



SYRIAC UNIVERSAL ALLIANCE

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MONASTERY BOUNDARY CASES DECLARED NULL AND VOID IN ANKARA COURT BATTLE: BACK TO THE DRAWING BOARD FOR THE MONASTERY

Ankara, Turkey – The Syriac Universal Alliance (SUA), the recognised United Nations NGO representing the Aramean (Syriac) people worldwide, reports that the Supreme Court in Ankara handed down its long awaited decision regarding the St Gabriel Monastery (“Monastery”) land boundary battle with neighbouring villages of Yayvantepe (Qartmin) and Eğlence (Zinol) in southeast Turkey. In a shocking verdict, the Ankara court has decided against the Monastery, resulting in its earlier victory on 22 May, 2009, becoming null and void.

The case dates back to an original decision by the Midyat Cadastre Directorate in May 2008 to redraft the Monastery boundary lines and grant the neighbouring villages 110 Hectares of land, all originally owned by the Monastery for over 1600 years. The Monastery disputed this decision at the Turkish Land Registration court, but lost the case on 29 August 2008. The Monastery then appealed the decision of the Registration court to the local Midyat court at which point the surrounding villages claimed an additional 190 Hectares of Monastery land. Following the Monastery victory in May 2009 at the local Midyat court, the neighbouring villages appealed the decision to the Ankara court in June 2009.

Since the Midyat court victory, the Monastery was confident that the Ankara Supreme Court would uphold the original lower court decision. The Midyat Court decision originally found that the neighboring villages of Yayvantepe and Eğlence had no basis on which to argue that the some 300 Hectares of land belonged to them. This evidence presented by the Monastery, relating to land title and financial/tax documents, undoubtedly showed ownership of the land by the Monastery.

However, in a remarkable decision, the Ankara Court decided on 13 August 2010 that the Midyat Court, which officially began hearing the trial on 19 November 2008, never had jurisdiction to hear the case in the first instance. This means that the boundary lines drafted by the Midyat Cadastre Directorate back in 2008 are back in effect and that the Midyat court case proclaiming victory for the Monastery of its original Boundary lines is null and void.

The Monastery now has an urgent decision to make in response to Ankara’s unjust decision. The options available to the Monastery are as follows:

Appeal the decision back to the Ankara Supreme Court, arguing that the judge is wrong in law and that the Midyat court did have jurisdiction to make the decision in favour of the Monastery. The SUA expects that the chance of victory in this situation will be very small; or

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Take the case to the local Mardin court to be heard instead, although this would involve commencing the cases all over again, thus making all the hearings from Midyat since December 2008 worthless. Another option to be considered by the Monastery is to commence proceedings at the European Court of Human Rights in Strasbourg. This follows from a spate of similar cases at the ECHR (almost 100 in 2009) which ruled that Turkey had violated one's right to a fair and quick trial. Arguing unreasonable length in proceedings by the Turkish Court system may be an avenue through which the trial can be moved to Strasbourg. The Monastery could potentially take this path after all domestic remedies have been exhausted, according to the generally recognised rules of international law, and within a period of six months from the date on which the final decision was taken. Additionally, there may be ground for arguing violation of right to the protection of property, right to a fair trial and right to freedom of religion.

Despite all the above options being available, inside sources inform the SUA that the Monastery will appeal the decision back to the Ankara Supreme Court.

Mr Daniel Gabriel, the SUA Human Rights and UN NGO Director states that "I am shocked by this decision. As a lawyer myself, it makes no logical sense at all. But I guess I really shouldn't be surprised given the history of Turkey's judicial system and constant abuse of human rights within the country. The court case was heard for 18 months in Midyat with no one suggesting for a moment that the court didn't have jurisdiction. Now it goes to Ankara and they decide after 14 months of consideration that the Midyat case is abrogated? This flies in the face of all the fundamental principles of the European Union and the Council of Europe. This is another shocking example of Turkey's backward legal system and its desire to acquire the land of the Aramean (Syriac) people and diminish their rights once again."

Mr Johny Messo, President of the Syriac Universal Alliance states that "to argue that the Midyat Court does not have jurisdiction in such legal matters is plain incorrect. Local courts in Turkey have legitimately held similar land cases in the past. There is something else definitely going on here and we must all begin to acknowledge that the justice system in Turkey is intentionally taking aim at the Aramean (Syriac) people – causing delays, heartache, insecurity, financial ruin and continued human rights abuse."

The SUA urgently calls upon the general public, media outlets and all those concerned with protecting human rights, to help the Aramean (Syriac) people. The Monastery is now at a crossroads. It has until 5 September 2010 to appeal the decision back to Ankara (which appears likely). As stated previously, the two remaining options are to begin a trial in Mardin at huge legal expense again or it can simply admit defeat in the Turkish legal system and go to Strasbourg as the Syriac Universal Alliance recommends.

In addition to all this, there are still four (4) other land related cases taking place in and around the Monastery. These cases are as follows:

- 1. Forestry Land Case 1:** inside the outer wall – 20. Law Department –2009/14177 basic;
- 2. Forestry Land Case 2:** outside the outer wall – 20. Law Department –2009/14178 basic;
- 3. State Treasury Land Case:** 20. Law Department –2009/15267 basic; and
- 4. Kuryakos Foundation Case:** Midyat Local Court (adjourned) – Postponed to 3 November 2010.

Throughout the southeast of Turkey, there are approximately 30 Aramean (Syriac) populated villages which face similar issues of land theft, occupation and judicial prejudice and unfairness.

APPENDIX: Background information on the SUA and Aramean (Syriac) people

About Syriac Universal Alliance (SUA)

Established in 1983, the Syriac Universal Alliance (SUA) is a global umbrella organization representing the various Syriac (Aramaic) national federations in the continents of Europe, America, Australia and the Middle East. The SUA is the widely acknowledged voice of the Aramean (Syriac) people whose interests and needs it aims to serve, defend and promote.

Since 1999, the SUA is the only Aramaic-speaking Non-Governmental Organization in Special Consultative Status with the Economic and the Social Council of the United Nations. The SUA is a ~~separatist~~ political and cultural organization that works independently, transparently and on a democratic basis. Among others, the SUA seeks close cooperation with national governments, the UN, the EU and the Council of Europe.

The SUA is dedicated to answer the call to protect and secure the rights, liberty and equality of the Aramean (Syriac) people, safeguard and promote the cultural heritage of its ancestors, ensuring justice, and uniting all its people as a self-determined and internationally recognised Aramean nation.

About Aramean (Syriac) people

Scholars note that 'Aramean/Aramaic' is the original self-designation of the Arameans and the equivalent of the Greek name 'Syrian/Syriac' which they adopted since the early fifth century AD. In order to avoid the recurring confusion with the largely Muslim Arab citizens of the Syrian Arab Republic of Syria, this people at present either prefers the use of the artificial term 'Syriacs' or their ancient self-designation 'Arameans' in Western languages.

The early Arameans were pastoralists who were an inherent and integral part of the Near East-1201550 0 BC. In pre-Christian times, notably between 1150-700, they played a crucial role in the socio-political arena of the ancient world. As native inhabitants of Upper Mesopotamia (southeast Turkey, ~~eastern~~ Syria and northern Iraq), they were ubiquitous in this area as well as in Lebanon and South-Mesopotamia (south Iraq).

Their Aramaic mother tongue enjoyed the status of international language of the Near East between ca. 700 BC and ca. 700 AD. Aramaic also features in the Old and New Testaments, was the mother tongue of Jesus Christ and his apostles, and left indelible traces in the Jewish and Muslim literatures (including the Qur'an).

Aramaic has for the most part been the main carrier of the identity of the Arameans, who were one of the first nations to adopt the Gospel in the early centuries of the Christian era. Besides the Syriac (Orthodox, Catholic or Protestant) community, the Chaldeans, Nestorians and Maronites are also the heirs of the Aramaic heritage. For many centuries, their ancient monasteries and churches functioned as intellectual centres and schools. Many intellectuals have also expressed the importance of the Aramean people and Aramaic language:

Prof. S. Moscati: "The Greeks and Romans knew the Near East mainly through the Arameans, for it was they who united and canalized the sources of its culture, bringing together Babylonian, Persian and Hebrew elements and transmitting them to Christianity, and with Christianity to the West. From the West, at a later date, the Arameans [sc. Syriac Orthodox & Nestorians] were to bring to the East Greek culture, especially philosophy, which became known to the Arabs through the medium of Aramaic."

Prof. E. Kraeling: Without the Aramaic language, "the expansion of Christianity in the Orient would have been unthinkable." This is inter alia "the historical debt which the world owes the Arameans."

Today the Christian Arameans are a stateless and largely forgotten people who, as a result of ethnic cleansing, land theft, occupation and recurring persecutions, were forced to flee from the land of their ancestors. In Southeast Turkey, for example, only 2.500 Arameans (Syriacs) remain and in the entire country approximately 25,000; in fact, the number of Arameans in Europe substantially exceeds the number of Arameans left in their homelands with hundreds of thousands in exile in countries like USA, Netherlands, Germany, France, Belgium, Australia, Brazil, Argentina, Syria, India, Lebanon and Sweden.

This people and its ancient language are in serious danger of extinction today. Therefore, their future survival remains contingent on international recognition as an indigenous people and as one of the ethnolinguistic and religious minorities of Turkey. In order to achieve this, the Aramean (Syriac) people need your support.