

DENYING HUMAN RIGHTS
AND ETHNIC IDENTITY:
THE GREEKS OF TURKEY

A Helsinki Watch Report

Human Rights Watch

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Helsinki Watch was formed in 1978 to monitor and promote observance of domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The chair of Helsinki Watch is Robert L. Bernstein and the vice chairs are Jonathan Fanton and Alice Henkin. Jeri Laber is the executive director; Lois Whitman is deputy director; Catherine Cosman is Washington representative; Holly Cartner is staff counsel; Rachel Denber and Ivana Nizich are research associates; and Sarai Brachman, Pamela Cox and Elisabeth Socolow are associates.

Helsinki Watch is affiliated with the International Helsinki Federation in Vienna, Austria.

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The Constantinopolitan Society in Athens was extremely helpful in providing information and arranging interviews with members of the Greek community in Athens. The Panimbrian Committee in Athens also provided helpful information. Both the Turkish and Greek governments were cooperative and helpful in answering questions and providing information.

INTRODUCTION

"The Greek community is dying, and it is not a natural death," a middle-aged Greek man told Helsinki Watch in Istanbul in October, 1991. Helsinki Watch meetings with other Greeks in Istanbul and with Greeks in Athens confirmed his statement.

The Greek community in Istanbul today is dwindling, elderly¹ and frightened. Their fearfulness is related to an appalling history of pogroms and expulsions that they have suffered at the hands of the Turkish government. As a result of these acts, the Greek population in Turkey has declined from about 110,000 at the time of the signing of the Lausanne Treaty in 1923 to about 2,500 today.

The problems experienced by the Greek minority today include harassment by police; restrictions on freedom of expression; discrimination in education involving teachers, books and curriculum; restrictions on religious freedom; limitations on the right to control their charitable institutions; and the denial of ethnic identity. These problems are also suffered by the few remaining Greeks living on the islands of Imbros and Tenedos.

Helsinki Watch has reported on various aspects of human rights in Turkey since 1982. Not since our first report have we encountered so many people who were afraid to talk to us, or who would talk only anonymously. This is the first report we have issued on Turkey in many years in which we have had to disguise the identity of almost every person who talked with Helsinki Watch. Even in Greece, members of the community of Greeks in Athens who had emigrated from Turkey did not want their names used for fear of reprisals against them or their families by the Turkish government.

Greeks in Istanbul who met with Helsinki Watch looked over their shoulders apprehensively, afraid their conversations were being observed. A principal of a Greek school continually asked a teacher to lower her voice as she described problems of the Greek children. A well-dressed, middle-class businessman shook with fright as he related his difficulties and fears. Some Greeks who were asked by intermediaries to

¹ Over half of the Greeks in Turkey are over the age of 60, according to the Constantinopolitan Society in Athens, a group of about 2,500 Greeks who have emigrated from Turkey.

meet with us refused. Interviews with Greeks willing to talk were arranged in a secretive, cloak-and-dagger fashion.

Officials of the Istanbul branch of the Turkish Human Rights Association report that in their experience the Greek community is more fearful than the Kurds or the Armenians. These officials say that they have tried to support the Greek community's rights, but find the Greeks unwilling to complain publicly. They also report that when human rights activists have tried to visit Greek homes, Greeks have been unwilling to admit them to their homes to discuss human rights problems, and have only talked briefly with them through chained doors.

During its October 1991 fact-finding mission to Turkey, Helsinki Watch found that education is a matter of great concern to the Greek minority. Greek children are not allowed to study Greek history; teachers from Greece who are supposed to teach the children Greek, English, music, gym and art are not permitted to arrive in Turkey until the school year is well under way; Greek-language textbooks are old and out of date; students are discouraged from speaking Greek; and the Greek community cannot control the hiring or assignment of teachers or access to schoolbooks.

Greeks in Istanbul told Helsinki Watch of being harassed by police--called in and threatened. One businessman reported that he had left Turkey in 1980 because of psychological pressure:

The chief of police called me into his office in Istanbul and gave me coffee and cigarettes, and said, "It would be better if you leave, since you have a daughter. We won't shoot you, but maybe a car will hit you when you're out walking."

Helsinki Watch found that these pressures continue today. One man reported being visited recently by a member of the secret police who put his gun on the table in front of him and questioned the man for three hours about the Patriarchate and the committee for the Greek hospital.

Patriarch Bartholomeos I, the spiritual leader of over 200 million Eastern Orthodox around the world, whose center of operations--the Patriarchate--is located in Istanbul, told Helsinki Watch that matters have improved in recent years. The Patriarchate, for example, has been permitted to rebuild its building, sections of which were destroyed in 1941; and the Turkish government did not interfere with the recent election of the Patriarch. But the Halki School of Theology remains closed and, since Turkish law requires that the Patriarch be a citizen of Turkey, and since the few available candidates cannot be educated in Turkey, the number of possible future Patriarchs is dwindling rapidly.

Helsinki Watch also found problems with the control of charitable institutions owned by the Greek community. The Turkish government has decreed

that all donations made to communal institutions since 1936 are the property of the government. In addition, the Greek community was not allowed for many years to hold elections for seats on the boards of their charitable institutions. In 1991 an election was permitted for the board of the Greek hospital, but Greeks reported to Helsinki Watch that the Istanbul governate had removed from the list most of the candidates proposed by the community. They allege that, as a result, the board was chosen by the government rather than by the Greek minority. One woman who openly protested the government's actions was badly beaten by an intruder; according to newspaper reports, she believes that the beating was politically motivated, since none of her jewelry or cash, close at hand, was taken.

All of these restrictions by the Turkish government are in violation of the Lausanne Treaty and international human rights agreements like the European Convention on Human Rights, as well as various minority rights agreements issued by the Conference on Security and Cooperation in Europe, including the Paris Charter. All of these documents have been signed or participated in by the government of Turkey.

The new government that took office in Turkey in late November 1991 denies that there is currently any ill-treatment of the Greek community in Turkey. Presenting his coalition government's program to Parliament on November 25, Prime Minister Suleyman Demirel said:

It is our wish that our relations with our neighbor Greece be raised to a level which will serve the long-term interests of both countries, ensuring the solution of existing disputes between us through constructive and meaningful dialogue.

The existing bilateral problems between Turkey and Greece, some of which are inter-related, await a solution. . . . Our Government will deploy every effort to make restraint and common sense prevail in Turkey's relations with Greece, and expects the same of Greece. Abiding by the international and bilateral agreements to which both countries are signatories and the responsibilities

stemming from these documents, will truly demonstrate the good will sought in our relations.

Helsinki Watch urges the government of Turkey to follow through on these pledges and to abide by its obligations under international and national law (the Turkish Constitution guarantees equality to all citizens) to protect the human rights of the Greek community.

Specifically, Helsinki Watch recommends that the Turkish government: grant to the Greek community all of the civil and political rights enjoyed by other Turkish citizens, including freedom of expression; end degrading treatment of the Greek minority, including police harassment; accord Greeks the freedom to establish, manage and control Greek schools and charitable institutions; guarantee freedom of religion, including the establishment, management and control of religious institutions; and permit the re-opening of the Halki School of Theology. More specific recommendations are spelled out at the end of this report.

In addition, Helsinki Watch urges the government of the United States to acknowledge and condemn the human rights abuses set forth in this report, and to use its best efforts to persuade the Turkish government to carry out Helsinki Watch's recommendations.

BACKGROUND

Greeks have lived in Asia Minor for centuries; Greeks were reportedly living in Istanbul (then Byzantium) when its founders colonized it in the seventh century B.C. The seat of the Eastern Orthodox Church has been in Istanbul since about the fourth century A.D. The condition of the Greek community has historically reflected the enmity between Greece and Turkey, a rivalry that is usually dated from the Ottoman Turks' capture of the Byzantine capital of Constantinople in 1453, which led to four centuries of Ottoman Turkish rule over Greeks.

In recent years, relations between the Turkish and Greek communities have fluctuated--worsening when tensions between Greece and Turkey escalated, improving somewhat when tensions abated.¹

There have been periods during which relations between Greeks and Turks were relatively calm, and Greeks in Turkey fared well. During the mid-19th century, for example, under the Ottoman Empire, Greeks held important administrative, judicial, economic and educational posts in the government. Many reached influential positions, holding senior diplomatic posts, including the ambassadorship to Great Britain, governors of island provinces and university professorships, and serving as bankers, lawyers and doctors. Before World War I,

¹ Tensions often center on the controversy over Cyprus, which has played what has been described as a pivotal role in the deterioration of contemporary Greek-Turkish relations. "As long as Greece and Turkey's relations with one another were reasonably harmonious, the treatment of their respective minorities was relatively benign. However, once the Cyprus issue aroused passions and each sought ways and means of pressuring the other, repressive measures on the minorities were sanctioned, forcing many to emigrate." Tozun Bahcheli, *Greek-Turkish Relations Since 1955*, Westview Press, Boulder, 1990, pp. 2-4.

Greeks made up about one-quarter of the population of Istanbul and were the second most important ethnic group in that cosmopolitan city.²

² Alexis Alexandris, *The Greek Minority of Istanbul and Greek-Turkish Relations 1918-1974*. Center for Asia Minor Studies, Athens, 1983, pp. 27-29.

Since World War I and the Greek-Turkish War of 1919-1922, tensions between Greece and Turkey have markedly affected the Greek community in Turkey. In 1923 the Lausanne Treaty was signed, ending the Greek-Turkish war. A convention signed at the same time provided for a compulsory exchange of populations:³ about a million and a quarter Greeks left Turkey for Greece, and about half a million Turks left Greece for Turkey.⁴ Because the Patriarchate of the Eastern Orthodox Church was located in Istanbul, the Patriarchate and Greeks who had been living in Istanbul since 1918 were excluded from the population exchange. As part of the agreement, the Turkish minority living in Western Thrace--roughly equivalent numerically--was also excluded.

³ See Appendix A for the full text of the convention, signed at Lausanne on January 30, 1923.

⁴ Bernard Lewis, *The Emergence of Modern Turkey*, Second Edition (1968), p. 354. Bahcheli suggests that the bulk of the Greeks who left Turkey actually left with the defeated Greek Army in 1922. *Op. cit.*, pp. 11-12.

The Greek community in Turkey has decreased dramatically since 1923. According to most commentators, after the population exchange there were between 100,000 and 110,000 Greeks in Turkey, most of them in Istanbul and a smaller number on the islands of Imbros and Tenedos.⁵ Today, the Greek community does not appear to number more than 2,500--about 2,000 in Istanbul and about 480 on the two islands. Of the 2,000 in Istanbul, according to the Constantinopolitan Society in Athens, 350 are elderly or mentally disabled people living in institutions supported by the Greek community, 410 are children and students, and 55 are priests.

The Greek government asserts that Turkish Greeks left Turkey because of a campaign of "systematic and brutal oppression of the Greek minority," including persecution, violent anti-Greek riots, and outright expulsion.⁶

The major events that caused the Greek exodus in recent years, according to the Greek government, took place in 1955 and 1964. In 1955, on September 6 and 7, extensive, well-organized, violent anti-Greek riots took place in Istanbul. The American Consul-General telegraphed the Department of State that

⁵ According to the Greek government, the remaining Greek population in Turkey in 1923 was 253,700 people. Of these, about 200,000 were Turkish citizens and about 45,000 were Greek citizens, all living on the mainland. Another 7,500 lived on Imbros and 1,200 on Tenedos. Statement by Mr. Leonidas Chryssanthopoulos, Deputy Permanent Representative of Greece to the United Nations, at the First Regular Session of ECOSOC (1991), May 23, 1991.

Alexis Alexandris reports in *The Greek Minority in Istanbul and Greek-Turkish Relations 1918-1974*, *op. cit.*, that the Patriarchate estimated in the 1920s that 250,000 Greeks lived in Constantinople in 1923, and that approximately 150,000 left during the exchange of populations, leaving a population of about 100,000. Bahcheli sets the figure at 110,000. *Op. cit.*, p. 170.

The Greek government reports that the principle of numerical balance between the Greek minority in Turkey and the Turkish minority in Greece was at the heart of the Lausanne Treaty, and was actively pursued by the Mixed Commission for the Exchange of Populations. The records of the neutral members of that Commission, published in 1934, reveal, according to the Greek government, that the right to remain was officially granted to 111,000 Greeks in Turkey (73,000 Turkish subjects, 30,000 Greek nationals, 7,000 Greeks on Imbros and 1,200 Greeks on Tenedos) and 106,000 Moslems in Western Thrace, who were granted Greek citizenship.

⁶ Statement to the United Nations by Mr. Leonidas Chryssanthopoulos, *op. cit.*, May 23, 1991.

the destruction was completely out of hand with no evidence of police or military attempts to control it. I personally witnessed the looting of many shops while the police stood idly by or cheered on the mob.⁷

A British journalist reported that the Greek neighborhoods of Istanbul looked "like the bombed parts of London during the Second World War."⁸

⁷ A subsequent foreign service dispatch sent from the American Consulate in Istanbul to the Department of State on September 27, 1955, stated:

A survey of the damage inflicted on public establishments of the Greek Community of Istanbul during the rioting on the night of September 6-7 shows that the destruction caused has been extremely widespread. In fact, only a very small percentage of community property appears to have escaped molestation. Although there are as yet no figures available assessing the damage sustained, the number of establishments attacked and the nature of the destruction caused in the course of the night under reference convey a clear picture of the scope of the devastation. In most cases the assault on these establishments involved a thorough wrecking of installations, furniture, equipment, desecration of holy shrines and relics, and looting. In certain instances serious damage was inflicted on the buildings themselves by fire.

See Appendix B for the complete dispatch.

⁸ *The Daily Mail*, London, September 14, 1965. Quoted in Christos P. Ioannides, *In Turkey's Image*, published by Aristide D. Caratzas, New Rochelle, New York, 1991, page 118.

More than 4,000 Greek shops were sacked and plundered; 38 churches were burned down and 35 more churches vandalized; two monasteries and the main Greek Orthodox cemeteries were vandalized and, in some cases, destroyed; more than 2,000 Greek homes were vandalized and robbed; and 52 Greek schools were stripped of their furniture, books and equipment. The Turkish government reported that three people had been killed and 30 injured. Subsequent reports indicated that fifteen people had been killed.⁹ The World Council of Churches estimated the damage at \$150 million. Other estimates placed the damage at \$300 million.¹⁰

The riots were purportedly in response to a September 5, 1955, Greek bombing attack on the Turkish consulate in Thessaloniki (Salonica) in Greece; the attack also damaged the nearby birthplace of Kemal Ataturk, the founder of modern Turkey. Six years later, after a military coup, a Turkish court tried Adnan Menderes, prime minister of Turkey at the time of the riots, on various charges. The court found, among other things, that the Thessaloniki bombing had been ordered by Prime Minister Menderes and others in his government to incite and justify anti-Greek violence in Turkey. Menderes subsequently apologized to the Greek government and offered compensation to those whose property had been destroyed or damaged.

Although the exact numbers have never been established, some thousands of Greeks left Istanbul following the riots.

The next major event cited by the Greek government occurred in 1964, at a time of increased tensions over Cyprus. On March 16, the Turkish government began expelling from Turkey all Greeks who had Greek citizenship on the grounds that they were dangerous to the "internal and external" security of the state. These people were Greeks who had been born in Turkey but who had elected to have Greek citizenship; some had never been to Greece. Mumtaz Soysal, the Turkish government spokesperson, stated:

⁹ See Appendix C for a memo to Helsinki Watch from American publisher Aristide D. Caratzas, January 21, 1992, listing the names or descriptions of those who died, as well as the source of the information.

¹⁰ Alexandris, *op. cit.*, pp. 256-260. See also, Bahcheli, *op. cit.*, pp. 172-173.

As the result of the unfriendly policy of the Greek government towards Turkey, the Turkish government is terminating the privileged treatment accorded in the past to the Greek nationals.

Over a thousand Greeks were promptly expelled, most on a few hours' notice. They were permitted to take with them only \$22 and one suitcase of clothes. Another 5,000 were expelled shortly thereafter.¹¹

Another 10,000 to 11,000 Greeks were expelled after September 1964, when Turkey discontinued renewing residence permits of Greek citizens. On October 11, 1964, the Turkish newspaper, *Cumhuriyet*, reported that 30,000 Turkish nationals of Greek descent had left permanently, in addition to the Greeks who had been expelled. The Greeks were not allowed to sell their houses or property or to take money from their bank accounts.¹² It was not until 1989 that then-Prime Minister Turgut Ozal lifted the ban on Greeks selling their property. After 25 years, this was a complicated court procedure; many of these cases are still pending.

In the years that followed, additional thousands of Greeks who held Turkish citizenship, fearful of losing their lives and property, left the homeland which had been theirs for, in some cases, hundreds of years, and settled in Greece or in other parts of the world.

¹¹ Alexandris, *op. cit.*, p. 282. Bahcheli sets the figure at 9,000, based on reports in *The New York Times*. *Op. cit.*, p. 174.

¹² Ministerial Decree No. 6/3807/1964 ordered the seizure of all real property and bank accounts belonging to Greek citizens. Ministerial Decree No. 3706/1964 prohibited Greek citizens from acquiring real property in Turkey.

TURKISH VIOLATIONS OF THE HUMAN RIGHTS OF THE GREEK COMMUNITY

In spite of the protections guaranteed the Greek minority in Turkey by international human rights laws and agreements and by the equality provision in the 1982 Turkish Constitution,¹ Greeks² suffer serious human rights abuses at the hands of the Turkish government today.

Degrading Treatment: Harassment by Police

Many Greeks told Helsinki Watch of being threatened and harassed by Turkish police, actions that violate provisions of the European Convention for Human Rights that forbid inhuman or degrading treatment.

One young man reported that police came to his home four or five times this year to tell him not to attend meetings of the board of directors of the Greek hospital: "You have to stop going to committee meetings. If you go you will be in big trouble. We can send you out of the country or give you other kinds of trouble--bad things will happen to you." He says that police ordered him not to tell others about their visit.

A middle-aged woman whose husband is a scientist reported that police had gone to her husband's office in the spring of 1990 and told him that they knew that his daughter lived in Athens and that his wife had spoken against Turkey while in Athens. She says that her husband was warned that she should stop talking about Turkey abroad.

Another woman told Helsinki Watch that police had visited her husband in his office a few years ago after he had performed a business service for the Greek consulate in Istanbul:

¹ See *The Turkish Government's Obligations under International Law and The Turkish Constitution*, below.

² The word "Greek" used in discussing current human rights abuses in Turkey refers to Turkish citizens of Greek ethnic origin.

The police closed the door and said, "You are going to leave the country in a short time. You are a traitor. You complained about us to the Greek consul. An accident may happen--a car may hit you. We can show that you committed suicide." My husband was so frightened he called me from his office to ask me to come and pick him up; he shook for days.

Others told of police conducting destructive searches of their houses without warrants. During the 1991 controversy over the election of a new board for the Greek hospital, described below, ten families experienced such harassment, according to members of the Greek community.

One man reported being visited by a member of the secret police who put his gun on the table in front of the man and questioned him from 7:00 p.m. until 10:00 p.m. about the Patriarchate and the committee for the Greek hospital.

A middle-aged businessman now living in Athens told Helsinki Watch that he had left Turkey in 1980 because of psychological pressure:

The chief of police called me into his office in Istanbul and gave me coffee and cigarettes, and said, "It would be better if you leave, since you have a daughter. We won't shoot you, but maybe a car will hit you when you're out walking." From that day on, I always looked behind me to see if a car was following me. Two months later I took my family and left. And I had even been an officer in the Turkish Army at one time.

Another man reported:

Greek clerics are not allowed to enter the Greek schools; if they do, they are called in by police and interrogated. Also, there's a small chapel in the Greek consulate; sometimes we go there for holidays. If the police see you, they call you in and interrogate you.

The Turkish government denies that there is any "systematic ill-treatment of Greeks in Istanbul" or that Greeks have been warned by authorities not to talk against Turkey while abroad. The Istanbul Governor's Office states that allegations of police harassment are completely incorrect and that no Greeks are followed when they go abroad. The Turkish government also states that individual misconduct of a Greek is treated in the same way as such conduct by a Turk.³

³ Telephone conversation with Counselor Ugur Ergun of the Turkish Embassy in Washington, February 5, 1992.

In spite of the Turkish government's denials of ill-treatment, Helsinki Watch has concluded that the Greek community in Turkey suffers from degrading treatment and harassment at the hands of police in violation of the European Convention for Human Rights, to which Turkey is a state party.

Free Expression

The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (Article 19), and the European Convention on Human Rights (Article 10) provide guarantees for freedom of expression and the right to receive information without interference and regardless of frontiers. Documents issued by the Conference on Security and Cooperation in Europe (CSCE) provide similar guarantees. In spite of such guarantees, the Greek community in Turkey has been denied these rights.

Two newspapers are printed in the Greek language in Istanbul; each has a circulation of 500 to 600 and consists of only about eight pages. Every day, according to members of the Greek community, these newspapers must submit five copies to the office of the governor of Istanbul. Neither newspaper is permitted to criticize the Turkish government; if a Turkish newspaper prints criticism of the government, the Greek newspapers cannot translate and publish the criticism for their readers. "I've been a journalist for 37 years," one Greek told Helsinki Watch. "I know what I can write and what I cannot."

According to ethnic Greeks, the Turkish government does not permit newspapers or magazines published in Greece to be imported into the country, and no Greek books are available in bookstores.

The Turkish government states that there is no limit on the number of newspapers that can be published in Turkey in the Greek language and that no cases have been brought against the Greek press. Representatives also state that the government has received no complaints from ethnic Greeks about the absence of newspapers, magazines or books from Greece. The government states that there are no restrictions against the sale of such materials, and that their absence reflects the choice of bookstores, probably made on economic grounds.⁴

In spite of the Turkish government's denials, Helsinki Watch concludes that the Turkish government has seriously restricted the freedom of expression of the Greek community in Turkey in violation of international human rights laws and agreements.

⁴ *Ibid.*

Education: Denial of Equality and the Right to Control Greek Schools

International agreements signed by Turkey provide for equal rights for all people within a country. Article 14 of the European Convention on Human Rights, for example, provides that:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

CSCE documents contain similar guarantees of equal treatment. In addition, the Lausanne Treaty guaranteed the Greek minority equality before the law and the same civil and political rights enjoyed by the majority.

The Geneva 1991 CSCE Meeting of Experts on National Minorities included as fundamental rights of minorities the right to establish and maintain their own educational institutions, organizations and associations.

Turkish law also sets forth guarantees of equality: Article X of the Turkish Constitution provides equality before the law and the right to be free from discrimination.

In spite of these national and international guarantees, the Greek community raises serious charges of discrimination in education involving teachers, books and curriculum.

Furthermore, Article 40 of the Lausanne Treaty guarantees the Greek minority the right to "establish, manage and control at their own expense, any . . . schools and other establishments for instruction and education, with the right to use their own language . . . freely therein." Yet the Greek community alleges that it is not permitted to manage and control its own schools.

In 1961, the Turks enacted Law 222, which placed all minority schools under the department of private schools of the Ministry of Education, thus making them no longer "communal schools" entitled to protection under the Lausanne Treaty. In 1964, a government encyclical, protocol no. 410/16, prohibited Orthodox clerics from entering the premises of Greek minority schools. Protocol no. 3885 of November 1964 banned from Greek schools morning prayer, Greek textbooks and encyclopedias. In 1964 the government also began refusing permission for the repair of dilapidated school buildings and withdrew recognition of elected schoolboards of the Greek community.

As a result of all of these measures, the Greek school population decreased sharply. In 1923, there were 15,000 pupils in Greek schools. By 1964, there were only 5,000; in 1978, 1,147; in 1980, 816; and at present, 410.⁵

In accordance with agreements between Greece and Turkey, Greek children in Greek schools are supposed to be taught by both Turkish and Greek teachers. Each country provides some teachers to the other.

On a visit to a Greek high school in Istanbul, however, Helsinki Watch learned that the four Greek teachers who should have arrived from Greece in time for the fall semester had not yet arrived; as a result, students were not receiving any instruction in English, gym, music or art. Their other subjects were being taught by Turkish teachers and by Greek teachers who are members of the Greek community in Istanbul. Helsinki Watch was told that the Turkish government regularly prevents teachers from coming to Istanbul from Greece; the Greek community reported that Greek teachers often do not arrive from Greece until the school year is well under way. Teachers told Helsinki Watch that last year Greek teachers had not arrived until nearly spring. Greek children are thus denied the educational rights provided to Turkish children.

The Turkish government states that, in violation of the bilateral agreement between Greece and Turkey, Greece did not seek to send teachers to Istanbul in September 1991.⁶

Helsinki Watch was told that the schoolbooks provided in the Greek language are very old and out of date and was shown some textbooks that were, indeed, old and in poor condition. In response to this allegation, the Turkish government states that there is no shortage of schoolbooks and that it has received no complaints about the schoolbooks provided for Greek schoolchildren.⁷

A retired primary school teacher reported that, although there is no law saying children cannot speak Greek in school, the Turkish directors of the schools tell the students that they must speak Turkish, even in the halls.

⁵ Alexandris, *op. cit.*, 287. See also, Bahcheli, *op. cit.*, p. 174.

⁶ Telephone conversation with Counselor Ergun, *op. cit.*

⁷ *Ibid.*

Furthermore, although the Lausanne Treaty provides that the Greek community can control its schools, Greeks report that they have little control. For example, they are forbidden to teach Greek history to the students; nor can they control the hiring or assignment of teachers, access to schoolbooks, etc. The Ministry of Education in Ankara makes these decisions. The Greek community alleges that many teachers in the Greek community are qualified to teach in the schools, but are not allowed to do so by the Ministry, because Turkey wants to maintain the status quo, with Turkey sending teachers to the Turkish schools in Western Thrace in Greece.

Another former teacher complained to Helsinki Watch about the "atmosphere of oppression" in the schools, which he believed was shown in the ever-present photographs of Ataturk in each room and office, the posted speeches of Ataturk, the enforced singing of the Turkish national anthem, etc. And, he said, in primary schools on Monday mornings, each student is required to recite Ataturk's famous slogan: "How lucky I am to be a Turk."

School administrators complain that they cannot make necessary repairs to a school, even with money provided by the Greek community, without the permission of the Ministry of Education and the local governor. They report that if a school director makes such repairs, the authorities can bring a court action against him or her. At one time, the director of the Halki school reportedly made unauthorized repairs and was taken to court. School administrators report that permission is needed in Turkish private schools as well, but assert that such permission is routinely granted for Turkish schools but not for Greek schools.

As for the directors of the schools, Greeks told Helsinki Watch that Greek schools are supposed to have Greek directors and Turkish co-directors. In contravention of the Lausanne Treaty, the Turkish government in 1964 decreed that Greek elementary and secondary schools must accept the appointment of Turkish assistant headmasters recruited by the Ministry of Education.⁸ Greeks report that when a Greek director retires or dies the government no longer appoints a new Greek director, and the Turkish co-director takes over. Greeks assert that there are now only three Greek directors in the ten functioning Greek schools.

The Greek community has also been angered by Turkish attempts to take over schools that can no longer be used for their original purpose, due to the shrinking of the Greek population. Once a building is no longer used for its original purpose, Greeks say that the Turks declare it to be abandoned and expropriate it.

Helsinki Watch concludes that the Greek minority has been denied equal treatment in education and the right to control its schools, in violation of

⁸ Alexandris, *op. cit.*, p. 286.

international human rights agreements, the Lausanne Treaty and the Turkish Constitution.

Religious Freedom

Turkey has signed the Treaty of Lausanne, a 1968 Protocol between Greece and Turkey, the European Convention for Human Rights, and several agreements issued by the Conference on Security and Cooperation in Europe that guarantee freedom of religion. In spite of these guarantees, the Turkish government has interfered with the religious freedom of the Greek community in Turkey.

Article 40 of the Lausanne Treaty specifically guarantees the Greek minority the right to establish and control religious institutions. The Geneva 1991 CSCE Meeting of Experts on National Minorities included among fundamental rights of minorities the right to establish and maintain their own religious institutions, organizations and associations. And yet such control is not permitted by the Turkish government.

The Patriarchate

In 1923, the Turkish government agreed that the Greek Orthodox Patriarchate could remain in Istanbul, provided that the Patriarch confined himself to religious affairs. Since that time the situation of the Patriarchate has fluctuated with Greek-Turkish relations. During periods of good will, Turkish authorities have permitted the status and prestige of the Patriarchate to improve. But in the 1960s the Turkish government placed restrictions on the Patriarchate and threatened to remove it from Turkey. Two senior churchmen were expelled and the Patriarchate's printing house was ordered closed.⁹

Patriarch Bartholomeos I, the spiritual leader of over 200 million Greek Orthodox around the world, was enthroned as the 273rd Ecumenical Patriarch of Constantinople on November 1, 1991. Patriarch Bartholomeos is the "first among equals" of the five Eastern Orthodox leaders. He presides over fourteen autonomous Orthodox churches, including those of Greece, Albania, Bulgaria, Serbia, Romania, Ukraine, Georgia and Russia.¹⁰

Patriarch Bartholomeos described the current situation of the Patriarchate to Helsinki Watch, reporting that matters have improved under the Ozal administration in recent years; for example, the Patriarchate has been able to rebuild its building. Permission for this was granted in 1987, after having been denied since the destruction of sections of the building in 1941.

In addition, Patriarch Bartholomeos said that the government had not interfered in the recent patriarchal election. Although the Patriarchate was required to send to the Istanbul Governor for approval the list of 15 Metropolitans and Archbishops nominated to become the new Patriarch, the list was returned with no names crossed out. This was in contrast to the last election in 1972, when the Turkish government eliminated four of the possible candidates.

⁹ Bahcheli, *op. cit.*, pp. 12-13 and 174-175.

¹⁰ *The New York Times*, November 3, 1991.

The Halki School of Theology

An extremely serious problem for the Patriarchate is the closing of the Halki Patriarchal School of Theology, the academy that, between 1844 and 1971, trained clergy for the Ecumenical Patriarchate. In August 1971 the Turkish government closed the academy pursuant to:

- A Turkish Law on Private Higher Educational Institutions (No. 625 dated June 8, 1965) that provided that private educational institutions for religious education could not be established; and
- A Constitutional Court Decree of January 12, 1971, that nationalized private institutions of higher education.

Until its abolition, hundreds of priests had been trained at the Halki academy for religious service in Turkey, Greece, Africa, America and other parts of the world.

The closing of the Halki academy is a particularly serious matter for the Greek Orthodox, since Turkish law requires that the Patriarch, as well as all other clergy, must be a citizen of Turkey. At present, candidates for the priesthood must be trained overseas, and many do not return to Turkey. As a result, there are fewer and fewer clergy who could be eligible to serve in the future as the Patriarch. Patriarch Bartholomeos told Helsinki Watch:

The problem of the renewal of the administration of the Patriarchate and the parishes is more and more acute. We need more priests, deacons and bishops. Several priests who are abroad and are not Turkish citizens would like to come here to work--it is a privilege to be able to work at the center of orthodoxy. But they are not allowed to.

We would like the Turkish government to permit us to receive people without Turkish citizenship to work at the Patriarchate, or to grant Turkish citizenship to those clergymen who would like to stay and work permanently in Turkey. We will submit these proposals to the authorities in Ankara.

We hope and pray that the relations between Greece and Turkey will become more normal and friendly, so that the faithful here can have a greater feeling of certainty, and not doubt tomorrow--to be sure that they can stay here, that the schools will function, that the Patriarchate will not be dark.

We want as a religious institution to play the role of a bridge between Greece and Turkey, not to be a factor of division and separation. For this we need the confidence and help of the Turkish authorities. We can be very useful to Turkey. The Ecumenical Patriarch serves throughout the world, in person or through Metropolitans and Archbishops. We have dioceses all over the world, and we can be the best ambassadors for Turkey, showing everyone that in Turkey, where the Patriarch resides, there is freedom and respect for human rights; but when this is not so, we cannot serve as such ambassadors.

In a statement that dealt largely with the situation of the Turkish minority in Western Thrace that was released to the press on September 5, 1991, the Turkish government stated its position on the Patriarchate:

The presence of the Patriarchate in Istanbul is a testimony to the tradition of religious tolerance in Turkey, and before it, the Ottoman Empire. Since the Sixteenth Century, the Patriarchate has been free to function as the center of the Greek Orthodox community in Turkey. The Patriarch, freely elected by the Orthodox faithful, exercises his religious authority without impediment. He is under the guarantee of the Turkish Constitution and subject to Turkish law. Despite these guarantees, those who recognize the sensitivity of nations to charges of stifling religious freedom have often sought to use the Patriarchate to generate negative publicity against Turkey. Those who do should realize that abuse of religious sentiments fuels extremism and helps the misguided cause of fanatic elements on both sides.

In relation to the closing of the Halki School of Theology, the Turkish government states that the college was closed as a part of a policy of nationalizing private institutions of higher education in Turkey, and says that all private colleges ceased activities at that time.¹¹ The government also states that, as a result of conversations in January with Patriarch Bartholomeos, Prime Minister Suleyman Demirel has said that he would give favorable consideration to the Patriarch's request to reopen the Halki School.

¹¹ **Roberts College in Istanbul was permitted to continue in operation as Bosphorous University, a state facility.**

Religious Discrimination

Members of the Greek community reported instances of religious discrimination: Greek Orthodox priests are not permitted to enter the Greek schools. In addition, Greeks report that psychological pressure is sometimes used against the clergy; for example, former Patriarch Dimitrios I went on a world tour last year that included a visit to the United States. Ethnic Greeks told Helsinki Watch that on the Patriarch's return he was called in by police late at night and interrogated about his trip, asked where he went and why. The Turkish government flatly denies this assertion, and also denies that psychological pressures have been placed on the clergy.¹²

Other Greeks reported that there are a number of springs or shrines in Istanbul that are considered holy by the Greek Orthodox. Some years ago, there were as many as 514 "holy springs." Helsinki Watch was told that the Turkish government had systematically destroyed these springs, including eight in the last five years; only 30 remain today.

One member of the Greek community alleged that churches had been condemned and destroyed in order to widen roads, but that, in some cases, the roads had not been built, and the churches had been replaced by other buildings. A Turkish (non-Greek) human rights activist confirmed that historical Greek churches had been torn down while still in use. She also reported that in 1990 the municipality in Sariyer had torn down a church annex that was still in use, reportedly to build a parkway.

¹² Telephone conversation with Counselor Ergun, *op. cit.*

The Turkish government states that it has no record of the destruction of churches and denies any religious discrimination against the Greek minority.¹³

In spite of the Turkish government's denials, Helsinki Watch found that the Turkish government has denied the Greek community in Turkey religious freedom as well as the right to control its own religious organizations and institutions in violation of international human rights law and the Lausanne Treaty.

Charitable Institutions

Article 40 of the Lausanne Treaty guarantees the Greek minority the right to establish, manage and control charitable institutions. The report of the CSCE Meeting of Experts on National Minorities (Geneva, 1991) spelled out fundamental rights of minorities, including the right to establish and maintain their own cultural institutions, organizations and associations. In spite of these international guarantees and standards, the Greek community continues to suffer interference in its control of these institutions.

Members of the Greek community told Helsinki Watch that the Greek community in Istanbul is divided into 62 areas, each of which has a council that is supposed to run the charitable institutions and schools within its area. They said that for many years, starting in 1969, Turkish authorities did not permit elections to the boards of the councils; as board members left Turkey or died, the councils were left without enough board members to run their affairs, and the community was losing its ability to administer its own institutions.

In the spring of 1991, the governor of Istanbul permitted, for the first time in over twenty years, an election for board members of the Greek hospital. The Patriarchate made up a list of candidates and submitted them, as required, to the Istanbul governate. A Greek man told Helsinki Watch that twenty-five of the thirty-two candidates received a letter from Turkish authorities saying "You cannot run for election to the board." As a result, the remaining seven candidates were elected to the board. Greeks allege that the power to administer the hospital is now in the hands of men chosen by the Turkish government.

Many members of the Greek community were angered by this act. One woman raised her voice in protest, threatening to take the matter to the Turkish Human Rights Association and to the CNN television station. A week later she was badly beaten. The event was widely reported in the press in Greece. According to these accounts, the woman answered her door at 9:00 a.m. An intruder beat her

¹³ *Ibid.*

severely on the face and on the chest, knocking her unconscious. The woman believes that the beating was politically-motivated, as none of her jewelry or cash, which were both close at hand, were taken.

Although the remaining Greek population is small, aging and, on the whole, not well-off, Helsinki Watch was told that the Greek community still owns a good deal of property in Istanbul, reportedly at least 600 buildings--property that was donated to the churches or to the community councils over the years. Much of this property is reported to be valuable real estate in the best sections of Istanbul. The Greek community reports that it is trying to fight Turkish efforts to take over much of this charitable property. In 1935, the government passed Law 2007, which decreed that no one could any longer donate property to the churches or to the Greek charitable institutions. Greeks continued to donate such property, but now the Turkish government claims that all property donated to Greek charities since 1936 is the property of the Turkish government.

In 1967, the Turkish government enacted a Vakif (charitable foundation) law (No. 903/1967); Article 74, para.2 stated that communal property founded by a group and aimed at "the enforcement of a certain race or minority" would no longer be recognized as a charitable foundation. In 1971, the Turkish Supreme Court decreed that minorities no longer had the right to found new vakif properties. The 1967 law also decreed a surtax of 5 percent on the income of communal organizations--above government and municipal taxes. Law 502 of 1978 stated that no donations to the Greek hospital after 1936 had been or would be registered by the government, as such transactions would "disturb public order."¹⁴

The Turkish government states that all of its dealings with Greek charitable foundations are "properly conducted according to existing rules

¹⁴ Alexandris, *op. cit.*, page 290.

and regulations," and that Greek charitable foundations are run by Greeks, not Turks, who have been chosen by the Greek community.¹⁵

In spite of the Turkish government's denials, Helsinki Watch concludes that the Turkish government has denied the Greek community in Turkey the right to control its charitable institutions, in violation of the Lausanne Treaty and international human rights agreements.

Denial of Ethnic Identity

Members of the Greek community in Turkey are denied their ethnic identity in violation of guarantees embodied in the European Convention for Human Rights and various agreements issued by the CSCE. Identity cards carried by Greeks, for example, cannot say that the bearer is "Greek" ("Yunanli" in Turkish), but must say "Christian Orthodox" (Rum). Schools and associations cannot be identified as "Greek," but must be identified as "Rum," which is a term that, according to the Greek community, refers to the Greek Orthodox community living outside of Greece. According to the Constantinopolitan Society, Greeks are prohibited from using the term "Greek" to describe themselves or their institutions.¹⁶ Greek newspapers are called "Rum" newspapers; Greek schools are called "Rum lisesi;" the Greek orphanage on Princes Island is called, "Buyukada Rum Yetimhanesi." In Turkey, the term "Yunanli" may be used only to refer to citizens of Greece.

The Turkish Foreign Ministry, on the other hand, told Helsinki Watch that the ethnic identity of the Greek community in Turkey "has never been denied in the history of the Turkish Republic."¹⁷ According to the Foreign Ministry, the term "Rum" has been used for centuries and is a synonym for "Greek." In support of this argument, the Turkish government refers to its translation of "Rum" into English as "the Greek minority in Turkey."

¹⁵ Telephone conversation with Counselor Ergun, *op.cit.*

¹⁶ The Greek Union was banned in April 1958 for using the word "Greek" in its title, and its assets were confiscated.

¹⁷ Telephone conversation with Counselor Ergun, *op. cit.*

In another example of the denial of ethnic identity, teachers in a Greek school told Helsinki Watch that students are not allowed to study Greek history, although they study Turkish, English, French and German history. Their only contact with Greek history is through studying wars between Turkey and Greece, in which Greece is referred to as "our enemy."

Helsinki Watch concludes that the Turkish government has denied the Greek community in Turkey the right to express its ethnic identity, in violation of international human rights laws and agreements.

IMBROS AND TENEDOS

Imbros (Turkish name: *Gokceada*) and Tenedos (*Bozcaada*) are small islands in the northeast corner of the Aegean Sea, near the mouth of the Dardanelles. Part of the Ottoman Empire since the 15th century, these islands were captured by Greece in 1912, during the Balkan Wars. Because Turkey considered them important to its security, the islands reverted to Turkey in 1923, after the Greek-Turkish war. Article 14 of the Lausanne Treaty established a special status for Imbros and Tenedos, including the rights to local administration, a local police force and the protection of persons and property.¹ The Greek residents were permitted to remain and were protected by other provisions of the treaty.

The provisions of Article 14 were never observed. The Turkish government promptly took over the administration of the islands, including the judiciary, the police, and the port authorities and customs officers. It also chose the members of the administrative council. Turkey confiscated the lands of those who had left the islands and did not permit the owners to return. The use of the Greek

¹ Article 14 of the Lausanne Treaty states:

The islands of Imbros and Tenedos, remaining under Turkish sovereignty, shall enjoy a special administrative organisation composed of local elements and furnishing every guarantee for the native non-Moslem population in so far as concerns local administration and the protection of persons and property. The maintenance of order will be assured therein by a police force recruited from amongst the local population by the local administration above provided for and placed under its orders.

The agreements which have been, or may be, concluded between Greece and Turkey relating to the exchange of the Greek and Turkish populations will not be applied to the inhabitants of the islands of Imbros and Tenedos.

language for official communications was abolished. In 1926, the British liaison officer in the Aegean, Captain E. A. Nottingham Parker, reported to his government: "The Turkish government has taken no steps to administer Imbros and Tenedos in accordance with the Treaty of Lausanne."²

² Alexis Alexandris, "Imbros and Tenedos: A study in Turkish attitudes toward two ethnic Greek island communities since 1923." *Journal of the Hellenic Diaspora*, Vol. VII, No. 1, Spring 1990, pp. 10-19.

A Turkish law passed in 1927, Local Government Act No. 1151/1927, set forth rules for administering the islands; self-administration was denied.

Law No. 1151 also outlawed the teaching of the Greek language in schools. This law was in direct violation of Article 41 of the Lausanne Treaty, which provided for instruction in a minority child's own language. It also violated Article 40, which gave the Greek minority the right to control its own schools.

Ethnic tensions on the islands subsequently eased or flared, depending on the status of relations between Greece and Turkey. During the 1950s, Greek was again taught in island schools, and the schools operated along the lines of the minority schools on the mainland. But a flare-up of the Cyprus issue in 1963 led to Turkish steps against the Greek communities on the islands. A 1964 law (No. 502/1964) abolished the educational system and the teaching of Greek was again prohibited. Law No. 502 also forbade community ownership of property, including schools, except for church buildings.

In 1965 the government established on Imbros an open agricultural prison for Turkish mainland convicts; farming land was expropriated for this purpose--in 1966, 13,444 dekars of fertile land were expropriated for the prison.³ Greek Orthodox communal property was also expropriated,⁴ and between 1960 and 1990 about 200 churches and chapels were reportedly destroyed.

³ *Ibid.*, pp. 25-26.

⁴ According to the Panimbrian Committee, a group of emigres from Imbros now living in Greece, lands owned by Greeks on Imbros declined dramatically between 1964 and 1990:

Arable land owned by the Greeks of Imbros and Expropriations: 1964-1990:

Arable land owned by Greeks, 1964:	61,511,000 square meters
Expropriations, 1964-1976:	35,259,289 " "
Arable land owned by Greeks, 1977:	26,251,711 " "

Expropriations, 1977: 25,758,526 " "
Arable land owned by Greeks, 1990: 64,095 " "

The Greek community on the islands responded to these acts by leaving. In 1920 about 9,000 Greeks lived on the two islands; Imbros was inhabited almost entirely by Greeks, and Tenedos was about eighty percent Greek. By the early 1970s, only 2,622 Greeks lived on Imbros and 1,400 on Tenedos.⁵ Today, according to the Constantinopolitan Society of Athens, the Greek population of the islands has dwindled to about 480, most of them elderly, while about seven thousand, two hundred Turks now live on Imbros.⁶ The Panimbrian Committee in Athens reports that there are currently only 330 Greeks living on Imbros--all elderly people who live in six villages.

Archbishop Iakovos, the archbishop of the Greek Orthodox Diocese of North and South America, told Helsinki Watch in January 1992 that none of the remaining Greek Imbriots is under the age of 65. According to Archbishop Iakovos, himself a native of Imbros⁷ who last visited Imbros in 1987, these elderly Greeks are supported largely by Imbriot emigres in Greece and the United States. Their basic needs for food, shelter, medical care and spiritual support are met, according to the Archbishop, but members of the community are no longer able to work or support themselves. They can, however, he said, converse in Greek and receive mail from outside the country. And former residents of Imbros can visit, repair their family homes and spend vacations if they wish.

⁵ Alexandris, "Imbros and Tenedos," *op. cit.*, p. 27.

⁶ The Turkish government has settled many Turks on the islands. The Turkish newspaper, *Gunaydin*, reported on November 23, 1984, for example, that all inhabitants of the villages Sek and Eskisihar had been forced to leave their homes, which had been seized for the construction of a new energy plant at Yatagan. The government was providing them with new homes on the island of Imbros in a newly-developed housing tract in Ugurlu village, under government supervision.

⁷ Archbishop Iakovos told Helsinki Watch of his early experiences:

"[I]n 1923 at the age of twelve, my native island of Imbros ... came under Turkish domination. I was forced to part with my Greek books which were taken away from me; forced to learn Turkish and to accept the status of second class citizen who was not even entitled to publicly speak my language. When I reached voting age I was given a folded piece of paper (without the right to open it and see the name of whom I was voting for) to put in the voting box; after my graduation from the Halki Theological School of the Ecumenical Patriarchate while I was appointed by my bishop as a preacher I was forbidden to preach or hold Sunday School classes and during my obligatory military service of 18 months, I was known as a 'ghiaour' (infidel) and subjected to repeated humiliations."

Letter dated April 26, 1991.

"I feel terribly ashamed that I can do nothing for the Greek community," the Archbishop said. "It is a tragic situation. I have lost hope; I fear that the problems of these little people will not move the hearts of the mighty."

The Turkish government has contended that the process of de-Hellenization of Imbros and Tenedos was in response to actions against the Turkish communities in Western Thrace and Cyprus.

Turkey's violations of the human rights of the Greek minority in Istanbul, described in detail earlier in this report, are reportedly experienced by the small remaining Greek community on Imbros and Tenedos as well. According to the Panimbrian Committee,⁸ members of the Greek community are "considered by the authorities to be second class citizens."

Their painful experiences since 1964 have made a deep mark on their lives. They are afraid to express their feelings, to protest against certain actions of the authorities or the Turkish settlers, to call themselves Greeks, to call the island "Imbros" instead of "Gokceada" or even to allow anybody to make use of their names when they give some information referring to the violation of their rights, fearing the consequences which they will have to face from the Turkish authorities. We encounter the same attitude and the same fear also in persons who, living in Greece and visiting Imbros during the summer, are afraid of the consequences during a possible next visit.

The Panimbrian Committee alleges that the Greek minority is treated fairly during the tourist season in the summer, but that the Turks' behavior changes in the fall when "Turkish settlers visit the villages of the area and they insult and beat up people and even shoot in the air trying to terrify the Greeks there."

The Committee reports that such incidents take place "practically every day" in the village of Shinoudi:

At the beginning of September [1991] a person whose name we know but cannot let it be known because of the aforesaid conditions in these villages, was beaten up in front of the village coffee shop and two days later the beating was repeated and the man was threatened with an axe.

At the beginning of October, seven other persons were brutally beaten up. Again we cannot give you the names although they are known to us.

⁸ Letter to Helsinki Watch dated January 23, 1992.

It is characteristic what an Imbrian said last summer to a visitor: "What can we say . . . you will leave but we will stay here."

The Panimbrian Committee reports that the Turkish authorities do not attempt to protect the Greek minority, and, in fact, discriminate against them in the provision of services and protection:

At the end of March 1991 at the Shinoudi village, two large trucks driven by Turks stopped in front of houses abandoned by Greeks and loaded valuable articles, moving them without the Turkish authorities giving them the slightest trouble.

Several Greeks residing on the island are recipients of letters containing threats on their lives, mentioning that they will have the fate of Deliconstandis who was murdered in 1990, and stating that they should either leave the island or sell their remaining unexpropriated real estate.

In December 1991, during cold days, the electricity was cut off for twenty days at Shinoudi village where Greeks live; the same, however, did not happen in the nearby Turkish villages of Ugurlu and Sahinkaya. Also during the same period no interest was exhibited by the authorities in clearing off the snow from the road leading to Agridia village (Tepekoy), in which the population, seventy-nine old persons, is exclusively Greek; roads to other villages in the area where Turks are living were cleared. Thus Agridia village was cut off for several days and no supplies could reach the residents. To the villagers' complaints, the only answer that the authorities would give was: "We are the only ones who can decide what should be done and where."

We wish to add at this point that even correspondence from abroad often never reaches its recipients.

We would like to add that after so many violations of human rights on Imbros, we are unable to present more specific evidence of recent violations because the remaining Greek population, being terrified, often refuse to give us any pertinent information.

According to the Turkish government, it is not aware of complaints of adverse treatment of the Greek community on the islands. In addition, it states that there have recently been "two major positive developments" in relation to the island

of Imbros: the military "forbidden zone" status ended in 1991, and the open air prison has been transferred out of Imbros.⁹

Helsinki Watch concludes that the Turkish government has denied the rights of the Greek community on Imbros and Tenedos in violation of the Lausanne Treaty and international human rights laws and agreements.

⁹ Telephone conversation with Counselor Ergun, *op. cit.*

THE TURKISH GOVERNMENT'S OBLIGATIONS UNDER INTERNATIONAL LAW

The Turkish government's obligations to protect and guarantee the rights of the Greek minority have been established by international treaties and agreements.

The Treaty of Lausanne

Before World War II, states' relations with the minorities under their jurisdiction were determined by domestic law and, in some instances, by treaties with other states. The Lausanne Treaty of 1923 established the rights of minorities in Greece and Turkey following the Greek-Turkish War of 1920-1922.

Articles 37 through 45 of the Lausanne Treaty, described as "fundamental laws," set forth the obligations of the Greek and Turkish governments to protect the Turkish and Greek minorities in their territories.¹ Each country agreed to provide:

- protection of life and liberty without regard to birth, nationality, language, race or religion;
- free exercise of religion;
- equality before the law;
- the same civil and political rights enjoyed by the majority;
- free use of any language in private, in commerce, in religion, the press and publications, at public meetings and in the courts;
- the right to establish and control charitable, religious and social institutions and schools;
- primary schools in which instruction is given in both languages; and
- full protection for religious establishments and charitable institutions.

In addition, Article 14 provided for a special status for the islands of Imbros and Tenedos at the entrance to the Dardanelles, including local administration, a local police force and the protection of persons and property.

1968 Protocol

¹ See Appendix D for the full text of Articles 37 through 45 of the Treaty of Lausanne, signed in Lausanne on July 24, 1923.

In December 1968, the Turkish and Greek governments signed a protocol issued by a Turkish-Greek cultural commission; among other things, the protocol guaranteed that each country would respect the religious, ethnic and national consciousness of the Greek or Turkish minority within its borders.

European Convention for the Protection of Human Rights and Fundamental Freedoms

In addition to agreeing to the provisions of the Lausanne Treaty that deal directly with the rights of the Greek minority in Turkey, Turkey has signed international documents issued after World War II that were designed to protect human rights, including the European Convention for Human Rights (1950). That convention establishes broad guarantees for human rights and fundamental freedoms. Among them are the right not to be subjected to inhuman or degrading treatment; the right to a fair trial by an independent, impartial tribunal; the right to freedom of religion, expression, and association; the right to receive information without interference and regardless of frontiers; the right to an effective remedy for violations of human rights; and the right to be free from discrimination because of religion or membership in a national minority.²

Agreements of the Conference on Security and Cooperation in Europe (CSCE)

Helsinki Final Act

Turkey was one of the 35 countries in the Conference on Security and Cooperation in Europe (CSCE) that signed the Helsinki Final Act in 1975. Principle VII of that act provides broad guarantees for human rights and fundamental freedoms. It also requires that participating states respect the rights of national minorities within their territories to equality before the law, and to "full opportunity for the actual enjoyment of human rights and fundamental freedoms."

Since the signing of the Helsinki Final Act, several subsequent CSCE meetings have dealt with the rights of minorities:

² Turkey has not signed the International Covenant on Civil and Political Rights (1966), which guarantees the same rights protected by the European Convention on Human Rights.

1989 Concluding Document of the Vienna Follow-Up Meeting to the Conference on Security and Cooperation in Europe.

The 1989 Concluding Document of the Vienna Follow-Up Meeting to the CSCE, which Turkey signed, lays out the principles that guide relations between states. Among these are ensuring human rights and fundamental freedoms to everyone within a country's territory without regard to religion or national origin. The document also ensures that no one will be discriminated against for exercising human rights and freedoms. In discussing religious freedom, it sets forth the rights of individuals to organize their own religious structures. It also ensures the rights of national minorities and declares that signatory countries will:

protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities on their territory. They will respect the free exercise of rights by persons belonging to such minorities and ensure their full equality with others.

The document states that participating states will respect the right of everyone to leave his or her own country and to return to it.

Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE

In June 1990, the Copenhagen CSCE meeting set forth the rights of national minorities to exercise their human rights and fundamental freedoms without discrimination and in full equality before the law (paragraphs 30 through 40.7).

Charter of Paris

On November 21, 1990, all of the CSCE states, including Turkey, signed the Charter of Paris. The charter has taken on considerable

influence because it was signed at the level of heads of state. It contains provisions aimed at protecting minorities:

We affirm that the ethnic, cultural, linguistic and religious identity of national minorities will be protected and that persons belonging to national minorities have the right freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

In a section entitled *Human Dimension*, the signatory countries declared:

Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created. We declare that questions related to national minorities can only be satisfactorily resolved in a democratic political framework. We further acknowledge that the rights of persons belonging to national minorities must be fully respected as part of universal human rights. Being aware of the urgent need for increased cooperation on, as well as better protection of, national minorities, we decide to convene a meeting of experts on national minorities to be held in Geneva from 1 to 19 July 1991.

We express our determination to combat all forms of racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds.

Report of the CSCE Meeting of Experts on National Minorities--Geneva 1991

Following the declaration in the Paris Charter, the CSCE countries, including Turkey, met in Geneva in July 1991 and issued a

detailed report on the rights of national minorities. The Geneva report spelled out fundamental rights guaranteed to minorities, including:

- the right not to be discriminated against, particularly in employment, housing and education;
 - the right to express, preserve, develop and maintain their ethnic, cultural, linguistic or religious identity and heritage, free from attempts at assimilation against their will;
 - the right to equal opportunity to be involved in public life and economic activities;
 - the right to effective redress of past discrimination;
 - the right to special measures to ensure minorities full equality with other citizens;
- and
- the right to establish and maintain their own educational, cultural and religious institutions, organizations and associations.

In addition, the states agreed to adopt laws that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred, and to develop policies to enforce such laws.³

³ **Other international documents also guarantee the rights of minorities:**

The UNESCO Convention against Discrimination in Education provides in Article 5: "It is essential to recognize the right of members of national minorities to carry on their

own education activities including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however: (1) that this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; (2) that the standard of education is not lower than the general standard laid down or approved by the competent authorities; and (3) that attendance at such schools is optional." Turkey has not signed this Convention.

The International Convention on the Elimination of All Forms of Racial Discrimination provides in Article 1, para. 4: "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals" shall not be deemed discriminatory "provided . . . that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved." Turkey has not signed this Convention.

THE TURKISH CONSTITUTION

Article X of the Turkish Constitution of 1982 provides equality before the law and the right to be free from discrimination:

All individuals are equal without any discrimination before the law, irrespective of language, race, color, sex, political opinion, philosophical belief, religion and sect, or any such considerations.

RECOMMENDATIONS

Helsinki Watch recommends that the Turkish government:

Abide by its obligations under international and national law to protect the Greek minority's human rights; specifically, to:

- Grant to the Greek minority all the civil and political rights enjoyed by other Turkish citizens; this should include the right to call themselves and their associations and schools "Greek (Yunanli);"
- Accord the Greek minority freedom of expression, including freedom of the press and publishing, and access to radio, television and publications from Greece;
- Put an end to degrading treatment of the Greek minority, including police harassment, and protect the minority from harassment by others;
- Accord the Greek minority freedom to establish, manage and control its schools, including the selection of teachers, curriculum and books and the repair and maintenance of school buildings;
- Accord the Greek minority freedom of religion, including the establishment, management and control of religious institutions; and specifically to:
 - refrain from intervening in the selection of the Ecumenical Patriarch; and
 - permit the re-opening of the Halki theological academy;
- Accord the Greek minority freedom to establish, manage and control its charitable institutions; specifically, to end government intervention in the selection of boards and the management of the institutions.

Helsinki Watch recommends that the United States government, in light of its long friendship with Turkey and its continuing provision of economic and military assistance (over \$700,000,000 requested for Fiscal Year 1992), acknowledge and condemn the human rights abuses documented in this report, and use its best efforts to persuade the Turkish government to carry out the recommendations listed above.

APPENDIX A

Convention Concerning the Exchange of Greek and Turkish Populations.
Signed at Lausanne, January 30, 1923.

The Government of the Grand National Assembly of Turkey and the Greek Government have agreed upon the following provisions:

Article 1.

As from the 1st May, 1923, there shall take place a compulsory exchange of Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory.

These persons shall not return to live in Turkey or Greece respectively without the authorisation of the Turkish Government or of the Greek Government respectively.

Article 2.

The following persons shall not be included in the exchange provided for in Article 1:

- a) The Greek inhabitants of Constantinople
- b) The Moslem inhabitants of Western Thrace.

All Greeks who were already established before the 30th October, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople.

All Moslems established in the region to the east of the frontier line laid down in 1913 by the Treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace.

Article 3.

Those Greeks and Moslems who have already, and since the 18th October, 1912, left the territories the Greek and Turkish inhabitants of which are to be respectively exchanged, shall be considered as included in the exchange provided for in Article 1.

The expression "emigrant" in the present Convention includes all physical and juridical persons who have been obliged to emigrate or have emigrated since the 18th October, 1912.

Article 4.

All able-bodied men belonging to the Greek population, whose families have already left Turkish territory, and who are now detained in Turkey, shall constitute the first installment of Greeks sent to Greece in accordance with the present Convention.

APPENDIX B

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APPENDIX C:
DEATHS IN 1955 RIOTS

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APPENDIX D
TREATY OF LAUSANNE

Section III. Protection of Minorities

Article 37.

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

Article 38.

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

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

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

Article 39.

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

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

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

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

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

Article 40.

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Article 41.

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

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

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

Article 42.

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal

status, measures permitting the settlement of these questions in accordance with the customs of those minorities,

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

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

Article 43.

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

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

Article 44.

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

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

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Article 45.

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

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