

# Stealing from One vs. Stealing from a Nation

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By Raffi Bedrosyan

If a person murders another person, then takes over the murdered person's property and possessions, he would be living off the proceeds of his crime. And once authorities discover his crime, he would be found guilty, by any court anywhere, sentenced, punished and forced to return the unlawfully-obtained property and possessions. But if a people murders another people and takes over the property and possessions of the murdered people, it seems that different rules apply, and the guilty people can continue living off the proceeds of the crime. And it seems that the successors of the guilty people can continue to threaten the successors of the murdered people with new murders, if they dare mentioning the murder, or if they dare demanding return of the unlawfully obtained property and possessions. This is the case of the evolving saga of the Turkish and Armenian peoples from 1915 to today.

The 1915 murder of a people, or perhaps more correctly, the attempted murder, not only resulted in wiping out the Armenians from their 4,000-year-old homeland within a matter of one or two years, but also initiated an ongoing process of wealth, property and asset transfer from the Armenians to the Turks. This process, started in 1915 by the Ittihadist leadership of the Ottoman Turkey, continued uninterrupted by the successor Turkish Republic state for many decades, using a multitude of legislative decrees, and got completed with the total and legal Turkification of all Armenian assets, properties and economic presence in Anatolia.

This essay will attempt to explain the legal Turkification process, provide examples illustrating the enormity of the assets involved, and explain recent initiatives to reverse this process — some steps taken by the Armenians, and some steps announced by the present Turkish government.

There is a Turkish term called *kilifina uydurmak*, which means to “fit the sword to the sheath.” One would normally expect that the sword is made first, and then the sheath to fit it. But if there is an unacceptable action first, followed by other actions needed to give it the appearance of a proper action, that is, to “make right” the original action, then this term is used to define the situation. The phrase “fit the sword to the sheath” is a perfect description of the legislative process for the Turkification of the Armenian assets.

The Ottoman Parliament passed the “Deportation Legislation” on May 27, 1915, several weeks after the actual Armenian deportations had started in spring 1915. This was followed by “The Liquidation Legislation,” which tried to give some semblance of legality to the plunder of the Armenian assets resulting from the deportations. This legislation, dated June 10, 1915, further reinforced on September 26, 1915, directed the formation of Liquidation Commissions in the provinces where deportations occurred. The legislation defined the Armenians as “transported persons” and the Armenians' assets as “abandoned assets,” as if the Armenians had willingly abandoned them. It provided the first steps to liquidate the assets, giving the state the power to decide to whom the assets should be given, or sold, and for how much, without the approval of the owners but on their behalf.

By January 1916, there were 33 Liquidation Commissions formed, covering all of Anatolia, recording, listing, appraising, holding on deposit some of the assets for future return to the Armenians, but also selling or distributing other assets to Moslem refugees. The legislation also directed that assets

belonging to Armenian charitable foundations, such as churches, schools or other lands and buildings, were to be transferred to the State Directorate of Charitable Foundations or the State Treasury. Cash and movable assets of the transported persons were to be collected and kept in a Special Trust account on behalf of the owners. Naturally, thousands of government officials and the members of the Liquidation Commission enriched themselves as they had the pick of any choice assets left behind by the Armenians; but also thousands of local Turks and Kurds seized the houses, farms, orchards, warehouses, factories, mines, hotels, shops, stores, tools or livestock once owned by the Armenians.

The whereabouts of the dossiers belonging to these 33 Liquidation Commissions is a mystery. The Turkish state, which boasts that all their archives are open (and persistently calls for Armenian archives to be opened even though they are in fact open), has kept these crucial records of Armenian assets a secret until today. What is even more interesting, in 2005 when the present Turkish government wished to comply with the European Union modernization initiatives by translating, digitizing and opening up to the public the old Ottoman land registry and deed records, it was prevented from doing so by the August 26, 2005 dated stern warning from the Turkish Armed Forces, National Security Committee, Mobilization and War Readiness Planning Section Head: “The Ottoman records kept at the Land Register and Cadaster Surveys General Directorate offices must be sealed and not available to the public, as they have the potential to be exploited by alleged genocide claims and property claims against the State Charitable Foundation assets. Opening them to general public use is against state interests.”

When the Ottomans were defeated and the Ittihadist leaders fled Istanbul in a German submarine, the newly-elected Ottoman government rescinded the Liquidation Legislation on January 8, 1920, directing the return of all Armenian assets, or equivalent compensation, to their rightful owners. Unfortunately, the Istanbul government itself got liquidated before implementation of this legislation which had aimed to reverse the liquidation process, as the nationalist government gaining strength in Ankara immediately took steps to abolish it. It seems that the Ankara parliamentarians, which were mostly a continuation of the Ittihadists, were more preoccupied with the Armenian assets than the “Liberation War” against the Greeks raging on at the same time. These Ittihadists, gathered around Mustafa Kemal Atatürk, had two strong motives to join the Ankara government: Firstly, to ensure that they held on to the Armenians’ assets that they had plundered and to ensure that they prevented these assets from being returned to any surviving Armenians, and secondly, to escape any prosecution and punishment for “crimes against humanity” by the Ottoman Istanbul government and the Allied forces occupying Istanbul, who were actively searching for them. The Ankara parliament proclaimed annulment of the Istanbul Parliament legislation, and reinstated the Ittihadist Liquidation Legislation on September 14, 1922, and appointed new members for the Liquidation Commissions, thereby enriching local notables. The term “transported persons” was changed to “persons lost or fled from the country.” The legislation stated that if these persons ever returned, they would receive their assets and deposits; otherwise, all assets would be sold with the proceeds to the State Treasury, after verification of courts regarding lost or fled persons.

As the requirement of court verification for lost or fled persons proved to be difficult, the legislation was revised on April 29, 1923, giving “lost or fled persons” or previous owners the deadline of four months if within the country or six months if they were abroad, to claim return of assets. In September 1923, legislation was passed banning the return of Armenians to Cilicia and East Anatolia. With further amendments in a new legislation dated March 13, 1926, the state put a low valuation of 1915 wartime assessment on the assets instead of current values, and sold the assets to local Turkish investors. It is estimated that values would have increased by more than 12 times from 1915 to 1926. It was also specified that any returning Armenians would not receive the actual assets but cash based on the

legislated 1915 valuation. This legislation was in effect until 1988, in case any Armenians came to claim compensation, which would have been assessed based on 1915 valuation. In August 1926, legislation was brought in for the state to nationalize any assets left behind and not claimed by the Armenians prior to the 1924 Lausanne Treaty.

Another legislation, dated May 31, 1926, enabled families and heirs of “martyrs,” officials executed by the Istanbul government for their role in the Armenian deportations, or Ittihadists assassinated by Armenians, to receive pensions deemed “Blood Money” from the revenues of the Armenian assets. This legislation was also in effect until 1988.

In addition to Armenian assets held by the Turkish state, the issue of Armenian assets held by individual Turks was the subject of fierce debates at the parliament. Since most of these assets were held without any documentation, there were problems in transfer or sale of these assets. On May 24, 1928, new deeds were prepared for the Armenian assets and on June 2, 1929, a new legislation gave the right to title and deed to possessors of real estate for a specified period. Accordingly, any vacant land such as fields, orchards and farmland held for 15 years since 1914, and any buildings or other real estate held for 10 years since 1919, became the legal property of the individuals who had bought, stolen, occupied or seized those assets.

The legal Turkification of the assets was now complete; however, not all the individuals who had bought the assets from the State Treasury were able to make the required payments. New amendments were brought in 1931 reducing and then canceling debts and mortgages to the Treasury, thereby encouraging growth of the “Turkified” economy as well.

The deposits held by the state treasury on behalf of the deported people was handled by legislation dated May 24, 1928, which legalized straight transfer of these funds to the state budget, starting with the amount of 300,000 Turkish lira in 1928. Based on a proportional increase of the Turkish state budget 920 times from 1928 to 2008, this would be equivalent to 276 billion Turkish lira today or \$150 billion US. There was another 3.9 million Turkish lira transferred to the state budget by 1931 from the Armenian deposits, marked as revenue from the assets or taxes on the assets.

It is difficult to assess the value of the Armenian assets seized by the Ottoman/Turkish Republic governments and individuals, but there are pieces of the puzzle which can provide a glimpse of the enormity of the overall picture. In 1916, the sum of 5 million Ottoman Turkish lira, equivalent to 30,000 kilograms of gold, was transferred by the Ottoman government to the Reichsbank in Berlin. This large sum of money, deposited in wartime, would be the aggregate of Armenian deposits and sums gained from the Liquidation Commissions. There are further unknown gold deposits at the Deutsche Bank. At the US Senate discussions related to the Armenian assets, the figure of \$40 million is mentioned. In terms of real assets, Ittihadist leader Talaat’s own records indicate that in 1915, 20,545 buildings, 267,536 acres of land, 76,942 acres of vineyards, 703,941 acres of olive groves, 4,573 acres of mulberry gardens allocated to Moslem settlers out of the assets seized from the Armenians. Based on a population loss of 1.5 million, and 10 persons to a family, the loss of houses alone would be at least 150,000. There were 2,900 Armenian settlements emptied of their population. In these settlements, there were 2,300 churches and 700 schools under the jurisdiction of the Istanbul Armenian Patriarchate and the Apostolic Church. Once the Armenian Catholic and Protestant churches and schools are also added to this sum, the number easily exceeds 4,000. Most of these churches and schools had their own charitable foundations, in order to generate revenue for their upkeep and maintenance. For example, the Surp Giragos Armenian Church in Diyarbakir/Dikranagerd, one of the largest churches in the Middle East with a large parish and community, had owned more than 200 properties in Diyarbakir as part of

its charitable foundation. The charitable foundation of the Sanasaryan College in Erzurum/Garin, had owned several shops and houses in Erzurum, as well as the Sanasaryan Office building in Istanbul, to pay for the school expenses. The two Armenian hospitals, the Holy Saviour (Surp Prgitch) and Surp Agop, had vast holdings in Istanbul to pay for the hospital building and staff expenses as well as to provide subsidized medical care to poor Armenians. All of these Armenian assets, except the two hospitals and some of the Istanbul Armenian churches and schools, had disappeared after 1915. If not destroyed outright or left to deteriorate, the church and school buildings were converted to other uses, such as banks, mosques, state schools, community centers, stables or warehouses. The Armenian houses were taken over by local Turks and Kurds, or Moslem refugee settlers from the Balkans. The Armenian economic assets such as farms, orchards, olive groves, stores, factories, mines became the foundation stones of the Turkish economy and the starting capital of most of the wealthy Turkish industrialists of today. The Turkish government continued the seizure of Armenian assets and the legalization of it up until the 2000s. With legislation brought in 1974, more than 1,400 legally obtained assets of the Istanbul Armenian charitable foundations since 1936, were declared illegal and seized by the state.

In the last three years, there have been some steps taken by the Turkish state to reverse the process of nationalizing Armenian assets. After losing several cases taken by the Istanbul Armenian charitable foundations to the European Human Rights Court related to the seizure of assets, the Turkish state recently announced that 162 or about 10 percent of the assets seized after 1974 would be returned to the Armenian charitable foundations. Although this is an encouraging tiny step, there is no mention of any return of assets seized in 1915, and the figure of 162 pales in comparison with the sheer number of hundreds of thousands of seized assets. When the Turkish state decided to restore the Akhtamar Holy Cross Church in Van, it did so only by converting it to a state museum. When the Armenian communities raised funds worldwide to restore the Surp Giragos Church in Diyarbakir as a working church again, the Turkish state refused to provide any funding. The process of re-claiming the 200 properties belonging to the Surp Giragos Church is ongoing through the courts and negotiations with the Diyarbakir City government. The Istanbul Armenian Patriarchate has now decided to go to court to re-claim the Sanasaryan Office building in Istanbul as the first test case related to the return of an Armenian asset seized in 1915. First indications are that the government will vigorously challenge this case, as it may set a precedent for the multiple claims to follow.

The murdered people cannot be reclaimed nor returned. But the assets of the murdered people can and must be reclaimed by their successors. The assets seized by the murderer people can and must be relinquished by their successors. This would be the start of a process, based on dialogue and non-violence, toward facing the past.

(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 toward the construction of school, highway, water and gas distribution projects in Armenia and Karabagh, in which he also participated as a voluntary engineer. He is involved with the Surp Giragos Dikranagerd Church Reconstruction project in organizing fundraising activities in Canada, as well as promoting the significance of this historic project worldwide to Armenian communities outside Turkey, on behalf of the Church Foundation Board and the Istanbul Patriarchate. His other activities include acting as Advisor to the Zoryan Institute on Turkish-Armenian relations.)