And specifically, since 1936, when there were some 7,000 properties registered as duly owned by Greek Orthodox community members, the members have been gradually, systematically and dramatically decreasing, to approximately 2,000 properties in 1999 and now to less than 500 in 2005.

Stated another way, the Ecumenical Patriarchate and its institutions do not have the right to buy, sell, maintain and inherit properties.

A calamitous example of this process is taking place at this very moment on the island of Buyukada off the coast of Istanbul. And I draw your attention to a picture of this patriarchal orphanage, and in front of that orphanage are American citizens who took the time to leave their families and businesses and comforts of the United States and travel to the Ecumenical Patriarchate and witness—these are Archons and clergymen—and witness this religious persecution.

Regarding this patriarchal orphanage, on October 21, 2004, the Turkish supreme court handed down a decision in favor of the government and against the Ecumenical Patriarchate to confiscate this orphanage, along with its vast properties, owned by the church since 1902, predating the Turkish Republic.

This facility once cared for 200 orphans, but due to the pogroms of 1955 and 1964, when most Greek inhabitants of Istanbul were forced to emigrate, the orphanage fell into disuse and disrepair.

You should keep in mind, ladies and gentlemen, that for centuries Greek Orthodox citizens comprised a steady 25 to 30 percent of the population in Istanbul. They now constitute less than 2,000 in a city of 12 million.

At the time of the most recent Archon visit in December, we inspected the orphanage property and found it, as you can see in the picture, to be in a state of complete ruin. Repeated attempts to maintain the property were unsuccessful for decades because the authorities refused to grant building permits.

Now the Government of Turkey, with the approval of the supreme court, has finalized plans to confiscate the property.

Another example of failing to grant building permits, which Rabbi Schneier—and I'll be happy to give you an update on this, Rabbi—is regarding the November 2003 terrorist bombings in Istanbul. And by the way, the Archon delegation visited Chief Rabbi of Turkey Isak Heleva, offering our condolences for that terroristic attack, which destroyed the British consulate, destroyed and severely damaged two synagogues, but also severely damaged the Church of the Virgin Mary, a Greek Orthodox church.

And on December 17th, it was just a couple of months ago, on that fateful day, regarding the European Union, on December 17th the Ecumenical Patriarchate did receive finally the permission to rebuild the church that was destroyed.

But this waiting and not answering and ignoring requests for assistance in rebuilding is not just unjust and unfair, but it really is emblematic of the modus operandi of the Turkish Government as it deals with the Greek Orthodox minority.

In addition, during our recent inspection of Baloukli Hospital and Home for the Aged, which is a 250-year-old patriarchal-affiliated institution located in Istanbul, which serves 30,000 to 40,000 Turkish citizens each year—and as a physician I could appreciate that magnitude of a hospital—our own legal counselor, Chris Tutakis, received a certified list, certified by Demitri Koriyani, the board of trustees member—chairman—of 144 confiscated properties of this charitable institution.

And it is this same charitable institution that has now been informed it is subject to a 42-percent retroactive tax to 1999.

Finally, another example of religious persecution, as has been mentioned by the panelists, is the closure of Halki School of Theology, resulting in the inability of the Ecumenical Patriarchate to train its clergy locally.

Included among the graduates of the Halki seminary are His All Holiness Ecumenical Patriarch Bartholomew and Archbishop Biyakovos, the former Archbishop of North and South America.

The government has refused to allow the reopening of the seminary despite assurances to President George W. Bush in January 2004 by Prime Minister Erdogan, and to President Bill Clinton in November 1999 by President Suleyman Demirel.

In fact, we are now even more pessimistic and discouraged that Turkey does not have the political will to reopen Halki, nor relax the religious persecution that pervaded the government after our most recent meeting with Foreign Minister Gül.

In his inaugural address President George W. Bush stated, quote, “We will encourage reform in our governments by making clear that success in our relations will require the decent treatment of their own people.” And he continues, “In the long run, there is no justice without freedom, and there can be no human rights without human liberty,” unquote.

My fellow Americans of the Helsinki Commission, Turkey is denying basic religious human rights to its own citizens of the Ecumenical Patriarchate and Greek Orthodox community. These Turkish citizens do not have the liberty to practice their faith without fear of attack, to own property, to train their clergy, or to freely elect their church leaders.

It is the expectation of the Orthodox citizens of the United States, whose spiritual leadership is located in Istanbul, that Turkey must comply with the various human rights documents to which they are a signatory.

And if they wish to accede to the European Union, which the order supports, they will need to correct the systemic, insidious and devastating policies of religious persecution.

In closing, I respectfully wish to submit a number of exhibits as a component of this presentation and thank the Commission for your kind invitation to present this.

Ms. PRYOR. Thank you very much.

I now give the floor to Reverend Dr. Bob Edgar.

You have the floor.

Rev. Dr. EDGAR. Thank you.

I'm Bob Edgar. I'm General Secretary of the National Council of Churches USA. I want to thank the Helsinki Commission for the opportunity to speak today. And I'm grateful for the fact that when the bells are ringing I don't have to get up and run for a vote.

My office for many years was on the floor above us, and my committee assignment was two floors below this particular room. I was on the Public Works and Transportation Committee, and also served with Congressman Smith on the Veterans' Affairs Committee. And it's fun to be back in the building.

Your Eminence, Archbishop Demetrios, it is very good to see you and to remember our time together, not only in New York, but also in Cuba last year as we dedicated the Orthodox Cathedral in old Havana.

I want to speak to all of you just briefly as general secretary.

And we welcome Cardinal McCarrick, who has joined us at this point. I see someone has twisted his arm to be here. [Laughter.]

Many people think of the National Council of Churches as that really, really liberal organization that you read about in the newspapers. And I think it's important for us at the beginning of this period, and especially in this context, to recognize the texture of the National Council of Churches.

We represent 36 different church traditions, from the historic Black church traditions of the Christian Methodist Episcopal Church and the African Methodist Episcopal Church, the Living Peace Church traditions of Quakers and Brethren, all the mainline churches, the Lutherans and the Presbyterians and the United Methodists.

We also represent 11 Orthodox traditions, both Eastern and Oriental. And we have been focused on a cross-section of theological and religious perspectives for the last 55 years.

And I might say, just for Cardinal McCarrick's benefit, the eighth-largest funder of the National Council of Churches in the United States is the Roman Catholic Church. While they are not members of the council, they serve on our commissions dealing with communications and justice and advocacy, and we work collaboratively on issues of justice for the poor, and we work collaboratively on issues relating to the environment.

It's also important to recognize that the Ecumenical Patriarch of the Orthodox Church is a person whom we love throughout the Christian community. We call him the green patriarch, because he has been a leader in helping the world understand the importance of the environment and care for Planet Earth.

I speak today in defense of the rights of the Ecumenical Patriarchate of the Orthodox Church, which is situated in modern-day Istanbul, Turkey.

I do so on behalf of the Greek Orthodox brothers and sisters who look to the Ecumenical Patriarchate as the cradle of their Christian faith and who look to the Ecumenical Patriarch as their spiritual leader.

The official title of the Ecumenical Patriarch says a lot about why we are here today. His title is Archbishop of Constantinople, New Rome, and Ecumenical Patriarch. History teaches us that when the center of the civilized world moved from Rome to Constantinople in the 4th century, the center of the worldwide Christian Church moved with it to what was known as the New Rome. From this new setting, Christianity flourished and moved across what was then the known world.

While the subsequent centuries saw the unfortunate division of Christianity into Roman Catholic, Protestant and Orthodox communities, each to experience the good and

the bad of history, it nevertheless remains a fact that the ancient See of Constantinople retains its place of ecclesial prominence among Orthodox churches and its place of honor throughout the entire Christian world—not, incidentally, something that goes unrecognized by Turkey today.

In reality, the Ecumenical Patriarch is the symbolic leader of the world's 250 million Orthodox Christians, not just Greek Orthodox, and he has direct ecclesial jurisdiction over millions of Greek Orthodox Christians throughout the world, including here in the United States, where the Greek Orthodox Archdiocese of America is a member of the National Council of Churches USA.

The Greek Orthodox Church in Turkey, centered in the Ecumenical Patriarchate, has suffered many indignities by virtue of its existence as the heart of the Greek Orthodox minority in that country. Yet, there are mechanisms in place that dictate that this must not be so.

According to the 1923 Treaty of Lausanne, which was mentioned earlier, which ended World War I, the Greek Orthodox, Armenian Orthodox, and Jewish communities are recognized minorities in Turkey, with their rights guaranteed by the Turkish government.

So central is this treaty to modern Turkey that this treaty takes precedence over the Turkish constitution. While the Turkish Constitution itself makes no reference to the recognition of these three specific minorities, it does state that religious freedom is a right to be enjoyed by all Turkish citizens.

Significantly, as recently as 1999, Turkish Government officials recognized the minorities mentioned in this treaty.

Given this legal framework, one would think that the Greek Orthodox community, as well as the Armenian Orthodox and Jewish communities have enjoyed an harmonious existence within Turkish society.

As we all know, the converse is true.

The issue before us today is the systematic expropriation of property owned by individuals and institutions, including the Ecumenical Patriarchate, in the Greek Orthodox community in Turkey.

An arbitrary and capricious property rights regime has allowed the confiscation of private properties, schools and churches.

Currently, there are attempts to confiscate an orphanage and an old age home and other properties.

One result of these actions is the disenfranchisement of the Greek Orthodox minority. Another result is the diminishment of their presence due to immigration.

If these violations are allowed to continue, it will not be long before the Greek Orthodox faithful in Istanbul, who numbered 110,000 in 1923 and number only several thousand today, will disappear.

This issue should be seen in the context of the violence also visited upon the Greek Orthodox minority over the years. Quite memorably, in 1955, pogroms were carried out in Smyrna and Istanbul, riots that were subsequently determined to be provoked by the Turkish Government at the time.

I would simply like to close by saying that we in the National Council of Churches stand side by side with not only the Greek Orthodox Church, but all the Orthodox Christian family in suggesting strongly that if the Turkish Government wants to be part of the

European Union it must recognize the rights and privileges of the minority faith communities inside Turkey.

The Greek Orthodox Church in Turkey is a minority community whose history is rich, whose ecclesial tradition is vibrant, and whose people are faithful.

Sadly, it is also a church whose future is threatened.

We urge the Turkish government to change its policies, think more clearly about how it relates to both the church and the church's property, and begin moving into the future in relationship with this very important religious tradition that is a minority in the community of Turkey.

Thank you very much.

Ms. PRYOR. Thank you so much.

I'd like to welcome Cardinal McCarrick, who's now joined us. We look forward to hearing your comments, sir.

Cardinal MCCARRICK. Thank you very much.

My name is Theodore McCarrick. I'm the Catholic Archbishop of Washington.

My interest in the difficulties which the Greek Orthodox Church faces in Turkey goes back a long time. I'm delighted to have an opportunity to mention my concerns at this time to the distinguished members of the Helsinki Commission and to all of you who are gathered here.

A slight digression would be that years ago I was privileged to serve as a public member of the Helsinki Commission and attend meetings both in the Balkans and in the former Soviet Union. So I know the good work that the Commission has accomplished. I'm delighted that you continue to consider the difficulties of freedom of religion as it is now faced by the Greek Orthodox Church.

This morning I speak not on behalf of the Catholic Church, nor on behalf of the Conference of Bishops. I speak solely and purely in my own name, as a friend of the Orthodox Church and as one who has had the opportunity, both because of my membership in the Helsinki Commission and also my privilege of serving as one of the original members of our own federal commission on international freedom of religion.

It was in both these capacities that I became aware of the difficulties that the Greek Orthodox Church in Turkey is facing, where we have always had the hope of bringing these problems clearly into the light of day, so that our nation might play a role in bringing them to a happy resolution.

My own interest in this question came about initially when I was privileged to be a member of the delegation of the Appeal of Conscience Foundation, under the leadership of my distinguished colleague and dear friend, Rabbi Arthur Schneier, some years ago.

Through the kindness of His All Holiness Patriarch Bartholomew, we were able to visit the island of Halki personally, and there to see the seminary which in past times had played so important a part in the life of this important religious community.

Subsequent to that visit, I spoke to a number of agencies in our own government, asking that this concern be raised with the Government of Turkey. I believe that in the administration of President Clinton this was done in a strong manner, perhaps for the first time. I do understand that it has recently been repeated because of the continuing interest and concern of President Bush.

The manner in which the Turkish Government, since the days of the Republic, has treated the Greek Orthodox Church is an indication of a lack of understanding of the importance of this institution.

Historically, as has been pointed out so well by Dr. Edgar, and I'm sure by others, the Greek Orthodox Church has been the guardian of Eastern Christianity over so many centuries.

The head of the church, the Ecumenical Patriarch, has been recognized as a successor of the Apostle Andrew, who was first called among all of the apostles of the Lord. His role as the spiritual leader of the millions of people throughout the world who the faithful of the Orthodox community follow makes him one of the most important religious leaders on the globe.

Unfortunately, to some in the Turkish Government, he's regarded only as the pastor of a small group of several thousand Greek Christians living in Istanbul.

It is perhaps here which is the basis of the difficulties with the church teachers. It is in a lack of true understanding of the importance of the Patriarch and the importance of the church.

Turkey, one would hope, would be so proud to have among its citizens and among its religious leaders one whose influence is felt not only far beyond its borders, but, indeed, throughout the world.

The importance of His All Holiness Patriarch Bartholomew, the present leader of the church, is often underlined in the deep respect and esteem in which he is held by the other major religious leaders of the world.

One instance of this would be the manner in which the Holy Father, Pope John Paul, received the Ecumenical Patriarch in the Vatican and gave him every honor beyond that of any Cardinal that I know and any other ecclesiastical figure. He regards the Patriarch as a dear brother and as a true successor of the apostles in every sense of the word.

It is the Holy Father's constant reaching out to the Ecumenical Patriarch and to the Greek Orthodox Church that prompts so many of us to continue our plea for that church to receive, especially in its central headquarters in Istanbul, a respect and a dignity that its place among the religions of the world demands for it.

I know that I would speak for so many Christians throughout our own country when I would urge our government to be sensitive to the plight of the Greek Orthodox Church in Turkey and to do everything that is possible to make sure that these very reasonable and understandable requests which you've heard about already today are taken into consideration by the Turkish Government and are granted for the good of the Church, and, indeed, it would seem to me, also for the good of the Turkish nation—and this in a special way as Turkey prepares to make its formal bid into the European Community.

Prominent, as I began to mention before, prominent among all these requests is the reopening of the theological school on the island of Halki. This theological school was in a sense the West Point of the Orthodox seminary. Here, many of the leading Metropolitans and the great theologians of the Orthodox world were trained.

As you understand, since the Patriarch must be a Turkish citizen, and since Turkish citizens would ordinarily be trained for the priesthood in a seminary such as Halki, the closing of the seminary makes it almost impossible for Turkey's citizens to be prepared to accept the highest responsibilities in the church today, thus creating an enormous problem for the future of the patriarchy and of the Church itself.

There are, of course, other difficulties which the law on foundations causes for the non-Muslim religious communities of Turkey today. The regulations which are in place for these religious institutions often base their relations on police ordinances, often oblige corporation taxes to be paid by religious institutions, contrary to what is the custom throughout the Western world, often freezes revenues from property transactions of non-Muslim religious institutions.

For years now, the Greek Orthodox Church has tried very gently, and yet very firmly and very clearly to negotiate these difficult questions with the Turkish Government and has not been successful.

I'm honored today to take part in this session with my dear brother, His Beatitude Archbishop Demetrios, and Dr. Bob Edgar, and of course Rabbi Schneier, and those others who have gathered here because of this important request and this important cause that joins us all.

This is a cause which is worth struggling for. It is a good worth striving for. And it is a road on which the United States should be walking because of so many consequences that can come for the good of the world if the Greek Orthodox community in Turkey has a chance to exercise its religious freedom and to grow in grace and holiness under the protection of the law and the respect of its fellow citizens in the Turkish nation.

This is what I am here to ask for. This is what we all hope for gathering this morning.

Thank you for letting me make this presentation.

Ms. PRYOR. Thank you very much, Cardinal.

And thank you, all of our panelists, for most informative and interesting testimony.

We're going to open the floor now to questions. I'm going to take the prerogative of the chair and ask the first question, which I'll address to Archbishop Demetrios, although I'd be interested in everybody's comments on this.

And that is, as negotiations have gone forward with the Turkish Government for accession to the E.U., we haven't really seen an improvement in the situation vis-a-vis the Greek Orthodox Church. I'm wondering if you expect an improvement as the negotiations continue.

Is your prognosis optimistic? How do you see that situation?

Archbishop DEMETRIOS. Prophetic vision is limited to some old times, and predictions are extremely difficult, especially in politics and international politics. But that's a very, very serious question.

I would like to say, not to use the terminology of optimistic or pessimism, but the terminology of hope; of hope and faith that this is a wonderful opportunity during this period of processing the accession of Turkey to the European Union. This will be a period that will see clear, visible improvements in the relationship between the Turkish Government and the minority communities, especially the Ecumenical Patriarchate.

It's a strong hope. And I think not only is it a strong hope, it seems to me it's something dictated by the very, very well being of the Turkish Government and nation. They have to profit immensely from this improvement. It's not simply something for the patriarchate, it is retroactive much stronger for the Turkish Government itself.

Thank you.

Ms. PRYOR. Anybody? Cardinal, please.

Cardinal McCARRICK. I would just like to add that, if not now, then when?

This is a moment where the eyes of the whole world are on Turkey and on its relationships with its minority communities.

This seems to me to be a very special moment. And if we let this moment go, I'm not sure when there will be another moment that will have the same opportunity and the same pressure. So that I would really hope that there is movement now, and I think that the reason for our gathering at this hearing today is our common hope that this is the time when this will happen.

Ms. PRYOR. All right. I'm going to open the floor to questions.

QUESTIONER. A number of years ago, the Congress passed a resolution—rather I should say, there was a resolution, and then an amendment from that resolution was passed in the form of an omnibus appropriations bill of the State Department.

In that amendment it says that the U.S. Government, in its dealings with the Turkish Government, should always be bringing up the issue of the Ecumenical Patriarchate and supporting its livelihood, and for the reopening of the Halki School of Theology.

Can anyone from the panel please tell us today what exactly is the U.S. Government doing today to uphold this amendment that has been passed as public law of the United States?

Archbishop DEMETRIOS. If I may start myself.

I think the U.S. Government has been consistently and methodically and systematically trying for this issue.

I am aware especially of the efforts regarding the opening of the School of Halki. It has been a continuous effort.

I have been, as I mentioned before, I have been present in Constantinople at the patriarchate when President Clinton, then sitting President, visited Turkey for some other things and had a long talk with President Demirel. And we were expecting him in the evening when he visited the patriarchate with good news that finally Halki is opening.

President Clinton came, with Mrs. Clinton and their entourage.

He was really deeply, deeply sad. I mean, he was with a face full of pain. He said no results, the answer at that time was the timing is not the proper timing and we don't have a legal formula.

But that was indicative in the person of the president, and that was the same situation with President Bush. That was all along the U.S. Ambassadors in Turkey.

Dr. Limberakis mentioned the Ambassadors in Turkey went out of their way in support of a policy of facilitating the enforcement by the Turkish Government of this type of decision that will somehow eliminate some of the burdens from the patriarchate.

So my impression is that it has been a continuous effort. Now, the results, it's another story. But I think the effort have been consistently made.

Ms. PRYOR. Anybody else like to comment on that?

Dr. LIMBERAKIS. Well, if I may, to echo what His Eminence stated.

Undersecretary of State Marc Grossman has been in constant consultation with the archons and the order as we prepare our trips to Turkey, to Istanbul and to Ankara. It is through the State Department that we have been able to obtain the meetings with the

ministers, foreign minister, minister of education, and those particular ministers germane to the issue of religious freedom.

And in our presence, Ambassador Edelman a number of times specifically made reference to reopening Halki, the property issue, the succession issue of the Ecumenical Patriarchate and the Ecumenical Patriarch not being a Turkish citizen.

These are items that were brought up in our presence, in front of the ministers of the governing AK party this past year, 2004.

So I feel that the United States is making an effort to stand firm on this.

And last, I wish to make reference to what I think is an embarrassing behavior of the Turkish Government when the Prime Minister's office, during our last trip in December, issued a statement to all government officials to boycott the two banquets that were held in honor of the Ecumenical Patriarchate Bartholomew in Istanbul in honor of the Archons of the Ecumenical Patriarchate in Ankara that the ambassador was hosting.

Why? Because the term "ecumenical" was utilized. And that word, "ecumenical," so offended the government that a statement had to be issued by the Turkish Prime Minister's office banning government officials to attend.

That very evening, the U.S. Consul General in Istanbul gave a tremendous endorsement of religious freedom, quite frankly using the word and underscoring the word "ecumenical"—you recall, Your Eminence, and there are other members who were with us there, Father—while we were in Istanbul, underscoring the title, which was given to the church to that position in the 6th century, and the collegial, first-among-equals that his position holds among the Orthodox faith.

So, to answer your question, I feel that the State Department, President Bush and President Clinton, have made strong efforts. But you could only lead a horse to water.

Ms. PRYOR. I'd just like to add to that also that last May, before President Bush went to Istanbul for a summit, a NATO summit meeting, 13 members of the Helsinki Commission wrote to him encouraging him to raise these issues. And he did raise them with Prime Minister Erdogan. So I agree there has been a consistent effort.

Cardinal McCarrick has to leave us in a little bit, so is there anybody who has a specific question for him before he must go?

Well, I thank you very much, sir, for being with us today.

Cardinal MCCARRICK. I thank you. I thought someone would ask what happened to my arm. It's from 47 years of blessings. [Laughter.]

Rev. Dr. EDGAR. With all these faith leaders here, you'd think we could heal it.

Cardinal MCCARRICK. I'm open to that.

Ms. PRYOR. Other questions? Comments?

QUESTIONER. To all the panelists: Why you have decided to address this crucial issue now and not in the past? Is there any particular reason?

Archbishop DEMETRIOS. To whom are you addressing the question?

QUESTIONER. To all the panelists.

Archbishop DEMETRIOS. The issue is not addressed now, unless you mean the specific format, because the specific format is a result of developments through the time. The issue has been constantly addressed and constantly in the minds and in the talks for years.

But somehow the event of the discussions of Turkey's accession to the European Union somehow facilitated, expedited, accelerated the speed, therefore caused this type of more intense, let's say, more specific meetings.

Otherwise, that was more or less happening, in a different form, of course, and different formats.

Rev. Dr. EDGAR. I was just going to answer your question about why now.

I think Cardinal McCarrick also said it very strongly.

This isn't the first time this issue has been raised. It's been raised many times. It's been raised in Democratic administrations, Republican administrations, Protestant and Roman Catholic administrations.

It cuts across all the theological and political lines, particularly for those of us in the United States who understand the situation. And with all the movement toward the European Union, this is a critical time for this to be raised, not just with the Helsinki Commission, but with all opportunities that we have. When we meet with the State Department. When we talk to Condoleezza Rice and talk to others in the administration urging them to continue to keep the pressure on.

When I served in Congress, there was never a good time to raise issues like this. The time was always right to raise issues like this. And so I think it's important for us to speak.

And I'd also commend His Eminence for not only leading this effort today, but we joked when Cardinal McCarrick was here about the breadth of religious tradition. Our colleague, the Rabbi, is here, the Roman Catholics were here, the Protestants were here, the historic Black church was here, the peace church was here.

I don't know of too many other partners that could be here.

We'll continue to talk with our colleagues in the Muslim tradition, Islamic tradition, here in the United States.

All of us as Christian traditions are minorities someplace in the world. And contrary to the popular belief of Christians, we are a minority on Planet Earth. There are 6.5 billion people on Planet Earth, and Christians make up less than 30 percent of that total.

So we are all minorities in some way, and we all respect religious facilities, religious buildings. My tears flowed when the synagogues were bombed in Istanbul and in Turkey. I have six grandchildren, three of whom are Jewish. So I am an historic interfaith family and think we need to stand up when others tell us to sit down, and speak out on these issues, as creatively and as strongly as we can. We can't afford religious prejudice anywhere.

Ms. PRYOR. Thank you.

Chad?

Mr. GORE. And I'd like to address the question from the Commission's perspective as well.

My name is Chadwick Gore. I'm a staff advisor with the Commission.

This is not a new topic, neither the situation with the Greek Orthodox in Turkey, nor the broader issue of religious liberty in Turkey writ large. We, as a commission, certainly have addressed other states within the OSCE and whether they have failed to meet their OSCE commitments or not.

So this is one of a series since the genesis of the commission in 1976 of the Commission looking into whether participating states in the OSCE have fulfilled their commitments.

I also want the audience to know, and the panel, that this is one of three briefings that are tied together.

We are addressing the problem of the Greek Orthodox in Turkey today. There'll be a subsequent briefing where we look at other faiths within Turkey and the problems they're having, both minority faiths and the Muslims as well, within the foundation law.

And then a third briefing will be held with the Government of Turkey. I spoke with the Turkish Embassy yesterday. I invited them to come here if they wanted to make a statement or if they wanted to take questions or submit a written statement for the record. They chose not to, for a variety of reasons. Maybe short notice was one of them.

And so we've agreed that they will bring someone, probably from Ankara, and the Government of Turkey will give a briefing that will both respond to these issues, as well as raise other issues. So at that briefing we intend to address the entire panoply of human rights and OSCE commitments within the Turkish framework.

So I wanted everyone to be aware of that and to look forward to those briefings in the future. And they will be in the not-too-distant future.

They will definitely be announced in the same manner that we do with press releases and so forth.

Ms. PRYOR. Rabbi, did you have a comment also?

Rabbi SCHNEIER. Yes. There is a comment that I heard the other day from someone who plays the lottery. And he said, "You want to win in the lottery, you have to buy a ticket."

Now, in order to gain admission to the European Union, every state applying for admission and accession has to assume obligations and responsibilities in terms of human rights, religious freedom.

What we're doing here today in a way could be a great service to the Turkish Government, what we're saying is—and I made that in my statement—Cardinal McCarrick and Dr. Edgar reaffirmed it—give the Ecumenical Patriarch the recognition that he enjoys worldwide.

It has been said that frequently a prophet is not recognized locally. This is what we are dealing with in the question of Patriarch Bartholomew I.

Archbishop Demetrios, We are here because of the affection we have for you. You have stood with us on so many different issues in the Appeal of Conscience Foundation, in support of human rights.

His All Holiness is really a gem as a leader for what is needed desperately in this world today of conflict among civilizations. And therefore giving him the status that he deserves. He can be a formidable ally in terms of admission of Turkey to the European Union.

Ms. PRYOR. Thank you very much.

I see that we've been joined by Congressman [Frank] Pallone [of New Jersey].

I'm wondering if you have a statement, sir, that you would like to make. I invite you to the podium.

Mr. PALLONE. There's only 10 minutes. But I just wanted to say how important this issue is to me and to so many of my constituents. And, you know, the idea of continued intrusions and making it more and more difficult for the patriarchate to exist in Istanbul is, you know, to me totally outrageous.

And I just appreciate the fact that you're having this hearing, because it very important. I mean, I have to say that not only have my Greek-American constituents expressed concern about what's happening, but also others, because, as you know, there are other Christian leaders, like the Armenian Patriarchate, and they're all very concerned about the future if something isn't done with the Turkish Government.

I know that a lot of people feel that because Turkey wants to join the European Union now that somehow a lot of these things might change, and that that's the leverage that can be used. And I certainly hope that we're able to use that leverage.

But I find that what happens oftentimes is that the Turkish Government will say that they're going to do the right thing when it comes to human rights issues or protecting religious minorities, and yet practically speaking it's not done.

So as much as the advent of a possible accession to the E.U. presents an opportunity, it doesn't mean that we don't have to continue to put the pressure on, because this is not something that's just happening today. This has happened many times.

But it is very important that we here in the United States and other countries around the world object to it and to see what we can do to make sure that the patriarchate and its various facilities are protected and are able to continue to operate.

And I just appreciate again what you're doing here.

I hate to run in and run out, but that's the reality around here.

Thank you. Thank you.

Ms. PRYOR. Thank you. Thank you. We appreciate your presence here today, too.

I see that we've got a question here.

QUESTIONER. It seems to me what we are doing today reminds me a little bit of an English expression: Preaching to the choir.

The question arises as to the effectiveness of our activities.

It is known that Prime Minister Erdogan himself, and also, I think, Secretary Gül, have made commitments to opening the Halki, and then they regressed.

It is of course a fact, we all know, that presidents, Democrats and Republicans alike, made this point, they raised the issue again and again over the years. And nothing is happening in Turkey.

Are we doing something effective? Is it possible that the Turkish establishment, that is the hard line of the Turkish establishment, has prevailed in their internal deliberations, leading them to conclude that the cost of doing something for the patriarchate, for adhering to what we call civilized behavior, is not affordable for the Turkish political establishment, whereas noncompliance brings no cost at all?

They may look at President Clinton or President Bush or the archons visiting as simply pro forma movements that is perhaps activities that U.S. politicians have to do to placate their constituencies. They come and tell us, "Yes, we raised the issue."

But no compliance on the part of Turkey bears no costs. Therefore, if they do something will bear a lot of cost for them, but not complying bears no cost at all.

And that is the issue that we have raised earlier. We are doing all these things. What are we doing today, is there any follow-up?

What do we see any effective levers? Can we pull any levers that will actually bring some results?

Is it possible that the U.S. Government will imply or suggest that there will be some consequences if they do not proceed with effective compliance with freedom of religion? And those are things that are written down in black and white, the legal provisions, as we heard earlier. There is clear noncompliance.

Are there any effective levers? OSCE, can they pull any levers and say, "You don't comply? Well, you will be censured. You will not be acceptable as a member to the OSCE."

The U.S. Government may have levers which I may not know, or the European Union, something effective, something that will convey the message to the government, to Mr. Erdogan, that there will be real costs for noncompliance.

Any suggestions please?

Ms. PRYOR. Anybody want to tackle that? What would be the most effective measures?

Dr. LIMBERAKIS. If I may comment on that. Two points.

One, I believe with the European Union activity and the recent activity of Orthodox Christians in the United States, clearly have been vocal critics of Turkish persecution, but the laity haven't been as involved as they are now.

I think we are seeing enhanced activity of the laity in the church to stand side by side with our hierarchy in fighting for religious freedom of the spiritual center of Orthodoxy.

And the other analogy I wish to make is similar to that that was told to me by our legal counselor, who is a maritime attorney. And that is, when you try to change direction of an ocean liner, it takes the tugboat gradual turns to slowly turn the direction of the ocean liner.

I think what we are dealing with, in fact, is an ocean liner that's had decades and centuries of a condition vis-a-vis the Greek Orthodox Church and minority, and it's going to take time to make changes. But we are having a hearing for the very first time in Washington, DC, in the Capitol, with Congressmen and Senators.

That's never happened.

We have the European Union opportunity in which the Church, not just as Americans, but as universal members of the Orthodox faith, whether we are Orthodox from Germany or France or Greece or Britain, will also come to bear on this process.

So I think there's enhanced activity, more so than has been in the past. And I am hopeful, as His Eminence, although we've been discouraged—and we have been discouraged, because in February of 2004 we left high-fiving the foreign ministry in Ankara, thinking things were going to reopen in Halki by September. And they even said the 2004–2005 academic year might be the year. We were very optimistic. But September came and went, and now it was December, and we were in Ankara again, and we were not given any assurances that things were going to improve.

But this kind of activity, these hearings, our strategy in Europe, I'm hopeful, as His Eminence is hopeful, with his leadership, that perhaps we will make progress.

Archbishop DEMETRIOS. If I may add something.

It's a very important question really, the idea of compliance, or rather how the idea will become a reality, the compliance of the Turkish government to the demands, the very fair, to say the least, and just demands.

So there is a difficult issue, how now you proceed and you produce this type of not only willingness, but actual action in implying things.

But we have to try. And perhaps the whole process of the accession to the European Union is perhaps the best opportunity, perhaps—not perhaps, for sure is the best opportunity.

I don't know what might be on the part of the State Department policies. They might have some other things that they can use which we don't know. I cannot enter this field of international politics.

That's very difficult to speak about.

But let me add anecdotally, I hope I'm allowed to use an anecdotal kind of thing that shows something. Last year we did have in New York, in the Metropolitan Museum, the big exhibition of the Byzantine art and iconography, as you remember. It was a terrific event in which we had 360 exhibits from all over the world, especially the Balkans and these areas with basically icons and other items.

It was a long process. The title, as you know, was "Byzantium: Faith and Power." It was a long process, and during this process the organizing committee isolated a very important icon which was in Turkey. It was an icon painted on both sides, a very beautiful piece.

Now, they tried to, by all means, through the Turkish agencies to get the icon. Just impossible. They were desperate. They said, "We need the icon."

At some point, just very shortly before the opening of the exhibition, they said, "You need three months to apply before the whole thing," and there was not 3 months, there was a matter of 2 or 3 weeks.

It so happened that Prime Minister Erdogan came to the States.

And we asked for a meeting on a number of two or three other items.

And they told me, "Can you bring up the subject of the icon?"

So at the end of a meeting with two or three very serious items, I said, "Mr. Prime Minister, we have an issue here. There is an icon. We tried by all means through the Turkish bureaucracy there and the people here in the museum they did everything possible. Can you please, when you return to Istanbul, arrange so that the icon will be sent?"

Well, within 1 week the icon was here, in New York.

Now, this is a compliance, so to say, to a demand, but it looks like a minimal thing. It happened in a very good way.

So there is always a possibility, even for much more serious things, to be handled in a way that will offer satisfaction to the parties involved. Of course, we are talking about much more serious and more much involving issues. However, if there is at some point the will, and if there is understanding the significance of a gesture, the gesture will be done. But one has to be convincing about that.

Ms. PRYOR. Thank you very much.

Archbishop Demetrios, Rabbi Schneier, Dr. Limberakis, thank you so much for being with us today. We know how valuable your time is, and we appreciate very much that you gave us so much of it.

And thank everybody who attended today.

Again, the transcript of this briefing will be on our Web site, csce.org, within a day. And this briefing is now closed. Thank you.

Archbishop DEMETRIOS. Ms. Pryor, you allow me a postscript?

Ms. PRYOR. Yes, of course.

Archbishop DEMETRIOS. Sorry about that.

I would like to say something that has to do with an atmosphere, so to say, an ambience surrounding this type of problems and events.

And I don't want to leave this hall with the wrong impression.

The Patriarch himself, I mean if you listen to these kind of things, I don't know, you might get some idea about what's going on there. But one has to be careful about especially what the Patriarch does.

The Patriarch is in an immediate, very, very cordial, very personal relationship with the Jewish community, the Muslims, the Armenians. Every time we were there it was always something. "Can we go?"—we went, we were there 2 days after the bombing of the synagogue—and he said, "Can we go?" after a long—it was a 6-hour meeting in the Synod. He said, "Can we now go and visit the Chief Rabbi?" He was with all these kind of ruins, et cetera, all the people there.

Then we were there recently. He said, "Tonight they have the opening of the rebuilt synagogue." We were there.

The next day, "You know, this is the end of the Ramadan, let's go there." There were the chief Muslim people there, and they were extremely cordial toward the Patriarch and the Patriarch himself.

In and out, always plenty of photographers, journalists, reporters.

I noticed—and let me close with that—I noticed something very interesting. It was a meeting in UNESCO, in a section of UNESCO in Istanbul. And here is the mayor of the city, the minister of culture and education, and other important people from the government, and the patriarch. And they speak, one after the other.

As each one comes up, the podium was higher on the stage, each one comes up, the photographers come.

Well, I was sitting there, and just noticing what's going on.

Here comes the minister of culture and education—there are five photographers. Comes down. The mayor comes up—there are seven photographers.

When the Patriarch came up to speak, everybody—I mean, there were 30 photographers there—everybody around there. Everybody says, "What's going on?" They say, "Well, the Patriarch is going to speak."

I mean, that shows a relationship which on the human side is very strong. It's not hostile, it's strong. And that emphasize even more the need of a reciprocal kind of attitude on the part of the government and the state agencies in order to just be on the level of the simple people that the journalists are, who are extremely, extremely friendly and recognizing the Patriarch.

So just I thought that we should keep this image on the part of the Patriarch, an outgoing, outstretching, beyond any imagination effort to reach out to the people and not have anything that could be in any way an excuse for not reciprocity and mutuality in responding.

Thank you very much for the postscript.  
Ms. PRYOR. Thank you for those comments also.  
Thank you all for coming. And the briefing is closed.  
[Whereupon the briefing ended at 11:53 a.m.]

# APPENDICES

## PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN

We are here today in order to review the efforts of the Government of Turkey to undermine the existence of the Greek Orthodox Church in Turkey, and to discuss Turkey's obligations under international human rights law, the Turkish Constitution, and the Turkish national law.

The Lausanne Treaty of 1923 does much to protect the rights of the non-Muslim religions in Turkey, but discriminatory treatment continues to hinder the religious freedoms of Turkey's Orthodox minorities.

The State Department of the United States, as well as the European Commission has recently criticized Turkey's treatment of religious minorities, focusing primarily on the legal status of the Ecumenical Patriarchate, the obstacles to religious foundations' ownership and repair of property, the closure of Halki Seminary, and the citizenship of bishops elected to the synod.

Today we will look at The Orthodox Christian Minority's lack of legal personality, their restricted property rights, and the interference in the management of foundations.

Turkish Authorities have not recognized the Ecumenical Patriarchate as a legal entity. As a result, the amount of Patriarchate owned properties have shrunk from 8000 in 1936, and to 1700 at present; with only 600 of these being legally recognized by the General Authority Foundation. Church Community properties, in the form of Parishes, Sanctifications, Monasteries, and Shrines ought to be safeguarded, and registered under the Ecumenical Patriarchate.

The Greek Orthodox minority population has shrunk due to the breaking up of the minority community by the Turkish Minority Authority. As a result, the Authorities have claimed the right to confiscate any foundation that is lacking members or administration. Until the present day the Greek Orthodox Minority does not have any, legally bound, central representation, though it is presented as a representative of the Minority at all times.

There is a real need in Turkey today, if the presence of these institutions and the continuation of their existence is still desired, then Turkey must adhere to the Treaty of Lausanne and protect the ecclesiastical traditions. Or else the Ecumenical Patriarchate will be unable to elect a Patriarch and continue its right of operations.

Currently, the Greek Orthodox Minority relies heavily upon foreign clergy to make up for the lack of manpower of clerics for the manning of various sections of the Patriarchate. Permanent work and residence permits must be given to clerics who are invited. Otherwise they will be welcomed only as tourists and must leave the country every three months.

It is imperative to settle the issues of minority education. Schools that have been kept open by the Ministry of Education need to be available for use for other non-educational purposes. These are empty school buildings that lack students and have suspended their functions.

The concern of this Commission—the focus of today's briefing—is the protection of religious rights and freedoms. Turkey's treatment of the Ecumenical Patriarchate violates its obligations under international human rights law. As a party of several international

human rights treaties, a member state of the Council of Europe, and a participating State in the Organization for Security and Cooperation in Europe, Turkey has taken on binding obligations to protect the rights of religious minorities and to prevent discrimination on the basis of origin, religion, or ethnicity. Turkey violates these obligations with its law and practice restricting the activities of the Ecumenical Patriarchate.

## **PREPARED STATEMENT OF HON. HILLARY RODHAM CLINTON, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Ladies and Gentlemen, as we have seen in many contexts, the treatment of religious minorities is critical to ensuring the right to religious freedom that is inherent in a democracy. Today's briefing on the Turkish treatment of the Greek Orthodox Church highlights why we must continue to be vigilant on this issue.

Turkey, as a participating State of the Organization for Security and Cooperation for Europe, is required to meet commitments on religious liberty. In light of these commitments, the treatment of the Greek Orthodox Church, and in particular the School of Theology at Halki, is of concern. This university-level theological seminary, founded in 1844 to train Greek Orthodox clergy, educators and scholars, was closed in 1971 when Turkish authorities nationalized all private universities. Closure of this world-renowned facility deprived the Greek Orthodox Church in Turkey of a critical training site for future leaders. Yet, while private universities have since been allowed to reopen, seminaries remain closed. The 1989 Vienna Concluding Document commits the participating States to "allow the training of religious personnel in appropriate institutions". Therefore, we must question the basis for the continued closure of the School of Theology.

Another issue concerning the treatment of the Orthodox Christian minority in Turkey involves the ecumenical authority of the Greek Orthodox Patriarch. Unofficial Turkish government policy mandates that only Turkish citizens can hold church leadership positions. Yet, due to the closure of the Halki Seminary and the declining Greek population in Turkey, this has proven an increasingly difficult challenge. In response to this situation, the Patriarch has appointed several foreign clerics to positions on the Synod. This action should be acceptable since it is fully consistent with the Vienna Concluding Document, which declared that participating States will "respect the right of . . . religious communities to organize themselves according to their own hierarchical and institutional structure," as well as "select, appoint and replace their personnel in accordance with their respective requirements and standards".

Reopening the Greek Orthodox School of Theology and allowing the church the freedom to appoint its own personnel would send a strong signal that Turkey respects the rights of religious minority communities in keeping with its OSCE commitments.

I urge the Commission to continue to address these issues with Turkey.

## **PREPARED STATEMENT OF HIS EMINENCE ARCHBISHOP DEMETRIOS**

The Ecumenical Patriarchate continues to suffer from excessively unfair and unacceptable treatment at the hands of the Turkish state. Three examples of such treatment include:

1.) The closure of the Theological School of Halki (on the island of Heybeli) in 1971. The Theological School of Halki is the only institution of the Ecumenical Patriarchate for the training of its clergy. One cannot underestimate its importance for the essential survival of the Ecumenical Patriarchate.

2.) The continuous confiscation of Church property by the Turkish government, which refuses to recognize titles to Greek minority properties purchased or acquired by donation after 1936.

- Recently, the Supreme Court of Turkey allowed the government to confiscate a very large and historic orphanage belonging to the Greek Orthodox community on the island of Pringipo.

- Approximately 1400 properties belonging to the Ecumenical Patriarchate have been confiscated, 152 of which have been taken from the Baloukli hospital in Istanbul. Today, the Baloukli hospital is threatened with bankruptcy by the recent imposition of an unbearable retroactive tax on the grounds that it is not considered a non-profitable organization.

3.) The refusal of the Turkish government to recognize the legitimate “Ecumenical” title of the Ecumenical Patriarchate, a title historically established since the sixth century and internationally recognized by political and religious communities.

The very existence of these problems in Turkey is distressing, particularly at a time when the international community is especially sensitive to the importance of religious freedom, human rights, and the protection of the rights of minorities. The lawful right of the Greek Orthodox community and other minorities in Turkey to contemplate a secure existence and a prosperous future must be protected.

**EXHIBITS SUBMITTED FOR THE RECORD BY DR. ANTHONY  
LIMBERAKIS, M.D.**

[NOTE. The following exhibits have been retained in the Commission's files.]

1. Turkey's Compliance With Its Obligations to the Ecumenical Patriarchate and the Orthodox Christian Minority, by Maria Burnett, Maria Pulzetti, and Sean Young of the Yale University School of Law; Executive Summary and Complete Treatise
2. The Ecumenical Patriarchate, A Brief Guide, by Fr. John Chryssavgis
3. A Fact Sheet on the Ecumenical Patriarchate
4. Supreme Court Decision of Turkey regarding the confiscation of Patriarchal Orphanage of Island of Büyükada, October 21, 2004
5. Human Rights—Turkey on the Road to Europe—Religious Freedom? by The Catholic Church's Pontifical Mission Society, Human Rights Office, Otmar Oehring—2004
6. The Return of the Relics, DVD, the Return of the Holy Relics of St. Gregory the Theologian and St. John Chrysostom by Pope John Paul II to Ecumenical Patriarch Bartholomew
7. Listing of Properties Confiscated by Government of Turkey from Balukli Hospital and Home for the Aged, Istanbul, Turkey, from 1974 to 2002; Certified by Demetrios Karagianis, Chairman, Board of Trustees, Balukli Hospital
8. The Ecumenical Patriarchate, CD-ROM, sponsored by the Order of St. Andrew / Archons of the Ecumenical Patriarchate in America

## **PREPARED STATEMENT OF REV. DR. BOB EDGAR, GENERAL SECRETARY, NATIONAL COUNCIL OF CHURCHES**

Thank you to all members of the Helsinki Commission for this opportunity to speak to you today.

I am the General Secretary of the National Council of the Churches of Christ in the USA, which is composed of 36 national churches that collectively represent some 45 million Christians in approximately 100,000 congregations across the country. These churches come from the Anglican, Eastern Orthodox, Oriental Orthodox, and Protestant traditions, the latter of which includes the mainline, peace, and historic black churches.

I am also a former Member of the House of Representatives, having served the 7th District of Pennsylvania for six terms, from 1975 to 1987. In between Congress and the National Council of Churches USA, I worked on national security issues here in Washington and was also President of the Claremont School of Theology in California. I am an ordained elder in the United Methodist Church.

I speak to you today in defense of the rights of the Ecumenical Patriarchate of the Orthodox Church, which is situated in modern-day Istanbul, Turkey. I do so on behalf of my Greek Orthodox brothers and sisters who look to the Ecumenical Patriarchate as the cradle of their Christian faith, and who look to the Ecumenical Patriarch as their spiritual leader.

The official title of the Ecumenical Patriarch says a lot about why we are here today. His title is: Archbishop of Constantinople, New Rome, and Ecumenical Patriarch. History teaches us that, when the center of the “civilized” world moved from Rome to Constantinople in the 4th century, the center of the worldwide Christian Church moved with it to what was then known as the New Rome. From this new setting, Christianity flourished and moved across what was then the known world. While the subsequent centuries saw the unfortunate division of Christianity into Roman Catholic, Protestant and Orthodox communities, each to experience the good and the bad of history, it nevertheless remains a fact that the ancient See of Constantinople retains its place of ecclesiastical prominence among the Orthodox Churches and its place of honor throughout the entire Christian world, not incidentally something that goes unrecognized by Turkey today.

In reality, the Ecumenical Patriarch is the symbolic leader of the world’s 250 million Orthodox Christians. And he has direct ecclesiastical jurisdiction over millions of Greek Orthodox Christians throughout the world, including here in the United States, where the Greek Orthodox Archdiocese of America is a member of the National Council of Churches USA.

The Greek Orthodox Church in Turkey, centered in the Ecumenical Patriarchate, has suffered many indignities by virtue of its existence as the heart of the Greek Orthodox minority in that country. Yet there are mechanisms in place that dictate that this must not be so.

According to the 1923 Treaty of Lausanne, which ended World War I, the Greek Orthodox, Armenian Orthodox, and Jewish communities are recognized minorities in Turkey, with their rights guaranteed by the Turkish Government. So central is the Treaty of Lausanne to modern Turkey that this treaty takes precedence over the Turkish constitution. While the Turkish constitution itself makes no reference to the recognition of these three specific minorities, it does state that religious freedom is a right to be enjoyed

by all Turkish citizens. Significantly, as recently as 1999, Turkish Government officials recognized the minorities mentioned in the Lausanne Treaty.

Given this legal framework, one would think that the Greek Orthodox community (as well as the Armenian Orthodox and Jewish communities) has enjoyed a harmonious existence within Turkish society. As we all know, the converse is true.

The issue before us today is the systematic expropriation of property owned by individuals and institutions, including the Ecumenical Patriarchate, in the Greek Orthodox community in Turkey. An arbitrary and capricious property rights regime has allowed the confiscation of private properties, schools and churches; currently there are attempts to confiscate an orphanage and an old age home. One result of these actions is the disenfranchisement of the Greek Orthodox minority. Another result is the diminishment of their presence due to emigration. If these violations are allowed to continue, it will not be long before the Greek Orthodox faithful in Istanbul, which numbered 110,000 in 1923 and numbers only 2,000 today, will disappear.

This issue should be seen in the context of the violence also visited upon the Greek Orthodox minority over the years. Quite memorably, in 1955, pogroms were carried out in Smyrna and Istanbul, riots that were subsequently determined to be provoked by the Turkish Government at the time. Fast forward to the 1990s, when the Ecumenical Patriarchate was the victim of numerous physical attacks, culminating perhaps most egregiously in a bombing in 2004, the perpetrators of which were never brought to justice by the current Turkish Government.

And finally, what of policy? In the oft-repeated issue of the Halki Theological School, the Turkish Government has refused to allow it to reopen as a school purportedly under a policy seeking to maintain civil order. I, for one, find the application of such a policy in this case to be dubious at best.

The Greek Orthodox Church in Turkey is a minority community whose history is rich, whose ecclesiastical tradition is vibrant, and whose people are faithful. Sadly, it is also a Church whose future is threatened. The one question we must ask ourselves is this: At a time when Turkey seems to be staking its future on its membership in the European Union, can we stand idly by when the future of a religious minority in Turkey—and one with a 2,000-year presence in that country!—is threatened through systematic expropriation, violence, and government policy?

On behalf of the Christian Churches in the National Council of Churches USA, whose quest for theological unity is manifested in the common search for justice and peace, I urge the US Commission on Security and Cooperation in Europe to insist on, and work toward, the fair and just treatment of the Greek Orthodox and other religious minorities in Turkey, and for the protection of their legal and human rights, as mandated by Turkish and international law.

Thank you for taking up this important matter.









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