THE ARMENIAN PATRIARCHATE OF JERUSALEM COMPLAINS OF RIGHTS VIOLATIONS WHILE CONTINUING ITS UNDUE POSSESSION

AVİM

According to news reports, the Armenian Patriarchate of Jerusalem, which is one of the four administrative centers of the Armenian Apostolic Church, has applied to the Constitutional Court of Turkey in March for the return of the estates that it claims belongs to the Mar Jacob (Saint James) Armenian Church Foundation affiliated to the Patriarchate and for the annulment of the state appropriation of the foundation.[1] The Patriarchate has stated that it is in fact the same entity as the Mar Jacob Armenian Church Foundation, hence the only official of the foundation is Patriarch Nurhan Manukyan, the spiritual leader of the Armenian Patriarchate of Jerusalem. The Patriarchate has claimed that there are more than a hundred estates within Turkeys borders that belong to the Mar Jacob Armenian Church Foundation.

The Armenian Patriarchate of Jerusalem, having apparently failed to attain its desired outcome from lower instance courts, has applied to the Constitutional Court as a last resort in terms of domestic remedies. It is not known what kind of verdict the Constitutional Court will deliver. However, if it cannot attain its desired outcome, the Jerusalem Patriarchate will probably apply to the European Court of Human Rights which is what the Armenian Catholicosate of Cilicia had done in the past[2] (Note: The Armenian Catholicosate of Cilicias application was rejected by the ECtHR).

At this point, there is an important issue that needs to be reminded to the readers: Some of the archival documents that belong to the Armenian Patriarchate of Istanbul have been held in the Armenian Patriarchate of Jerusalem since 1938. During the period of the Turkish War of Independence, in November 1922 -when it was understood that İstanbul would come under Turkish control again, the Armenian Patriarch of Istanbul Zaven I Der Yeghiayan sent 22 chests full of the Patriarchates archival documents to a colleague in the United Kingdom.[3] These documents were then moved to France in 1927. In 1938, they were sent to the Armenian Patriarch of Jerusalem in office at the time. Ever since then, the Patriarchate of Jerusalem has not taken any steps for the return of these documents and has allowed only a few partisan researchers to see them. For example, even Armenian historians who are not considered partisan, such as Ara Sarafian, have not been allowed to see these archival documents. It has been reported that the Armenian Patriarchate of Istanbul has, after 1938, attempted to have these documents returned. Looking at the outcome, however, it is obvious that this attempt has failed.

Even if it is not known for certain what is in the archival documents in question, it can be surmised that they contain the Patriarchate of Istanbuls internal correspondences during the final period of the Ottoman Empire and documents collected by Patriarchate officials for the Istanbul investigations and trials of 1918-1920.[4] In 2001, Armenian historian Dennis R. Papazian claimed that the documents in question had been obtained and viewed by him and his friends, and that they would debunk denialist Turkish theses with these documents.[5] However, despite the 17 years that have passed, there has been no developments on this matter.

Two points can be gathered from what has been written above: 1) These documents belong to the Armenian Patriarchate of Istanbul, and for approximately 96 years, they have been waiting to be returned to the place they belong. 2) These documents may be useful in better understanding the 1915 events and the subsequent developments. For this reason, these documents must not be reserved for the sole use of partisan historians and, instead, must be made accessible to everyone.

Therefore, before the Armenian Patriarchate of Jerusalem claims that its rights are being violated, it should first face the fact that it has been continuing its undue possession of the said archival documents since 1938 and return these documents it has so far withheld to the Armenian Patriarchate of Istanbul. In this respect, it would be helpful for the Armenian Patriarchate of Istanbul to make further efforts to have these documents returned.

**Photo: A section of the Armenian Quarter of Jerusalem - T24.com.tr*

[1] Kudüs Ermeni Patrikhanesi, Türkiye'deki mülklerin iadesi için Anayasa Mahkemesi'ne başvurdu, *T24*, 26 Mart 2018, http://t24.com.tr/haber/kudus-ermeni-patrikhanesi-turkiyedeki-mulklerin-iadesi-icin-anayasa-mahkemesine-basvurdu; Armenian Patriarch of Jerusalem applies to Constitutional Court of Turkey, *Aravot-en.am*, March 23, 2018, http://www.aravot-en.am/2018/03/23/209431/

[2] Mehmet Oğuzhan Tulun, The Armenian Catholicosate of Cilicias Application to the Constitutional Court of Turkey, *Center for Eurasian Studies (AVİM)*, Commentary No: 2016/69, http://avim.org.tr/en/Yorum/THE-ARMENIAN-CATHOLICOSATE-OF-CILICIA-S-APPLICATION-TO-THE-CONSTITUTIONAL-COURT-OF-TURKEY

[3] Raymond Kévorkian, *The Armenian Genocide - A Complete History* (London: I.B. Tauris, 2011), 4-5.

[4] Kévorkian, *The Armenian Genocide*, 4-5 ; Nejdet Bilgi (ed.), *Yozgat Ermeni Tehciri Davası*

(İstanbul: Kitabevi, 2006), 50-51.

[5] Bilgi, *Yozgat Ermeni Tehciri Davası*, 51.

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