

4-29-2018

05 Yozgat Trial V

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Yozgat TRIAL

II copy



VOLUME ② (B)

Principles established by Turkish Court Martial in accordance with the constitutional provisions:

Superior order has to be lawful

Inferior official has not to obey and carry out an order which is not lawful.

The subordinate official has to resign than to obey and carry out an unlawful order.

The order of deportation was unlawful.

instead ^{to} carry out the order of deportation, ^{to} resign

The collection of money and valuables from the Armenians prior to deportation meant absolutely that the Armenian caravans were going to their death. Because money was (the ^{absolutely} ^{necessary} ~~mean~~ ^{by which they had}) to buy food supplies for the conservation of human life.

The officials who received orders from the Central Government to collect the money and valuables from Armenians prior to deportation had not to obey. If they carried out

orders, they are responsible for the death
of ^{the} American deportees.

6SUMMARY ANALYSIS OF THE VERDICT
DELIVERED BY THE EXTRAORDINARY COURT MARTIAL

APRIL 8, 1919

The provisions contained in the Ottoman Constitution and Laws, enforce the government to protect citizens without distinction of race and religion.

All governmental officials have the primary duty to observe the provisions of the Constitution.

Priority of the conscience:

In the Ottoman State all officials, civil and military, are bound not to carry out the orders they receive from their superiors, if these orders oppose the conscience, the provisions of law and articles of the Constitution. They have to resign rather than to carry out such orders.

The Ottoman Government issued orders to deport and exile Armenian women, children, invalid and infirm people, even men without any judicial decisions. Such orders opposed to the conscience, provisions of law and articles of the Constitution. They had not to carry out such orders, as governors and commanders refused to carry out the orders. Government officials have issued orders and instructions to loot and rob the Armenian deportees. Scoundrels really looted and robbed Armenians.

The plundering of the deportees is equivalent of premeditation for their death by massacre or starvation.

The government officials premeditated to deprive Armenian deportees of all means of self-protection and of necessary means

to live, and through such deprivation they made easier the commission of crimes and the death by starvation of Armenian deportees.

The Government officials were previously ascertained that the crimes they have to commit would not be punishable and the criminals had received orders to commit their crimes.

Turkish Extraordinary Court Martial established that the atrocities committed against the Armenian deportees constitute crimes against humanity and civilisation.

Turkish Government Officials and military commanders have communicated secret orders and instructions through coded telegrams despatched before and during deportations.

The defendants and their defense attorneys, as well as the prosecutor accused Armenians alleged by uprising helping enemy, and consequently have to be massacred without any distinction. Turkish Court Martial, however, distinguished and established that such accusations, supposed even real and factual, could not be a reason and opportunity for massacre. The Court established that some Armenians uprising, others joined enemy, but the majority of the Armenians were loyal to Turkish Government and People.

Three officials of the Government Kemal Bey, Kaymakam of Bogharlian, and provisional Mutesarif of Yozgat, Tefik Bey, major Gendarmerie Commander of Yozgat district, and Feyaz Bey, highest Financial Official in Yozgat, forced the subordinate officials to carry out the orders and the instructions they gave them enforced with their signature.

The Turkish Court Martial definitely established that these documents are authentic, and that all the argumentations, proofs

and defenses, advanced by the defendants and their defense attorneys are absolutely of no importance and value.

According to the provisions of the Art. 45 of the Civil Penal Code "each of accomplish criminals is considered an independent criminal". Kemal Bey as the highest civil attorney in Yozgat district organized "murder, looting and robbery", and Tevfik Bey is a "Secondary accomplice" of Kemal.

Art. 45 was replaced on June 4, 1911 by Young Turks regime: "Those who are accessories in the commission of a Junayet (crime) or Junha (delict) become subject to punishment in the following manner where there is no explicitness 1) in the law:

"There is awarded with regard to those who are accessories the punishment of temporary kyurek for not less than ten years if the principal act calls for the punishment of death or perpetual Kyurek."

Death sentence for Kemal:

Kemal Bey, Kaymakam of Boghazlian and Provisional Mutesarif of Yozgat, as principal criminal of the district, was sentenced to death by the unanimous vote of the panel.

Hard Labor for Tevfik:

Tevfik Bey, Major Gendarmerie Commander of Yozgat district, as a accessory to Kemal Bey, Principal Criminal was sentenced to fifteen years of hard labor.

1) There is explicitness in Art. 163, 164 but the provisions of these two Art. were not taken into consideration by the Turkish Court Martial.

Feyaz Bey:

The trial of Feyaz Bey, Highest Finance authority in Yozgat is postponed. His dossier is joined with other officials and officials to be tried by the Court Martial.

1
Letters of Catholicos Khimian

To Boghos Nubar Pasha and Gladstone

Etchmiadzin, April 3, 1895

To Boghos Nubar Pasha:

... It was recommended to me to entrust to your wise and profound diplomacy this important matter, and, to this effect Patriarch Nerses (1878) had written a special letter to your Highness.

You have willingly accepted and dedicated yourself to this cause and taken ^{it} into ^{your} consideration. Having examined and studied the the Memorandum [prepared by Patriarch Nerses and his advisors in 1878] you found it improper and exaggerated.

Therefore, you prepared another Memorandum, making the matter moderate and feasible according to your far-sighted wisdom.

I sent the new moderate Memorandum from Berlin (1878) to Patriarch Nerses in Constantinople. But, alas! both he himself and his confidential advisors insisted with utmost obstinacy that the Memorandum

remain the same and be handed over to the Berlin Congress.

In Berlin (June 1878) I received a telegram (from Constantinople) communicating said decision as related to me (not to modify the Memorandum).

I felt so sorry that in my privacy I cried like a child because I very clearly foresaw its (fatal) outcome. ~~It~~ 1

I believe that Article 61 ^{sh} would not have been recorded in so weak and indecisive a manner, but rather ^{in a} stronger, more decisive and practical ~~way~~ 2

1- Hayasdae yev Hye Tade, Armenia and the Armenian Cause, by Gabriel Lazian, ~~Cairo~~, Housaper Press, Cairo 1946, p. 117, and pt 2, p. 118,

2 Mémoire sur la question Arménienne présentée aux Grandes Puissances à l'occasion du Congrès de Berlin, Constantinople, Typographie Aramian, 1880, pp. 14.

Constantinople le 2/14 mars 1878.

The confession made by Khrimiaee is more than accurate; ^{he foresaw} he (outsaw) the tragic consequences before handing over the Armenian Memorandum to the Berlin Congress.

Simply ^{put,} he should not have handed over the Memorandum to the Berlin Congress whose consequences would be fatal for the Armenian people.

He did. He is responsible.

In his letter to Gladstone he clearly ~~said~~ said that the massacres of the Armenian people in Turkey were the consequences of the Policy of Heres Patriarch Nerses Varjabediac and ~~the~~ Archbishop Khrimiaee, in 1848.

Here is the letter of Khrimiaee:

" Etchmiadzin, April 3, 1895,
To Gladstone:

So, Sir, you know what the result of Article (61) has been. It is manifestly evident to the world that it has been

fatal for the poor Armeniac people.

~~Because~~, since the beginning (1878), the Turkish Government's hand heavily oppressed the Armeniac people, little by little in a tyrannical way and, by secret instructions, it had the Armeniac people oppressed and destroyed through its officials, who crushed them as grapes under the wine-press.

After deliberation, the Government said: I got a tremendous experience from Bulgaria. Now I know what to do. I decided to annihilate ~~all~~ the entire Armeniac people in Armenia.

To this effect, instructions had been dispatched ~~sent~~ to the governors to exterminate them in the cold-blooded manner of the Pharaohs; to the judges to annihilate them implementing their laws; to the gendarmes to destroy them through calumnies; to the tax-collectors to annihilate them by collecting heavy taxes from them, and to the barbarous Kurds to annihilate them by their usual

plundering . . . 3

Khrimian Hayriq was well aware of the tragic and fatal results of what he was doing before he left Constantinople ~~to~~ ^{for} European Courts as President of the Armenian Delegation.

Returning from Berlin, he began to preach ^(preach) in church ^{for} the uprising of the Armenians against the Ottoman Empire.

Khrimian, as Primate of Van, Constantin Gamsaragan, Russian Consul in Van and Mgerdich Portukalian, School Director in Van jointly prepared, ^{from} 1880-1885 in Van, revolutionary ideas, and "educated a young generation combative and aspiring for freedom" from Ottoman yoke. 4

Hasan Pasha, Governor General of Van reported to Sublime Porte that "Gamsaragan was not a Russian Consul but an Armenian Revolutionary agent, and enjoying the protection of the Russian

3 - op. cit., p. 121.

4 - Hayotz Hayriq, Daddy of Armenians, by Haig Ajemian, Edition Marcar Hagopian, Tourist, Armenian Diocesan Press of Azerbaijan, 1929, vol. I, p. 557.

Embassy at Constantinople. 5

By request of the Russian Consulate in Van, the Primate Khrimian celebrated a requiem Mass in the Armenian Cathedral of Van for the repose of the soul of Tzar Alexander I killed March first 1881.

C. Jamsaragan took the opportunity to openly suggest to ^{the} Khrimian Primate to call ^{the} Armenians of Van to ~~repose~~ ^{rise up} against the Ottoman Government.

"My son," answered Khrimian, "We got out of the water ^{and} we fell under a deluge." Says the popular maxim (emphasized by ~~the~~);

Armenian)

Now Van belongs to ^{the} Armenians. You don't know what ~~would~~ ^{may} happen when the Russian Army occupies Van, Russia will not give us the Armenian province of Van; ~~it~~ it is certain that Russians will make it a Russian colony, will suffocate us

S. Op. Cit., p. 557.

us and have the Armenian question cancelled.
 It would be better for Armenians to obtain
 an autonomy under Turkish domination.
 This would be better than to pass on our
 neck the chains of Russian yoke." 6

Gulebiakin, Russian Counsel in Van
 asked Megerdich Khrimian Primate; "Why
 do you oppose Russian policy, protecting the
 Christian minority and promising freedom
 to oppressed peoples" in ^{the} Ottoman Empire?

Khrimian replied him;

"Alexander III cancelled the policy of
 Alexander II. The actual Russian policy
 is omnivorous (emphasized by Ajemian).

"Our Catholicos Nerses Ashdaragetzi
 rendered great services in 1827 to the Russian
 Army and the Royal Palace. The latter had
 promised to grant Armenians independence,
 but when your soldiers occupied Erivan
 and Etchmiadzin, your tzar did not

8
He
(accomplish) ^{keep} his promises, ~~he~~ chained up
the religious Armenians of ^{the} Caucasus with
Bolognia, restricting Armenian educational
and national activities and diminishing
primordial human rights and had an
official procurator (supervisor) seated in
the Armenian Synod, 7

In 1829 Herses Ashdaraquetzi was exiled
to Bessarabia, On May 18, 1843, he was elected
Catholicos of Etchmiadzin under the name of
Herses V Ashdaraquetzi.

The Tzar invited him to St. Petersburg.
Herses reminded him of his formal promise.
Next day, ~~the~~ Nicola I exhorted the Armenian
Catholicos to become a Russian and make
his people Russian too.

Herses Ashdaraquetzi declined the offer. 8

7- op. cit. p. 568.

8- The Hagotz Badmoutioun, The History of
Armenians, 1772-1860, by Aredis Varjabed
Berberian, Boghos Kirishjian and Co, Press, Constan-
tinople 1871, pp. 282-283.

Mushegh Yebisgobos, Manchester Hye Kaghatu

The Armenian colony of Manchester, 1911

Azk Press, Boston, Mass., pp. 112-114

Consul ^{July} 5/17, 1878

Hon. Patriot H. Karekin Papazian,

London,

My dear friend;

Already you know of course the decisions made by the Congress of Berlin concerning the Arme. Questions.

This decision provoked here a great, miscontent, and justified.

The reasons of this ~~seas~~ decision are various, First, the reports of Layard (British Ambassador at Consplek), who is a blind Turcophile, and who reported completely false information to his Govt, Secondly, the British Govt exposed many reasons of miscontent in the Congress, to the Turkish Govt, but in secondary ~~matters~~ problems (the Govt) was weakened, and ~~is~~ inclined to make pleasure to Turks,

Third, Turkish plenipotentiaries, the first of whom is a Greek, kept silence in other matters, and as to the Arme. question they ^{very strongly} opposed.

Carathéodory Pasha made concessions in the Greek and Austrian questions according to the instructions he received, while he became opposed in our question despite he had not received instructions. (1)

Forth, the greatest reason was the convention reached between Britain and Turkey.

However, the influence of resulting from the decision of the Congress upon Armenians was as followed; ^{all} Armenians began to think, was not this an opportunity for Armenians to put all their hope on ~~the~~ Russia? Until now in Turkey all peoples who made a progress, formed ~~a~~ separated community, and reached even independence, were all there were ^{gone} due to the ~~for~~ Russian protection, these people, of the same origine and religion, are at least of the same religion as Russia.

^{by} You may ~~so~~ just what are the conclusions reached ~~of~~ some people.

(1) See: Bertrand Bonville, Le Rapport secret sur le congrès de Berlin, Adressé à la S. Porte par Carathéodory Pasha Premier Plénipotentiaire Ottoman.
Éditions Bossard, Paris 1919.

Letter of the Pat. ^{British}

3 = 11

I don't understand what are ~~the~~ ^{British} interests ^{in Asia} of
I in Asia by casting some millions of
Americans in the arms of Russia.

It seems to me that, we have an obligation
and possibility to work the British public opinion.

Britain & Turkey will be jointly decide according
to the provisions of Anglo-Turkish agreement these
focus to introduce reforms for the Christians
living in Asia, ~~through~~ care of S. Porte and the
Ambassador.

According to what I heard, Lagard, to
who introduced bitter complaints, is preparing
a ~~pro~~ by laws, in this case, you in London
may play a great role, in the name of our people
and our party I make ^{supplication} you all appeal to you
all ^{your} the patriotism of you.

it will be a great deal for us if the
public opinion in the press, in meetings,
in the commune, make pressure and ask
questions to the Gov concerning our question.

It is very important to ^{attenuate} ~~weaken~~ the ab-
solute of the Gov in the Commune, and this
will be the role of two Lords who very kindly

letter of Sat.

4 = 12

defended our cause.

I hope on your talent, your activity, and your patriotism, and I wait impatiently, for your answers consoling and encouraging.

I received all your letters, and many thanks, hereafter, I will appreciate a your ardent patriotic activity.

Sincerely in Lord

Archbishop M. Patriarch Varjacobian

P. S. Needless to say to you that in the article delivered by the Congress, there is not the name of Armenia, neither the Armenian province, and no basis of the reforms.

Europeans did not understand that only reforms may be introduced in Turkish Armenia only through honest officials, and that ~~all~~ ^{any} ~~reforms~~ ^{is} impossible to be ~~us~~ to introduce any reforms through ~~the~~ Turkish officials.

see photostatic reproduction
in Manchester pp. 112-114.

16+9.

TESTIMONY
OF KEMAL BEY
BEFORE THE INQUIRY COMMISSION

I Part

December 15, 1918, pp 16

II Part

December 16, 1918, pp-

Sublime Porte
Ministry of the Interior
Special Office
5083, 27.

Decipher: Attorney General of the Court-Martial
Your Excellency:

It has been generally communicated that the originals of the ciphered telegrams concerning the affair of deportations, despatched by the Ministry to the (g^overnors) of the provinces starting May 1915 to the end of April 1917, and that are found at the Telegraph Offices, must be separated and sent by a special official ad hoc.

In a special envelope I am sending to you forty two pieces of telegrams despatched by the Govern^{ment}orate of Ankara and delivered to us by the Post and Telegraph Office (in Constantinople), as well as a despatch that contains certified copies of coded telegrams reached to us from the Govern^{ment}orate of Konia.

I take this opportunity to assure you that, we naturally will send to you further documents which successively will reach from other localities. [of Ottoman Empire K]

It belongs to Your Excellency to give us orders.

30 Jemazulelaher 337

April 2, 1919.

The Minister of ~~the Interior~~ ^{nal} affairs:
Jemal.

ORDINANCE

STATING NULL AND VOID

inserts or carried
THE WHOLESALE ^{carrying} ~~CARRIED OUT~~ ^{Auctioning} BY THE AGRICULTURAL BANK
OF IMMOVABLE PROPERTY BELONGING TO THE ARMENIAN
DEPORTEES FROM CILICIA.

Colonel Brémond, Hon. Commander of the Legion G.M.G. High
Administrator of enemy territories in North Cilicia (Turkey),

Whereas, the Agricultural Bank, having violated the Ottoman
Law, pursued and realised the ^{sale} ~~wholesale~~ of immovable ^{and mortgaged} ~~property~~
belonging to Armenian Deportees, ^{but} ~~on~~ ^{hypothecating} ~~by~~ ^{means} of
mortgage; ^{and} ~~by~~ ^{way of}

Whereas, there are reasons to put an end to the consequences
of that illegality;

Considering the Decree dated January 19, 1919, of the High
General Commander, who ^{appointed} ~~organized~~ temporarily the Administration
of enemy occupied territories in ~~the~~ North Cilicia;

Having considered the sixth annex~~es~~ of the Instruction dated
February 19, 1919, of the High General Commander;

DECIDES :

Article 1

[?] Is stated null and void as a violation of the Ottoman Law,
the ~~wholesale~~ ^{to the} sale of all immovable property ~~in~~ detriment of Armenian
Deportees, carried out by the Bank of Agriculture on the basis
(Supposedly)
of mortgages handled over the Armenians prior the declaration
of war by Turkey;

Article 2

The former owners shall ^{have} ~~get~~ the right to possess their property as soon as they prove their former owners' ^{right} ~~right~~ to such property;

If the lands which will be restored to the former owners, are planted, the former owners have to pay during the harvest, the value of labor to the planters; such value will be estimated, in the event of ^{conflict} ~~discrepancy~~, by arbitration of the Commission formed in the Province;

Article 3

The responsibility of the Agricultural Bank is established by the Ottoman Law in force;

Article 4

All transgressions of aforesaid provisions shall be subject to one day to six month imprisonment and to 50-500 Turkish Pounds of fine.

Article 5

Civil and Military Authorities are respectfully charged with the execution of the present Ordinance.

Adana, April 3, 1919.

Administration of Enemy Occupied Territories In Northern
Zone of Cilicia:

Col. Brémond.

"TAKVİM-I VAKAYI"

TURKISH OFFICIAL GAZETTE *organ*

No, 2189, published May 19, 1915

page 1

right to left column 1, the last five lines *and*
right to left column 2, the first 16 lines,

is the official text of the IMPERIAL ~~(PIREDE)~~ or EDICT
dated May 14, 1915,

signed by :

Sultan Mehmed Reshad V, Ottoman Emperor,
Said Halim Pasha, Grand-Vizier or Prime-Minister,
Enver Pasha, Minister of War and Commander in-
Chief of ^{the} Ottoman Armed Forces,

The Imperial Edict ^{ed} ~~is~~ ordering the deportation of ~~the~~ Ottoman people, specifi-
cally the Armenians.

(First source)

Scholar community must note that there is no imperial
Edict without premeditation.

The question arises as to whether Sultan Mehmed V Reshad V had or had not really signed the Imperial Edict (~~irade~~) ^{concerning} the deportation of the Armenian people, ~~residing in~~ ^{the} Law of deportation.

As a matter of fact, ^{the is that} the Imperial Edict (~~irade~~) ^{was} had been published on May 19, 1915 in the Turkish Official ^{organ} Gazette "TAKVIM-I VAKAYI" bearing the signature of Sultan

Mehmed V Reshad V, ^{the original being really signed or}

^{not by him}. This official publication, therefore, must be considered as ^{primary} first and final evidence of premeditation, ^{the Sultan}

To justify:
 (For the justification of) the deportation of the Armenian people, the Turkish Government officially published in 1916 a volume of 323 pages plus photocopies 146 pages, "Ermeni Komitelerinin Amâli ve Harekât-ı ihtilaliyesi ilânı Meşrutiyetten evvel ve sonra", Orhaniye Istanbul 1916, Aspirations and revolutionary objectives of the Armenian Committees ^{prior} before and after the proclamation of the Ottoman Constitution.

In this book published by Turkish Govt — The Imperial Edict is reproduced in foot note pp. 237-238 with essential modifications and omissions: ¹⁾ *reading* — ~~in its~~ ^{text and} context one can not conclude ^{that} whether it is an Imperial Edict ~~or not.~~

First omission: "Vakti seferde asker icraat Hükûmete karşı kalanlar için ciheti askeriyece ittihaz olunacak tedabiri hakkında kanun muvakkat."

This text is replaced by

"Sevkiyat hakkındaki kanun ^ıbiç voçhi ati dir"

Second omission:

"Madde 4- İşbu kanunun mirayeti ahkâmına Başkumandanlık Vekili ve Harbiye Nazarı memurdur."

Third omission:

"Meclisi Umûminin içtimayında kanuniyeti teklif olunmak üzere lâhika kanuniyenin mevkiyan muvakkat mirayeti ve sını ve kavaninin dövleti ilâvesine irade eyledim."

Fourth omission: The signatures of the Sultan, of the Grand-Vizier and of the War Minister.

1) So that it is absolutely impossible to conclude that it is really an Imperial edict in its form. one may say that it can be a decree issued by Enver Pasha.

On 1917 the Turkish Government published ² ~~the~~ French translation of the same volume: "Aspirations et Agissements Révolutionnaires des Comités Arméniens avant et après la Proclamation de la Constitution Ottomane", Constantinople, 1917, pp. 416 plus 146 pp. of fac-similés.

The Imperial Edict (~~Irade~~) is reproduced at the page 316 in foot-note: "La loi du 14 Mai 1915 sur le déplacement des personnes suspectes contient les dispositions suivantes": with ~~the~~ four omissions as above.

The deformation of the Imperial Edict (~~Irade~~) published by the Turkish Government in an official edition is certainly not a negligence but deliberate and premeditated.

Even at the first session of the Turkish Court-Martial in Constantinople on February 5, 191⁹~~5~~, the Defence Attorney stated before the Court: "The order to exile the Armenians has resulted from the decision made in the Council of Ministers, and it has been approved by an Imperial Edict (~~Irade~~), and the officials (of the Government) carried out the orders of the Government". (See "Jamanag", Armenian Daily, published in Constantinople, February 6, 1919, pp. 1-2.

And Pli Zevani Bey,
Deputy for Aintab
wrote in a letter

"When Talât Pasha's Cabinet decided the deportation of the Armenians, the Parliament was not in session. Therefore, a royal decree was issued; the "irade" was taken and orders sent to all the vilayets for the deportations. Strict measures were taken to carry out the order, and the Governor of Aleppo, Djelal Bey, refusing to accept the order, was transferred to Konia. The 'Vali' who came after him ordered

the governor of Aintab to deport the Armenians.

"How could I [in my capacity of Deputy for Aintab^k] prevent the action of a law issued by the Cabinet and sanctioned by the Sultan"? (See Public Record Office, P.O. 371/5089, 664, letter dated June 9, 1920, addressed to the British High Commissioner at Constantinople, by Ali Djenany Bey, former Deputy for Aintab.

The Turkish Deputy of ~~Aintab~~ added in his letter:

"Talaat Pasha's Cabinet had appointed special officers to carry out the order and we [Turkish deputies^k] had nothing to do with it." "The deportations, he continued, were made by the orders of the Cabinet and a ^Rroyal ^Ddecree and was carried out by specially appointed officers". (Ibid).

Two Turkish newspapers: ~~the~~ ^{the} "Hadisät" and the "Alemdar", both published in Constantinople, respectively April 3, 1919, and April 5, 1919, discussed the ^{deportation} genocide of the Armenian people:

"Finally, do not use the term 'l a w' to designate the 'Law of Deportation'. If the latter ~~had~~ had been applied to your own family, it would have been interesting to see with what philosophical terms you would have shouted that the 'Law of Deportation' was a violation of human rights and justice.

"You do not hesitate to call '~~Law~~' the 'Law of Deportations' ^a the decision made by four bandits.

"In what religious book or by which act of conscience can this be called 'Law'?"

"If the Government of Talaat learned that its 'Law', which you applied, or orders ~~and decisions~~ were abused, that crimes were being committed contrary to the orders and decisions, can you tell me if he (Talaat Minister of the Interior) ^k punished a single one of the transgressors?"

"Reshid Bey, the Governor-General of Diarbekir, went from Constantinople to Diarbekir with two ^{hand bags} subcases only, but he returned with wagons filled ^d up with riches of the Armenians" he massacred.

"And he was further named ~~Governor~~ ^{Governor} General of Ankara.

"Some officials refused to deport and massacre ~~the~~ Armenians), following only the voice of their conscience.

"You consider to day these latter as being the most virtuous men of the Union and Progress Committee, while they were considered enemies of the country, persons without spirit, or ordinary cowards..." ^{because} ~~then~~ they refused to deport and massacre the Armenians.

Turkish terms "^{taktik} Tehcir ve Katl^o"
 deportation and massacre are ^{Syko} anonymous.

From the cross examinations of the authors and accomplices of ~~genocide~~ ^{massacre}, ~~the~~ Turkish Court-Martial, as well as in the questionnaires ^{H.L.} of the Inquiry Commission, some expressions in Turkish Osmanlı are used to express without distinction between deportation and massacre in the same signification.

The expressions "to deport" sevk etmek, to sent to their destination, or to the place of their exile" are simply used to mean that the people in question have been ~~killed or~~ massacred on ~~the~~ highway outside of towns and villages.

To ^{T.} Tewfik Bey, Commander of ~~the~~ ^{Gen} Jandarmerie in Yozgat, the President of the Inquiry Commission in Constantinople, asked the following question: "They have been sent to the place ~~of~~ previously designated", what is the meaning of this expression?

Immediately after, the inquiry Judge asked the same ^{gen} jandarmerie commander: "Bundan maksat 'katl ve imha' edildi demektir? Is this not the purpose or intention to mean "to massacre and annihilate"?

The Judge gave prove from the documents in possession of the Court-Martial or in the dossiers of the authors and accomplices of the ~~genocide~~ ^{massacre}

"Tahriratı okuyun:

"İst^e tanımadığınız size bir güne husumeti olmayan

bir mutasarrıf mezalim vukuunu tasdik ediyor. Mezalim vukunda Boğazlıyanda, Kumkuyuda olduğunu yazıyor.

"Boğazlıyan jandarma takım kumandanı Hulusi imza-
siyle Kayserinin Yazıçıyı karakol kumandanına yazmış mah-
rem işaretle 331 senesinin onikinci ayının on yedinci
onsekizinci gecesini tarihini havi bir varakada 'mıntakanız
civarında vatan hakkında hiyanette bulunan bir takım casus
Ermenilere sevkiyat edilmiştir yani bunlar mahv menfasına
gönderilmiştir. Cesetlerin yarın öğlene kadar o civardan
kaldırılacağı ordu kumandanlığının emri iktizasındadır.
Boğazlıyan kaymakamı Beyin emriyle ecsadın ahaliye kapat-
tırılması ehemiyetle ihtar olunur", denilmiştir.

Takım kumandanı Hulusi imzalı mahrem işaretle vara-
kayı okuyun:

Erkilet jandarma mıntaka kumandan vekili Rahmi
Efendinin ve Yazıçelebi karakol kumandanı Saffet Efendiler
tarafından 23 Şubat 331 tarihinde Kayseri jandarma merkez
Bölüğü kumandanlığına yazılmış ve oradan da 23 Şubat 331
tarihinde Kayseri tabur kumandanlığına olan tahriratta
Boğazlıyanda Şubatın onyedisinde dört jandarma muhafaza-
sında Yazıçelebi kariyesine sevk olunan otuzaltı Ermeniye
Boğazlıyan jandarma karakol kumandanı İhsan Çavuş yedi
nefer jandarmayla gece saat üçbuçukta gelerek Ermenilerin
kollarını bağlayarak Yazıçelebi kariyesinin Boğazlıyan
tarafına köy haricine çıkardıkları ve bunlardan onbiri
ipleri kesip kaçabilmişse de, diğer yirmibeş Ermeniye
tüfeklerle itlâf ettiklerini ve İhsan Çavuşun bazı rüfe

kasiyle yine geceleyin Boğazlıyana avdet ettiği ve orada kalan dört jandarmanın alessabah bir hendek kazıp maktul Ermenileri defnettikten sonra onların da Boğazlıyana gittikleri müharrerdir".

Buna ne dersiniz?

Okuyun dinlesinler.

İşte tahriratta vukuat cereyan ettiği veçhile hikâye edilmiş ve bunun münderecatı Boğazlıyan jandarma takım kumandanı Hulusi imzalı tahrirat münderecatında muhâit bulunmuştur.

İşbu tahrirat imha edildi demekmiş "imha ettik" manasında olmak üzere "sevk ettik" tabiri kullanılmış."

Another questionnaire
to Tefvik Bey

Transliteration

English Translation

Yozgat hapishanesinden
elliyedi mahkumin ve tevkif-
hanedende sekiz nefer katl
mütehimleri tahliye edilmiş
ve bunların yani altmışbeş
canilerin teşkilât için Çoruma
gönderilmiş oldukları anlaşıl-
ıyor. Bunu tasdik edermisiniz?

Fifty-seven convicts were
released from the prison of Yozgat
and eight criminals from the house
of detention. It is evident that
these 65 criminals were sent to
Choroum to be registered in the
Organization. Would you explain?

Yozgat jandarma tabur
kumandanının 3 Şubat 335 ta-
rihli müzeyyel cevabın 11-
rakamı kısmını okuyunuz. Sıra
numarası 8 dir.

Read the provisional answer
of the gendarmerie brigade com-
mander dated February 3, 1919,
the first paragraph, order num-
ber is 8.

Yozgat kadı-ı sabıkı
Remzi Efendinin 10 Şubat 335
tarihli müzeyyel cevabını oku-
yunuz. Sıra numarası 10 dir.

Read the provisional answer
of Remzi Efendi, former Judge of
Yozgat, dated February 10, 1919,
order number is 10.

Yozgat Şube reisi Binbaşı
Tevfik Beyin 5 Şubat 335 tarih-
li tezkere-i cevabiyesini
okuyunuz. Sıra numarası 11 dir.

Read the answer of Major
Tevfik Bey, Commandant de Place
of Yozgat, dated February 5, 1919,
order number is 11.

Yozgattan sevkedilen Erme-
nilerin birinci kafilesini Sivas-

Had the first convoy of the
Armenians deported from Yozgat

...Si, à la suite de multiples circonstances le nombre d'Arméniens a diminué dans les limites de la Turquie, ils n'ont pas à se plaindre, pour la raison que, par leur ingratitude, leur trahison et leurs agissements criminels, ce sont eux qui ont provoqué et voulu cet état de choses. Ils sont responsables, devant l'Humanité et devant le Peuple Turc, des troubles et des méfaits qui ont coûté la perte, pour la Turquie, de centaine de mill. hommes."

...If, because of the circumstances, the number of the Armenians shortened in the boundaries of Turkey, they have only to complain for the reason that, by their ingratitude, by their treachery and their criminal dealings, they provoked and wanted this state of things. They are responsible before the humanity and the Turkish people, of the troubles and misdeeds which costed the loss, for Turkey, of men by the hundred of thousand". 1

This is supposed to be the Turkish scientific method approved by "the Turkish institute for Turkish studies". Historians, critics, scientists and writers have almost the same logic and the same argument or rhetorical fiction without any documentary prove and evidence.

1. "Le Peuple Arménien et les Tentatives de rendre en servitude le Peuple Turc", by Inayetullah Cemal Özkaya, published 1971, by "Institut pour l'Etude de la Turquie", Istanbul. *pages 257-258*

Appendices

The appendices in the third part of this volume cover three distinct periods.

The first period comprises Turkish official documents concerning the Armenocide, covering only the period of 1914-1918.

The second period comprises Turkish official documents, mostly testimonies and depositions registered by the Inquiry Commission formed by Imperial Edict November 1918 to prepare questionnaires, documents and files for the indictment of those responsible of the Armenocide.

The third period comprises Turkish official documents issued by the Court Martial trying those responsible of the Armenocide.

In lieu of Bibliography

As a great proportion of the Turkish official documents contained in this volume are published for the first time, this book does not contain, as it is usual, a bibliography, because the history of the Armenocide will be written according to documents.

The books published before have to be modified in accordance with the contents of documents.

The Testimony
of Gendarmerie ~~T~~Commander Tevfik Bey
is missing.

Transliteration

Tehkik-i seyyiat Heyetince Jandarma Kumandanı Tevfik Efen² dinin maznuniyetine mebni hakkında ihzar teskeresi itasına ve bera-i inkas Jandarma kumandanlığına irsaline ve Necati Bey hakkında tahkikat icrası zımında buradaki evrak süvar-ı musaddakasının Dersaadet bidayet müddeiumumlîliğini irsaline 14 Kânunuevvel 334 tarihinde karar verilmiştir.

English Translation

Actually the registered testimony of defendant Tevfik Bey, Gendarmerie Commander, is missing in the files of the Inquiry Commission; because decision was made on December 14, 1918, to deliver it to the Gendarmerie Command and the Attorney General, Court of Appeal, Constantinople, for the preparation of the stretcher-case, and certified copies for the examination of Nejati Bey. 1)

1. JAJ, No. W^o 493.

Tevfik Bey's testimony was read during the session of the Court Martial at his presence.

Questionnaire
to Kemal Bey

Transcription

Kemal Beye

Boğazlıyan kasabasıyla karyelerde binbeşyüzden fazla Ermeni katledilmiş olduğunu ifadeniz âtfen Boğazlıyan Şube Reisi Mustafa Bey tarafından Fırka Kumandanlığına bildirilmiş, Kayseri Fırka Kumandanı da Kolorduya bildirmiş.

Boğazlıyan Şube Reisinin 18 numaralı 14 Temmuz 331 tarihli Şahabettin Beyin 17 numaralı 14 Temmuz 331 tarihli şifreleri mahlulu okunsun.

Fırka Kumandanı Beyin Kolorduya çektiği 169 numaralı 14 Temmuz 331 tarihli şifre mahlulu okunsun.

Boğazlıyan kazasında hareketi isyanıyeye dair hiç bir delil olmadığı işbu şifrede

English Translation

To Kemal Bey

Mustafa Bey, Commandant de Place of Boghazlian, reported to the Division Commander and the Division Commander reported to the Army Command that according to your statement more than fifteen hundred Armenians from the town and villages of Boghazlian were massacred.

Let both decoded telegrams dispatched by the Commandant de place No 18, dated July 14, 1915, and by Shahabeddin Bey No 17, dated July 14, 1915, be read.

Let the telegram No 169, dated July 14, 1915, dispatched by the Division Commander to the Army Command be read.

This telegram gives evidence showing that there were no movements of uprising in the town

sarahaten itiraf edilmiştir.

23 Temmuz 331 tarihine kadar Boğazlıyan kasabasıyla kariyelerinde senin üçbinaltı-yüzaltmış Ermeni katlettirmiş olduğunu Fırka Kumandanı Şahabettin Beyin Kolorduya çektiği 257 numaralı 23 Temmuz 331 tarihli şifre mahlulunda muharrerdir.

İşbu miktar ancak 23 Temmuz kadar katlolunan Ermenilerinin miktarıdır.

of Boghazlian.

Unto July 23, 1915, you had three thousand six hundred sixty-Armenians of the town and villages of Boghazlian massacred. The coded telegram No 257 dated July 23, 1915, dispatched to the Army Command by the Division Commander Shahabeddin Bey, demonstrate this fact.

This number is only the number of those Armenians killed unto July 23, 1915.

Questionnaire
to Tefvik Bey

Transliteration

English Translation

Mahlulu okunsun

Let the decoded telegram be
read.

Boğazlıyan Şube Reisi
Mustafa imzalı 17 numaralı
22 Temmuz 331 tarihli şifre
mahlulu okunsun.

Let the decoded telegram
signed by Mustafa, Commandant de
Place of Boghazlian, No 17, da-
ted July 22, 1915, be read.

Yine Maznun Tefvik Beye:
15 Temmuz 331 tarihinde
jandarmaların yağmagirlikleri
hengamında senin Akdağmadeninde
olduğın anlaşılıyor.

Again to Tefvik Bey defendant:
It is evident that on July
15, 1915, you have been in Akdağ-
maden when gendarmes were plun-
dering and robbing.

Onbeşinci Fırka kuman-
danlığına çektiğın telgrafında
da böyle yazılmış olduğı gibi
Kolordu Kumandanı dahi Akdağ-
madeni Mevki Kumandanına 16
Temmuz 331 tarihinde telgraf
çekerek sana ihtaratta bulun-
ması için emir vermiştir. Bu
cihet-i tasdik ediyormusun.

As you had despatched a
telegram to Commander of the Fif-
teenth Division, also the Com-
mander of the Army Corps dispa-
tched July 16, 1915 a telegram
to the Commandant of the Section
of Akdağmaden, and gave ~~you~~ order
to call your attention.

Can you explain this?

Dec. 14, 1918

Testimony of Hagop Kasparian

Kırşehir Kayabaşı mahal-
lesi ahalisinden olup askerlikten
terhis olunarak Ankaradan gelen
Dersaadette Ayasofya Madam Mav-
rinin apartimanında muvakkaten
ikâmet ettiği ve bir kaç gün
kadar Ankaraya tarikiyle Kırşe-
hire avdet edeceğini beyan eden 308
tevellütlü Kasbaryan ailesinden
Krikor Oğlu Hagop Efendinin
ifade-i mazbatasıdır.

This is the testimony of Ha-
gop Krikor Kasbarian, born in
1892, of Kayabashi ward of Kir-
shehir, exempt from military ser-
vice, came from Ankara to Cons-
tantinople, resident in the apart-
ment of Mrs. Mavriney at Aya So-
phia ward, and stated that he
would go within a few days to
Kirshehir via Ankara.

14 Kanunuevvel 334.

December 14, 1918.

Kırşehirde Ermeni tehciri
esnasında vukubulmuş olan fena-
lıklara dair malûmat ve meşhu-
datınız ne ise yazınız.

Write what you know about
the atrocities committed against
the Armenians during the depor-
tation in Kirshehir.

Tehcir esnasında Ankarada
bulunuyordum, bir sene sonra
Kırşehire gittim, orada bulunan
ailemizin ve başkasının ifadesine
nazaran mutasarrıf ve jandarma
kumandanı Sadullah Bey ve daha
o zaman bulunan bir çok memurin

I was at Ankara during de-
portations. A year after I went
on vacation to Kirshehir. Accor-
ding to the testimony of my pa-
rents and relatives and others
who were there, the Mutesarif
of Kirshehir and the Gendarmerie

oranın Ermenilerini kâmilten
katliam ettirmişler, benim
kendi gözümle gördüğüm şeyler
yalnız mezunen gittiğimde jan-
darma kumandanı Sadullah Bey
Ermeni ailelerini kariyelere gö-
nderemişti ve her gün kariyede
bulunan ailelere

Commander Sadullah Bey and many
other officials had all the Arme-
nians massacred and exterminated.
When I was going to vacation, I
saw only Sadullah Bey had settled
Armenian families in Moslem vil-
lages , and every family was in
the village.

Hagop Kasbaryan

Hagop Kasbarian

İfadeniz sehen Yozgat
evrakınanyazıldı, Kırşehir
evrakına yazılmak üzere ifade-
nizi yazdığınız yere imza edip
brakınız.

Your testimony is written
by error in the dossier of Yozgat.
Sign
~~YK/ŞŞ~~ your testimony, to be clas-
sified in the dossier of Kirshehir.

Haralambos, Hasan
Mazhar.

Haralambos, Hasan,
Mazhar.

Yirmiüç sahifeden ibaret
olan işbu evrak-ı tahkikiye
Harbiye Nezaret-i Celilesinin
takdim olunur.

This file containing twenty-three
pages is delivered to the Hono-
rable Investigating War Office.

28 Kânunuevvel 1334.

December 28, 1918.

Reis: Mazhar.

President: Mazhar.

Yozgat mutasarrıf vekâletî
 sırasında Ermeni katli ve imha-
 sından ve mallarının nehp ve
 yağmasından dolayı maznun Kemal
 hakkındaki istintaknameninin
 yirmibirinci sahifesinde muta-
 sarrıf-ı esbak Cemâl Beyin
 şehadetinde Ankara Vali Vekili
 Atıftan almış olduğunu söyledi-
 ği 18 Temmuz 331 tarihli 172
 numaralı telgrafnameden nu-
 mara iki:

"Liva dahilinde bulunan
 Ermenilerden komiteye mensup
 olanlar ile mensup olmaları
 muhtemel bulunanların ve bil-
 hassa muallim, doktor, eczacı,
 papaz, tüccar, avukat, efkâr-ı
 faside-naşırlarının vücudu
 memlekoti emniyeti hazıra ve
 selâmeti âtiyesi nokta-i naza-
 rından muzir ve tehlikeli
 bulunanların dordestleriyle
 Zor havalisinde bu kabillere
 tahsis olunan mahalle sevk-
 edilmek üzere mahfuzen yola

Kemal is accused of having mes-
 sacred and exterminated Armenians
 and pillaged their possessions
 when he was Provisional Mutesarif
 of Yozgat. On page 21 of his tes-
 timony, Jemal Bey, former mutesa-
 rif of Yozgat, testified that he
 received from Atif Bey, Provisio-
 nal Vali of Ankara, the following
 telegram No 172 dated July 18,
 1915 No 2:

"Among the Armenians resident
 in your district, the presence of
 those who are members of KCommit-
 tees, or those who are suspected
 to be involved in, especially
 professors, medical doctors, phar-
 macists, priests, tradesmen, la-
 wyers, propagandists of subver-
 sive ideas being considered pre-
 judicial and dangerous for the
 actual security and the futur
 salvation of our country, you
 are requested to arrest and
 deport them under escort 1)

1. "To be deported under escort", generally means to be killed
 on route.

çıkarılmış ve esna-i sevkiyatta to the localities of Zor especial-
mal ve namuslarının taht-ı mu- ly designated for this category
hafazada bulundurmasına dikkat of individuals. It is wit to con-
edilmesi ve neticesinin bildi- trol during their transportation
rilmesi tavsiye olunur. to protect their possessions and
save their honor (2). Let me know
the results".

İşbu telgrafnamoye cevaben In reply to this telegram,
Mutasarrıf Cemâl Bey tarafından Mutesarîf Jemal Bey despatched
Vali Vekili Atıfa yazılan telgraf- a telegram and made it understood
ta, bu tehçiri Kayseride bulunan to Atif Bey that Shahab Bey, Divi-
Fırka Kumandanı Şahap Bey irade sion Commander at Kayseri, does
edemiyor memurini mülkiyeye lead directly, nor permit the civil
müdahale ettirmiyor zemininde authorities to interfere in the
iş'aratta bulunması üzerine affairs of deportation, he sent
Vali Atıfa cevaben şifre: the following telegram to Atif Bey:

"Cevap: 19 Temmuz 331 tarih "Reply to the telegram No 172
ve 172 numarada 3 memleketin dated July 19, 1915: In internal
inzibat ve asayişine ait bil- areas of the country where there
hassa darelharp olmayan yer- are not circumstances of war, the
lerde Hükümet mülkiyeye ~~ba~~ control of public order and secu-

-
2. The protection recommended by the Military General Head-
quarters included first the LIFE, the possessions and the
honor of the Armenian deportees. The telegram of Atif Bey
excluded the protection of LIFE.

aittir bu rokta-i nazar Kol-
ordu kumandanlığına izah edil-
diğinden netice-i hasila bildiril-
ecektir.

rity belongs to the civil authori-
ty. This point of view was made
clear to the command of the Armed
Forces. The result will be known
soon.

Yozgat istintakname

Yozgat investigation

sahife 24-27

pages 24-27.