



PLENARY OF THE GREEK BAR ASSOCIATIONS

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Pr. Nr. 906

Dear President,

Dear colleague,

The recent unilateral decision of Turkey's President to turn Hagia Sofia into a mosque, in violation of international treaties, is a direct assault to the ecumenical character of a world cultural heritage monument which belongs from a cultural and religious viewpoint to humanity, as the highest symbol of Christendom and of bridging civilizations and religions.

After its proclamation as a world cultural heritage monument, Hagia Sofia is protected under international law by the International Convention Concerning the Protection of the World Cultural and Natural Heritage of 23 November 1972. Pursuant to Articles 4 and 6(1) of the Convention: a) Each State Party will do all it can to ensure the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage situated on its territory, b) the States Parties to this Convention recognize that cultural and natural heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

The above international obligations obviously include, pursuant to the purpose of the relevant provisions, the maintenance of the ecumenical character of the world cultural heritage monuments. In the case of Hagia Sofia this character is closely connected to protecting it as a monument and preserving its historic destination, the free access of all thereto, and the absolute protection of Byzantine art and its special characteristics which are endangered because of the interventions to transform it into a mosque.

Unfortunately the circumvention of international law by Turkey is not only a result of its political leadership's initiative but it was actively assisted by the judiciary, which in full concert with the executive branch, revoked Hagia Sofia's legal status, overruling previous case law. This Turkish supreme administrative court's judgment allows Turkey's President, in violation of constitutional and international law, such as the ECHR, to reserve Hagia Sofia only for Muslims' prayer, even though it was initially built and functioned for centuries as a Christian temple.

The lack of judicial independence and of rule of law safeguards offends not only the internal legal order, but also the international community .

It is self-evident that such action by Turkey's President causes serious grievance to the religious sentiment of millions of Christians, violates fundamental human values and directly offends international law and European civilization. And it should be treated as such.

Lawyers and Bar Associations , as natural defenders of the international legal order and the rule of law , in accordance with their institutional role, have a duty to publicly condemn such violation of international law , especially when it traumatizes our common cultural heritage .

In light of the above, we invite you to defend our common cultural heritage through raising public awareness in your country and by addressing UNESCO, (which already deals with such issues), in common.

We look forward to your support in addressing this issue together in our common institutional body, the CCBE.

Yours Sincerely,

The President of the Plenary of the Greek Bar Associations

Dimitris K. Vervesos

