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TURKEY: Syrian Orthodox land - All people are equal, but some are less equal than others?

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Turkey's Mor Gabriel Syrian Orthodox Monastery in the Midyat (Tur Abdin) district faces five separate lawsuits contesting its right to its own property. Some of these cases are being brought by the government, and the state's actions suggest it wishes that the Monastery no longer existed. Otmar Oehring of the German Catholic charity Missio <<http://www.missio.de/de/themen/menschenrechte>>, in a commentary for Forum 18 News Service <<http://www.forum18.org>>, argues that as long as the international community shows an interest in the fate of the Syrian Orthodox community, nothing drastic will happen it. But this will not prevent the lawsuits dragging on, leaving the Monastery and the community insecure and emotionally and financially drained. Should international interest fade, the state and local tribal leaders will do what they have long sought to do: take over the Christian-owned land. The fate of the Syrian Orthodox is important not just for that community, but for the signal it sends to other minority religious communities - and indeed to all who want full equality for everyone in Turkey.

Turkey's Mor Gabriel Syrian Orthodox Monastery in the Midyat (Tur Abdin) district in the south-eastern Mardin Province is facing no fewer than five separate court cases contesting its right to its own property, Forum 18 News Service notes. Four of the cases started in 2008, with the fifth being lodged in 2010, and the claimants are the Environment and Forestry Ministry (two cases), the State Treasury (two cases) and two local villages. The cases illustrate the insecurity of property ownership that religious minority communities in Turkey face. If the court cases go against the Monastery, many associated with the Monastery and the local Syrian Orthodox community will see this as a sign that the authorities want them to leave the country.

The cases against Mor Gabriel, which was founded in 397 AD, are possibly the best-known legal property cases against religious minorities. They are complex, and involve the three-way relationship between the Monastery, the state and local Kurdish tribes. A nearby Kurdish-populated village, Güngören, has not joined the cases. And while a "land grab" by some villagers in two other villages - Eglence and Yayvantepe - may be one motivation, others have seen another underlying motive: to get rid of the Monastery entirely (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

Turkish religious communities as diverse as Alevi Muslims, Catholics, the Greek Orthodox, Protestants, and the Syrian Orthodox Church all have differing but long-standing place of worship and property problems. There has been no significant recent progress in resolving these problems (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

Exiled people return

The 2,000 or so local Syrian Orthodox live in villages around the Mor Gabriel Monastery itself, which has been restored in recent years. They are the surviving remnants of several Christian communities that numbered almost 500,000 people in south-eastern Turkey alone in the early years of the 20th century. Only very few members of other local Christian communities who have been resident for many centuries - Chaldeans, Armenian Apostolic, Armenian Catholic and Syrian Catholic - remain in the region. These communities have largely left because of Kurdish pressure exerted from before the founding of the Turkish Republic in 1923 to the present day.

Threats - including kidnapping and murder - have come from the PKK Kurdish militant movement, villagers acting without organisation, Kurds within the state-backed Türkiye Hizbullah and Köy Korucular (village guard) groups opposed to the PKK, formal forces of the Turkish state, and Kurdish tribal leaders. This pressure accelerated during the 1970s and 1980s, and the Syrian Orthodox and other minorities in the area were either marginally or not at all defended against attacks and threats by the Turkish authorities (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

Indeed, contemporary nationalist attitudes - a powerful force in state and society - see "threats" from "others" who do not fit the nationalist stereotype of who is Turkish, such as the Syrian Orthodox (see F18News 29 November 2007 <http://www.forum18.org/Archive.php?article_id=1053>).

The mass exodus of Syrian Orthodox since 1975 has left land untended. Local Kurds have moved in, taken the land and often built

houses on it or used it for agriculture.

In 2001, during his last term as Prime Minister, Bülent Ecevit invited the Syrian Orthodox to return to their ancestral homeland as negotiations over possible Turkish entry to the European Union (EU) began. Some Syrian Orthodox began to return in 2004 to their homes - but those who seized and occupied their land are not willing to leave. Only in a very few cases has the state ordered them to do so. This may be to show the outside world that there is some willingness to help the returnees.

While most returned only during the summer months for short holidays, others did return semi-permanently for periods of six to nine months. They began to restore their neglected homes, as well as local Syrian Orthodox churches which had fallen into disuse. In the village of Enhil (known in Turkish as Yemisli) for example, semi-permanent returnees restored around 80 buildings, and built around 40 new buildings. Up to 30 families returned to the area permanently. Since 2004 the numbers returning have increased. Yet those who have come back try to retain the possibility of moving again to Germany, Sweden or other countries they migrated to, in case conditions worsen again in Tur Abdin.

Public promises and state pressure

Prime Minister Ecevit initially promised protection and support to these villages, in the form of constructing basic infrastructure including roads, water supplies and electricity. But then government enthusiasm for this support waned. Observers in Turkey suggest that the reason for the government's public promise of support was exclusively to improve Turkey's chances of being invited to start EU accession negotiations. In the Tur Abdin district, people note that Ecevit's government at the same time continued supporting the Kurdish Köy Korucular (village guards) and that this paramilitary group targeted Syrian Orthodox who tried to get their properties back from Kurdish tribal leaders like Felemez Cımo and Şehmus Çelebi.

This is the background to the problems the once thriving Mor Gabriel Monastery faces. At present, one Metropolitan Archbishop, three monks and 12 nuns live in the Monastery. Around 50 local children, who attend nearby state schools, also receive education in the Monastery. Many pilgrims still come to the Monastery, as in previous centuries. It has been possible since the 1970s to do some reconstruction of buildings. This has aroused hostility from the local non-Christian population, who ask why the Christians should have such a large Monastery on "their" land.

Is the past being repeated?

In many ways the threat to Syrian Orthodox property mirrors the treatment of communal Greek Orthodox and Armenian Apostolic property in the heartland of Anatolia from the 17th century onwards, when Kurds were encouraged by the Ottoman state to settle in the area. Many historic churches, monasteries and villages have been occupied by Kurds over the centuries. This can still happen today, as was shown when the Syrian Orthodox village of Sare was occupied in 1994 by former village guards. This occupation was eventually forcibly ended by the Turkish Army in 2004, after pressure from a number of western countries.

The Justice and Development Party (AKP), in power since 2002, has apparently concluded that Turkey has little chance in the near future of joining the EU. This is the reason, people in the Tur Abdin district suggest, why pressure from the AKP government has increased. The Environment and Forestry Ministry, the State Treasury, and the Directorate General of Land Registry and Cadastre have all started to cause problems for the Syrian Orthodox community. As a result, many people who had left Turkey - and others - were unable to register their ownership of their land, issuing land deeds to those who had given up Turkish nationality was forbidden, and land was confiscated as it was claimed to be "forest". At least 300 legal cases are pending as a result of these state actions.

Currently, the sources of livelihood of the Syrian Orthodox population - agricultural land, vineyards - are being threatened. For this purpose, the state has used Forest Law 6831 of 31 August 1956, which states that forests may not be owned privately, and that land - not just the Monastery's land - legally becomes "forest" if it is not used agriculturally for more than 20 years (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

This has led to problems not only for Syrian Orthodox but for local Kurds who were forced to flee the region during the bitter civil war between the state and the Kurdish guerrilla movement, the PKK.

The state is also seeking to take away the land under historic Syrian Orthodox churches which have fallen into disuse as the population - and their priests - have been driven into exile.

The monastic community already suffers - as Forum 18 has observed in person - constant threats from local people. In one 2007 incident, a monk was kidnapped by village guards. But despite appeals from the Abbot, the police have so far refused any special protection. Even the chair of the Turkish Parliamentary Foreign Affairs Committee has joined such appeals for protection - in vain (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

The Syrian Orthodox community beyond the Monastery has suffered repeated attacks, with land around villages often set on fire. The perpetrators are unknown, but are thought locally to be either local Kurds or the Turkish Army, or both.

In addition, the Army often causes damage in local villages - whether Kurdish- or Christian-populated - by burning down vineyards and forests to secure open terrain around their bases. Christian-populated villages where army units are based speak of their fears that their security is jeopardised by such a military presence, not enhanced.

Who is registered as owns the land - and who really owns it?

Exacerbating the problem of the Forest Law for the Syrian Orthodox is the official registration of land for the first time, which began in the 1990s. The state contracted with private companies to conduct this registration. In Tur Abdin district people point out that, while the companies as such have not caused problems, some employees of these companies abuse their positions to demand extremely large bribes of thousands of Euros for property to be registered.

In the absence of documents proving land title, the companies register ownership based on the word of local people - in this case the people who have seized the Syrian Orthodox community's land (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>). Those who have left cannot state their case for ownership in this process. But some community members have begun to hire local lawyers to try to defend their interests, and have opened court cases against many land registry decisions.

Why are legal cases brought?

The five cases brought by the state against the Monastery and its land or other community members have no apparent basis. From Forum 18's conversations with local people, they appear to have been launched because of the religious affiliation of the community. Officials were happy to see the bulk of the community leave the country from the 1970s and those that remain are seen as without political power because they are Christians.

The cases brought privately are also questionable. For example the 2008 case was brought by two of the three neighbouring Kurdish-populated villages, Eglence and Yayvantepe, which claimed that the Monastery was occupying their land. The third village - Güngören - refused to join the suit, its mayor stating that the villagers have had good relations with the Monastery for centuries (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

The two villages which brought the case are under the control of local tribal leader Süleyman Çelebi, who is a member of parliament for Prime Minister Recep Tayyip Erdogan's AKP. The lawyer for the villages is one of Çelebi's sons.

On 24 May 2010 the village of Güngören (Kfarbe) was taken to court by the Environment and Forestry Ministry. The allegation made is that three vineyard areas of Güngören village had become forest. These vineyards had been registered as vineyards during the cadastral registration and appropriate land-titles issued. One of the vineyard areas is very close to Mor Gabriel monastery, and a vineyard belonging to the Monastery is within this area. As a result Mor Gabriel is once again facing a court case. The case has now been adjourned until 24 January 2011.

Local people in Tur Abdin district suggest that Güngören (Kfarbe) village has been taken to court because of its support for the Monastery.

The government has to tread warily around such tribal leaders as Çelebi. It fears that if it does not handle them cautiously, they could turn towards the PKK. And it is these tribal leaders who wield power in such villages. While Çelebi is involved in these cases at some level, it is unclear if the Interior Ministry and the Army might also be involved.

No "Turkish solution to a Turkish problem", instead state warnings

The cases aroused international interest, with observers from Sweden, Germany, the Netherlands, the United Kingdom, the United States, the World Council of Churches, and a number of civil society NGOs attending the court sessions. The Turkish government realised that it would be better for its image to find a solution. In 2009 the chair of the Foreign Affairs Committee of Turkey's parliament told visitors that they should await a "surprise" due within weeks. Observers were expecting the closure of the court cases against the Monastery, and in exchange the government would give the villages a plot from state-owned land equal in size to the one they were arguing in court over with the Monastery.

However, to the dismay of the Monastery and the observers, the Turkish state failed to find a "Turkish solution to a Turkish problem" - let alone a solution based on the rule of law. Instead, the cases dragged on.

In summer 2010, after a court in the town of Midyat had ruled in two cases in favour of the Monastery, the Supreme Court ruled that the Midyat court had not been entitled to hear the cases, which should have been heard by a court in Mardin. This ruling once again left the Monastery community unsettled - and subject to further costs for defending its interests in court.

The Abbot of the Monastery, Metropolitan Timotheos (Samuel Aktaş), has remained under close government scrutiny. As he

left Turkey on a trip to Germany in May 2010, he was stopped and interrogated at Istanbul airport. Officials - probably from the National Intelligence Organisation (MIT) secret police - warned him that wherever he went in Europe he should not publicly speak about the way he and his community had been treated.

The MIT maintains close surveillance of religious minorities (see F18News 10 July 2007 <http://www.forum18.org/Archive.php?article_id=990>).

Urban and diaspora community fear impact of speaking out

While many Syrian Orthodox fled abroad, others have migrated to Turkey's bigger cities. Istanbul now has an estimated Syrian Orthodox community of over 10,000 people, many of them prosperous businesspeople. This educated, urban population has not raised with the government their concerns over the community back in Tur Abdin. Within this group, fear of taking up such issues is palpable. "Those who try to get involved in politics will burn their fingers," is one comment Forum 18 has heard.

This same approach affects some in the diaspora communities in Western Europe, even though they are unlikely to face direct consequences for speaking out. Yet naturally they fear any repercussions for those left behind.

End of court cases and restitution of rights vital

While the extent of the state's involvement in the various lawsuits around the Mor Gabriel Monastery is unclear, the state's actions suggest it would rather that the Monastery no longer existed. However, it cannot move to get rid of the Monastery. From my own observations of the case, I think that as long as the international community shows an interest in the fate of the Syrian Orthodox community, nothing drastic will happen to the Monastery. But this will not prevent the lawsuits dragging on, leaving the Monastery and the community insecure and emotionally and financially drained.

Should international interest fade, the Monastery itself will deteriorate, while the state and local tribal leaders will do what they have long sought to do: take over the Christian-owned land. The remaining Syrian Orthodox community will be forced out and centuries of Syrian Orthodox life in the region will be at an end. This is the community's greatest fear.

The ending of the court cases and the restitution of the community's rights is important as a signal that Turkey is prepared to accept that some of its citizens are not ethnic Turks and are not Muslims, and that they have equal rights. Turkey also has a moral responsibility, as pressure from the state and the non-Syrian Orthodox local population forced community members to flee originally.

The state promised to help returnees but did nothing. Now is the time for the state to fulfil its promises. Negotiations between the community and the Turkish state should begin over the community's future in the region, and how its rights to property and security can be guaranteed.

Wider importance

The fate of Mor Gabriel and the Syrian Orthodox community of Tur Abdin is important not just for that community, but for the signal it sends to other minority religious communities in Turkey - and indeed to the wider population of the country. Many non-Muslim religious communities face less high profile property issues, while Alevi Muslims cannot get their places of worship recognised as such. But this does not make their impact on those communities less severe (see F18News 27 October 2009 <http://www.forum18.org/Archive.php?article_id=1368>).

Observers of Turkey's religious freedom situation tend to watch developments in the bigger cities, including Istanbul, Izmir and Ankara. Yet - even in the cities - the cautious optimism that life for Christian and other minority communities would improve has given way in 2010 to pessimism, various minorities have told Forum 18. The minorities watch what happens in Tur Abdin, and some are already concluding that ethnic/religious communities still cannot either speak out about their situation, or defend their rights.

Turkey's urban journalistic elite, including those who come from the Sunni Muslim majority, are aware of the problems and some have written sympathetically of the Syrian Orthodox community's problems. Indeed, Turkish television has shown films on the wonders of historic Christian sites and the importance of this heritage to Turkey. But this does not mean that the general public has learnt that communities like the Syrian Orthodox are equal citizens, and that they too should have their part in Turkish society. (END)

For more background, see Forum 18's Turkey religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1379>.

More analyses and commentaries on freedom of thought, conscience and belief in Turkey can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=68>>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be

found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Turkey is available at
<<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=mideast&Rootmap=turkey>>.

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