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December 31, 2020

The Honorable Michael R. Pompeo
Secretary of State
U.S. Department of State
2201 C St NW
Washington, DC 20230

Dear Secretary Pompeo:

I am writing to strongly urge that the State Department reject the memorandum of understanding (MOU) the Government of Turkey proposed under the Cultural Property Implementation Act (CPIA), according to Article 9 of the 1970 UNESCO Convention, currently under review by the Bureau of Educational and Cultural Affairs. Turkey has failed to meet the requirements under the CPIA for an MOU, and will likely use any MOU as a pretext to further despoil the patrimony of the many religious minorities they have put to flight with their persecution, namely by declaring such items that these minorities had sought to preserve from Turkish despoliation as Turkish patrimony, thus demanding their return.

Turkey has not met the preconditions in the CPIA for an MOU limiting the importation of cultural and religious property. Most significantly, Turkey has not met the requirement that “the State Party has taken measures consistent with the Convention to protect its cultural patrimony.” Turkey under President Erdogan has waged a coordinated campaign of persecution of Greek Orthodox, Armenian Orthodox, Alevi Muslims and others, expropriating their cultural and religious patrimony, including the conversion of the churches of the Holy Saviour in Chora and Hagia Sophia from museums into mosques earlier this year, despite the near universal and global appeals to the contrary. The MOU will thus effectively legitimize these seizures, suggesting that the United States approves of these acts. The incongruity of Turkey’s request for an MOU, purportedly for the purpose of protecting the religious and cultural patrimony of cultural and religious minorities, is all the more pronounced given Turkey’s recently-heightened and aggressive campaign to suppress the rights of these communities in Turkey.

Indeed, the disregard for religious and cultural patrimony precedes Erdogan, evidenced by how Turkey plundered and desecrated the churches of occupied Northern Cyprus following its illicit invasion in 1974. In a 2017 report by the United Nations Human Rights Council’s Special Rapporteur in the Field of Cultural Rights, Karima Bennouna stated:

Sacred objects, icons and frescoes have been removed illegally from abandoned churches in the north and sold on the international market. Looting has been widespread and systematically organized, causing much suffering to people who have seen their

churches, museums and archeological sites completely plundered.... Destructions have considerably changed the symbolic, historical and cultural landscape in all areas of Cyprus.

In addition to desecration of religious heritage within occupied Cyprus, the Turkish government has persecuted the Greek Orthodox minority within Turkey and the Ecumenical Patriarchate under Patriarch Bartholomew, the leader of 300 million Orthodox Christians worldwide. The Turkish government closed down the Greek Orthodox Halki Patriarchal School of Theology in Istanbul in 1971, and has refused to re-open it. These actions, in addition to the conversions of the Hagia Sophia and the Church of the Holy Saviour in Chora, are in violation of American laws as well as international laws. Section 2804 of the FY98 Omnibus Emergency Supplemental Appropriations Act (PL 105-277) calls for the Turkish Government to safeguard the Ecumenical Patriarchate, its personnel, and its property, and to reopen the Halki Patriarchal School of Theology. Turkey is also in violation of the International Religious Freedom Act of 1998 (IRFA), in addition to the UN Charter & UNESCO Convention.

Given Turkey's history of persecution of religious minorities, one should be skeptical of any claim that Turkey wishes to enter into an MOU out of a desire to protect these same populations in the diaspora that they had abused in Turkey. What the MOU will do is allow Turkey to lay claim to objects of religious and cultural significance that many of these minorities have removed from Turkey for their protection. For example, since Turkey is requesting that the United States recognize its right *inter alia* to all objects produced in Turkey between the first century AD and 1923, Turkey thus asks the United States to facilitate its theft of articles now venerated by the descendants of the survivors of the 1915-1923 genocide of Armenians in the diaspora, by claiming them as Turkish cultural patrimony.

Entering into this MOU at this time would signal approval for Turkey's recent and heartless persecution of religious and cultural minorities in that country, and would come at a time when Turkey's has signaled its intent to act contrary to American interests. This includes its recent decision to purchase the S-400 defense system from Russia, and its aggressive actions in the Eastern Mediterranean, Nagorno-Karabakh and beyond. I therefore strongly urge that you reject Turkey's request for an MOU under the CPIA.

Sincerely,



CHRISTOPHER H. SMITH
Member of Congress

Copied:

The Honorable Sam Brownback, Ambassador at Large for International Religious Freedom
The Honorable Marie Royce, Assistant Secretary of State for Educational and Cultural Affairs
The Honorable Philip Reeker, Assistant Secretary of State for European & Eurasian Affairs
The Honorable Robert Destro, Assistant Secretary of State for Democracy, Human Rights, and Labor
Stefan Passantino, Chair, Cultural Property Advisory Committee, Department of State