

PRINKİPO ORPHANAGE

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Since the declaration of the Turkish Republic, “Turkish-Greek relations” have waxed and waned and have subtitles such as “Cyprus Problem”, “FIR (flight information region) problem”, “the Aegean islands”, and “Turks of Western Thrace”. One of the problems of “Turkish-Greek relations” was “Prinkipo Orphanage”.

The problem of Prinkipo Orphanage was solved by giving the authority to aforementioned Patriarchate on November 29, 2010. Indeed, what solved the problem was the decision given by the European Court of Human Rights on June 12, 2007. The Patriarchate brought the suit to the European Court of Human Rights in April, 2005 and it ruled in favor of the Patriarchate. In this article, I aim to analyze the problem of “Prinkipo Orphanage”.

1. **Ottoman Period:** The Prinkipo Orphanage was built by architect Alexander Wallaury as a hotel (Prinkipo Hotel) in the name of a French company called “Societe des Grandes Hotel Europeens” between the years of 1898 and 1903. When the Sublime Porte (Bab-i Ali) said “this kind of structure is not in line with our customs”, it was put up for sale. When the rich Greek Andreas Syngros Foundation bought the building by paying 15.000 Ottoman liras, it was registered as the Prinkipo Orphanage. Another a rich Greek man –Leonidas Zarifis- donated 3.700 Ottoman gold coins and Abdülhamit the Second donated 1180 Ottoman gold coins. The Sultan Abdülhamit II gave the authority to the Greek Patriarchate in order to use it as an orphanage for the orphans from Istanbul, Tenedos, and Imbros that were under the authority of the Greek Orthodox Church. Moreover, he brought it into service as the Prinkipo Orphanage on May 21, 1903. The Sultan Abdülhamit II also untaxed it and covered food expenses. The Prinkipo Orphanage offered service from 1903 – its opening- to 1915. From the years of the First World War to those of the foundation of Republic (1915-1925), it was used by the students of Kuleli Military High School, German soldiers, and the Belarusian immigrants for nearly 10 years. The building was destroyed most by the Belarusian immigrants on account of the fact that they burned some parts of the building for heating. Eventually, the building was brought into service again as the Prinkipo Orphanage in 1925.
2. **Republican Period:** The Prinkipo Orphanage continued to offer service for orphans from 1925 (when it was brought to service again) to 1964 for about 39

years. During the Republican Period, General Directorate for Foundations stated that the building was the Prinkipo Orphanage. On April 21, 1964 General Directorate for Foundations suddenly decided to close the Prinkipo Orphanage on April 21, 1964. And this decision was valid for nearly 46 years until 2010; then the aforementioned decision was taken by the European Court of Human Rights.

3. **Building:** The Prinkipo Orphanage is the biggest wooden building of the Continental Europe and the second biggest wooden building of the world after Todaiji Buddhist Temple in Japan. It has 206 rooms, a kitchen, a library, a primary school and vocational workshops. The building was on Isa Tepesi in Prinkipo (164 meters). It is said that after restoration it can be an important environment center. Answering the questions about the matter Minister of State Egemen Bağış said “We, together with Dear Prime Minister and Vice Prime Minister Dear Arınç, visited the building said to be belonged to the Patriarchate. This kind of decision was expected. We have been talking about the building in terms of dealing with it again as an international environment institute. This has already been a matter which we have been working on”.
4. **Turkey’s Argument:** According to Turkey, “Because the building belongs to the foundation of the related minority, not to the Patriarchate, it should be under the authority of the related foundation not the Patriarchate.” It is seen that Turkey will continue to support this argument. Consequently, it is understood that the Council of General Directorate for Foundations, Ministry of Justice, and Ministry of Foreign Affairs decided to give the authority to the Patriarchate after the decision of ECHR because *there was no other way*.
5. **Legal Debate:** In our opinion, ECHR’s decision is partially right. Since the matter is a civil case and a matter of property in a way. Now that the owner and allotment of the building have been clear from the beginning, it is not right to keep the owner out of the building for some reasons. In this respect, the decision is just. Therefore, on November 29, 2010 in accordance with the decision given by the Council of General Directorate for Foundations, Ministry of Justice, and Ministry of Foreign Affairs the building was transferred to the owner. Because the deed of the real estate is reserved for a certain cause, the building will not be used for another cause. In the meantime, *the building should have been transferred to the foundation of the related minority not to the Greek Patriarchate*. As known, there are more 26 foundations of minorities in Istanbul.
6. **Evaluation:** The decision given by ECHR can be criticized by saying “*The Prinkipo Orphanage should have been transferred to the foundation of the related minority not to the Greek Patriarchate*”. As it is known that some people have been striving systematically for ecumenism for the Greek Patriarchate for a long time. About six months ago, ECHR denied the claim for

compensation and decided to give ownership rights back to the Greek Patriarchate. The Ministry of Justice emphasized that **“there is no other alternative except registering the Orphanage in the name of the Greek Patriarchate”** on the text written to Public Prosecutor’s Office of Adalar. Furthermore, it was pointed that if ECHR’s decision was not implemented, the matter would be brought to the agenda in the Delegates Committee and cause negative results for the country because other countries would use this matter as an instrument for political pressure. The General Council for Foundations, gathered after ECHR’s decision which was against Turkey, resisted *for transferring the ownership rights of the Orphanage to the foundation of Prinkipo Greek Boys’ Orphanage not to the Patriarchate*. However, the Council for Foundations later decided unanimously to put the decision into practice and transfer the building to Fener Greek Patriarchate. Thereby, among the lawsuits won, it has been decided for the first time to transfer deed to a religious community instead of a foundation.

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