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TURKEY: What will happen to state-confiscated places of worship?

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The use and ownership of Turkey's many state-confiscated places of worship raises many questions, including how to address past injustices and the present needs of religious communities and historical preservation. Opinions are divided on who Christian churches converted into mosques centuries ago and then turned into museums should be returned to. Many Alevi tekke (dervish lodges) were turned into mosques under the control of the government's Diyanet or assigned to the use of municipalities. The many current uses of such buildings, and the legal status of their potential or past owners, also affects Turkey's implementation of its international obligations to protect freedom of religion or belief. With little or no consultation with religious or belief communities and other interested parties and no general guidelines, state decisions on this delicate subject are bound to be taken on an arbitrary basis, Forum 18 News Service notes.

For many years, in some cases going back to the 1920s, numerous religious communities have been unable to use their places of worship as the state has confiscated them. These buildings are under the care of, among other state bodies, the Culture and Tourism Ministry, the General Directorate of Foundations, the Treasury, the Diyanet or Presidency of Religious Affairs, and municipality or village administrations. Forum 18 News Service notes that this situation allows the authorities considerable discretion in how these sites – in some cases of great historical importance – are cared for and used.

Complex problems

The situation of each place of worship within the state's control is embedded within a complex series of legal and administrative decisions taken over many years without the participation and consent of the relevant religious communities. In many cases, more than one group has a legitimate interest in a particular building, as historically the buildings in question were often built as a church, taken over as a mosque, and then taken over again as a museum.

Crucially, no religious or belief community of any kind in Turkey is allowed to have legal entity status. This makes it very difficult to find a legal body to which a particular worship place could be returned. Various foundations and associations exist which do have legal status and which have some kind of link to various places of worship. But these are not the same as belief communities and handing over places of worship to these bodies may cause different problems, even if these associations and foundations request the building concerned (see Forum 18's Turkey religious freedom survey http://www.forum18.org/archive.php?article_id=1916).

All this makes the problems caused by state confiscations very difficult to solve, even if the government decided to solve them.

Recent museum to mosque conversions

Much attention has been paid to government decisions to turn two former churches into mosques: in 2011 over the north-western city of Iznik's Hagia Sophia Museum (from its construction in the mid 6th century until 1337 a Greek Orthodox church, from then until 1935 a mosque); and in 2013 over the north-western port city of Trabzon's Hagia Sophia Museum (from its construction in the mid 13th century until 1584 a Greek Orthodox church, from then until 1964 a mosque).

This attention may have been sparked by the questions of whether and when the government intends to turn Istanbul's high profile Hagia Sophia Museum into a mosque. Built as a Greek Orthodox Cathedral in 532, it was turned into a mosque in 1453 when Ottoman Sultan Mehmet II conquered the then city of Constantinople. It became a museum following a decree by the Republic's founder Mustafa Kemal Ataturk in 1935.

Istanbul's Hagia Sophia

Turning Istanbul's Hagia Sophia Museum in Istanbul into a mosque is not as unlikely as it once seemed. The process would probably follow the one applied in the cases of Iznik's and Trabzon's Hagia Sophias and is a political decision. At the re-opening ceremony of the renovated Arap Cami Mosque in 2012 (built in 1325 as a Latin-rite Catholic church, used since 1475 as a mosque), Deputy

Prime Minister Bülent Arinc stated that mosques should only be used as mosques, and it was wrong for them to have been turned into museums. In 2013 he said that "the days that Hagia Sophia [in Istanbul] will smile are close".

Among Arinc's responsibilities is overseeing the Vakıflar Genel Müdürlüğü (VGM - Directorate-General of Foundations). Among other things, the VGM is responsible for implementing the limited but welcome 2011 Restitution Decree allowing non-Muslim community foundations to apply to regain or receive compensation for some property the state confiscated from them (see F18News 6 October 2011 http://www.forum18.org/archive.php?article_id=1621).

In February 2013, Talip Bozkurt, an individual from the city of Kahramanmaraş, applied to the Turkish Grand National Assembly's Petitions Commission for the opening of Istanbul's Hagia Sophia as a mosque. Before it decides, the Petitions Commission is collecting the opinion of relevant parties on the request.

Contrasting opinions

Opinions on this application are divided. In recent years the youth organisations linked to two political parties - Anadolu Gençlik Derneği (Anatolian Youth Association - AGD), close to the Saadet Party, and Alperen Ocakları, close to the National Movement Party – have been campaigning for the conversion of the Hagia Sophia Museum into a mosque. On 31 May 2014 the AGD held early morning Muslim prayers outside Hagia Sophia. However, the Tarih Vakfı (History Foundation) started a campaign on 12 May to keep the Hagia Sophia Museum as a museum, in order to ensure that its historical and cultural heritage is preserved.

The Greek Orthodox Ecumenical Patriarch, Bartholomew I, told Milliyet newspaper in February 2014 that "If it [Hagia Sophia] is to reopen as a house of worship, then it should open as a Christian church". He stressed that it had been "built as a church not a mosque". But Mehmet Görmez, Head of the Diyanet, told Turkish Public Television news on 11 September that "Hagia Sophia is not a museum, not a church. It is the common place of worship of all Muslims."

Political trend

The demands and debates concerning the proposed conversions of buildings are best seen as a part of the trend under the currently-ruling Justice and Development Party (AKP) to undo or compensate for the actions of previous governments of the Republic from 1924 onwards. Observant Muslims have regarded these earlier government actions as injustices which should be corrected, although they also regard previous conversions by the Ottoman Empire of buildings from churches into mosques as just under Islamic Law - even though the Christian community sees them as unjust. One can speak of an apparent web of injustices, with no universally-acceptable correction yet proposed.

The General Directorate of Foundations (VGM) under Deputy Prime Minister Arinc has emerged as a key institution in the highly politicised process of giving new uses to these old buildings confiscated by the state. A recent example is Istanbul's oldest church building, St John the Baptist Church built in 463 and turned into a mosque in 1486. The dilapidated building was under the protection of the Culture and Tourism Ministry. The building was transferred to the VGM in January 2013, which intends to restore it and turn it into the Ilyasbey Mosque, Agos newspaper reported on 13 November 2013. According to VGM Director Adnan Ertem, the decision to turn the museum into a mosque was made by the Turkish Cabinet and were it to make the same decision for Hagia Sophia, the VGM would implement this.

What happened to the dervish lodges?

Laws passed in 1925 had an enormous impact on Alevis, who may amount to one third of the population, banning their places of worship (see Forum 18's Turkey religious freedom survey http://www.forum18.org/archive.php?article_id=1916). Dogan Bermek, Deputy Head of the Federation of Alevi Foundations, told Forum 18 on 8 August that many tekke (dervish lodges) were turned into mosques under the control of the Diyanet or assigned to the use of municipalities for a variety of purposes, including as cemeteries.

Uncertainty surrounds the number and location of such properties, who their owners were, and in what circumstances they were transferred to state control. Much documentation that might clarify this may no longer exist.

Following the 2011 Restitution Decree (see above), numerous Alevi associations and foundations, including the Federation of Alevi Associations, have called for the return of property confiscated from them under the 1925 Law No. 677 ("Closure of Dervish Convents and Tombs, the Abolition of the Office of Keeper of Tombs and the Abolition and Prohibition of Certain Titles") (see Forum 18's Turkey religious freedom survey http://www.forum18.org/archive.php?article_id=1916). But there has been no response to these requests.

Cases still occur of tekke being converted into Diyanet-administered mosques. In July 2014 the building of the Kececi Baba Dergah in eastern Turkey was converted into a mosque. The Dergah is thought to have existed for 1,000 years until its closure in 1924. An imam has been appointed and the Muslim call for prayers started.

The village muhtar (headman) Gürsel Gürbüz pointed out that villagers do not worship in mosques, Cumhuriyet daily reported on 24

July 2014. He was among a group of villagers who visited the Governor of Erbaa, Abdülkadir Demir, asking for the imam to be removed and for the call to prayer to stop. The Governor verbally rejected the request, stating that if villagers want the call to prayer to stop he would doubt their Muslim identity.

The local mufti was unavailable to comment to Forum 18 in early September.

Places of worship – or something else?

The VGM must by law administer confiscated properties it holds in accordance with the legal foundation deed of the relevant foundations. On 11 August the VGM told Forum 18 that 172 Sufi Muslim tekkes, 98 Christian churches, 34 Alevi dergahs, and 3 Jewish synagogues are under its guardianship.

But as the Norwegian Helsinki Committee: Turkey Freedom of Belief Initiative's (NHC:IÖG) January – June 2013 monitoring report notes, places of worship handed to others by the VGM are not always used in accordance with their initial purpose. A synagogue in Gaziantep was architecturally restored but then assigned to Gaziantep University. Similarly, an Armenian Protestant Church in Diyarbakir was assigned to the use of a carpet weaving centre in 2012 (see http://www.nhc.no/content/uploads/2018/11/Report_3_13_eng_web-1.pdf). The Armenian Protestant community had asked for their Church to be returned for its use.

Municipalities also have control over the use of places of worship. Izmir Greater City Municipality has recently architecturally restored an originally Greek Orthodox church in Bornova. But despite requests from local Protestant churches to use the building for worship, it is being used as a cultural centre. The same municipality also recently architecturally restored the 19th century Greek Orthodox Agios Voukolos Church (also since used as a museum and rehearsal hall for opera singers) and in 2011 decided it should be used for social purposes. A Greek Orthodox liturgy celebrated there in August 2014 – the first in the city since 1922 – appears to have been a one-off event. Bornova's Beit Hillel Synagogue was similarly architecturally restored, but not assigned for the use of the Jewish community.

Government ministries, such as the Defence Ministry, also control confiscated places of worship. The Sivas Ermenileri ve Dostlari Derneği (Association of Armenians from Sivas and Friends - SEDD) have since 2012 been asking to take over the Armenian Apostolic Surp Kevork Church, which has been used by the army as an ammunition store since 1940. On 9 December 2013, the Governor of Sivas, Zübeyir Kebelek, told Sabah newspaper that the church will be architecturally restored. But Sebuk Koçak of the SEDD told Forum 18 on 22 September 2014 that they are still waiting for a response from the Defence Ministry.

Faith tourism?

Restricted possibilities for some to meet for worship are being permitted in places of worship that are now museums under the Culture and Tourism Ministry – especially it seems if the former place of worship has major historical significance. All such sites appear to be confiscated Christian churches. Occasional Christian worship is being allowed at a small number of these confiscated churches.

A list of such churches and sites of historical long-ruined churches (such as at places named in the New Testament) now used as museums where worship is permitted once a year was prepared by the Ministry in 2000 and has been added to since. The list has been made public. It is unclear what criteria were used to compile the list, but it appears that no Turkish religious community was consulted.

The Culture and Tourism Ministry has not responded to Forum18's 8 August request for the full list of all sites under its care that have previously been places of worship.

Historically significant places of worship of Turkey's Alevi community have not been included in this list. One example is the Hacı Bektas-i Veli Dergah in Nevsehir, founded in the 13th century but closed in 1925. The Dergah was opened as an Ethnography Museum in 1964, but the Alevis are not allowed to perform their rituals in this place of worship which has been significant for them for centuries. However, they are allowed to hold worship and other religious ceremonies for three consecutive days a year in the nearby Hacı Bektas-i Veli Culture Centre.

Those who visit the Dergah Museum during these days do not have to pay an entrance fee – but those who visit the museum churches when worship services are allowed must pay an entrance fee. This further demonstrates the arbitrary nature of the concession to some but not all religious communities.

Among the museum churches known to be on the list since 2010 is Akdamar's Armenian Apostolic Church in Van and Trabzon's Greek Orthodox Sumela Monastery. Both were forcibly abandoned, in 1915 and 1923 respectively, during the conflict and forced population exchanges that took place during and after the First World War.

Permission for worship

Prior government permission is required for worship in buildings on the Culture and Tourism Ministry list. The Ecumenical Patriarchate asked the western Balıkesir Governorship in April 2013 to celebrate worship in September 2013 in the Taksıyarhis Church on Ayvalık's Cunda Island. The request was refused three days before the planned meeting for worship "because Taksıyarkis does not appear on the list of churches where worship can be held", Taraf Daily reported on 8 December 2013.

The Church was built in 1873, converted into a mosque in 1927, and abandoned after an earthquake in 1944. In 2011 the Rahmi M. Koc Foundation for Musicology and Culture leased the church from the VGM to use as a museum and concert hall. "They organise concerts in the church, so we find it difficult to understand why it is a problem for us to hold worship there," an unnamed Greek Orthodox believer told Taraf Daily.

Way forward needed

The use and ownership of the many state-confiscated places of worship raises many questions, including but not limited to how to address past injustices and the present needs of religious communities and historical preservation. The many current uses of these buildings, and the legal status of their potential or past owners, also affects Turkey's implementation of its international obligations to protect freedom of religion or belief.

With little or no consultation with religious or belief communities and other interested parties and no general guidelines, state decisions on this delicate subject are bound to be taken on an arbitrary basis. One way forward could be to establish an inclusive commission to draft guidelines for good practice for public authorities facing this issue, taking full account of Turkey's international human rights obligations.

The issue appears likely only to increase in importance. Previous and current state approaches have already failed to address the issue adequately, and could even lead to Turkey losing cases at the European Court of Human Rights in Strasbourg. (END)

The Norwegian Helsinki Committee: Turkey Freedom of Belief Initiative's (NHC:IÖG) January – June 2013 monitoring report can be found at http://www.nhc.no/content/uploads/2018/11/Report_3_13_eng_web-1.pdf.

For more background, see Forum 18's Turkey religious freedom survey at http://www.forum18.org/archive.php?article_id=1916.

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

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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