

# INTERNATIONAL LAW AND THE ISTANBUL POGROM

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The September 1955 pogrom (sometimes referred to in Greek sources as the *Septemvriana*) was a “crime against humanity”<sup>1</sup> comparable in scope to the 1938 *Kristallnacht*<sup>2</sup> in Germany carried out by the Nazi SS and SA against Jewish property and synagogues in November 1938. Even if the number of deaths among members of the Greek community was relatively low,<sup>3</sup> the pogrom resulted in the flight and emigration of the Greek minority of Istanbul, and contributed to the gradual disappearance of a community that once numbered some 100,000, but was subsequently reduced to a few thousand.<sup>4</sup> The vast destruction of Greek property, businesses, and churches is evidence of the intention of the Turkish authorities to terrorize the Greeks in Istanbul into emigrating from Turkey, thus eliminating the last vestiges of Greek presence and influence in Istanbul.

What happened in Istanbul in 1955 falls within the ambit of the crime of “ethnic cleansing,” a category of crime that has been repeatedly condemned

<sup>1</sup> Article 6, section c, of the statute of the Nuremberg Tribunal of 1945.

<sup>2</sup> Rita Thalmann, “Kristallnacht,” in Dinah Shelton, *Encyclopedia of Genocide*, Vol. 2, pp. 626-628. No less than 257 synagogues and some 7,500 shops were destroyed or damaged. The number of people killed in the rioting is unknown, estimates between 36 and 91 being frequently given.

<sup>3</sup> Speros Vryonis, Jr., *The Mechanism of Catastrophe*, New York, 2005, Appendix B, “List of 37 dead in the pogrom,” pp. 581 *et seq.* Thirty victims are identified, three unidentified bodies were dug out of destroyed shops, and three burned bodies were found in a sack in Beşiktaş. Leônidas Koumakès, *The Miracle*, Athens 1982, speaks of the death of over twenty people, pp. 54-55; Lois Whitman of Helsinki Watch lists fifteen deaths in *The Greeks of Turkey*, p. 50; Senator Homer Capehart and journalist Noel Barber reported sixteen deaths.

<sup>4</sup> Helsinki Watch (Human Rights Watch), *The Greeks of Turkey*, New York, 1992, pp. 6-8: “After the population exchange there were between 100,000 and 110,000 Greeks in Turkey, most of them in Istanbul and a smaller number on the islands of Imbros and Tenedos. Today, the Greek community does not appear to number more than 2,500—about 2,000 in Istanbul and about 480 on the two islands.” In his report of August 11, 2000, to the UN General Assembly, “Elimination of All Forms of Religious Intolerance,” the special rapporteur, Abdelfattah Amor, quotes statistics of the Turkish ministry of foreign affairs according to which there were between 3,500 and 4,000 Orthodox Greeks in all of Turkey, UN Doc. A/55/280/Add. 1, p. 3.

by the International Criminal Tribunal for the Former Yugoslavia (ICTY). Recently the ICTY has interpreted the 1948 genocide convention, extending the scope of offenses that may be subsumed under the crime of genocide. In two of its judgments, the ICTY has determined that “ethnic cleansing” can amount to genocide.<sup>5</sup>

Because the *Septemvriana* events were not a spontaneous eruption of popular violence but were instead orchestrated by the government of Turkish prime minister Adnan Menderes, they satisfy the criteria of Article 2 of the 1948 genocide convention<sup>6</sup> since the “intent to destroy in whole or in part” the Greek minority in Istanbul was demonstrably present. Turkey has been a party to the 1948 genocide convention since 1950. Although it is not a party to the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, modern international law imposes the principle of non-prescription (see below) to genocide and crimes against humanity. Accordingly, the obligation to punish the guilty and Turkey’s responsibility to make reparations to the victims and their survivors for the events of September 6-7, 1955, have not lapsed with time.

Seen in isolation, the Istanbul pogrom is a grave crime under both Turkish domestic law and international law. However, the *Septemvriana* must be seen in the historical context of a religiously driven genocidal program that saw many pogroms within the territories of the Ottoman empire before, during, and after the First World War, including the elimination of the Greek communities of the Pontus and of Asia Minor more generally, and the atrocities against the Greeks of Smyrna in September 1922. It is in the light of the larger picture<sup>7</sup> that the genocidal character of the Istanbul pogrom is best

<sup>5</sup> On August 2, 2001, Trial Chamber I of the International Criminal Tribunal for the Former Yugoslavia ruled that the events at Srebrenica in July 1995 constituted “genocide.” The actual number of persons killed in Srebrenica is unknown, however. Of 7,000 missing Muslims, 2,028 bodies were actually exhumed from mass graves, and the Chamber noted that a number of these had died in combat.

<sup>6</sup> Convention on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification by General Assembly Resolution 260 A (III) of December 9, 1948, entry into force January 12, 1951, in accordance with Article XIII. As of January 2006, 140 states were parties to the convention.

<sup>7</sup> In his report of August 11, 2000, Abdelfattah Amor reflected his impressions from consultations with the authorities and non-governmental organizations and independent Turkish experts during his visit to Turkey from November 30 to December 9, 1999. He put the prevailing intolerance in historical context: “In its relations with Europe, the Ottoman Empire had to deal with the question of its non-Muslim minorities in the context of European claims to hegemony, often expressed under the pretext of providing protection for these minorities. In these circumstances Turkish society felt itself weakened and under threat and attempted to find scapegoats within its midst, in this case the Christians....[D]uring the first world war...when

considered. It should be noted, however, that while the characterization of the *Septemvriana* as a form of genocide lends them greater emotional impact, the legal consequences of the Istanbul pogrom are essentially the same, whether it is classified under the rubric of genocide or “crimes against humanity.”

### **FACTS RELEVANT TO THE LEGAL ANALYSIS**

Prior to the pogrom of September 6-7, 1955, the Turkish government had engaged in systematic incitement of public opinion against the Greek minority, partly in connection with the ongoing dispute over Cyprus.<sup>8</sup> A student movement calling itself “Cyprus is Turkish” was particularly virulent in the anti-Greek propaganda. On August 28, 1955, Turkey’s largest daily, *Hürriyet*, threatened that, “if the Greeks dare touch our brethren, then there are plenty of Greeks in Istanbul to retaliate upon.”<sup>9</sup> At 12:10 AM, on September 6, 1955, an explosion occurred in the courtyard of the Turkish consulate in Thessalonikê, adjacent to the house in which Kemal Atatürk had been born. The Turkish press immediately blamed the Greeks and published photos of Atatürk’s house that purported to show extensive damage.<sup>10</sup> At

it came to the Greeks in the Aegean, the State, acting on the basis of nationalistic ideas, drove out the Greek community by instigating night-time attacks on farms, and popularized its efforts by mobilizing the Muslim religion against the Christians. After the establishment of the Republic... the State pursued this nationalistic bent, including its anti-Christian component... [I]n particular in 1932, legislation prohibited Greeks from practicing certain professions (for example, law 2007); in 1942, a wealth tax was aimed primarily at non-Muslims, who were economically very active, in an effort to Turkicize the economy by imposing prohibitive taxes that forced people to sell their property; in 1955, anti-Christian riots broke out, apparently linked to the Cyprus issue (a bomb was placed by an official of the Ministry of the Interior at the family home of Atatürk in order, it was alleged, to provoke attacks on Christians); in 1964, as a result of tensions over the Cyprus issue, Turkey broke its agreement with Greece and prohibited all commercial dealings by Greeks holding a Greek passport, leading thereby to the departure of some 40,000 Greeks....” UN Doc. A/55/280/Add. 1, paragraphs 62-63.

<sup>8</sup> The Cyprus issue was a convenient pretext to incite the populace to violence against the Greeks. The Ottoman and Turkish governments had a long established policy against the Greek minorities, which manifested itself not only in riots, but also in the anti-Greek laws (reminiscent of the Nazi Nuremberg laws) that excluded Greeks from certain professions, the special wealth tax of 1942, the recruitment of Greeks and Armenians into special work battalions during the Second World War, etc.

<sup>9</sup> Alexis Alexandris, *The Greek Minority of Istanbul and Greek-Turkish Relations 1918-1974*, second edition, Athens, 1992, p. 256.

<sup>10</sup> On September 6, Istanbul papers carried headlines like “Greek terrorists defile Atatürk’s birthplace.” On September 7, 1955, Turkish state radio carried a broadcast saying in part: “The criminal attack undertaken against the house of our dear Atatürk and our consulate in Salonika, added to the deep emotion created over a period of months in public opinion by the developments in connection with the question of Cyprus... has provoked demonstrations on the part of large masses which have continued... in Istanbul until late last night.” Quoted in

the 1960-1961 Yassıada trial against Prime Minister Adnan Menderes and Foreign Minister Fatin Zorlu, it was revealed that Turkish agents under orders from the Turkish government had carried out the explosion.<sup>11</sup>

Beginning around 5:00 PM in the late afternoon,<sup>12</sup> Turkish mobs devastated the Greek, Armenian, and Jewish districts of Istanbul, killing an estimated 37 Greeks, and destroying and looting their churches,<sup>13</sup> places of worship, homes, and businesses. The pogrom was not spontaneous, but was centrally organized, many of the rioters recruited in Istanbul and in the provinces by Adnan Menderes's *Demokrat Parti* and transported by train, trucks, and some 4,000 taxis, with instructions as to what to destroy and what not.<sup>14</sup> They were given axes, crowbars, acetylene torches, gas, dynamite, and large amounts of rocks in carts. Predictably, the riots got out of control, the mobs shouting "Evvela Mal, Sonra Can" ("First your property. Then your life.").<sup>15</sup> The Turkish militia and police that coordinated the pogrom refrained from protecting the lives and properties of the Greek victims.<sup>16</sup> Their function was instead to preserve Turkish property and protect it from being destroyed.

The events are best described in English in the present book by Professor Speros Vryonis, which also draws on a vast amount of Turkish sources, including the Yassıada trials, and upon the substantive report by Helsinki Watch<sup>17</sup> of 1992 on the human and civil rights violations against the Greeks of Turkey. There is still no official Turkish government or police report on the violence of September 6-7, 1955.

Vryonis, *op. cit.*, pp. 118 and 193.

<sup>11</sup> The *agent provocateur* in Thessalonikê, the student Oktay Engin, was acquitted at Yassıada, and subsequently held high positions in the Turkish state.

<sup>12</sup> According to various sources, the riots began in various parts of Istanbul and Izmir between 4:00 and 8:00 PM. Vryonis includes a table according to which the pogrom struck Yedikule, Samatya, Beyoğlu, Siraselviler, and Yeşilköy at 7:00 PM; Edirnekapı at 8:30 PM; Kalyoncu Kulluk at 9:00 PM; Aksaray at 11:00 PM; Kurtuluş "when night fell"; and Kuzguncuk "after midnight."

<sup>13</sup> The patriarchate reported that sixty-one churches, four monasteries, two cemeteries, and thirty-six Greek schools had been devastated. See National Archives, Foreign Office Dispatch N0. 138, American Consul General, Istanbul, September 29, 1955.

<sup>14</sup> Targets had been premarked with paint, and the attackers had lists, as had happened on *Kristallnacht*.

<sup>15</sup> Vryonis, *op. cit.*, p. 211.

<sup>16</sup> The American consul-general telegraphed the US State Department that "the destruction was completely out of hand with no evidence of police or military attempts to control it. I personally witnessed the looting of many shops while the police stood idly by or cheered on the mob." Helsinki Watch, *The Greeks of Turkey*, 1992, p. 7.

<sup>17</sup> Helsinki Watch is a New York-based, non-governmental organization founded in 1978. It subsequently changed its name and is now known as Human Rights Watch.

Besides the deaths, there were thousands of injured, some 200 Greek women raped,<sup>18</sup> as well as reports of the raping of Greek boys. Many Greek men, including at least one priest, were subjected to forced circumcision. The riots were accompanied by enormous material damage<sup>19</sup>—estimated by Greek authorities at \$500 million—including burned churches, looted shops,<sup>20</sup> and devastated private homes.<sup>21</sup>

After the fall of Prime Minister Adnan Menderes's government in 1960, he and other organizers of the pogrom were put on trial for a number of offenses. The Yassada trial of 1960-1961 provides abundant evidence, sufficient to establish the governmental "intent" to terrorize and destroy the Greek minority of Istanbul. Menderes, Zorlu, and the economics minister at the time of the pogrom, Hasan Polatkan, were executed.<sup>22</sup>

## NORMS

Under customary international law, massacres such as occurred in Istanbul in September 1955 constitute international crimes. There are many norms of international law, international humanitarian law, and international human rights law that are pertinent to the examination of the Istanbul pogrom.

<sup>18</sup> Vryonis, *op. cit.*, p. 222. The estimates go to 2,000 rapes. One of the most frequently mentioned cases of rape involved the Working Girls' Hostel on the island of Büyükkada (Prinkipo). Lists of victims were established by the ecumenical patriarchate and the Greek consul-general.

<sup>19</sup> The United States consulate in Istanbul sent a dispatch to the State Department on September 23, 1955: "A survey of the damage inflicted on public establishments of the Greek Community of Istanbul during the rioting on the night of September 6-7 shows that the destruction caused has been extremely widespread. In fact, only a very small percentage of community property appears to have escaped molestation. Although there are as yet no figures available assessing the damage sustained, the number of establishments attacked and the nature of the destruction caused...convey a clear picture of the scope of the devastation. In most cases the assault on these establishments involved a thorough wrecking of installations, furniture, equipment, desecration of holy shrines and relics, and looting. In certain instances serious damage was inflicted on the buildings themselves by fire." Helsinki Watch, *The Greeks of Turkey*, 1992, p. 7.

<sup>20</sup> According to the Istanbul police, 2,572 Greek businesses, 741 Armenian, and 523 Jewish ones were destroyed.

<sup>21</sup> Vryonis, *op. cit.*, p. 220.

<sup>22</sup> Menderes was convicted on many counts and his death sentence was based primarily on other offenses, including "abuse of discretionary funds." Bearing in mind the gravity of the crimes committed in the Istanbul pogrom, it is worrisome to note that young generations of Turks know little or nothing about it and that subsequent governments have honored the memory of Menderes, Zorlu, and Polatkan. A university in Aydin and the international airport in Izmir are named after Menderes, and his name has been given to two high schools, İstanbul Bahçelievler Adnan Menderes Anadolu Lisesi, and Aydin Adnan Menderes Anadolu Lisesi.