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Expropriation of the lands of the Mor Gabriel Monastery in Tur Abdin, Turkey - Rights of minorities in Turkey

Reply to Written question[1]: Written question No. 563 (Doc. 11840) and Written question No. 570 (Doc. 11971)
Committee of Ministers

Written Question No. 563 by Mr Omtzigt (Doc. 11840)

The Mor Gabriel Monastery was founded in 397 AD. It is one of the oldest Christian Monasteries in the world. Apart from a number of short spells, it has been a place of worship for more than 1600 of the Syrian Orthodox church.

Cadastral decisions and a number of court cases threaten to take away most or all of its grounds, which the Monastery has possessed for ages and over which it has been paying taxes. This will be a direct threat to the survival of this religious and cultural heritage.

At present the Turkish authorities do not seem to be willing to recognize the Syrian Orthodox church. The community is therefore forced to teach its own language, Aramaic at for instance Oxford University but not in Turkey. The protection of minority rights under the treaty of Lausanne is not extended to the Syrian Orthodox community. This leaves Turkish citizens of the Syrian Orthodox community with less rights than for instance the Judaic, the Armenian-Orthodox or the Greek-Orthodox community, let alone the Muslim majority.

Mr Omtzigt,

To ask the Committee of Ministers,

– Does the Committee of Ministers regard the Mor Gabriel Monastery as a religious place, where people should be free to worship in the way they have been doing for more than 1600 years and does it agree that land should not be taken away from the Monastery and that the Monastery should be protected in its entirety as a place of great religious, cultural and historic importance?

– Should it in the eyes of the Committee of Ministers be possible for the Syrian Orthodox community to use and teach its own language, Aramaic in schools and benefit from at least the protection of the provisions for religious minorities in the treaty of Lausanne? Which action will the Committee of Ministers take towards Turkey to reach this higher degree of protection and minority rights for the Syrian Orthodox community?

– Will the Committee of Ministers send an observer to the court cases against the monastery to observe their fairness and report back to the Parliamentary Assembly?

Written Question No. 570 by Ms Lundgren (Doc. 11971)

Throughout history there have been many changes in the territory where Turkey today exists. Different cultures and various regimes have influenced the daily life. That is the reason why this region is looked upon as the bridge between different people and different cultures. Of course it is also a big challenge for all of us.

1. adopted at the 1074th meeting of the Ministers' Deputies (12-13 January 2010)

During the years different rules have been applied to religious institutes working in the area. Since the year 397 there has been a Monastery in Midyat – Mor Gabriel. Today it is recognized as one of the oldest still functioning monasteries and of course of tremendous value for the people who have lived in the south-eastern part of Turkey for the last 3000 years. It is a cultural and religious heritage of great importance for all humanity – no matter of religious beliefs.

In the old days it was not possible for Non-Muslim institutions to own property or land. New interpretations of laws and regulations have recognized some religious minorities and their rights to own land. Others not. Due to the Constitution forests are state property. A once forested property might be developed – others are still open area. The way the authorities handle these problems may cause quarrels – even in a civic society.

In the now on-going process of new land registration it is inevitable that the past events create special problems. On top of the land registration process new questions have been raised about fairness in the judicial system and the status of property-rights when land is expropriated by the state even if the “owners” by custom have been paying taxes to the state for the now disputed land throughout the years. Can pictures taken more than 50 years ago, be a better proof of ownership than the accepted taxation? If so, does the state treat all discovered “de-forested” land in the same way, no matter who the owners are, whether developed or not?

If it is a question about Mor Gabriel it might also be a question whether their rights are handled in an equal way compared with other religious institutes.

It is of great importance that the rights of minorities are improved in all our member states in compliance with the Council of Europe conventions and that our common history is safeguarded.

In respect of this, Ms Lundgren,

To ask the Committee of Ministers

What initiatives is the Committee of Ministers ready to take to insure that the rights of Mor Gabriel, of religious minorities, are safeguarded in the ongoing process of land registration in Turkey?

Joint reply by the Committee of Ministers

1. The Committee of Ministers considers that the similarity between the issues raised by the Honourable Parliamentarians justifies the present joint reply to their questions.

2. It wishes to point out that the European Convention on Human Rights (ECHR) guarantees, *inter alia*, freedom of thought, conscience and religion (Article 9), as well as entitlement to the peaceful enjoyment of one’s possessions (Article 1 of Protocol No. 1), to everyone within the jurisdiction of States Parties to the Convention. Furthermore, it points out that the protection of religious minorities is an integral part of the international protection of human rights. In the context of the ECHR, this protection is, *inter alia*, ensured by respect for the prohibition of discrimination (Article 14 of the ECHR), as interpreted by the European Court of Human Rights.

3. It further observes that the European Court of Human Rights has already ruled on the question of the right of religious minorities' foundations to acquire and retain property. It is one of the Committee of Ministers’ duties in pursuance of Article 46, paragraph 2 of the Convention to supervise the execution of these recent judgments.

4. As far as the Mor Gabriel monastery is concerned, one of the oldest monasteries is the world, founded in 397 AD, the Committee has been informed that judicial proceedings relating to property title in respect of the lands situated around this monastery are pending in the Turkish courts, and that the outcome of these proceedings is not yet known. The Committee of Ministers consequently considers that it is not appropriate for it to intervene until such time as the proceedings in the competent national courts, or possibly in competent international courts such as the European Court of Human Rights, have come to an end.