



St. Gabriel Assyrian Monastery in Turkey Faces New Challenges

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The Monastery of St. Gabriel in Turabdin, Turkey, is one of the oldest Christian monasteries still functioning in the world. Recently, the Monastery of St. Gabriel was informed that the hearing relating to one of the Monastery's court cases, entailing the unjust and unlawful acquisition of the Monastery's land (i.e. State Treasury Land Case which is briefly discussed below) will be held in the 20th Law Department in Ankara at the Supreme Court of the Turkish Republic (Ankara) on November 10, 2009.

Click [here](#) for complete coverage of the St. Gabriel Monastery case.

The Current Situation

After the cadastral survey (land registration) for the land of St. Gabriel Monastery and its surrounding villages in May 2008, the Monastery went through a number of Court proceedings in order to protect the unjust and illegal acquisition of its real estate land. The Court cases in brief were as follows:

1. Boundary Lines Case -- This Court appeal proceeding was initiated by the Monastery against the villages of Yayvantape and Eglence and dealt with determining the boundary lines between the Monastery and the villages. The villages attempted to steal land historically, and legally, owned by the Monastery by re-defining the boundary lines in their favour acquiring great masses of the Monastery's land. After a series of Court hearings the Court decided in favour of the Monastery, acting on the unequivocal evidence of the Monastery's claim. The villages of Yayvantepe and Eglence have appealed to the Supreme Court in Ankara. No date has been given for this appeal.

2. Forestry Land Case 1 -- This Court appeal proceeding was initiated by the Monastery against the Forestry Department in order to restore Monastery land located in, and outside, the outer wall of the Monastery. The area of land inside the Monastery wall is approximately 276,000 square metres with the area land outside the Monastery's outer wall is approximately 60,000 square metres. After numerous adjournments, the Court decided against the Monastery. The Monastery's land was most mistakenly labelled as "forest" by the state authorities. The Court ignored the overwhelming evidence in favour of the Monastery by, for example, confirming that the Monastery had paid taxes for its land since 1937. Furthermore, the Monastery had already declared its formal ownership of its land in 1935 by request of the Turkish State in substantiation of its foundations property.

Syriac Christians have experienced hardship and difficulties which have forced them to leave their lands. Massive areas of land were thus left uncultivated and consequently used for mainly grazing animals. The presence of shrubs on the uncultivated land was considered "forest" and, as far as the Forestry Department was concerned, this was sufficient to permit the so called legal acquisition of land by the state authorities. The Court's dismissal of this argument is a constant reminder of States unwillingness to accept the dark realities faced by its minorities and indigenous people. The Monastery has appealed to the Supreme Court in Ankara. No date has been given for this appeal.

3. State Treasury Land Case -- This Court proceeding was initiated by the State Treasury Department against the Monastery. This case relates to 12 parcels of land, inside and outside the outer wall of the Monastery, being confiscated by the State Treasury. The area of land is approximately 244,000 square metres in total. The Court decided in favour of the Monastery on this case. The State Treasury has appealed to the Supreme Court in Ankara. The date given for the court hearing concerning this appeal is 10 of November 2009.

4. Forestry Land Case 2 -- This Court proceeding involves the State making an allegation against the Monastery for violation of the Forestry law. The State is alleging that the Monastery has intentionally violated the Forestry law by building the outer wall around the Monastery. This vexatious and completely unfounded allegation is, of course, strongly denied by the Monastery. The verdict on this case is bound by the verdict on the Forestry Land Case 1. If the Court finally decides against the Monastery in the Forestry Land Case 1, then the Monastery defendant, Mr. Kuryakos Ergün (Head of the Religious Foundation of the Monastery), will be criminally punished and the outer wall built will be subject for destruction. The court hearing concerning this case continues in Midyat.

Court Trial Summary:

In summation, the Court trials which will take place in Ankara as follow:

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1. Forestry Land Case 1 -- inside the outer wall -- 20. Law Department --2009/14177 basic
2. Forestry Land Case 1 -- outside the outer wall -- 20. Law Department --2009/14178 basic
3. State Treasury Land Case -- 20. Law Department --2009/15267 basic
4. Yayvantepe -- 4. Law Department --2009/12705 basic
5. Eðlence -- 4. Law Department --2009/12707 basic

The date regarding the court hearing concerning the State Treasury Land Case is 10th of November 2009, whereas the date of the court hearings concerning the other cases is not yet determined.

Conclusion: Alarming concerns of the Monastery

The current Court proceedings are an important test for Turkey's commitment to the protection of minorities' rights. Turkey is a signatory to both European Union and United Nations charters and conventions for human rights and is therefore obliged to ensure the protection of such human rights, including the protection property (i.e. land). Additionally, Turkey must ensure the prohibition of discrimination on grounds of religion and national minority. If Turkey is to proceed with discussions on entering the EU then it must genuinely attend to ensuring its national minorities are not discriminated and protected against any attempts to unjustly seize its property. The current case against the Monastery is symbolic of larger persecutory activity not only of the Monastery but also of other Syriac communities in other Villages throughout Turkey. Their position is equally grave and assistance equally required.

The Monastery of St. Gabriel is justifiably concerned that the Courts are being used as vehicle for the unlawful acquisition of its property which the Monastery has owned for over 1600 years, particularly when the evidence presented to the Court unequivocally establishes the Monastery's ownership. The Monastery would like the Supreme Court to uphold the rulings concerning the Boundary Lines Case and the Treasury Case that were held in Midyat and that the Supreme Court to fairly reconsider the Forestry Land Case and return Monastery land labelled as "forest".

The Monastery has always sought to maintain good relations with its neighbours and the Turkish State and it wishes to preserve this, however the Monastery is compelled to make a stand against any injustices. Therefore we would hope that Turkey will be encouraged to ensure that in the decisions concerning these cases, justice will properly be served and that the Monastery will retain its historic property.

We ask you to please voice your own concerns about the plight of the Syriac people and the Monastery of St. Gabriel to all people globally who may assist to reverse the current injustices being faced. If you wish to discuss these matters please feel free to contact us. We thank you for your support and look forward to your response.

By Timotheos Samuel Aktas, Archbishop of Turabdin
St. Gabriel Monastery

Brief History of St. Gabriel Monastery

The Monastery of St. Gabriel was founded by St. (Saint) Shmuel and St. (Saint) Shemun in 397 AD. It is one of the oldest Christian monasteries still functioning in the world and at least 400 years older than any monastery located in Mount Athos; well reputed with its monasteries and churches.

Two centuries after its foundation, the Monastery flourished with its ecclesiastic and educational activities and grew in number of clerics until it became the home for over 750 monks during the time of St. Gabriel (d. 668) in the 7th century. Thus, it became the largest monastic community in the area, if not the world, at that time. Its famous school and rich library was at its best from the middle of the 5th until the 13th century and blessed the Syriac Church with six patriarchs, as well as many bishops and a number of famous religious personalities such as St. (Saint) Yuhanon Sa'oro (d. 504), St. (Saint) Philoxenos of Mabbug (d. 523), St. (Saint) Gabriel (d. 668) and St. (Saint) Shemun d'Zayte (d. 734). This golden age came to an end after the 13th century and the Monastery's star was not shining as bright due to the great persecution and difficulties experienced. Nevertheless, even after such tribulation, the Monastery's school continued and is still a flickering light to this day. Thus, the Monastery has miraculously sustained a tradition which has continued for over 1600 years.

Today, St. Gabriel Monastery continues to be of significant importance for the Syriac Church and Syriac community in Turabdin, and in the Diaspora. It continues to be a focal point of the Syriac Church tradition and of the Syriac language; a dialect of Aramaic which is still used in the liturgy and in daily life. Over the past 40 years the Monastery has been taking an active role in attending to the severe problem of the dwindling population of Syriac people in Turkey. This has heightened the importance of the Monastery as a focal point among the Syriac Christians.

