

In 1987 Turkey submitted its application to full membership in the European Union (EU). It was renewed in 1999, and this time considered to be more serious, especially after the election victory of Recep Tayyip Erdogan's »AKP« moderate Islamist party in December 2002. The political leadership started to undertake serious reforms in the legal and especially in the field of human rights. And this government was able to show small but visible steps in actually exercising the new laws. This was the main prerequisite for the European Union to launch membership-talks with Turkey. A process of approaching the legal system and the economy towards European standards was set in motion, and until now (in view of other countries' membership applications) this always ended in full-membership.

One important instrument for the European Union is the monitoring of Turkey, its politicians and institutions. Reports are published annually. They are not only the basis of the membership negotiations, but also give interested circles such as the Armenians the possibility to uncover the topics that have been left out by the European institutions. Armenian organizations such as the »European Armenian Federation for Justice and Democracy« (EAFJD) and the »Armenian Assembly of Europe« (AAE) both headquartered in Brussels, the seat of the main European institutions, regularly raise their voices on topics such as the genocide, the Karabakh conflict, or the Turkish refusal to open borders with Armenia.

### The religious foundations

Since the creation of the Republic of Turkey in 1923, Christian churches and their institutions have not existed as legal entities. All religious institutions had to transfer their property, their buildings and inventory to religious foundations which are run by laities.<sup>1</sup> Today, these foundations are the backbone of the Armenians in Turkey and secure the income from rented-out property which allows for the maintenance of their public facilities such as schools, hospitals, and churches.

The religious foundations are under the control of the »Directorate of Religious Affairs« (Diyanet İleri Müdürlüğü) which in turn is attached to the Prime minister's office. In the past, through laws, which were only applied to Christian foundations, Turkish authorities have confiscated many buildings.

Just before Turkey's second application for EU-membership, more than two dozen buildings have been confiscated.<sup>2</sup> This weakens the income of the foundation until eventually one day it will no longer be able to pay its bills, and has to be given up. In March 2005 the last object owned by the Armenian hospital »Surp Pirgic« was confiscated. According to Hrant Dink, editor of the Armenian newspaper »AGOS«, 41 further objects owned by Armenian institutions are on the list of the Turkish treasury to be confiscated.

For Turkey the confiscations are accompanied by law suits by the plundered and increasing protest in foreign and even Turkish media. Another way of ridding the Christian minorities of their possessions was found by installing Turkish administrators in the foundations. Usually, they are nominated under the pretext that an Armenian person could not be found for the job, but some Armenian administrators have simply been replaced through decrees by the »Directorate of Religious Affairs«. After 10 years of such »Turkish« administration, the foundations then automatically fall into the possession of the Directorate of Religious Affairs, according to Turkish law.<sup>3</sup>

Yet another strategy is to remove the original owner from the cadastral register. This happened to one Catholic church or to the school of the Mechitharian Congregation.

In 2002, the law from 1926, the main basis for the expropriations, has been reformed without taking into account the European demand to return the confiscated immovables. Under the new law, church buildings can now be registered on community institutions, as opposed to individuals only. But in reality, most applications to do so have been refused because »the Documents are not compliant«, or because »a natural person is already the owner of the church«, therefore they would need no change. The Greek community for example, announced they had 1747 objects, but until now only 490 got the new status.

Through such administrative hurdles, the confiscation of immovables, as well as the installation of Turkish administrators, during the last 80 years 48 out of 208 religious foundations were »lost«.<sup>4</sup>

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<sup>1</sup> Hermann, Rainer: Unerfüllte Hoffnungen. „Frankfurter Allgemeine Zeitung“, 05. October 2004

<sup>2</sup> Die Christen in der Türkei hoffen auf die EU. „Neue Zürcher Zeitung“, 10.01.2000

<sup>3</sup> Oehring, Ottmar: Zur Lage der Menschenrechte in der Türkei – Laizismus = Religionsfreiheit? 2002

<sup>4</sup> Oehring, Ottmar: Zur Lage der Menschenrechte in der Türkei – Laizismus = Religionsfreiheit? 2002

## Human rights as a member of a minority

In general, the members of Christian communities like the Armenians try to avoid attention because even the word »Armenian« is a cuss in Turkey. Believe it or not, there is no systematic collection of data on the many minor and major human rights violations in Turkey. Diaspora Armenians and their institutions completely failed in this matter, too. The victims and other members of their groups in Turkey believe they or their family would only get more trouble if they made an accusation. In most cases, this fear is well founded. For example: In 2002 two young syriac-orthodox women have been attacked and beaten by a group of young Turkish nationalists in Istanbul. The women went to the next police station to file a report, but the policemen started to abuse the women because of their complaint. Amnesty International asked the women to record this incident, but until now they refused to do so.<sup>5</sup>

Incidents like this become less frequent though, just as the freedom of expression has improved. The Press is more open and critical nowadays. There is no doubt that the human right situation for individuals has been strongly improved. But the rights of religion groups, like the Armenian-Apostolic Church, [the Orthodox Patriarchate \(Greek\) or the Jewish communities](#) have not been changed. The patriarchate and its highest representative, Archbishop Mesrob Mutafian, have no legal status which makes the work in and for the Church a slippery slope. The Church cannot apply for permanent residential status of their foreign employees like any Turkish company can do. The consequence is that these employees have to leave Turkey every three months, and re-enter the country with a fresh tourist visa. So, at the moment the paradoxical situation remains that as an individual you are allowed to attend a holly mass, but the Armenian Apostolic Church has no right to organise or celebrate the mass.

## The schoolbooks and education

The EU-Parliament asked Turkey to turn its attention to the different cultures of the country, and educate the children in this sense of more tolerance. Against the background of a European approach, but also under the pressure of the World Bank, Turkey printed new schoolbooks in 2001 with an EU financial aid of 100 Million Euro. In December 2003 the EU-Commission for Human Rights and the History Foundation chairman, Orhan Siller, published their report on 190 new schoolbooks: more than 4000 passages with religious, racial and gender-discrimination were found.

Mr. Siller commented: »these books are defective goods«, and »Turkey is still 30 years behind European standards«.

He urges to change the context of these books soon, because he believes the culture of political violence today, would be in direct connection with them. In the course »Revolution history of the Turk Nation and Ataturkism« Christian minorities are still depicted as thieves, spies and disloyal elements who have no rights in Turkey.<sup>6</sup>

For Armenians, one positive aspect of the new history books for high schools, is the total removal of the »deportation« as a necessary act of the War (of course, it has yet to happen that a more or less accurate account of the genocide will be introduced). The Armenians only appear in a statistic about religious communities. Similarly, the Turkish prehistory 'Türk Tarihin Ana Hatlai', where up to now Turks were claimed to be the founders of the Sumer, Scyth, Hitite, and Trojan civilisations has been removed. Turkish prehistory, Ataturk's best loved fairy tale can now be found only in the schoolbook entitled »Revolution History of the Turkish Nation and Ataturkism«. There you can also learn that Turkey is the »cradle of Europe«.<sup>7</sup>

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<sup>5</sup> Neppert, Barbara, amnesty international, Sektion der Bundesrepublik Deutschland e.V., Türkei Koordinationsgruppe, Asyl – Gutachten, Bonn 04.09.2000, <http://www2.amnesty.de/internet/Gutachte.nsf/0/bf232b09ee0d9d59c1256aaa003a806c?OpenDocument>.

<sup>6</sup> Hofmann, Tessa: Armenians in Turkey Today; A Critical Assessment of the Situation of the Armenian Minority in the Turkish Republic, Brüssel, 2002

<sup>7</sup> Senünver G. u. a.: İlköğretim Okulları için - Türkiye Cumhuriyeti inkılap tarihi ve Atatürkçülük 8 (Revolution History of the Turkish Nation and Ataturkism 8<sup>th</sup> level of education), Istanbul 2004

Given decades of misinforming Turkish citizens, it comes as no surprise that a study among Turkish youngsters in Germany found that 76% believed Armenians were an obnoxious folk. Another study said that 44,2% of young Turks said that there were no good Armenians.<sup>8</sup>

Ottoman archives are open

There are two major archives that might give answers to the "Armenian question" in Turkey. One is the military archive that is attached to an institution of the general staff. Some newspapers reported that it would be opened now,<sup>9</sup> but until today I haven't heard of one person who went to this archive in Ankara. The second and main archive is the »Turkish National Archives« 'devlet arshivleri' which are divided into two main divisions; the Ottoman archives »until 1923«, and the republican archives »after 1923«.

Currently it is possible to consult the catalogues of the »Turkish National Archives« and get the documents listed there. However, according to Hilmar Kaiser there are some important collections at the Turkish prime minister's Ottoman Archives (part of the National Archives) that have been catalogued but the catalogues would not be at the reading room. So, there would be material that is still withheld. One such collection would be on Armenians by the Ottoman Directorate for Public Security, »2<sup>nd</sup> division«, which is a subdivision of the Ministry of the Interior (also part of the National Archives).<sup>10</sup> So, theoretically the archives are open, but some important doors are still locked. Not to mention that the archives of the Young Turk Party, as well as those of the Teskilat i Mahsusa, the secret organization instrumental to the genocide, are said to be lost.

### The Armenian Question

Since more than 90 years Turkey has denied the genocide, and the new leadership is following its predecessors in this matter. Foreign minister Abdullah Gül, for example said in an interview given to the German newspaper »Rheinischer Merkur« at the end of June 2005: »The Armenians where the most loyal citizens of the Ottoman Empire. The Russians have instigated the Armenians in the east, and Armenian terror gangs have been founded. After the Armenian's assault against the Sultan, the Turkish leadership came to the conclusion that the Armenians have to be brought to more save places. The moving was not forced upon them though, but by free will. The journey of the people was paid. If there were any abuses the perpetrators have been punished at once.«<sup>11</sup>

Until now, the European Union has not given any comment to such statements, but it was always clear for the European Parliament that Turkey has to recognise the genocide as a historical fact. While the Governments still remain ambiguous, the EU-parliament regularly insist on this point (as well as the recognition of the republic of Cyprus): » that the Turkish authorities formally acknowledge the historic reality of the genocide perpetrated against the Armenians in 1915 and open the border between Turkey and Armenia at an early date, in accordance with the resolutions adopted by the European Parliament between 1987 and 2004«<sup>12</sup>

But since October 26. 2005 the EU-Commission who is mainly responsible for the condition, under which Turkey can join the EU, is flowing this guideline. The head of the EU-Commission José Manuel Barroso said: »Turks should acknowledge the reality of the Armenian Genocide. Orhan Pamuk's case is an inadmissible step from the standpoint of the freedom of speech. Turkey should refrain from simplified attitudes towards the Armenian issue. Europeans dislike the words 'there was no Genocide.' Ankara's best move would be the acknowledgment of the Armenian Genocide and opening the borders with Armenia.«<sup>13</sup>

<sup>8</sup> Oehring ,Ottmar: Zur Lage der Menschenrechte in der Türkei – Laizismus = Religionsfreiheit? 2002, page 33

<sup>9</sup> <http://www2.onnachrichten.t-online.de/dyn/c/39/28/43/3928436.html>

<sup>10</sup> Aztag "Daily Newspaper" On the Freedom of Access to the Ottoman Archives: An Interview with Hilmar Kaiser  
By Khatchig Mouradian; Saturday, 24 September, 2005

<sup>11</sup> „Rheinischer Merkur“, Nr. 25, 23.06.2005.

<sup>12</sup> Annual Report of the EU-Parliament P6\_TA(2004)0096, 15. Dez. 2004 point 39 and again point 41  
[www.ktto.net/english/15%20dec%202004%20Parliament.doc](http://www.ktto.net/english/15%20dec%202004%20Parliament.doc)

<sup>13</sup> [http://www.armeniapedia.org/index.php?title=European\\_Union](http://www.armeniapedia.org/index.php?title=European_Union)

## Ethnocide

The EU wants Turkey to change its position towards the minorities. Among the positive steps that are recommended, Turkey should underline the cultural treasures these groups had contributed by putting Hasankeyf Ani, Zeugma or Aghtamar as suitable for registration in the World Heritage List of UNESCO<sup>14</sup> Yet, destruction still continues in certain places. In its October 19<sup>th</sup>, 2005 edition, the Turkish newspaper »Milliyet« wrote that entrepreneur Kerem Emre gave order to destroy an Armenian church, which was under preservation order, as well as a part of the adjacent cemetery in the village Argun (district of Diyarbakir). On the same place, which was cleaned by bulldozers, he wanted to build a mosque.<sup>15</sup>

### Conference of historians about the Armenian Question

»Turkey and Armenia have to continue their process of reconciliation, possibly with the assistance of a bilateral committee of independent experts, in order to overcome explicitly the tragic experience of the past«<sup>16</sup> The Idea to establish such a committee is used by Turkey to play for time, and to disseminate uncertainty: as if it was still necessary to determine whether genocide had happened or not (of course many details still need to be researched). Since the year 2000 which saw the establishment of the “Turkish – Armenian Reconciliation Commission” (TARC), one conference follows the other. Some Armenians do not seem to learn from the experiences of their compatriots. It seems that each self-appointed expert has to make his private experience.

The wish to convince Turkish “scientists”, or to make history, seems to be so strong that the Turks always find Armenian counterparts, like in the summer of 2005 in Vienna. Unknown by most part of the Armenian community world wide, not even by the Armenians in Vienna, a conference was scheduled to take place at the University of Vienna. The participants on the Turkish side would be two historians from the Turkish History Society (TTK). Its president Yusuf Halaçoğlu and Hikmet Özdemir. The Armenian side would be represented by author and film-maker Artem Ohandjanian<sup>17</sup> and Lavrenti Barseghian, who is the director of the genocide museum in Yerevan. Neither Ohandjanian nor Barseghian were able to speak Turkish, or read Turkish newspapers, and none of them were able to understand Osmanly (the language in which the documents of the Ottoman Archives are written), and non of them is a fully-qualified historian, or knows the newest developments in the research of the »Armenian Question«. When Armenian scientists got to know about this conference, they contacted Ohandjanian and Barseghian to convince them that they aren't in the condition to participate on such a conference.

Austrian historian Prof. Wolfdieter Bihl, University of Vienna, would have been the arbiter, and his assistants would have been Inanç Atilgan and Kerstin Tomenendal, both turkophile scientists. Prof. Bihl was chosen because he was seen from Ohandjanian and Atilgan as an even-handed scientist. In Prof. Bihl's lecture about »the Armenian Question in the World War I« (23. April 2005) where he spoke in front of an Armenian audience, he »forgot« to mention the deportations of Armenians, the concentration camps in the Syrian desert and many other »details«. Instead, he put all his attention on the »provocations« by the Armenians before the genocide. I asked him for a final resume, if through all his knowledge, he would be ready to call what happened to the Armenians in the Ottoman Empire genocide. But he left it open.

The procedure of the Vienna platform of historians, foresaw an exchange of archival documents. The first 100 copied documents from the Ottoman Archives were sent to Vienna, and 100 copied documents from the Austrian and German Archives had been handed over to the Turks.<sup>18</sup> Since this time nothing happened and

<sup>14</sup> Annual Report of the EU-Parliament P6\_TA(2004)0096, 15. Dez. 2004 point 12, point 12

<sup>15</sup> „Milliyet“, 19. Oktober 2005

<sup>16</sup> Annual Report of the EU-Parliament P6\_TA(2004)0096, 15. Dez. 2004 point 40

<sup>17</sup> Artem Ohandjanian, a film director from the Austrian TV station ORF, was 1985 assigned by the ministry of science to detect and to work up the documents concerning the Armenian between 1914 and 1918 from the Austrian archive in charge of the fully-qualified historian Prof. Wolfdieter Bihl. After finishing this work, Bihl propose him to write a Book and Publish his work, what he at least did and for what he got, rightly rewarded for his huge and meticulous work.

<sup>18</sup> <http://www.armeniandiaspora.com/archive/21472.html>

probably won't. The Vienna platform came apart. Presumably, Barseghian finally understood that if Armenians got involved in such an endeavour, they should send experts who are perfectly prepared.

But the damage to the credibility of the Armenians is huge. According to Turkish newspapers, the facts submitted in the documents from the Ottoman archives, made the Armenian side to retract. This is also the message Turkish diplomats brought to Brussels.

At the end of May 2005 an academic conference of historians on the topic of »the life of the Armenians in the last years of the Ottoman Empire« was planned, but cancelled by a Turkish court after the minister of justice, Cemil Cicek, called this conference a »betrayal and a stab in the back of the Turkish nation«.<sup>19</sup> Serious Turkish historians like Taner Akçam and Halil Berktaş wanted to debate the killing of hundreds of thousands of Armenians during World War without political guidelines. Persons like Yusuf Halaçoğlu, who is the director of the Turkish History Society (TTK) were not on the list of participants. Europe followed these developments, and finally the Turkish government found a way to allow the conference on September 27, 2005. Halil Berktaş criticized the newly prescribed title »was it genocide yes or no«, and stated: »We are not allowed to discuss the insurgencies and why it could come to the massacre.« However, it was the first time in Turkish history that scholars, writers and intellectuals had publicly examined this part of Turkey's history.

### The uneven twins

Hrant Dink, the publisher of the bilingual Armenian-Turkish newspaper AGOS, was indicted because he asked the Armenian community in Europe and the USA to concentrate their efforts on Armenia. »Hostility toward the Turks 'has a poisoning effect in your blood'« he wrote in his article. This sentence was interpreted by the Court that 'Turkish blood is poison'. He was condemned on October 7, 2005 according to the new article 301 of the Turkish Criminal Code (which was criticized by the Europeans), just 4 days after the European Union decided to open negotiations with Turkey. Dink said, he would appeal to Turkey's Supreme Court if necessary.<sup>20</sup>

On the other side we have the case of the famous Turk writer Orhan Pamuk.

Pamuk said in an interview to the Swiss newspaper »Das Magazin« (a weekly supplement to »Tagesanzeiger«): »here [in Turkey] 30 thousand Kurds and 1 million Armenians have been killed, and almost nobody dares to say it. Thus, I do. And therefore they hate me.« A prosecutor indicted him for this statement, based on article 301.<sup>21</sup>

On February 7, 2006, under the eyes of representatives of the EU, who went to Turkey to observe the proceedings, the Judge asked the Ministry of Justice for its opinion about the Pamuk's case. The Ministry was charged with the task to decide on whether the new or old Criminal Code was to be applied.<sup>22</sup> The Ministry decided that the old code should be applied (Pamuk's statement came before the new Code enter into force. Even Turkish analysts and journalists said that the legal proceedings vs. Orhan Pamuk damaged Turkey's authority more than his interview. However, there are 60 other open cases based on article 301. It looks like these could be handled like the case of Hrant Dink, thus under the new article 301 of the Turkish Criminal Code.

### Interference in historiography

Turkish Consul General to Berlin, Aydin Durusoy, around the turn of the years 2004/2005, met with the head of the eastern German province of Brandenburg, Matthias Platzeck (Social Democrat) who now is Vice-Chancellor of Germany. With the pretext of „removing anti-Turkish verbalisations in the curriculum” he asked to remove the mention “ [...] for example the genocide against the Armenians in Asia Minor”<sup>23</sup> which can be found in the school-books for ninth and tenth grade history classes. After a wave of protests

<sup>19</sup> <http://www.armeniandiaspora.com/archive/40614.html>

<sup>20</sup> [http://www.armeniapedia.org/index.php?title=Hrant\\_Dink](http://www.armeniapedia.org/index.php?title=Hrant_Dink)

<sup>21</sup> Niedermeier, Cornelia: Der Schnee von gestern ist voll Schmutz, „Der Standard“, 22./23.10.2005.

<sup>22</sup> <http://www.panarmenian.net/news/eng/?nid=16107>

<sup>23</sup> <http://www.3sat.de/3sat.php?http://www.3sat.de/kulturzeit/themen/75926/>

the government of Brandenburg decided to prepare a document for teachers which contains four genocides, among them the Armenian genocide.

On March 17, 2004, the „committee to fight against the genocide allegations“, a Desk of the Turkish National Security Council came together. The committee is composed of the General Staff, the ministers of Foreign affairs and education, members of the Turkey History Society (TTK), plus a representative from the National Propaganda Fund. This board decided to initiate an attack to fight »for the removal of the incriminations regarding the so-called Armenian genocide out of the schoolbooks of the USA and France«. To this end, the National Propaganda Fund will reserve money. A museum about the »Ottomans and the turkish tolerance« should be built, and TV stations should prepare information broadcasts. The universities should get additional money »to undertake studies on this topic«.<sup>24</sup>

Most probably, one of these outcomes was the DVD “Sari Gelin” which was distributed by the American newspaper Times Magazine's European edition in summer.

The DVD has five parts, the first three are nothing else then advertisement made by the Turk ministry of Tourism. This part of the DVD was even shown on private TV stations in Europe. It shows natural beauties and the cultural legacy (Mt. Nemrut, Apendos theatre or Achtamar) of nations who where living in this part of the world.

The two other parts are more than 100 minutes about the Armenian genocide. Several persons, who represent the Turkish position speak, mostly in Turkish. By fading in some scientists who say it was genocide, like Prof. Levon Marashlian, the producer of this DVD wanted to give the audience the feeling that the historical matter is seriously discussed. But no statement against the Turkish position was left uncommented in this DVD.

It can be run in Turkish, English, French, Spanish, Russian, German and Arabic. On October 17, Time Magazine Europe printed an apology to the Armenian community, and all its readers for dissemination of the DVD.

Turkey is improving there law's and is on the way to get European standards. But in major questions like the Armenian Genocide still Turkey is following familiar strategies. On the other hand it is not possible to change a society, a country, a folk within view years. Turks are a proud nation whom can't get together the shame of sgenocide with there founding of there Nation. A new way of treating minorities has to be found the Turkish history has to be rewritten and this nation have to be prevented to start a civil war after recognising the Genocide. But one day Turks will be ready as a nation and a Turkish government will take the courage to excuse for the Genocide. And this is exactly the moment when Turkey is a country with European standards where each minority is respected and can practise their traditions and religions.

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<sup>24</sup> The New Anatolian, 19. März 2005, <http://www.monde-diplomatique.de/pm/2005/04/15.mondeText.artikel,a0007.idx,0>