

‘2012 Declaration’: A History of Seized Armenian Properties in Istanbul

Posted by [Raffi Bedrosyan](#) on December 6, 2012 in [Opinion](#)

<http://www.armenianweekly.com/2012/12/06/2012-declaration-a-history-of-seized-armenian-properties-in-istanbul/>

After two years of painfully detailed research through thousands of documents, the Hrant Dink Foundation in Istanbul has produced a monumental work on the history and present status of the properties that once belonged to the Armenian charitable foundations in Istanbul—properties that were all seized by the Turkish government during the last few decades. The comprehensive study, some 400 pages long, for the first time compiles a list of the seized properties, illustrating the overall picture and enormity of the plunder suffered by the Armenian schools, orphanages, churches, and hospitals in Istanbul that were dependent on the property income for survival.



Map 1

The book's title, *2012 Declaration*, is a reference to the Turkish state's 1936 Declaration ordering all minority charitable foundations to list their assets and properties. During the height of the Cyprus crisis in 1975, the state arbitrarily legislated that any properties that were obtained by minority charitable foundations after 1936 through donations, inheritance, wills, and gifts, were deemed illegal, since they had not been listed in the 1936 Declaration. *2012 Declaration* makes reference to this illogical legislation and exposes the legalized but unlawful seizure, or state robbery, that took place years ago, and the recent small steps taken to undo the gross injustice.

The book is not a mere historical document providing an inventory of physical properties, or statistical records and legal statements. Rather, it is a story of enormous human suffering, ranging from children being thrown out of their schools, to orphans no longer being able to find a home; the most tragic story involves the seizure of a summer camp complex of buildings literally constructed by orphan children (including Hrant Dink himself) by the Turkish state, to be sold to Turkish individuals.

The four members of the Hrant Dink Foundation—Mehmet Polatel, Nora Mildanoglu, Ozgur Leman Eren, and Mehmet Atilgan—sifted through the patriarchate, church, and school archives, government deeds and title records, foundation lawyers' personal archives, old maps and surveys, purchase and sale agreements, and Hrant Dink's own research files, to produce this concise history of each charitable foundation, including the location and type of properties gifted to each foundation and then seized by the state, and more than 200 photographs. The most heart-breaking aspect of this historic document are surely the photographs, some of which are reprinted here. The research team's attempts to obtain documents from government offices, however, were mostly unsuccessful, even though they were equipped with the force of legislation called the Freedom of Information Act; they were told that the 1915-25 era deed and title records of the Armenians are still not open to the public, due to the official paranoia that exists, defined as "threats to state security."

This article will attempt to summarize the 400-page document and give some striking examples of Istanbul-Armenian history.

First, some excerpts from book's Introduction Section: "This book is not the story of seized buildings made of stone or cement, but the story of flesh-and-bone human beings. These seized institutions and buildings were the cherished belongings of human beings rich and poor, young and old, men and women, who had worked hard to create or acquire them. These unjustly seized buildings gave life to the schools, churches, orphanages, and retirement homes of the whole community. The social and cultural fabric of the Turkish-Armenians depended on this economic foundation. It is our wish that similar injustices will not be carried into the future, as people read in this book the documented 'why' and 'how' of the attempts to wipe out the life and culture of our community. The issue is not only the seizure or return of the properties, but understanding this dimension of history and passing it on to future generations. As long as the ancestral people of these lands are marginalized or defined as 'others,' as long as minorities are not seen as equal citizens, the democratization efforts in Turkey will be stunted. It is our wish that this study will contribute to facing history."

The book then lists the Armenian charitable foundations and their assets. There were 53 Armenian charitable foundations in Istanbul, administering 18 schools and orphanages, 48 churches, 2 hospitals, and 20 cemeteries of the Istanbul-Armenian community, supported by the rental revenue and assets that they owned or received through wills and gifts. These foundations owned 1,328 properties, of which 661 were seized by the state for several different reasons. The study could not determine the fate of 87 properties. After exhausting all legal means available to get back the seized properties from the state through the Turkish courts, over the last 10 years

some of the foundations have taken their cases to the European Human Rights Court. As they began to win all of their cases, and since the European court decisions were binding on Turkey through European Union accession expectations, the Turkish state recently decided to amend the 1975 legislation related to the foundations (which had enabled their legal but unlawful seizure). With an improved piece of legislation, 143 properties, or about 10.77 percent of the 1,328 properties, have now been returned to the Armenian foundations.



Map 2

The types of seized properties were residential apartment buildings, residential apartment units, house dwellings, vacant lots, orchards, fountains, stores/shops, warehouses, factories, commercial buildings, office buildings, office units, hospitals, workplaces, summer camps, churches, schools, and cemeteries.

The “owner status” of the seized properties are listed as unknown, municipal government, state treasury, public building, vacant, lost deed/title, individually owned, owned by other foundation, or owned by the State General Directorate of Foundations.

The process by which the foundation obtained properties is listed as follows: donation, will, purchase, by Ottoman Sultan decree. The process by which the foundation lost properties is listed as follows: seizure by state, made public by state, sale to individuals or corporations.

The book explains some of the stories of seizure in great detail. Some examples are provided below.

Mkhitaryan Bomonti School

This is the tragic story of a 200-year-old Armenian school that ended up being a tenant in the building it used to own. Nevertheless, it is a story with a happy ending.

The Armenian Catholic Venice Mkhitarists founded a boys' school in 1830 in the Pera neighborhood. In order to serve the increased student population in better educational facilities, the school foundation decided to move the school to a larger building, and in 1958, purchased the present site at Sisli-Bomonti neighborhood for 710,000 Turkish liras from a woman named Emine Tevfika Ayasli. The school name was changed to the Private Bomonti Armenian Catholic Primary School. In 1979, the State Charitable Foundations Directorate started a court case against the Armenian school; since this school was not listed in the 1936 Declaration, they argued, the purchase of the new school building was illegal. The directorate demanded that the purchase be cancelled and the building returned to the seller, or the heirs of the seller. The court accepted the argument, and in 1988 the Appeal Court turned down the Armenians' appeal. The school building deed was turned over to the former owner, who was deceased; as per the directions of her will, it was deeded to her brothers and to the Ankara Ayas Municipality. (It is interesting to note that Ayasli's will was prepared years after the school building was legally sold to the Armenian school foundation.) The brothers sold their share of the building to a construction company specialized in apartment buildings, named Miltas. In 1998, the Ankara Ayas Municipality entered into a tenancy agreement with the school and started charging rent. But the other owner, Miltas, objected to the tenancy agreement and started court proceedings to have the school vacate the building. In February 1999, Miltas won the case, and the same day the school's contents (including students' desks, library shelves and books, kindergarden toys and the school piano) were moved outside into the school yard. Faced with an incredible situation of suddenly having no school in the middle of the winter, the Armenian parents, in an exceptional fashion, resorted to civil disobedience, and start camping out in the school yard. The public outcry forced the mayor of the Istanbul Sisli Municipality to intervene, and he arranged to buy the shares of Miltas, the construction company. He also struck an agreement with the Ayas Municipality to have the school continue to function by paying rent to the Ayas Municipality. Naturally, the school lost most of its students after these disturbances and the student population dropped to 35. Meanwhile, the school foundation went to court to re-claim the building. In November 2012, two days before the publication of this book, the court case ended with victory for the Armenian school and now, the deeds have finally been returned to the Armenian foundation and the school has stopped paying rent.

Tuzla Armenian Children's Camp

In the 1950's, the Armenian Protestant Church in the Gedikpasa neighborhood of Istanbul served as the arrival point for many poor and homeless Armenian orphans, especially from Anatolian settlements. These children, numbering in the 60s, received their education at the Gedikpasa Armenian Protestant School in the winter under tolerable conditions, but had nowhere to go during the summers. The church foundation decided to purchase a vacant treed lot near the Marmara Sea in the Tuzla municipality for a summer camp for these children. In October 1962, the purchase was completed from an individual named Sait Durmaz, and registered in the church title, according to all applicable legal procedures. From then on, every summer, the children,

aged 8-12, were given the task of building camp buildings, supervised by a builder named Tuzlali Hasan Kalfa. The children first erected the poles and the canvas tents they would live in during construction. Then they dug a water well, taking turns pumping the water needed for construction. Then the foundations were prepared. Since the sea was only 500 meters away, they carried all the sand and gravel from the beach by wheelbarrows. Slowly but surely, over three summers, the vacant land was transformed into a summer camp complex with buildings, dormitories, dining halls, play areas, a soccer field, pond, and gym. The children stocked the pond with frogs and ducks. Armenian boys and girls learned how to talk, sing, play, cook, and clean together in Armenian. Hrant Dink was one of those boys; his wife Rakel was one of those girls.

Happy days came to an end when the State Charitable Foundations Directorate applied to the courts in February 1979, to reverse the purchase agreement and have the property returned to its previous owner, arguing that the Gedikpasa Church Foundation had no right to purchase the property. After four years of trials, the court cancelled the summer camp deed and returned the property to its former owner, Sait Durmaz, including the extraordinary facilities that the children had constructed. The camp, imprinted in the memory of 1,500 Armenian children, became abandoned, with rusting bed frames, broken windows, and overgrown weeds. In 1987, the Appeal Court approved the previous court decision. The owner sold the camp to new purchasers, who in turn sold it again. Several court applications by the Armenian foundation in the 2000's, and most recently in August 2011, were all turned down. One of Hrant's last articles titled "Humanity, I take you to court!..." was a solemn cry in the face of this gross injustice.

Kalfayan Orphanage

In 1865, a cholera epidemic in Istanbul left many children behind as poor orphans. An Armenian nun named Srpuhi Nshan Kalfayan decided to care of 17 orphan girls, aged 2-10, at her home. She also started teaching them handcrafts and sewing. These personal efforts led to the founding of one of the most important Armenian educational institutions in Istanbul, the Kalfayan Orphanage School. The orphanage survived until the late 1960's, when the school building was expropriated without compensation and demolished, in order to build the expressways leading to the Bosphorus Bridge crossing between Europe and Asia. The foundation owned a large parcel of land where it planned to transfer the orphanage school. The State Charitable Foundations Directorate argued that since this land was not registered in the 1936 Declaration, building a new orphanage there could not be allowed, and that the orphans and their teachers should be redistributed to other orphanages. Repeated applications did not yield any results and 150 people, the combined total of orphans and staff, spent the next 30 years in various dilapidated buildings, until a new arrangement was made in 1999 to share the school building of the Semerciyan School in Uskudar.

In a previous article in the Armenian Weekly, dated Aug. 31, 2011, and titled, "Special Report: What is Turkey Returning to the Armenians?" I referred to another significant state seizure of

Armenian properties. The Surp Agop Cemetery lands, which was decreed by Ottoman Sultan Suleiman to the Armenian community in 1550 as a reward to his Armenian cook, Manuk Karaseferyan of Van, who had uncovered a plot to poison the emperor by German spies during the siege of Budapest. The cemetery was used for 400 years until the 1930's, when the Istanbul municipality expropriated the lands after years of legal wrangling. At present, these lands, which have become one of the most valuable and fashionable districts of Istanbul, are occupied by the State Radio and Television Headquarters, the Turkish Armed Forces Istanbul Headquarters, the Military Museum, many expensive hotels such as Hilton, Regency Hyatt, Divan, and several apartment and office buildings, as well as the expansive Taksim Park, which has some walkways made from marble of the Armenian tombstones.

The *2012 Declaration* book documents the Armenian properties lost in Istanbul, mainly during the 1970's, with the illogical but legal argument that if the charitable foundations had obtained properties after 1936, they would be deemed illegal because they had not been included in the 1936 Declaration. But the extent of this gross injustice would pale in comparison when we consider the amount of seized or lost Armenian properties after 1915, not only in Istanbul, but all over Anatolia, especially in historic Armenia. To illustrate the sheer enormity of the loss, consider these numbers: There were more than 4000 Armenian churches and schools in Anatolia, each with its own land, each with its own income generating additional lands, properties, and assets. The recently reconstructed Surp Giragos Church in Diyarbakir had over 200 separate deeds and titles to different properties such as shops, houses, farms, and orchards, which were taken over by the government and private individuals, erecting apartment buildings, office buildings, state schools, shops and houses, even a highway. Thankfully, the process to take these properties back has already started in Diyarbakir. The above-mentioned figures are only for Armenian churches and schools, that is, community owned buildings. Add to those numbers the properties owned by private Armenian individuals, such as houses, shops, farms, orchards, factories, warehouses, mines, and so on, and it becomes quite difficult to grasp the enormity of this wealth transfer.

No wonder there is resistance in facing history or acknowledging the facts.

To learn more about the book, visit www.istanbulermenivakiflari.org/tr; it is also available for free from the Hrant Dink Foundation.

Raffi Bedrosyan is a civil engineer as well as a concert pianist, living in Toronto, Canada. For the past several years, proceeds from his concerts and two CDs have been donated to the construction of school, highway, water, and gas distribution projects in Armenia and Karabagh—projects in which he has also participated as a voluntary engineer. Bedrosyan was involved in organizing the Surp Giragos Diyarbakir/Dikranagerd Church reconstruction project, and in promoting the significance of this historic project worldwide as the first Armenian reclaim of church properties in Anatolia after 1915. In September 2012, he gave the first Armenian piano concert in the Surp Giragos Church since 1915.