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06 Court - Martial

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INDICTMENT 3540

English

York York

Imperial Edict No 1

I ~~A~~ Law of Deportation

- 1 - Photostatic reproduction
- 2 - Transliteration & English translation
- 3 - Imperial Edict according to ^{the provisions of the Ottoman} Constitution
- 4 - its conditions

5 - The law of deportation in the Council of Ministers reasons ~~Talat's~~ ^{alleged} reasons by the Min. of Int. Aff.

6 - other reasons alleged in the Congress of the Party in 1916

7 - reasons given in the off. publications

8 - ~~all the~~ reasons alleged unlawful

9 - ~~all the~~ reasons condemned

By Ath. Sec. of the Turkish M. C. Martial

by Turkish int. C. Martial

By Turkish newspapers ~~never~~ ^{never} applied to

59 ~~the~~ the law of deportation was ~~for Armenians~~

5 - The law imp. edict distorted by T. Gork

~~all~~ alleged reasons are post-factum justification
State Policy of massacre

The Imp. Edict No 1

Preface, contents, Introduction

- I - The law of deportation in Turkish Osmanli

1. Photostatic Reproductions
2. Modern Turkish text and English translation
3. ~~Conditions of an Imp. Edict~~ according to Court
4. The law of deportation applied to Armenians,
5. The Imp. Edict distorted by the Court

Dahiliye Nezareti Kalesine

Kararname

T.M. ile alakadar olarak tertip ve
ve icra-i kital ve mesavi-i sair ile
maznunnaleyhine olup hali firarda
bulunan it ve Ter Cemiyeti Merkez ve
Meclisi Umumi azasından Sadru Esbak
Talât Paşa ve silki askerden matruh Esbak
Harbiye Nazir Enver, ve Esbak Bahriye
Nazir Cemal Ef. ler, ve Esbak Mearif
" Dr. Nazım, ve Dr. B. Sh. ve Dr.
Rusuhi, ve Emniyeti Umumiye Müdürü
Esbak Aziz Beyler, hali firarda
bulunmalarına mebni usule Muhakemate
cezaie Kanununun 371 maddesi
mucibince Mahkeme gelmeleri için
işbu tarihten itibaren Canibi riyasetinden
on gün ~~müddet~~ verilmele müddeti
mezkiire zarfında gelmedikleri
halde kendilerini kanuna ita'at
etmemiş Nazarı ile bakılarak
muhanemelerinin giyaben bir
rukiye hukuki.

over

Ordinance Decree

after having received the opinion of
the Atty General, We declare that former
G.V. ^{Prosecutor} Talat Pasha, Enver Ef, former War Minister
Stripped from his military rank, former Jewel Ef.
former Min. of Navy, ~~Dr. Lotfi~~, Dr. Nazım
Bey, former Min. of Education, Dr. B. Shaker
Bey & Dr. Nusuh Bey, & Aziz Bey, former
Directors of Security Sec, all ^{now fugitives} ~~escaped~~,
members of the Gen. Head of U.S.P. A
and leaders ⁱⁿ of Gen. Assembly, accused
of ^{as leaders} ~~having connections~~ with "T.M."
connected with ~~massacres~~ the organiza-
tion & execution of massacres,
we have to appear before this Court
for trial, according to the provisions of
Art. 171 ^{with} in the deadline ~~starting~~ of
ten days ~~starting~~ starting at this date
fixed by the Court, if they do not appear
within ^{expiration of} ~~this~~ deadline, should be considered
contempt of Court, and should be deprived
in absentia of their civic rights & their
possessions shall be seized, and ~~shall~~
lose the right to appear before a
Court, those who know the whereabouts
of these escapees are under obligation

over

Zabıta = police

^{civilized society} Medeniyetler ^{depriving of} islah ve emval

Telephone: Area Code 212 924-2116

ARMENIAN CATHOLIC COMMUNITY

lârinin haciz olunacağı
ve bu esnada bir günâ
dava ikamesinde hakları
olmayacağı ve ailelerine ^{their families}
davaya ^{to get, or rise up} kıyam edileceği
gibi buldukları mahalleri
bilentlerin haber ~~ve~~ vermekle ve
bil cümle zabıtâi adliye
memurlarının kendilerini
derdest etmekle mecbur
olduklarına mübeyyin iş bu
kararname kanun-u mezkûrin
372ci maddesinden istimbat
olan ahkâma tevfiğin tanzim
ve muamelatı hacziye hakkında
müktezzenin ^{Seb} icra ve sair
muamelat ifa olunmak için

REV. G. GUERGUERIAN
Pastor

Nushe-i İskâfiyesi Müdde-i
Umumîliye tevdi kılınacağı
ilân olunur. ^{handing over} ^{entrust to}

airborne
night

recommended to
TV No 3540 p 3, col. 2,
network " 4, col. 1,

istimbat etmek = to reduce, to understand
to enforce the authority's, the officials
~~officers of justice~~ are obliged
to arrest them ^{by virtue of the present ordinance} according to the
provisions of the said Art. 372

the judiciary police officers are in duty
and obligation to arrest them wherever
they may find them ^{by} virtue
of the present ordinance ^{in accordance} according
with to the ^{stipulations} provisions of the Article
372 of the Penal Code

c/o St. Columba Rectory, 343 West 25th Street, New York, N.Y. 10001

ahkâm - stipulation, provision
tevfiğin - in accordance with

~~W 272~~, (W 298), ~~W 324~~

Questionnaire to Kemal Bey
Kaymakam of Boğazlıyan
and ~~Tev~~ Major Tüfrik Bey,
Jend. Commander of Yozgat.

Okuyun, dinlesinler;

İşte tabiratta vukuat
cerreyan ettiği ve hile
rikâye edilmiş, ve bunun
munderecatı Boğazlıyan
jandarına takım Kumandanı
Hulusi imzalı tabirat
salahâsından aulâşıldı-
ğına göre "Sevkedildi"
tabiri "imha edildi"
demek imiş, mundereca-
tında muhit bulunmuştur.

İşbu Tabirat
imha edildi demekmiş
"imha ettik" manasında
olmak üzere "Sevkettik"
tabiri kullanılmıştır.

Read, let them hear.

Look at it. The fact is
reported in the communica-
tion, which is signed
by Hulusi, Jendarmerie
Section Commander in
Boğazlıyan containing
the factual circum-
stances, that provide
evidence proving that
"We deported" them was
used to say "We killed them."

This communication used
the expression "We deported"
there to mean "We killed"
there, therefore to deport
means to kill.

IV. No. 3771, p. 48, col. 1, lines 11-13
up to down, sentence of January 13,
1920, published Feb. 7, 1920,

"Some other persons and officers had
sent oral & written orders, they
communicated secret instructions, and
through ~~the~~ such telegrams they
perpetrated massacres, and through
the agency of the members of the
T.M. had the Aruicians massacred
and exterminated...".

published in Stambul

Tercüman-ı Hakikat, Turkish daily, No. 14136, Aug. 5, 1920, p. 3, verdict delivered by the 1st Court Martial concluded that civil officials and military officers used respectively cods and keys to telegraphically ^{communicate} ~~secretly~~ ^{secret orders and} ~~dispatch~~ ^{instructions} to ^{provincial authorities} ~~whom it may concern~~ to have massacred the depotes of the Armeenian Caravans.

" All these (massacring and pil-laging k) are confirmed and corroborated by documents and decisive reports which can be found in the files and records of the Court Martial. "

Foot-note

- (1) Talaat Bey, ~~was~~ Minister of Internal Affairs 1913-1917 Feb. 2, at the same time Acting Minister of Finances. ~~he was~~ Prime Minister ^{since} from Feb. 2, 1917 to Oct. 7, 1918. Sentenced to death by the Court Martial, July 5, 1919.
- (2) Enver Bey, since 1918 Dec, he was no more a Pasha, by decision of the Court ~~Martial~~ as he ~~had~~ escaped from Turkey Nov. 1, 1918, Enver was Minister of War and Acting Commander-in-Chief of the Ottoman Armed Forces, sentenced to death by the court in absentia, July 5, 1919.
- (3) Djemal Bey, since Dec. 1918 ~~he was~~ deprived of all his titles as he escaped from Turkey. He was Minister of Navy and Commander-in-Chief of the Fourth Ottoman Army. sentenced to death by the Court in absentia on July 5, 1919.
- (4) Abdullah Bey, ~~Minister of Justice~~, ^{sentenced to death by the Court in absentia} on July 5, 1919. Deported to Malta No. May 28, 1919, by British authorities
- (5) Shukri Bey, Min. of Public Education Deported to Malta No. May 28, 1919 by British authorities.

First Session, April 27, 1919
Official Turkish Journal No 3540,

pages 1, 2, 3, 4, identification
of both ^{war} Cabinet members Said Halim
Pasha (1913-1917) and Ahmed Talaat Pasha
(February 1917- October 1918), as well
as some leaders of the Union and
Progress Party of Young Turks.

۸ مارچ سنہ ۱۳۵۰ء کو لاہور میں منعقد ہونے والی جلسہء اہل تشیعہ کی تقریریں

دیوان حرب عسری

حاکمات ضبط جبریدیہ

رئیس : فریض خانم بیگم

اعضا : میرزا ذکی بیگم ، میرزا مصطفیٰ بیگم ، میرزا علی خانم بیگم ، میرزا آویز بیگم ، میرزا فریدی بیگم

مدیر : مہر بیگم : مصطفیٰ خانم بیگم

برنجی محاکمہ

بازار ایرتسی : ۲۷ نیاں ۱۳۵۰

برنجی جلسہ

ساعت
۱

دبکہ
۰۰

وہاباؤ مالکسی اجرا ایڈیٹنگ مکتبہ نوریہ اسلامیہ : سعید حلیم بیگم ، ذہیب بیگم ، احمد نسیم بیگم ، ابراہیم بیگم ، طہمت بیگم ، رضا بیگم ،
مدحت شگری بیگم ، ضیا کریم آباد بیگم ، کمال بیگم ، شگری بیگم ، جواد بیگم ، عارف بیگم
نبیاً مالکسی اجرا ایڈیٹنگ مکتبہ نوریہ اسلامیہ : طہمت افندی ، انور افندی ، جمال افندی ، دوختور خانم افندی ، دوختور بہادر الدین
شاہر افندی ، دوختور عسری افندی ، عزیز افندی

سعید حلیم بیگم — عالی
رئیس — ماہلیکنز ؟
سعید حلیم بیگم — اوت
رئیس — برکونا حکومت سابقہ کنز وادی ؟
سعید حلیم بیگم — خیر
رئیس — اوٹوویکنز . ذات مالکنز اسم مالکنز ؟
خلیل بیگم — خلیل
رئیس — بدر مالکنز ؟
خلیل بیگم — صالح
رئیس — سن مالکنز ؟
خلیل بیگم — قرق دوت

رئیس — پاشا حضرت نوری اسم مالکنز ؟
سعید حلیم بیگم — محمد سعید حلیم
رئیس — بدر مالکنز ؟
سعید حلیم بیگم — حلیم
رئیس — سن مالکنز ؟
سعید حلیم بیگم — اہلی آئی
رئیس — زودہ تولد ایندیکنز ؟
سعید حلیم بیگم — قلمروہ
رئیس — محل اٹانکنز ؟
سعید حلیم بیگم — بیگم کوی
رئیس — درجہ تحصیلکنز ؟

حکومت ہند، ضبط ایڈیٹنگ مکتبہ نوریہ اسلامیہ، لاہور، ۱۳۵۰ء

- رئیس — مسقط رأسکز؟
 خلیل بك — میلان قصبی اندم.
 رئیس — محل اقامتکز؟
 خلیل بك — نشانطانی.
 رئیس — درجه تحصیلکز؟
 خلیل بك — عالی.
 رئیس — مأموریت حالیه وسابقه كز؟
 خلیل بك — مجلس مبعوثان رئیس سابقیم.
 رئیس — متأهلینكز؟
 خلیل بك — متأهل.
 رئیس — اوپواریكز. ذات مالیکز؟
 احمد نیسی بك — احمد نیسی؟
 رئیس — پدر مالیکز؟
 احمد نیسی بك — ابراهیم.
 رئیس — سنكز؟
 احمد نیسی بك — فرق اوج.
 رئیس — مسقط رأسکز؟
 احمد نیسی بك — کرید، حایه.
 رئیس — محل اقامتکز؟
 احمد نیسی بك — جنال اوغلنده محمودیه جاده سی.
 رئیس — درجه تحصیلکز؟
 احمد نیسی بك — تحصیل عالی.
 رئیس — مأموریت حالیه وسابقه كز؟
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 رئیس — محکومیت سابقه كز واری؟
 احمد نیسی بك — خیر اندم.
 رئیس — اوپواریكز. اسم مالیکز؟
 ماطف بك — ماطف.
 رئیس — سنكز؟
 ماطف بك — اونوز پدی.
 رئیس — مسقط رأسکز؟
 ماطف بك — چناق قلعه.
 رئیس — محل اقامتکز؟
 ماطف بك — قاضی کوی.
 رئیس — مأموریت حالیه وسابقه كز؟
 ماطف بك — آقره مبعوث سابق.
 رئیس — درجه تحصیلکز؟
 ماطف بك — عالی.
 رئیس — محکومیت سابقه كز واری اندم؟
 ماطف بك — بوق اندم.
 رئیس — اسم مالیکز؟
- ابراهیم بك — ابراهیم.
 رئیس — پدر مالیکز؟
 ابراهیم بك — محمد صاحب.
 رئیس — سنكز؟
 ابراهیم بك — الهی سنكز.
 رئیس — مسقط رأسکز؟
 ابراهیم بك — استانبول.
 رئیس — محل اقامتکز؟
 ابراهیم بك — پاشا باغچسی، انجیر کوی.
 رئیس — درجه تحصیلکز؟
 ابراهیم بك — عالی اندم.
 رئیس — محکومیت سابقه كز واری اندم؟
 ابراهیم بك — الحمد لله بوقدر.
 رئیس — مأموریت حالیه وسابقه كز اندم.
 اعیاندم. سابقه مدیه شورای دولت ریاستی.
 رئیس — اسم مالیکز؟
 طلعت بك — طلعت.
 رئیس — پدر كزك اسمی؟
 طلعت بك — طاهر.
 رئیس — سن مالیکز؟
 طلعت بك — اونوز سنكز.
 رئیس — محل اقامتکز؟
 طلعت بك — بشكطاش.
 رئیس — درجه تحصیلکز؟
 طلعت بك — تحصیل عالی.
 رئیس — مأموریت حالیه وسابقه كز
 طلعت بك — اتحاد ترقی مراكز عمومی اعضاستندن
 رئیس — محکومیت سابقه كز واری؟
 طلعت بك — خیر اندم.
 رئیس — هویكز؟
 رضا بك — معلوم. طربزون تهجیرنده عرض انجشدم.
 رئیس — اسم مالیکز؟
 مدحت شكري بك — مدحت شكري
 رئیس — پدر كز؟
 مدحت شكري بك — محمد شكري.
 رئیس — سن مالیکز؟
 مدحت شكري بك — فرق بش
 رئیس — مسقط رأسکز؟
 مدحت شكري بك — سلاویك
 رئیس — محل اقامتکز
 مدحت شكري بك — نور عثمانیه

Official Turkish Journal, No 3540,
pages 4, 5, Decree of the Court
Martial according ten days dead-
line to fugitives, Talaat, Enver,
Jemal, Dr. Nazem, Dr. Behaeddin,
Shakir etc to appear before the
Court Martial in Constantinople.
The deadline was published in
News Media.

کال بك — عارف
 رئیس — سنکز؟
 کال بك — فرق
 رئیس — مسقط رأسکز؟
 کال بك — استانبول اقدام
 رئیس — محل اقامتکز؟
 کال بك — استانبول ، نورعظمیه .
 رئیس — درجه تحصیلکز؟
 کال بك — خصوصی
 رئیس — متأهلینکز؟
 کال بك — خیر اقدام
 رئیس — مأموریت حالیه وسابقه کز؟
 کال بك — اطاشه ناظر سابق
 رئیس — برکونا محکومیت سابقه کز واری؟
 کال بك — خیر
 رئیس — اسمکز؟
 شکری بك — احمد شکری
 رئیس — پدریکزک اسمی؟
 شکری بك — حسین
 رئیس — مسقط رأسکز؟
 شکری بك — قسطنطنیه
 رئیس — سن مالیکز؟
 شکری بك — فرق اوج
 رئیس — محل اقامتکز؟
 شکری بك — شیشلی
 رئیس — مأموریت حالیه وسابقه کز؟
 شکری بك — معارف ناظر اسبقی
 رئیس — محکومیت سابقه کز واری؟
 شکری بك — خیر
 رئیس — حال فرارده بولونانلردن کنتر واری؟ اوفوییکز اقدام.

قرارنامه

تشکیلات مخصوصه ایله علاقه دار اوله رق ترتیب واجرای خال
 وسامی سازه ایله مظنون علمم اولوب حال فرارده بولان انحدودترقی
 جمیع مرکز و مجلس عمومی اعضاستدن صدر اسبق طلعت پاشا و سلک
 عسکریدن مطرود اسبق حربیه نظری انور و اسبق بحریه نظری جمال
 اقتدیلر و اسبق معارف نظری دوقنور ناظم و دوقنور بهادالدین شاکر
 و دوقنور رسوخ و امنیت عمومی مدبری اسبق عزیز بکدر حال فرارده
 بولنلریسه مبنی اصول محاکات جزاییه قانونشک اوچبوز بنش برنجی
 ماده سی مویجه حکمه به کلریمون اشیونارینندن اعتباراً جانب ریاستدن
 اون کون مهل و برلکه مدت مذکورده طرفنده کلا دکری حاضره کندولریسه
 قانون اطاعت ایتماش نظریه باقهرق محاکم لریک غیباً باروژه حقوق

رئیس — مأموریت حالیه وسابقه کز
 مدحت شکری بك — بودور مبعوث سابق
 رئیس — محکومیت سابقه کز واری اقدام؟
 مدحت شکری بك — یوق اقدام
 رئیس — اوپوریکزک اسمکز؟
 جواد بك — احمد جواد
 رئیس — پدریکزک اسمی؟
 جواد بك — مصطفی
 رئیس — سنکز؟
 جواد بك — فرق پدی
 رئیس — مسقط رأسکز؟
 جواد بك — قرانلق
 رئیس — محل اقامتکز؟
 جواد بك — بازید جوازنده
 رئیس — درجه تحصیلکز؟
 جواد بك — طوبی مکتبندن
 رئیس — مأموریت حالیه وسابقه کز؟
 جواد بك — سابق مرکز قوماندانی
 رئیس — محکومیت سابقه کز واری؟
 جواد بك — یوق اقدام
 رئیس — اسم مالیکز؟
 ضیا کولک آب بك — ضیا کولک آب
 رئیس — پدر مالیکز؟
 ضیا کولک آب بك — توفیق
 رئیس — سن مالیکز؟
 ضیا کولک آب بك — فرق اوج
 رئیس — مسقط رأسکز؟
 ضیا کولک آب بك — ديار بکر
 رئیس — محل اقامتکز؟
 ضیا کولک آب بك — جنال اوغلی
 رئیس — درجه تحصیلکز؟
 ضیا کولک آب بك — خصوصیدر .
 رئیس — مأموریت حالیه وسابقه کز
 ضیا کولک آب بك — دارالقنون مدرس سابق
 رئیس — محکومیت سابقه کز واری؟
 ضیا کولک آب بك — سیاسی مسئله دن طولای محکومیم وارد .
 رئیس — هانکی محکومه؟
 ضیا کولک آب بك — طاش قشده
 رئیس — اوپوریکزک اسم مالیکز؟
 کال بك — کال .
 رئیس — پدرکز .

Turkish Official Journal

NO 3540

pages 4, 5, 6, 7, 8, Indictment
of the Imperial Prosecutor
prepared April 12, 1919 and
read at the Court Martial on
April 27, 1919 in presence of
Cabinet Members and Young
Turkish Leaders.

مدینه دن اسفاط واموالترینک حیز اولغینی وواناده بر کونا دعوی
 اقامه سنه حقاری اوله میجینی و علیله سنه دعوا به قیام ایدیلدیجکی کبی
 بولدیقلری عملی بیلتارک خبر ویرمهکه و بالجله ضابطه عدلیه مأمورترینک
 کندولرینی ددوست ایتکه مجبور اولدیقلرینی مین اشبو قرارنامه
 قانون مذکورک اوجیوز یتمش ایکنجی ماده سنندن استنباط اولان
 احکامه توفیقاً تنظیم و معاملات مجزیه حفته تبلیغات مقضیه تک اجرا
 و سایر معاملات ایفا اولغنی ایچون نسخه کالیسی مدعی عمومی لکه تودیع
 قلدینی اعلان اولور .

مدعی عمومی مصطفی نظمی بک — نارنجی اقدم

ضبط کابی — ۱۴ یدان

مدعی عمومی مصطفی نظمی بک — شواله اثبات وجود ایتمه ملورد
 اقدم . غیباً عاکنه لرینک اجرائی طاب ایدرم .

رئیس — سید حلیم پاشا خضر نلری ؟ جلال الدین عارف بک ایله
 حسن خیری بکی مدافه ایچون توکیل بووردیکیزی ؟

سید حلیم پاشا — اوت اقدم

رئیس — بکی . خلیل بک اقدی ؟ اسمد و کاظم بکله تمحین
 اقدی بی مدافه ایچون توکیل بووردیکیزی ؟

خلیل بک — اوت اقدم .

رئیس — احمد نیسی بک ؟ ساقی بکه اسمد مخلص بکی مدافه
 ایچون توکیل ایتدیکیزی ؟

احمد نیسی بک — اوت اقدم

رئیس — معارف نانلری شکری بک اقدی ؟ سمدالدین فرید بک
 اقدی بی توکیل بووردیکیزی ؟

شکری بک — اوت اقدم

رئیس — ابراهیم بک اقدی ؟ ذات عالیگزیمی توکیل بووردیکیزی ؟
 ابراهیم بک — اقدم ؟ ماہر اقدی ، یوسف جمال بک برده قدری بک

رئیس — کال بک ؟ سمدالدین بک و امین عادل ، احد رامز بک
 اقدیلری و حسن خیری بکی مدافه ایچون تعیین بووردیکیزی ؟

کال بک — اوت اقدم

رئیس — مدحت شکری بک اقدی ؟ محمود ماہر بک اقدی بی
 توکیل بووردیکیزی ؟

مدحت شکری بک — سمدالدین فرید بک برده رامز بک

رئیس — بوراده یازیل دکل دیمک اولغی ده توکیل بووردیکیزی .
 مدحت شکری بک — اوت اقدم

رئیس — ضیا کورک آلی بک ؟ حیدر رفت بک ایله اسماعیل توفیق بکی
 توکیل بووردیکیزی ؟

ضیا کورک آلی بک — اوت اقدم

رئیس — وکیل اقدیلر ،

دیوان حرب لرحه و باخصوص دیوان حرب هر فیلرحه لامل اولدیغینی
 و بر کونا مجبوریت قانونی بولدیغینی حاده مجرد منظومینک مدافه لرینی
 لسل و حین اقتضاده استماله ایدیلدیقلرینی تأمین ایچون بو عاکنه مدافه
 و کیلرینک بولدیرمسنه و دیوان حرب عاکنی کال عدل و بیطرفی ایله

اجرا ایتدیکنی انتظار عمومی ده اثبات ایتک ایچون عاکنه تک علقاً جریانه
 مساعد اولدی فقط بو مساعدی سوہ استعمال ایتدیله استجوابات
 ختام بولدیقه آره به سبوز قارشدرمه مکنزی و کال عدل و سکون ایله
 حرکت ایدرک قانونه رعایتکار اولمکنزی اخطار ایدرم .

(ضبط کاتبه خطاباً) قرارنامی او قورمیکیزی ؟

کاتب شفیق بک طرفدن او قونور :

قرارنامه

اتصاخی اعلان ایدن [اتحاد و ترقی] جمعیتک رئیس عمومی سید
 حلیم پاشا ایله مجلس عمومی سنک اعضای طبیعه سندن اولان طلعت انوره
 جمال ، ابراهیم ، شکری ، خلیل واحد نیسی و کاتب عمومی مدحت
 شکری و مرکز عمومی اعضا سنندن استنبول مرخصی کال و ضیا کورک
 آلی ، دو قنور رسوخ ، کوچک طلعت و بته مرکز عمومی اعضا سنندن
 اولوب تشکیلات مخصوصه به مأمور بولان دو قنور بهال الدین شا کره
 دو قنور ناظم ، عطف ، رضا و تشکیلات مذکوره انجمن اداره سنه داخل
 اولان ائیت عمومی مدیر اسبق عزیز و مرکز قوماندان سابق جواد
 بکر حفته اجرا ائتان تحقیقاتی متضمن اوراق استتطاقه و قرقاعیله
 دیوان حرب هرقی مدعی عمومی لکنک بالاده مسطور ادعا نامی مطالعه
 و تدقیق اولدی .

مذکور ادعا نامده و اتحاد و ترقی جمعیتی بری پروگرامه و نظامنامه
 داخلی به مستند ظاهری و علنی . دیکری تطبیقات شفاهی و محرمانه به بیغنی
 مستور و خفی ایکی ماهیت متضاده بی جانغ اولوب دلائل و براین موجوده
 مؤداسندن شخصیت منزه سنک برسلسله قتال و غارات و سوء استعمالات
 ایله ملتون علیه بولدیغینی و اجرائات واقعه سنندن متولد مسئولیت قانونی بی
 متحمل اولسی جمعیت قانونی احکام صریحاً سبیله وؤید اولان جمعیت
 مذکوره تک بالاده مذکور الاسامی رؤسای مهمه و ارکان متفذه سنک
 ماه المظنونینی ایضاح و کندیلرینه اسنا اولتان جرائم بسط و تهدید لکنده
 و زان جمله کچن اوج بو زاتوز سنسی آموزنده رؤسای جمعیتله بالاستشاره
 اعلان اولتان سفر بک اوزرینه جمعیت ذی نفوذ ارکان سنندن اولوب
 فرار اولندن طولای سلك عسکریدن مسرود اولور و جمال و کذا فراری
 طلعت بکله رفقای او رو پاک مشغول اولدیغینی حرب عمومی دن بالاستفاده
 اذعان و اقتدار و عدل و داد و حکمت و رأفته حل اولغنی ایجاب ایدن
 مسائل مطلقه و غوائل مضطرب هر که ابراز شدت و ده طرفه الفای
 ذهنته حل و فصل سودا سنه دوشه رک مقدرات ملت اوزرنده نحوالات
 عظیمه و تشوشات بی نهایه بی منتج افعال و اجرائات و خیمیه جرائت
 و صورتاً آمال ملی بی تطمین مقصدیه و حقیقتده اینه بر نالغ عظمی
 احداث ایله سنای مایق صوصدرمق و بو فرصندن بالاستفاده اجرائی
 تحکم و تلغ ایله ادخار ثروت و سامان ایتک ائتیله حرکت ایلدیگری
 و حرب عمومی به اشتراکی برطالم حل و دسائس استماله امر واقع حاله
 کتیردکن سوکره تطبیق نمولایه بالابتدار . هر حرکت حربی صره لرنده
 مقاصد خفی لرینی موقع فله ایصال غرضیله خصوصی و مخفی قوی به جهت

انفال وحرکانه اشغال انجک وحبسخانه اردن نخبه ایتدردکری قوافل
 بحر، بیک حرکات جنایتکارانه لرینه اسامیر حاضر لاق وپونلره اوامر
 وتمامات ویرمک وبتون بو قیل حرکات خفیه ایله استانبولده اشتغال
 انجک اوزره و تشکیلات مخصوصه، نامی نخبنده وجوده کتیردکری بر
 قومیتدن امنیت عمومیه مدیر اسبقی عزیز و مرکز عمومی اعضاسندن
 عاطف و دو قور ناظم بکر عادنا مرکز ارکان حرب لکنی و مرکز قوماندانی
 جواد بک دخی آنلر طرفندن اتخاذ اولان مقرراتک تصدیق و تطبیقی
 ایضا ادب و استخدام ایلدکری اشخاصه کلینی پاره لر توزیع و مناطق
 مختلفه سوزق و اهزام و دو قور بهادالدین شاکر کی رؤساسته شیفره
 مفناحاری و یروب امر لرینه اوتوه و بیلرله مبدولاً قنود و لوازم تخریبیه
 تودیع و تخصیص ایش و پروجه له اتحاد و ترقی جمع رؤساستک مقاصدنی
 کیزی بر اصول دائره سنده تنفيذ و اجرا یه قویش اولدقلری در میان
 اولدقه در بر بو قویته تک طشره به طاغندی افراددن بمضیری ریس لرینک
 تلقین و اشارت لری و آخر عملارک اتحاد و ترقی مرخص لره جیمه انتفاع
 غرضیه طبع و عقاد بعض مأمورین ایله ساقه صفوت و ایلجای جهاله
 آنلره التحاق ایدن مقداری بک قابل بعض اشخاصک هلاکت و معاوتیه
 قتل نفوس و نهب اموال و قنود و احراق مبان و اجساد، هنک عرض،
 اشکجه و اذا فضایحی ایتاع ایلدکری بو صائب هدف اولانلر بلا تخریب
 جنس و مذهب و انبای مملکت اولوب بو میانه مندورینک قسم مهمی
 کرچه ارمیلر ایسه ده قسم کلیدی ده عناصر سازه و باخالصه هر وقت و هر
 برده ترکیز اولدینی جمله مدعیانند در اشبو تحقیقاتک موضوعی اولان
 ماده مینه ارمیلرک تهجیری استانبولده مختلف زمان و محللرده وقوعه
 کتیریلن و هر برینک فاعل لری حقلرنده بشقه جه تمقیات قانونیه اجرا
 قلمقده اولان فجا بک موضوعی و منفرد و قایمدن عبارت اولوب مذکور
 الاساسی ذواتدن مرکب بر قوه متجدده مرکزیه طرفندن ترتیب و اجرا آنجک
 شفاهی و خفی اوامر و تمامات اعطاسی صورتیه تأمین و اداره ایلش
 اولسی مایهتده درک نتیجه تدقیقاتی مشر دلائل و براین و بنات تخریبیه
 و وثائق معتبره بر وجه زیر درج و تلقیق اولور .

شویله که ...
 اتحاد و ترقی رؤساستک [تشکیلات مخصوصه] عنوانی نخبنده بنیاداً
 حربه اشتراک انجک اشاعه سیله وجوده کتیردکری فقط بالاخره ادما
 نامه بسط و تذکار اولدینی اوزره حرکات و اجراءات جرمیه ایله
 اشغال ایتدردکری شبکه خفیه انجمن اداره سی مرکز عمومی
 اعضاسندن دو قور ناظم بهادالدین شاکر، عاطف، رضا و امنیت عمومی
 مدیر اسبقی عزیز بکاردن مرکب اولوب بونلردن بهادالدین شاکر بیک
 مرکزی اضرور اولوق اوزره ولایت شرقیه کی قوتلرک قومانداسنه
 کیندیکی و رضا بیک ده طرزون حواله سنده طولاشدینی ائاده استانبولده
 عزیزه عاطف و ناظم بکرک اجرای فعالیت ایلدکری و مرکز قوماندانی
 جواد بیک دخی مقررات متخذ لرینک تصدیق و تطبیق وظیفه سنده
 اولدینی [ترتیب نومور ۱۰ و شیقه ۱] بهادالدین شاکر بیک خطاباً ۱۵۰
 نومرولو فراری عنوی [غلطلی خللک قومیه جه تجزیه سی مطلوبدره]

امانت پرسته خانه دن استرداد ایلدیه جک، ایجابنده اهالی به و بره جکک
 تبلیغی [عباده سی و زرنده [عزیزه عاطف، ناظم] امضای ذابیلرینی
 حاوی و آئنده [موافقدر: جواد] تصدیق و امضاسی و دعا آئنده
 [اسبابی خیانت پاره طولامق] عباده سی شامل اولان ورقه ایله نایدر
 بو قرار نامه تک مربوطی ورقه ایسه کینتک [ارتوتینده، بهادالدین شاکر
 بیک بالذات حل اولدیه جقدر . [اشارتیه] [جواد] امضایه شیفره لی
 تاغرافله امر و اتمام اولدینی اراه ایدر .

[تشکیلات مخصوصه] فراری انور بیک عمومی خلیل باشانکده
 مرکز قوماندانی زماننده داخل بولدینه و تشکیلات مذکورده تک اتحاد
 و ترقی جمعیتیه ارتباط [ترتیب نومور ۱۰ و شیقه ۴] مدحت شکری بیک خطاباً
 بازیلان [خلیل، ناظم، عاطف، عزیز] امضایه سی ۵۹ نومرولو
 تذکره دلیل و بو اغورده سرکرده جمع و تدارک و محبوس لری نخبه
 ایتدردکری سده مومی ایله خلیل بیک امنیت متصرفلته کوندریلان ۶۷
 نومرولو تلفراق برهاندر .

[تشکیلات مخصوصه] به مواد تخریبیه و ریلدینکی مومی ایله خلیل بیک
 حربیه دائره سی مدیریته ۶۸ نومروله ۱۶ لشرین نالی سده ۳۰ تاریخنده
 یازدینی تذکره کورتمکده و بوکا مانل و ناطقه تشکیلات مخصوصه تک
 اوراق متبایه سی میاننده تصادف ایلدیکده بونکله برابر تدقیقات و اله دن
 بو دائره به جاند اوراقدن رقم مهمتک و مرکز جمویتک بشون اوراق
 و دفاترینک اشیرلدینی اکلشلمقده و حق امنیت عمومیه مدیر اسبقی عزیز بیک
 طلعت بیک استفسارندن اول دائره دن آلدینی معلومات و ظهارات مهمه به دائر
 دو سی لری انفصالتد نکره اعاده انجمنیک داخلیه نظارت جلیه سنک تذکره سی
 مندرجاتی و شهادات مضبوطه هلالیه نبوت بولمقده . (ترتیب نومور ۳۱)
 اعلان حربدن خلیل حدت اقدم حرکات حربیه بیت اولدینی و بونک
 جیمتجه قصد و آرزو اولدینی ۱۷ اغستوس ۳۰ تاریخنده کاتب عمومی
 مدحت شکری بیک امضایه و اضرور و ایسی واسطه سیله بهادالدین
 شاکر بیک اولان اشاردن استدلال اولمقده در .

دیار بکرده ایتاع ایدیلان قتال و فجا بک فراری طلعت بیک انماض
 و تشویقه والی ایلدینکی (ترتیب ۸ و شیقه ۱) زور متصرفی علی ساد
 بیک مومی ایله طلعت بیک کتیده ادوب مندرجاتی والی و اوورده قومیسر
 مدد حاک اعدا ما تجزیه لری وجوده دائر اولان شیفره لی تلفراق نامه تک
 [حفظ] [اشارتیه ابطال تأیید ایدر .

داخلیه نظارتی قلم مخصوص مدیریت احسان بیک کلیس قائم لاسی ایکن
 در سعادتدن حلیه کوندریلان هیدالاحد نوری بیک تهجیرک اها
 مقصدیه مستد بولدینی و (بن طلعت بیک ایله تماس ایندم اها امضایه
 بالذات اقدم . نملکتک سلامتی بوندد در [دیورک کندیسه ده ایتاعه
 چالشدینی ایبان ایلکده در . (اوراق استطاقیه محینه ۱۵)]

روسه کاتب مسئول و دو قور مدحت بیک جولی کاتب مسئول ایکن
 کتیردن بولی حصر قلته اقره و ولایتدن تبعید اولسان ارمیلرک بکونی
 التمش بریکه بالغ اولدینی و ولایت اهالی اسلامتک بونماجه اهاد
 و ترقی ایله آنک زاده مشر و عی اولان حکومه برکش ایتدکریخی و بونلرک

سفرجه پیدار اوله جفتی بنا علیه بولنکده سعادت آتیمسنی تأمین ایچون عین حرکت اشتاک موجب فوائد اوله جته داتر سرویس چکدیکی متصرف مفید بک ۱۱ ایلول ۳۱ تاریخچه داخله نظارته اولان شیفرلی تلفرافنامه سنده عرردر که [ترتیب ۸ وثیقه ۲] بونکه بولی کبی دارالحراکادن مدود اولیان برعمده تهجیرک نه تدبیر عسکری ونده تدبیر انضباطی جله سندن اولیوب جیمتک امل و آرزوسندن شبت ومدحت بک مرجعندن ملهم اولدیننی کلامقنده در. قیسه برمدنه کنترید بولان بوذاتک اقره ولایتی خاتنک حسیات عمومی سنی اوزاقندن اوکره مه جکی بدیسی بولتدیننی ولایت اهالیسنگ حسابته آگاه اولسی دهاسهل وطیبی ایدی. حال بوکه کنترینک مربوط بولتدیننی قسطنطونی مسلمانلرینک محیطلری خارجده کی وقایع قرته باد و تلقی ایلدکلی حق برکون ملکتنک مقنیه مشایخ و اشراقندن برجم غنیوک والی رشید پاشایه عیناً شو سوزلری [جوار و لایتلردن ارنیلری مذبحمه سوق ایدرکی چولق چوجقلریه برابر طاغ باشلرته جبقاره دوق قل ایدیورلر مش بز ملکتمزده بولنه شی ایستمیز . غضب الیدن قورقاز . کفر ایله حکومت پیدار اولوز . ظلم ایله پیدار اولوز . امان رجا ایدرز بزم ولایتده بولنه برعماله بایلماسیک [دیدکلی و والی مشارایه بنابندن بولنه برجاهه قطعاً میدان برلمه جکی بیان و تأمین ایدسی اوزرته مسرتلرندن کوزلری پاشه واروق کیندکلیرنی ایکنجی مربوطک اون بشنی مجهنه سنده کی بیانات تحریریه ایله مؤیددر .

[تشکیلات مخصوصه تک] واکا ملحق بعضی زاندارمه لک اضروم ولایاتی ملحقاتنده اوشیره اولان تمدیات و تجاوازاتی توضیح ایدن والی تحسین بک اقتدینک ۱۵ تموز ۳۳۱ تاریخلو شیفرلی تلفرافنامه سی [ثانی نامنده بر ملازمک هریانک دوت قیزی آلدیننی و ملازم کامل اقتدینکده ۱۸۶۳ لیرا و اونوز بش بولک اشیا و بک جوق مجوهرات جالدیننی پاره وقادین زراتک بک خجالت آوز و مردلکه مخالف اولدیننی و بحالره خاتمه و الحاصه تشکیلات مخصوصه نامی ائنده تودمین چتله هر طرفدن نهایت ویرلسی و معموره العزیز والیسی بشون بولر قادین و جوجق جنازه لریه طولیدر دقن اجمکه بیتسه میوز دیور مردلکمزی تاریخ ملیزی محافظه اینه ک ای اولور جله لری عتودر [ترتیب ۸ وثیقه ۴] ایشوتلرافنامه تک مجلس مبعوثانک بشنی شبه سننده فراری طلمت بک مانده وراقی میانده بولنسی زور متصرف علی ساد بک بالاده ذکر کی کچن شیفرلی تلفرافنامه مهمه سنک کیفیت و مقصد حفظ و ابطالی تأیید ایتکده در .

اضروم تشکیلات مخصوصه رئیس بهادالدین شاکر بک امضایه معموره العزیز والیسی نابت بک - ناظم بک مانده اولق اوزره کشیده قتان و فطوخرهایسی طقوزنجی ترتیده بولان شیفرلی تلفرافنامه تک مندرجات [اورادن سوق ایدیلان ارضلر نصفیه اونیورسی] حق و تقرب اولتدیننی ییلدیریکز اشخاص مضره اما ایدیلورسی [بوقسه بالکزه سوق و اعزامی اونیور و اضحاً ییلدیریکز فرده شم] صورتده در کوموسی ایله

وسنی ناظم بک او سرده معموره العزیز اتحاد و ترقی مفتسلکنده والیوم حال فرارده بولنسی تشکیلات مخصوصه تک اما وظیفه سی مشغول اولورق جیمته ارتباطی مؤکد و ناقصندر .

صامون کاتب مسئولی رشدی امضایه اتحاد و ترقی مرکز عمومیته جکیلوب مدحت شگری بک طرفندن تشکیلات مخصوصه مأمور دوگور ناظمه ۱۶ کانون اول ۳۳۰ تاریخنده حواله ایدیلان تلفرافنامه دخی [بشنی چته اولورق طوقان افا قومانداسیه الی بش کینک بر چته تک موطور ایله بوله جبقارلدیننی] مین اولسی تشکیلات مخصوصه ایله جیمتک ارتباط و مناسبتی و شعبات جیمتک ده اونه دنبری چتله ترتیه اشتغال ایتدکلیرنی مصوددر یته بونی مؤید [بالیکسر اتحاد و ترقی مفتتی موه] [امضایه ۲۰ نشرین ثانی ۳۳۰ تاریخلی مدحت شگری بک مرسل دوگور ناظمه محول مکتوب مندرجاتی آبروجه داخله نظارته جیمتک بوچتله مشغول اولدقلرنی اراه ایدر کذک بروسه مرخصلنک ۱۹ کانون اول ۳۳۰ تاریخلی مرکز عمومیته تحریراتی جانلرک شیلرک تشکیلات مخصوصه یه مفید اوله جقلرنی ملندر . کچه اشبو چتله ک بدایت سفر ییده حرره اشتراک ایتدیر بولنه جکی اشاعه و ارباب خلوص و صفوت اقامه غیرت ایدلش ایهده بالآخره قسماً بالاده ذکر و اتیان اولتدیننی وجهه تهجیره تابع طویلان قائله لک قتل واقعی خصوصه سنده استخدام قلدقلری اولبایده کی دلائل و براهین و وثائق هیئت عمومی سندن مستبان اولقنده در .

قتیلرک طلعت و جمال و انور بکترک امر و وقوفلری آئنده جریانی [ترتیب ۱۱] بری ۲۱ تموز ۳۳۱ تاریخلی دیاربکر و معموره العزیز اورده و زور والی و متصرفلریه بولرده قالان اموات دفن ایتدیر بولرک اجسادک دده و کول و نهرله آتدیر لاسی و بولرده ترک ایتدکلیرش اشیا تک ایللسی حقتده کی طلعت بک شیفرلی تلفرافتی و دردنجی اردو قوماندانی جمال بک دیاربکر والیت (مستجل) و ذاه مخصوصدن اشارت ۱۹ تموز ۳۳۱ تاریخلی تلفرافنامه فرات نهرینک جنوبه طوغری سور و کلدیکی اجسادک حرکات عساییده منتول دوشن ارنیلرک جسدری اولسی محتمل بولتدینندن بچله بونلرک مللر نده دفن ایتدیرلسی میدانه اجساد بر اقدیر لاسی لزومی بیان اولقنده در . [ترتیب ۱۱ وثیقه ۳] جساباً موسی ایله جمال بک جکیلان ۳ تموز ۳۱ تاریخلی (و ذاه مخصوصه) اشارتی حاوی شیفرلی تلفرافنامه ده (فرات و لایزله بک آز مناسبتداردر . سور و کلان اجسادک اضروم معموره العزیز جهتلرندن کلملری عمتلدر . بوراده حرکات صیاییده - متول دوشلرک با متروک و درین مناره لره آتلملری باخود اکثرته بیلدیننی وجهه احراقلری صورتنیه معامله با بقده و دقلری بیه بک مستادر) دنیلکده در زور متصرفی اسبق علی ساد بک لواه مذ کورده سوق ایدیلان ارنیلرک عواقب حقتده معلومات و بر مکده و حتی تصویر افکار خیزه سی محرولکننده بولنشی اولان حلیده آژانس تلفرافلری طابیی آگاه بک زور متصرفی صالح ذکی بک [سنک ایچون اون بیک ارنی اما ایتدی دیورلر] دیمته قاروشو ذکی بکک نیم ناموس وار اون بیکه تنول اجم دها جیق قالم جوایی ویرمن اولدیننی آگاه بکک روایتیه

عظماً دو میان ابلکده در . (ترتیب ۶ و ترتیب ۱۴ و نیت ۴ و ترتیب ۱۱ و نیت ۱) مصور و الزری و الیسی طرفین ملاطبه متصرفه شیفته ابله و بریلان امرده تبلیغات اکیده و غماً ینه بولرده یک جوق اجسادک بولدینی اخبار ایدیلور بونده کی عا ذیر محتاج ایضاح اولدینی کی بونده تراخی کوسرتن مأمورینک شدنه بجزه لری داخله نظارت جلیه سندن ایدک ایدیلور بملکه حدود داخلده کی بالموم جسد رد قتل بر صورتنه دقن ایدک ایچون مقدار کافی زاندارمه ایدیلوری کلن مأموریندن بر قاج ذانک بو اینه مأمور ایدیلورک مان هر طرفه جیقارلمسی لزومی اخطار اولقمده دره دبار بکردن سوق اولتان ارمیلرک یوز یکریمی بیک قوسه بالغ اولدینی حقدنه کی رشیدک داخله نظارت کئیده ایدیلورکی ۱۵ ایلول ۳۱ تاریخل شیفته و قایمک درجه شمول و احمیتی اراغه کایدر [ترتیب ۱۲ و نیت ۱۹] بر ارضی اصاحب ایدیه جک بر مسلمانک خامسی اوکنده اعدام و خامسی احراق و مأموریندن ایسه طرد و دیوان حرب بسوق و حاهمی روا کورنلر جهت عسکره دن ایسه لرنسبت عسکره لرنیک قطیبه برای عا گمه مذکور دیوان خریلره تودیع اولنسه متدائر اونچی اردو قوماندانی محمود کامل اهالی تلغراف [ترتیب ۱۳ و نیت ۱] بوفجاییده نهی عن المنکر امر شریعتنه اولدالده کی مسلمانلرک نه کی تهدید و تهذیب آتده موفق اولمه دقلربی و فجاج و اقمه دن برلی اهالی اسلامیک و کوچوک مأمورلرک مؤاخذه اولمه بی جملربی عقول سلیمه نلقین و افکار عادلربی لطین ایلر .

طرزون مبعوث سابق حافظ محمد بیک قره دکز ساحلرنده ارمیلرک قایلره نه صورتله اراکاب و غرق ایدیلورکی مین و بو فجاجی طلعت بکه بیلدیرمش ایسه ده والی جمال عزیمی حقدنه برشی ایدیلورکی متضمن افاده سی [ترتیب ۱۵] طلعت بیک وضعت جریه سی تئیت ایدن اسباب تأییدیه دندر .

از ضرور و الیسی شیر بیک ۱۴ کانون اول ۳۴ تاریخل شیفته تلغرافی [ترتیب ۱۶] از ضرور مدن کینی طریقله کوندریلان ذنکینلر قافله سی والی سابق محسین بیک وضعی خلاقه اولورق مرکز عمومی اعضاسندن بهاء الدین شاکر بیک ترتیب ایتمش اولدینی چه افرادی و در سنبلر طرفدن قتل و غارتله متروض قالدقلربی مین و بنا علیه دلایل موجوده جریه بی مؤیددر .

تهجیر ایدیلورلردن بمضارینک سابقا کنفری کاتب مسئولی و جلال نجباردن جمال اوغوز بیک تشکیل ایدیلورکی کورد علو چه سی طرفدن صورت قتلرینه دائر جمال آصف بیک افاده مضبوطه سی [ترتیب ۱۸] جمیت عثمانلرینک جمیتک منظمه بر کزیمه مضاف اولسی لازم کلان فعل و حرکتلرینک بر جزئیدر . اقره تهجیری انساننده محل اتحاد و ترقی قلوبینک قوماندان نزدیکه طیب اقدی نامنده برنی کوندرلرک برای سوق جهت عسکره ده مستخدم ارمی مأمورین محیسینک نسبت عسکره لرنیک قطعی تکلیف ایدیلورکی و مرکز عمومی منسویتدن مدوح شوکت و برادری رأفت بکلرک او سرده اقریه کیدرک صورت ذنکین اولدقلربی و اقره تهجیری قضیاتی و اتحاد و ترقی

کاتب مسؤلی نجانی بیک درجه مداخلاقه و بوجوسده بیوک رول ایجا ایتمش اولان ولایت مشا الیا پولیس مدیر اسبق مناسرتلی بهاء الدین بیک افعال و حرکاتی لمریف ایضاح ایدن [ترتیب ۱۱ و صفحه ۱۹] میرالای خلیل رجائی بیک بیانات مفصله سی بالخاصه شان قید و تذکار بیاندن مددود و اعطای معلوماته متدر شودرکه اساسی محتویدر موسی الیه بهاء الدین بیک اوراچه دیوان حربه تودیع و حقدنه نسیات قاتویه اجراسنه توسل ایدلش ایکن استانبوله جاهرلش و داخله نظارتک طلبه بنا کوندریلان اوراق تحقیقه بلاخره جریه نظارتجه جلب و استرداد ایدیلورک موسی الیه نسیات واقعه دن قوتارلمشدر .

نتایج تدقیقه نظرأ فجاجیک مذکور بی شدنه ود وعدم اشتراک طرقته تمسک ایدنلر وطن خانجی عد ایدیلر ایکن بهاء الدین بیک کی غاصر ففاله یک زیاده مظهر حمایت و صحابت اولملردره . حتی داخله خاطر اسبق طلعت بیک موسی الیه بهاء الدین بیک شرق اردولر غروب قوماندانی و هیب پشایه صورت مخصوصه . توبه ایدرک برای استخام کوندرمش بر مدت ساسون دیوان حربی رفاقتده ایجا خدمت ایدلرکه نصرکه برست مجهوله ضاوشدینی اکلشلمقده در (و هیب پشایک ذاتنه مخصوص دوسیده مضبوط افاده سی)

قسطونی تهجیری ایضاح و اورا کاتب مسؤل حسن فهمی اقدینک جرائم و مساویسی نظارت لازمش ایکن و بیک مدبکی و تهجیرک لزومه حائر دوقور بهاء الدین شاکر بکدن شیفته تلغراف آلدین حقدنه والی رشید پشایک بیاناتی [ترتیب ۲ و صفحه ۱۳] و مربوطی تلغراف سورتلری و اتحاد و ترقی فرقه سنک بر اجتهاده فرقه رئیس طلعت بیک و ردبکی تقریرده ارمیلره قارشو ایقاع ایدیلان فجاج و منطالی بالحکایه اتحاد و ترقی کاتب مسؤلرینک جمله سله دوقور رشید ، جمال عزیمی ، ثابت ، ممره ، طلف ، و حبسخانه عمومی مدبری ابراهیم بکلر حقلرنده تحقیقات اجراسی طلب ایدیلورکی حاده طلعت بیک (حفظ) اشادینله تقریری بر طرفه آندردیننی و ازه برده (سپورتیخ نوب) ده طلعت بیک کندوسنه [بوراده کیلری اوه کیرک قایقه اغراض ایدرمد] دیدبکنی و دوقور ناظم ایه عوه سنک بر فاعل مؤثر اولدیننی سولیمان ازمیر مبعوث احسان اونیک اقدینک [ترتیب ۳] افاده سی و وهیب پشایک [ترتیب ۷ و صفحه ۳] ارمیلرک قتل و اعحاسی و ماللرینک یغما و غصبی اتحاد و ترقی مرکز عمومی سنک نتیجه مقرراتی اولوب اونچی اردو منظمه سنده انسان تصالربی تدارک و انالری اداره و استخام ایدن بهاء الدین شاکر بکدر . رؤسای حکومت دوقور بهاء الدین شاکر بیک امر و اشعارت اقیاد ایتمشدر اونچی اردوده بنون فلاکت بشره بنون فته و فساد بهاء الدین شاکر بیک الی لندن صدور و ظهور ایتمشدر بریکیلر ایدن و قازقندن قورولش یاراتی اوه کیلرده الی کوزی قانی زاندارمه لربی احضار . . . الخ] افاده تحریریه سیده اتحاد ترقی مرکز عمومی سله مجلس عمومی اعضای طیب سندن بولان و کلا ایچون بر هجت اهام و برهان نامدر .

سلیان نظیف بیک [اوراق استطاقیه صفحه ۶] بنیاددن دیار بکر

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Attorneys General of Defendants
objected the competence of the Court
Martial to try Prime Ministers and
Ministers. The Prosecutor affirms
that the Extraordinary Court Martial
will try Prime Ministers and Minis-
ters as ordinary criminals.

حدودیه کلیر ایکن اجسادک نمقتدن رونزنی طیفادقلربن دائر قونیه والی اسبق جلال بک [اوراق استطاقیه صحیفه ۷] حلبدن قادریلسی اردو قوماندانی جمال باشا طرفندن طلعت بکدن سوربولوب جواباً اردهی منتهسده نقطه نظریه حکومت مرکزیه نقطه نظری اومسده موافقت اولدینندن ایلری کلدیکی بیلدیرلدیکنه وقونیه ایشلری حایه ایشلر ایسده دوقنور ناظم طرفندن کوندریلان مبعوث علی رضا افندیکن مرکز همویجه عرضیه وهیچ دوشونیهلرک قرار ویرلش برمشله حقتده اصرار ایدلماسی بولده خیر خواهانه وصایده بولدیغه ونهایت بوسیدن انفصال ایدیکنه واستانبولده بو مشلهک محاذیرینی طلعت وناظم اکلادیرکن انلر بو ایشک لزوم وفائدهسه قائل اولدقلربی دوقنور ناظم بک دها ایلرو یکدرک بوتشکنک شرق مشلهسنی حل ایده چکنی سولدیکنک وخیری ائندی ایسه چالشیدینی تنالده مننه قادر اوله مدینتی بیاز ایدیکنه دائر افادهسی تهجیر واما حقتده کی تکلیفاتی اجرا ایتمکدن امتناع ایتمدیکندن طولانی عزل ایدلدیکنه دائر [استطاقنامه صحیفه ۱۷] اقره والی اسبق مظفر بکک وعربلره اجرا قلیبان مظالم واعداملرله دیار بکر وایلسی طرفندن تهجیره موافقتکار وضعیته بولندقلربدن طولانی محاصره ایدیریلان ایکی قائم مقام حقتده هیئت قضیهیه ملکیه مدیر عمومی سابق حید بکک افاداتی طرزونون فحشایی وفاقعلری حقتده مالیه نظارتی واردات مدیر عمومی لطفی بکک [استطاقنامه صحیفه ۳۸۴، ۳۸۵] طرزونون کاتب مسولی قائل بک حقتده کی بیاناتی وهیادین شاکر بکک الارض ومدن انطالیه منصرفلتنه [اضروروم وان و بنلیس و دیار بکر و سواس و طرزونون] حوالیدینده تک بر ازمی قالمیق اوزره موصل و زور طرفلرینه سوق ایدلکرلندن انطالیه نه بایمقده اوله یی [مائده شیفره لی نلغزانی چکدیکی و پونک بر صورتی طلعت بکک کوندومش ایسده بر جواب الامدینه دائر انطالیه منصرف سابق صبور ساسی بکک افادهسی [اوراق استطاقیه صحیفه ۴۴] ویرعهذی بکک اقره تهجیرینه و اورا کاتب مسولی نجابی بکک مائده معلوماتی مدعیانته واقعه یی اثباته مدار دلائل وقرائن کافیه دندر .

بهادین شاکر بکک داخله نظری طلعت بکک واسمه سبله [مرکز عمومی به] یازدینی بر شیفره تک هلولی اولوب تشکیلات مخصوصه دوسیه سنده ظهور ایدن ورتنهک ظهرنده بحر ۶۹ نومرولو جوابده [مادامکه اوراده ایشکزر قلاهدر آرتونین منتهسندن دهامهم بر وظیفه یی درعهده ایتمک اوزره طرزونه همان حرکت ایدیکزر بورادن حرکت ایده چک اولان یعقوب جیل بک سزه لازم کلان ایضاحات و تالیاتی کتیره چکدر] وینلش اولسی اومه کی ارتباط و مناسباتی بر قاده حا توضیح ایلر .

مقتون علمیدن وکلانقده بولسانلر افادات استطاقیه لرنده انکار ایله مترافق بر وظیفه مسلهسی اجدات ایله مرجع تحقیق و محاکمه لرینک دیوان حرب عرفی اولوب قنون اساسی احکامجه تشکیل قلمه یی دیوان عالییه مائده بولدیغی مدافعه در میان ایتمکده دولر فقط ایضاحدن مستفی اولدینی اوزره قنون اساسینک استناد ایدلکرلی ۴۴ نهمی مادهسی نظرلرک ویا مشترکاً هنت وکلانک انجق امور مأموره .

لرندن متولد حرکات سیاه لرندن منحصلاً افضل جرمیه ایله مقید اولوب شخصاً ایضاح ایدلکرلی ویا فرعاً ذیدخل بولدقلری جرائم عاده ایچون قنون مذکورک ایتوز اوچنجه مادهسی احکامجه نظارک هیچ بر امتیاز قانویلسی اولوب او قیل جرائندن طولانی مرجع محاکمات ایلر عاکم عاده اولسنه و اداره عرفیه جاری اولان محله اولسایده کی قرارنامه موچنجه قوانین ملکیه وعدلیه تمامیه ساکن [دیوان حرب عرفی مرجع جرائم اوله جفته و تقبیل و احتکار کی موادک تحقیق ایشو دیوان حرب عرفینک تشکیل و وظائفه منافی قرارنامه اخیر مرجعجهده جمله وظائفدن اولمنه غیر وارد اولان وظیفه اعتراضک ردی فرادیرک اولدقدنصکره سالف الذکر جرائمه مجاسرتلری حقتده بروجه بالا دلائل وراهمین کافیه استحصال قلیان مقتون علیمدن ، دوقنور بهادین شاکر ، دوقنور ناظم ، عطف ، رضا ، جواد ، عزیز بکر و انور جمال وطلعت [باشا] بکرک قانده هم فعل اولدقلربدن حرکات واقعه لری مجازات ترحیمی مستلزم افعالندن اولدق قنون جزائک قرق بشنجه ماده سنک برنجی فقره سبله یوز بخشجه ماده سنه وهم فعل اولوب بیلرک اجرای مظاهرته مقتونلرک جرم لرنده معین اولدق فرعاً ذی مدخل بولسان مدحت شکری ، دوقنور رسوخی ، کوچک طلعت ، شیا کورک آب ، کال بکرله سید حلیم باشا و احمد نسبی ، شکری ، ابراهیم وخلیل بکرکمه قنون مذکورک قرق بشنجه ماده سنک ایکنجه فقره سی و لایله یته ماده سالفیه موافق بولدیغی مواد مذکوریه توفیقاً مقتون علیمنک درسمادت دیوان حرب عرفیسنده محاکمات لری اجرا لمتیق اوزره جایشله لزوم محاکمات لرینه و لاجل السوق اوراق تحقیقینک مع تقرضات دیوان مشارالیه مدعی عمومیکنه تودیع وارساله بر موجب ادانامه قرار ویرلدی . ۱۰ رجب ۱۳۳۷ و ۱۲ نisan ۱۳۳۵

رئیس — اعضاسندن بولدیغیکنز اتحاد و ترقی مجلس عمومی و مرکز عمومی مقرراتیه سرزده ظهور اولان افعال سقیمه و باخصوص حرب عمومی مناسبتیه حاصل اولان مشاغدن بالاستفاده بعض کسانک مقاصد اعتراضکارانه لری تأمین ایچون میدایه چیقاردقلری مسائل نامر ضیه تک خیر آرای حصول اوله جفته قانع اولدق هیچ بر عقل سلیمک قبول ایدیه چیکی ظرورده ظاهراً آمال مایه یی تطمین و تأمین ملکیه منوی تأمین صدقده کورتمه رک کشت ایدیلن خصوصیات و حرکاتک دولتک سیاسی واداری و اقتصادی امورنده تحولات و تشویشات کایه یی منتج افعال وحرکاتده بولدیغیکنز دولتک باشه رفاهک عطیه چیقارمش وسفررک مناسبتیه بر طرفه تسبیل ایدیلن اداره عرفیه یی بر فرصت عد ایده رک التزام زجر وشدته اقواء نامی سد و مخالفت و تقیدی رفع و بند ایده رک بی محابا تطبیق منویاه قیام وساده دلان اهالی یی اغفال و اختلال ایده رک برطام سرسرلره مجرمیدن شکل ایدیریلن قوافل ضاله واسطه سبله اجرا ایدیریلن حرکات جنایتکارانه ک برونه لری احضار و تجماعها موقع قله بالوضع نتایج آلییه ایصال ایدلکرلندن طولانی وقوه کلن و دین میمنزجه هیچ بروجله جواز و بره موب قوانین و نظامات هتیه یه هیچ بر صورتنه قابل تطبیق اولامیان افعال و حرکاتک تولد ایدلکی

لا یدف فجاجع ومظالم انظار غلده نغرت وتلعنی ہادی اولدیندن بوافاق
متجاسر لری میانده سزلرک دخی بولندبککز و خصوصات بمعونه مهم
رولر اجرا ایدبککز ادعا اولنور . بوادعا مدعی عمومیک مقاضدن
تصریح و اثبات ایدبه جکدر . دقت ایدبککز (مدعی عمومی به خطاباً) :
بیوریککز .

مدعی عمومی مصطفی نظمی بك - حاضر بالمجلس وغائب عن المحاكمه
ذوات حقهده ادعا و اسناد اولان مواد جنبه قرائت اولان قرارنامهده
توضیح ایدلشدر . بولرک دلائل و وثائق کافی اساسی اوزرینه مرتب
اولان دوسیلرده موجوددر . بولری تکرار صورته تشریح مسئله
ایدرك وقتك اضاعه سنی زائد كوردم . و بو مقصده رفی بوكون ایچون
اجراسی معین اولان محاکمہ فریاده تملیقهده سبب اولمش اولمق ایسته مدم .
اساساً حقیقت حضور محکمهده نقل ایده جکدر . شو قدرکه رؤفته بندار
اولسان دعوانک ایمیثی و عداله شدت علاقہ سنی تعین ایچون برابری
سوز علاوه ایده جکم . مملودرکه ملترک اجتهایی ، دولرک تشکیلی حق ،
عدالت ، مساواتک هنت اجتهایی ایچنده قرر و مصونیتک قوتلی برصورتده
دوامی مقصدینه مطوفندر . بوندن ناشی برملکده حق و عدالتک وجودی
اوملکده کی حاکمیتک جنبی ، عدلی ایسه مانئ مسئله سیدر . سنن و فیره دنبری
بومسئله ملک عثمانیه کسب مشکلات اجتمعی ، ابوالشرك بر اولادی اولان
عناصر مختلفه عثمانیه یکدیگرینه دوشه رگ مع الاسف تاریخ عثمانیه قائل
میغیر علاوه ایدمشدر . قانون عثمانیک منع ایدبکی و وجدان عثمانیک
نغرت ایدبکی ، حاکمیت عثمانیه نك ، مقام خلافت عظامی اسلامیه نك
هیچ بر زمان قبول ایدبکی و ایتیمکی اوله جرائم وقوعه کلسدرکه
بوجرائمی ترجمان و نمئی اولدین حقوق عمومی عثمانیه آفاق عفو ایده منر .
عثمانی طور اقلری اوزرنده جزاسز قلمش جنبائلر قانون عثمانیک تعین
ایدبکی جزایی کوره جکدر . تراب اولمش معصوم قائلر روحی یکیدن
آلهرق دیرله جکدر . عطشان عدالت اولان اقوام عثمانیه ربان عدالت
اولاجقدر . حقیقه عثمانی طور اقلری عدالتک صوصامشدر . احوال
روحیه مملکت عصر لر دن بری غذای اساسی اولان عدالت اسلامیه نك
سودندن تماماً نصیبه دار اولامدین ایچون بوتون عنفات و ممالیات مملکت
دوچار ضف اولمش و ۳۲۴ تاریخنده اعلان ایدیلن مشروطیت اداره
اسلام و خرسیتان باطله عناصر حق ، عدالت عشقیه ساریش و علماء
ترها ، نیجا بوتون صافتریه جالیشمش ، حیفاکه حق و عدالت تمرکز
ایده جک برده لایمده و لایبصار برسوری مساوی اورقائی قابلمش و عناصر
عثانیه یکدیگرندن آرینه باشلامش ، حکومت مشروطه نك خدمته
شتاب ایدن نیجه اصحاب ناموس و حیت متأم و متأثر اولمشدر . اعلان
مشروطیتنه باشلان قتل ، تحریب ، غصب ، نهب کی قتل و قاره سلسله
سیات مع الاسف اتحاد و ترقی حقیقتیه اضافه ایدلکده اولدین کی دولت
عثانیه ایچون برفلاکت عظیمه تشکیل ایدن شو حرب عمومیده کی قتل
و احتکار حرب میدانلرنده اراقه ایدیلن مردان و دلبران عثمانیک
قائلر دن طبع تأثر برافشدر .

اتحاد و ترقی جمعیتک مرکز عمومیتنه و هیئت عمومیتنه و تشکیلات
مخصوصهده اسناد ایدلش و حضور محکمهده سوق اولمش ذوات و کلا
مأمورین صفتیه دکل بینه اتحاد و ترقی جمعیتی ادکان و مرکز عمومی
اعضاری اولمری صفتیه سوق ایدلشدر . شو قتل و احتکار طولانی
خاکبای عثمانیه دوشن قائل لکلر ، ناصیه عثمانیه صیبرایان سیاه
لکلر آتیمق عدالت قلملرله سیله ییلور و اوله سلیمک ایچون جهاد
ایدیلور . جرم ایشیلان اسلام ، خرسیتان جزالری کوره جکدر . مدعی
عمومیک مقامی بالککز بر طرف حقهده اجرای تقصیاته مأمور ایدله
مشدر . مقام کی بالعموم مدعی عمومی لکلر شکایات قبوله ، تحریبات
اجراسته صالح موقبلر خبره ، مشتکی ، متضرر اولانلرک مراجسته کتاده
و آماده در . اسلام و خرسیتان اولسون هیچ بر عثمانی قائل هدر
اولهیه جقدر . بو بادوره مقالهده اسلام اولدیرن خرسیتان عثمانیلر
حقهده دخی تقصیات اجرا ایده جکم . هر حالده جرم ایشیلر جزالری
کوره جک فقط معصوم اولانلرک ذمتی ایسه هر حالده شو ماجرای قائلن
بری اولدین شو دیوان طایفه تعین ایدله جکدر . عثمانیلرک پادشاهی ،
بتون عالم اسلامک خلیفه سی آلتنجی سلطان محمدخان حضرتلری عدالت
اسلامیه نك یکی باشند تجلیسته قرار ویرمشدر . حکومت حاضره سی
دخی عینی آمال عدالتی تعقیب ایدله موظفدر . باطله عناصر عثمانیه ایسه
پادشاهلری نك سلوک عادلانه ملوکانه لرینه اتباماً حضورنده بولندبکمز شو
دیوان عالی نك اجرای عدالتنه نصب انظار و وقف آمال ایشلدر .
قاعته ایدلمی درکه بو هیئت حاکمه بوتون اجزاسیله برابر وجدانلرنده
حسن عدالت دن باشقه رضی یسه میورد . اساساً محکمه عدالتک حسن انتقام
تأثیرات سیاه ، افکار احترام کیره منر . هیچ بر دولت و هیچ بر
ملت متمنده حکومت عثمانیه دن ، محاکم عثمانیه دن علی الاطلاق مجازات
اجراسی طاب ایتمه ، شلر و ایده منر .

زدن انتظار اوله ییلن ، حقوق عمومیه بشر نامه بر عدالتدر . عدالت
اسلامیه حضورنده خلفه لر آل نیجه دیوان طورده رق کردانداده اقیاد
اولشلردر . عثمانی محکمه لرنده عثمانی حاکملری حضورنده و کلا ووزرا
سیان اولدین کی . عثمانی عدالتی منقطع اولوب جاری بولندی جهنه
قرارنامهده سرد ایدیلان جناینده دو قوتو بهاء الدین شاکره ، ناظم و عاطف ،
رضا ، جواد ، عزیز ، انور ، جمال ، طلعت بکلر هم فعل اوله رق اهام
ایدلشدردر . مدحت شکری ، دوتور و سوخی و کوچک طلعت ، ضیا کولک
آلب و کمال بکلرله سعید حلیم پاشا و احمد نسیمی ، شکری و ابراهیم
وخلیل بکلرله فرماً قتال مذکورده زیدمخل اوله رق منظور و شتم
بولنقددر . حقلرنده محاکمات علیه نك اجراسی طاب ایدرم .

جلال الدین عارف بك (دعوی وکیل) - پاشا حضرتلری مساعده
بیوریلورسه حقوق عمومی به تعانی اولان بو محاکمهده انتظام عمومی تأمین
ایتمک مقصدیه و وظیفه حقهده بعضی مطالبات در میان ایده جکم .
رئیس پاشا - بیورک .

جلال الدین عارف بك (دعوی وکیل) - مدافع لر نی درعهده
ایدبکمز ذواتک هیئت حاکملری حضورینه سوق ایچون قرارنامه و ایدانامهده

تشکیل کی سیبانه ، احتکار کی حسابنه جنایه بینه مع الاسف

اسناد ایدلان موادك ماهیت قانونیاری بزی اول امرده حقوق عمومیه
ایله علاقه دار ایده جك بعض ایضاحات ویرمهك عبور ایدیور طیبی قام
ادانك در میان بیوردنی وجهه دولت نماینده ناسندن بری سبقت
ایتمش اولان بوناریخی حادثه نك، قوانین موضوعه نك ایجابات قطعیسی
داخلده تدبیری وظیفه همی هیئت جلیله لریك كال عدالت و عزم و متانت
وعلی الخصوص فتور ناپذیر مسایعت مودوعدر . محكمه علیه لردن
صادر اوله جق اولان حکم بالکمز مؤکلمزنی ، نسل حاضری دکل ،
انسال مستقیه غنائیهی و عدالتك اک بیجل واک علوی مثال لری
متواضانه افاده لریه قید ایدن تاریخ اسلام و عثمانی علاقه دار ایله جکدر
و بشون بشریت شرقه و شرقك بالحاصه بزره متوجه اولان نظر لرنده
ملکتمزده عدالتك هر درلو اغراضدن ، هر درلو شائیه دن ، هر درلو
اخصار لردن مزه اوله رق قابلیت تطبیقه سنك درجه سی کوستره جکدر .
ینه محكمه دولتری حضور دنده وظیفه سی تمامیه مدركه انجق حق و حقیقتك
تجلیسه خدمت ایتمک عزم و قرار ایله چاقوروز . هیئت جلیله لری سنك
منصف بولدننی س جایای عالی نصفت بوناریخی وظیفه منزی تسهیل
ایده چکنده امیزه ینه مقام عالی ادانك در میان بیوردنی وجهه اغراض
انتقام و سائره محكمه علیه کزک اشغال ایکنده اولدنی اوموقع مالکزه
قدر بوکله من و بوکی شیره هیئت حا که جلیلهی هیچ بروجه له متأر
ایده من . عدالتك تمرکز ایسی لازم کن بوعل مقدسندن ؟ ساده لکنه ،
احتماله شوکله برس بوکله جکدر و بوسس ، بوتون اونه آیلان
اوکوردولتری باصبره جق و بشون عظمتیه استقباله بیله ایشیدیه -
جکده بوسس ، عدالتك و حق حقیقتك سی اوله جقدر . ایسته ،
بوقاعت و صبیبتله در که خصوصات آیه نك دخی عرضی کندیمز ایچون
بروخیه عد ایدیوروز : مؤکلمززه اسناد اولوان نیت ، قتل
و سائرده هم فعل اولق و با فرعاً ذی مدخل بولونق خصوص لردن کرک
ادانامه ، کرک قرار نامه ، اتحاد و ترقی جیت متسخه سنك بری :
تشکیلات خفیه دیکری ده : تشکیلات علیه یاند ایکی طرزده اداره سی ارانه
ایدیور و تشکیلات خفیه سی مرقبله اداره ایله دیکر قتل و سائره کی
مظالمه تشکیلات علیه سی دخی ظهیر اوله رق مؤکلمززدن بر قسمنک هم
فعل و بر قسمنکده بیله درک مظاهر ت صورتیه فرعاً ذی مدخل اولدولتری
در میان ایدیور طرز اذنا شو سکله بولننه نظراً بودعوانک هیئت
علیه لریك وظیفه منه داخل اولوب اولامه سی مسئله سی اک زاده محتاج
تدقیق بر مسئله قانونیه تشکیل ایدر . مؤکلمززدن سید حکم پاشا ایله
خلیل ، نسیمی ، ابراهیم و شکری بکدر معلوم اولدنی وجه ایله وکلای
سابقه دولتمندلر . قانون اساسینک وکلای دوله یاند اولان فصلک
اوتوز بز و اوتوز : اوچنی ماده لری نظر تدقیقه آلدنی صورتده
کوردولور که وکلای دولتک امور نامورده لریه مشفق محاکمه لریك انجق
دیوان عالییه مائذنی و نامور بترندن خارج صرف ذالتریه یاند اولان
هر نوع دعوا لریکده عمل و قوی محاکم عمومیور .
دیگر طرفندن ، قانون اساسینک یکریمی اوچنی ماده سی نایت
تعلیلور . قانون اساسینک یکریمی اوچنی ماده سی دور که : هیچ کیسه

قانوناً مذکور اولدنی محکمدن بشق بر محکمه سوق اولونه من . دعا
طوغریسی اجبار اولونه من . وکذا قانون اساسینک بوز اون بشنی
ماده سی دعا قضی صورتده افاده مرام ایدیور و دیور که : قانون
اساسینک بر ماده سی بیله هیچ بر سبب و سببه ایله تعطیل و اجرادن اسقاط
ایدیله من . دیلک که شو صورتده بودعوانک ایکی مختلف محکمه و قوت
ایدیله ماده سی احکام مسئله قانونیه مستدور . اونک ایچون بز بوسنی
اولا درت جهندن تدقیق ایندک . برنجی جهت ، ذات ماده اوله جقدر .
ایکنی جهت ، مؤکلمزک شخصیت و صفتری ناکا اسناد اولوان
افصا ک اشکال قانونیاری نه صورتده اولدنی رابانه اشبوعوانک تحقیقات
مقام یاندیج شروع ایدلش بولونامی قاط نظرندن وظیفه مسئله سنك
تدقیق لازم کیلر .

اولاً : ذات ماده ؟ قرار نامه و ادانامه ده کی اسنادانک باشلیجه سی
تهجیر قانونک حین تطبیقده وقوعه کتیربان جرائم متدائر بولونیور .
حال بوکه اصولی دائره سنده مجلس وکلا قرار ایله بانتظیم اراده منیه حضرت
پادشاهی اقران ایندکن سوکره نسر و اعلان اولوان برقرار نامه نك
اشای تطبیقده وقوعه کتیرلش اولان جرملر اوله اولسه ، قانون اساسینک
اوتوز برنجی ماده سی موجبنه تعین ایدلش اولان حدود داخلنده دور .
قانون اساسینک اوتوز برنجی ماده سی نایت صریحدر . دور که :
« میمونان اعضاسندن بری و با خود بر قاجی هیئ . میمونانک داخل دائره
وظیفه سی ، اولان احوال دن طولانی وکلای دولتمند بر ذات حقیقه مسئولیتی
موجب شکایت بیان ایندیکی حاله اولا هیئت میمونانک نظام داخلیسی
موجبنه بوشللو موادک هیئت حواله سی لازم کابوب کیله جکنی مذاکره
مأمور اولان شبهه تدقیق اولونق اوززه شکایتی مشعر هیئت میمونان
رئیسه و بر یله جک تقریر رئیس طرفندن نهایت اوج کون طرفنده اوشبهه
کوندولور و بوشبه طرفندن تحقیقات لازمه اجرا و اشکال اولوان ذات
طرفندن ایضاحات کافی استحصال اولونقدن سوکره . شکایتک شان
مذاکره اولدینته دائر اکثریتله ترتیب اولونه جق قرار نامه هیئت میمونانده
قرائت اولونه رق ولدی الاقتضا شکایت اولوان ذات دعوت ایله بالذات و با
بالواسطه و بره جکی ایضاحات استماع قلنرق اعضهای موجوده نك
تلان اکثریت مطلقه سیله قبول اولنورسه حا که طلبی مشعر منطبقه سی
مقام صداره تقدیم ایله لدی المرض متناق اوله جق اراده سنه اوزرینه
کییت دیوان عالییه حواله اوتور . دنیا منسه کوره دیلک که وکلای
دولتمند بز و با بر قاج ذانک علیسنده وظیفه سی اولان احوال دن طولانی
مسئولیتی موجب شکایت بیان ایندیکی حاله اوشکایتک تحقیقاتک اجراسی
منحصراً مجلس میمونانک شبهه یاندیج اوشبهه طوغرودن طوغرییه
مستطاق وظیفه سی ایضا ایدر . چونکه ۳۱ نیمی ماده نایت صریح صورتده
« قرار نامه و دیور .. بوندن مستیان اولدنی وجهه بوراسی طوغرودن
طوغرییه مستطلق وظیفه سی ایضا ایدر . ایضاحات آتیه کوره ذات
ماده نامور نامور بندن متولد بولدننی جهته قانون اساسینک ۳۳ نیمی ماده سنك
صراحت قطعیسی قارشینده مؤکلمزک نامور بترندن خارج و صرف
ذالتریه یاند دعا بیدن تاق ایتمک ممکن دکدر . ادانامه و قرار نامه نظرناً

اتحاد و ترقی جمعیت منسوخه است اعلان مشروطیتند تاریخ انحلاله قدر
 بری پروگرامه و نظامنامه داخلی مستند ظاهری و عافی ، دیکری ده
 نمایان شفاهی و محرمانه مستند مستور و خفی یکی ماهیت متضاده
 جامع و معنوی اولدینی و قلیل و مظالم سازهنگ خفی تشکیلات ایله وقوعه
 کتبلدیکی و مؤکلمزدن بهضلیرتک و کلای دولتند ممدود بولغلی
 حسیله اتحاد و ترقی جمعیتک مجلس عمومی اعضای طبعیه سندن اولدقاری
 و بو اعتبار ایله جمعیت خفیه طرفندن اتخاذ ایدیلدیکی ادعا اولان افعال
 جرمیه واقف اولدقاری حالده بولغلی منع ایتمک صورتیه مظاهر تلیرتک
 مسوق اولدینی در میان ایدیلورکه بوده فرض ایدله بیه بوشکلده کی
 اساتیده امور و وظائف مأموره لرندن متولد اوله بیلیر . وقانون اساسینک
 ۳۳ نجی ماده سنک فقره اولاسنده کی « مأموریتلرندن خارج و صرف
 ذاتلرینه عائد و منلهسی بوقادرویه کیره من چونکه مؤکلمزدن و کلای
 صفتی اکتساب ایتمش اولان بعضی ذواتک مجلس عمومی اعضای طبعیه سندن
 بولغلی حسیله کذا مجلس عمومی وجودی فرض ایدیلن جمعیت خفیه
 منسبیتی طرفندن ایقاع اولسان جرائمه نطاع اولدقاری حالده بولغلی
 ایقاعه مانع اولمالغلی و حتی - یه ادعایا ماده کی سوزی آلیورم - بیه و ک
 منع ایتمش اولغلی تسلیم ایدله بیه بوحرکتلری وظیفه مأموره لرینی
 سواستعمال ایتمک جرمینی تشکیل ایدله بیلیر چونکه کلایک وظیفه سی
 اساس اعتباریه بوشلره مانع اولقدور . مانع اولدقاری ایچون وظیفه لرینی
 سواستعمال ایتمش لور دیکدور . بوده ، وظیفه مأموریتندن منبت اولغ
 اعتباریه قانون اساسینک ۱۰۱ قتل ایتمش اولدینغیز ۳۱ نجی ماده سی وجهله
 دیوان عالییه سوق ایدلملی لازمدور . یه ادعایا مقرر ایدله دینیلورکه
 بر تشکیلات مخصوصه وارد : جرمیه تشکیلات مخصوصه سی . بول تشکیلات
 مخصوصه تک اتحاد و ترقی جمعیتی ایله مناسبتدار اولدینی احساس ایدیلور
 او بوده بزم مؤکلم من ایچون بر منله تجریم اولغ اوزره کوسریلیور .
 حالبوکه تشکیلات مخصوصه بر طاقم اسباب عسکریه یه مبتنی ایدی و طوغرودن
 طوغرودیه جرمیه نطاری طرفندن احداث ایدیلش بر داتره اولغ حسیله
 مؤسسات عمومی دولتند بر داتره در ، بر شبعه داخله در بوداتره تک بر
 مرکزی و شعبات مختلفه سی اولدینی کی جرمیه نظارتندن و برین نمایاننامه
 رسمی داتره سنده تدور امور ایله تکلف بر طاقم مأمورین و مستخدمین
 بولدینی و بولغلیک ماشانی ده . دولتک عمومی بوجسندن تأدی ایدیلدیکی
 طبعیه درکه جمله معلومدر ، بول تشکیلات مخصوصه یه مانع جرمیه نظارتنده
 محفوظ بولغلی لازم کلن قودات رسیده و دو سه بر جلب ایدیلرسه کورولورکه
 بودانامس محض حقیقتدر . چونکه تشکیلات مخصوصه بر داتره و سیه در
 و اونک باشنده بولغان بر طاقم موظف خایطان و مأمورین وارد و بولغله
 مشاورتی و اتمام دولتک عمومی بوجسندن ایشلردور . بوداتره تک اموری
 تدور ایدن اشخاص میاننده اتحاد و ترقی جمعیتی اعضاسندن بر طاقم ذوات
 بولغلی ، بولغله اوسورده بولغلی حیا تشکیلات مخصوصه یی دواتر
 رسیده دولتند خارج طوابعیلیری ؟ بالبع طوابعیلیری چونکه بوکونده
 حقوق کیسه لر کندی خصوصی وظیفه لرینی اولدینی حالده آیری بر طاقم
 بولغله مأمور اولیلیرلر و اوارزده ده خدمت ایدله بیلیرلر . مثلاً اتحاد

و ترقی جمعیتی اعضاسندن بر طاقم ذوات واردی که بولغله کی مدافعه
 ملیه ده ، کی جمعیت تدریسیه اسلامیه ده ، کی سی ده مجاز همه قومیسیتنده
 موظف ایدیلر و اوارزده جالیسیورلردی . بوداتره اورالره کیرمی ناسل
 بودواتری دواتر رسیده علیه و یاحیه اولغ کی داتره رسیتندن جینارامش
 ایله ، تشکیلات مخصوصه ده ، رسمی اولان بر داتره ده بولغلی و اوارزده
 جالشملری . بو ، داتره یی مؤسسه رسیده سالتدن جینارامش .
 تانباً مؤکلمیز تک شخصیت و صفتلری حقتده بعضی مطالبات در میان
 ایدله جکم : عرض ایدله بیکم وجهله مؤکلمیزدن بر قسیمی و کلای دولتندور .
 و کلای ، قانون اساسینک مواد صریحه منته کوره دولتک سیاست عمومی سندن
 مشترکاً و داتره نظارتلرینه عائد اولان معاملاتدن طولای ده منفرداً
 و داخل داتره وظیفه سی اولان احوالندن طولای ده جزاً دیوان عالی
 حضورنده مشولدر . قانون اساسینک مواد صریحه منته صراحت قلمبه منته
 ایتمه مشولیت ماده سی ته هیئت استقاپیه و ادا طرقتدن ونه ده محکمه
 دولتری طرفندن قسیر ایدله من . چونکه ؛ قانون اساسینک بوز اون
 یدنجی ماده سنک فقره اخیره سی موجبجه قسیر صلاحیتی مجلس اعیانه
 عائددر و انجق بوقسیری مجلس اعیان یابار . تکمیل هیئت اعیان ، مجلس
 اعیان ضبطامه سنک ۲۹ کانون اول ۳۳۴ تاریخل ضبطامه سنده مندرج
 اولدینی وجهله تهجیر و قتل قاعلیرینک تجزیه سنده حکومتک درجه
 فمالینی آ کلامق اوزره مجلس اعیان رئیس سابق احمد رضا بک طرفندن
 واقع اولان سواله ، حکومت نامه جواب و برن عدلیه نظری بک
 اقدی ، تهجیر صورتیه ایقاع ایدیلن جرائمی اوچ درجه یه آیره شدی .
 بولغله برنجیمی : دیوان عالییه سوق لازم کلن مأمورین طرفندن
 ایقاع اولوغامسی محتمل بولغان جرائمدر . اینکجیمی بولغلی غیر مأمورین
 جانبندن ایقاع اولغان جرائمدر اوچنجیمی اشخاص غایبه طرفندن ایقاع
 اولغان جرائمدر . حکومت عثمانیه نامه اوارزده . و ذسویا برن عدلیه نظری
 بک اقدی ، مجلس اعیانه بو بولده بیاناتده بولغلی و دیمشده کی : دیوان
 عالییه سوق لازم کلنلر حقتده و بو ایشلره تعلق ایدن احوالده مدعی
 عمومیرک هیچ بر تعلیق ایدله بولغلی جنی و تحقیقات ایتاسنده بوقیل جرائمه
 مصادف اولورسه بونی تثبیت ایدله بولغلی مقام نظاره بیلدر رسمی اتضا
 ایدله جکی ، و دیوان عالییه عائد اولان محاکمه سالیان دقت بر مسئله
 وارد که اوده ، جرم افراد اهالی ایله مشترک اولورسه اک بیزک محکمه یه
 تابع اولماسی قاعده حقوقیه سیدر : شواحد دیوان عالییه سوق لازم
 کلن مسائله افراد اهالیندن بهضلیرتک مدخلی اولدینی تقدیرده بوکی
 افرادده کافه دیوان عالییه سوقلری ایجاب ایدر . چونکه جرم و
 جرائم مرتبطه دندر . دیمک که بول مسئله مجلس اعیانه یی قانون اساسی یی
 قسیره صلاحیتدار اولان مجلس اعیانه مذاکره ایدیلش و مجلس اعیانک
 قراری معلوم اولدینی اوزره قسیر ماهیتی حائز بولوغمشدر . و برین
 قرار ، طوغریدن طوغرییه و کلادن اولان ذواتک دیوان عالییه سوق
 ایدلملی و حتی و کلادن غیر یی وار ایله اولغله دیوان عالییه سوقلری
 اساسی مجلس اعیانه قبول ایدلشدی . بول مسئله ؛ عرض ایدله بیکم وجهله
 مجلس اعیانه دور و دواتر مناکره ایدیلش و اماماد فرید پاشا حضرتلری

طرقند دیوان عالی تشکیل خصوصاً اختیارات جدیدیه تدابیر وکلای
 منزلت ها که لریک دیوان عربیله مبارزه سوق خفته کی تقریری
 ملکیه انجمنک مضطربه بلکه مجلس اعیانه مذاکره ایدلش وعدلیه
 نظری عرض ایدیکم وجه ابه الامانه بولونندن صکره فرید پاشا
 حضرت لریک تقریری مجلس اعیانه بر ایدلش وعدلیه نظریک تفسیر مایهتده
 مجلس اعیانه دیوان ایدیک سوزر مجلس اعیانه قبول ایدلشدر. دیما که
 مجلس اعیانه بوصوله و بر من اولدینی قرار ، بر تفسیر قراریدو. اولک
 ایچون بنه تکرار ایدییوم نه مستطقی نه ده مقام عالی ادنا ونهده مقام
 دولر کتیر قانون اساسی بی تفسیر اید بیلک صلاحیتی حائر اوله منزلر. قرار
 مذکور ابه تجبیر وقتیل عبرتیک وکلایک مأموریتلرندن خارج اولوبوب
 اهور مأموره لرندن متولد اولدینی مجلس اعیانه قبول ایدلش و وکلایک
 دیوان عالی بی سولاری مجلس اعیانه تقرر ایشدی. بوقرارک مواجهه
 ملتیه سنده هیئت جلیله لرجه موضوع بحث دعوائی رؤیت وظیفه دار اولدینه
 دائر قرار و بر لریکی تقدیرده علیی در که صدر لاحق حضرت لریک مجلس
 اعیانه رد اولونان تقریری بی حکمته دولتری ترویج مقامنده تلقی بویومش
 اوله لاحق که بوده ، قانون اساسی ابه نه درجه بقدر قابل تألیفد بویومش ده
 جای تأملدر. ایست شو عرض ایدیکم اساسه ابتداء در که مؤکلر بیزک
 توفلری خصصیه کندیلری ائحق دیوان عالیله هما که اوله بیلیر نامتاً
 بؤکلر بیزه استاد اولونان بجرانک مایهت و شکل قانونی قرارنامه تک
 کتیره مخصوصه سنده بیان اولدینی وجه ابه استاد اولونان بجرانک
 بؤکلر بیزک وظیفه لری خارجنده بجرانک عایدن مددو اولدینی فرض
 و تصور اولوننه بیله بونظرو بجرانک عمل رؤیتی بی حکمته عالیکنزه دیوان
 عرب دکل ، بجرانک عایدن اولوق اقتضا ایدر. چونکه دیوان عربیله
 استثنائی تالیقی حائر وضاحت قضایه لری درجه سی اداره عرفیه قرارند
 معضله و عرض اولدینی وجه ابه محدود همین بجرانک خصوصیه دندر بویومش
 اوجیوز بیکرمش بیس ستمندن بری اداره عرفیه ایشدهدر.

استانبولده اعلان اولونان اداره عرفیه بر زمانلر غازی مختار پاشا
 قابینه سی زماننده قالدیرلش و فقط بیکدن مملکتده کوردیلان
 آثار اختلال اوزوبت بیکدن وضع ایدلشدر. ذاتاً قانون اساسینک ۱۱۳
 هجری ماده سی اداره تخریبی تخریب ایدییورده دییورکه: ملکک برجهتده
 اختلال ظهور اید بکنکی مؤید آثار و امارات کوردیلکی حاده حکومت
 لریک اوعله مخصوص اولوق اوزورده موقه اداره عرفیه اعلانه حق
 وارذره اداره عرفیه بی تخریب ایدییور. قوانین و نظامات ملکیه تک موقه
 لطیفندن نیازت اولوب اداره عرفیه تحتده بولونان عهک صورت ادارسی
 نظام مخصوص ابه همین اوله بختدره دییور. اداره عرفیه قرارنامه سی شکل
 تصور شده اولوق اوزورده نشر و اعلان اولیور و اداره عرفیه تک صلاحیتی
 قانونی بر ضرورنده تهدید ایدلش اولیور. فی الحقیقه قانون اساسینک ماده
 تشریحیه سی ، اداره عرفیه بی اختلال حله عصر اجمعی و امنیت خارجه
 و داخلی موضوع بحث اولسی معاملات جا کراهتمزی نمایه تأیید ایدن
 و تالیق قانونی بختدر. چونکه قانون اساسی ابه مطلقاً بوصوله دیوان
 عربی لریک صلاحیتلری نمایه تهدید و لغتین ایدلشدر. بؤکلر بیزک دیوان

عالی حضورنده هما که لرندن بر لطفه تک اولسون صرف نظر ایدسه و اداره
 عرفیه قرارنامه تک خفرتده لطیفی قبول ایتسه تک بیه وؤ کلر بیزه استاد
 اولونان بجرانک قرارنامه تک بدعیمی ماده سی موجبجه بجرانک عدلیه طرقندن
 رؤیت ایدلسی لازم کلیر. دیوان عرب منحصرأ مقاصت قائم اولدینی
 بجرانک عایدن جزایه تک وظایفه تکلف اولدینندن بر حکمته فوق ماده
 اولان واک بویوک حکمته تالیق ایدلسی لازم کلن دیوان عالی تک مقاصت هیچ
 بر سبب وصوله قائم اوله ماز. کذلک اداره عرفیه قرارنامه تک طوقو بدعیمی
 ماده سی عیناً اوقوبورم :

دیوان عرب منحصرأ مقاصت قائم اولدینی بجرانک عایدن جزایه تک
 وظایفه تکلف اولدینندن اداره عرفیه اعلان اولونان عهک خارجنده
 کلن حکمتده باقیلان و باقیله حق اولان عهک بجرانک عایدن تک صلاحیتی
 داخلنده اولمالان برایشه بداخله حق اولیه حق کی اداره عرفیه آئنده
 بولان موقت بجرانک عایدن تک اداره عرفیه اعلانندن اول بر درجه بی
 قدر رؤیت اجتن اولدینی ایشله دخی باقیه بقدره ، دیلمکله دیوان
 عرب تک هم باذره صلاحیتی ، هم باذره قضایه سی و هم ده وظیفه سی
 تهدید ایدلش اولوبور. بجرانک عایدن تک بر درجه بقدر رؤیت اجتن اولدینی
 ایشله وضع بدون منع ایدیلان دیوان عرب ، نصل اولورده واک بویوک
 حکمته اولان دیوان عالی تک دو عهده اجتن اولدینی برایشه وضع بد
 اید بیلیر و او ایسی کورمک ایشره. کذلک ادنا و قرارنامه ده مؤکلر بیزدن
 وکلایقنده بولونش اولانلرک اتحاد و ترقی جمعیتی بجرانک همومینسک
 اعضای طبعیه سندن بولونلری حمایه جمعیتک تشکیلات خفیه سی
 طرقندن ایقامی ادنا ایدیلان افعال جنبیه مطلع اولدیلری حاده بیلورک
 مظاهر ایشدیلری در میان اولندهدر :

بودا ائحق ختی جمعیتلره داخل بولونان و او جمعیتلرک هدف و نایه سی
 نقیب ایدلره ساری وشامل اوله بیلور. بوقمه مجرد وکلای دولتک
 اتحاد جمعیتی بجرانک همومینسی اعضای طبعیه سندن بولونلری کیشی اعضای
 جمعیتدن بضایری طرقندن خفياً تشکیلات ایدیلکی فرض اولتان جمعیت
 خفیه منسویتلریته دلالت ایدمزه. ذاتاً بوسیله بیلدیرکه بویله برادعا استاد
 ناداتنامه ونهده قرارنامه ده مسوق دکلدر. فرض محال اوله لری اتحاد
 و ترقی مجلس همومینسده اعضای صفتی ادنای واقمک شوبته بر سبب
 کالی عد ایتسه تک بیه عناصر مختلفه دن مرکب اولان اتحاد و ترقی مجلس
 همومینسی بالعموم اعضاسکده مفروض جمعیت خفیه مظاهر ترقی قبول
 ایتک لازم کلیردی. فی الحقیقه بومظاهر طرزنده اولان بر احسانه دیوانیه
 صیوق مرحوم فؤاد بک طرقندن اعطا ایدیلوب وکلایک دیوان عالیله
 مسوق مکتده کی تخریر محتویاتنده موجود بولتیوردی و بو استاد ابه
 برابر آری آری بر طاق افعال جریه صفت ایدلش اولمک نظر اجتماع
 بجرانک قاعده قانونی سی موجبجه بجرانک قانون اساسی موجبجه
 دیوان عالی حضورنده رؤیتی مقتضیدر. مساعده بییور بویورده مصلحتدن
 بک دوام ایشولر .

سعدالدین فرید بک (دعوا وکیل) - دیوانیه صیوق مرحوم
 فؤاد بک طرقندن و برلش اولان تخریر مجلس مجوسان ضبطه لرنده

مردود . اوراده خاطر عاجزانه مدد قایلند کرده اون ویا اون ایکی بنداوزوبه او قدر شمولی واقدر عمومی صورتند دوشونش ویا زنده درک انجادوزنی جمعیتک شوعلکتند اجاع ایندی تصور اولان ویا خود تصور ایدیه بیه جک اولان تکمیل افعالی احاطه اجتن وتمامه قانون اساسینک حدودی دارنده دوشونیه رت کرک وکلانک دیوان عالی به مربوطی طولایسه اونل حفته کی اقسامک وکرکه افراد اهالیدن بولان دیگر کسانک نه بومشترک ومرتبط بولان فلهن طولای آنره تیباً دیوان مالیده عا کسانک اجراسی لازمکه جکی در میان ایدلش واوزون اوزلدی به تشریح وایضاح اولمشدر .

به مجلس بمونان ضبطنامه لریه و نتایج فعلیه بیه ثابت اولدنی وجهه او تقرر قبول ایدیه رت تحقیقات وظیفه سنی اجرا ایدیه جک اولان شیع مخصوصه حواله اولدی تحقیقات اجرا ایدیه وشو تحقیقاتک اجراسیه اسناد ایدلش اولان افماک بوکون هیئت عجزه کرده ، دیوان جلیک کرده موضوع بحث بولان اعحق برقمیدر بوجهاتک تحقیق دخی به پوشیده موضوع بحث بولمشدر . شیع تحقیقیه معلوم مالیکزدرکه برجزا در جزو ایه یا بالفعل موجود ویا بالقوه موجود اولان برکک پارچه سیدر ، فرعیدر ، امیر مخصوصی ایه دین رفیق محترم جلال الدین طرفی بک اقدی طرفیدن بر هیئت استطاقیه شکایه کویتمش اولان بر هیئت تحقیقیه بد تحقیق ایه استطاعتک شکل همومسی اولقی اوزره طوغریدن طوغریه دیوان عالی به نسبت اولغنده زرد ایدیه جک مرتبه در ایسته بوضو رت اودعوا به دیوان عالی وضع بد اجته بیه بردهوا بر محکمه در دست تدقیق و تحقیق ایکن عینی دعوانک بشقه بر محکمه طرفدن تحقیق و تدقیق وروقیه مساع قانونی بو قدر . شومس و قانون اساسینک بکرمی اوجنی ماده سنه مستد اولان شو وظیفه هیچ بر نظریه و هیچ بر اجتهاد شخصی ایه تئیر ایدیه من . قرارنامه مؤکلمر زدن بعض ذوات طرفدن انای تحقیقده شو وظیفه مسئله سنک در میان ایدلش اولدنی ذکر ایدیلور واسباب موجبیه شو طلبری رد ایدیلور . طیبیدرکه انای تحقیقده در میان ایدلش اولان بو اعتراض متقدمک ردی اوزوبه بر اعتراض ، بر وضیعت قانونیه آلی احتمال بقدر چونکه دیوان حرب مخصوصک شو ققطه نظریه ده نه شکلده یعنی بو هیئت تحقیقیه مقرراتی ندرجه اوزوبه تدقیق ایتمک امکانیه مجوز بولدنی معلوم دکدر بناء علیه حقوق جمویدن و محکمه نیک صلاحیتدن بحث ایتمک طیبیدرکه بوکون محکمه علیه کز حضورنده اثبات وجود ایتمک تملیق ایتمش بولتور . اقدم قرارنامه ؛ وکلانک وظیفه لرندن متولد بر جرم سیاسی ایلورسه دیوان عالی بسوق اولتور و طفسان ایکنی ملامه قانون اساسینک اوتوز اوجنی ماده سنه عیاتب نظر ایدلک لانه کلور دیورلر . ظن ایدیم که لاوتوز اوجنی ماده دن اول اکثر اوتوز برنجی ماده یی تدقیق ایتمش اولسه ایدیلر دین رفیق محترم جلال الدین طرف بک طرفدن بک واقعه عرض ایدلش اولان اوتوز برنجی ماده ده وکلانک نه کی احوال دن طولای دیوان عالی بسوق لازمکه جکی مصرح بولدنی خاطر ایدر و اوتوز اوجنی ماده ده تمسک ایتمک لزومی بیسن ایزدی حالیکه اوتوز اوجنی ماده به هیئت تحقیقده وظیفه

ادعاسی رد بولنده انجناد ایندیکی قراری تأیید ایدیه بور . اقدمه ماده ثابت صر محدر اوراده وکلانک وظیفه مأموریتدن خارج صرف ذات لریه مآذ دنلیشدر . سمدی بوراده قانونک استعمال ایندیکی برکلی مر جوله اعمال ایتمک ، اعمال ایتمک مقتضیات قانونیدن اولدنی کی وظیفه مأموریتلر دن خارج ویکله وظیفه مأموریتلری داخلده بولان احواله دیوان عالی به مآذنی تکرار تأیید ایتمکدن سوکر صرف ذات لریه مآذ یعنی بر جرم شخصی ، اشخاص عادیه سآزیه وقوع بولان تصرفلری ؛ مثلا وکلانک بر سنک بولده بریسته بر طوقات آغسی ، مجتهد ائسی ، یاخو اوشخصه مآذ اولورق بر ساخته کلافی فعل لرتکاب ائسی کی احواله که بوضف اولمأموردن یعنی او ذادن صفت مأموریتی اعتباریه دکل ، صفت ذاتیه سی اعتباریه صادر اولمش بولتور . بوقسه وظیفه مأموریتی اعتباریه بایلمسنه و یاخو بایدرمانه دغه مجبور بولدنی احوال بایدرسی ویا بایدرمته مکلف بولدنی احوال بایدرسی کی اشخاص سآزیه قارشی وقوعولش اولان جرائم اوتوز برنجی ماده موجب طوغریدن طوغریه دیوان عالی به مآذدر . هیئت تحقیق نیک شو طغره جرم سیاسی ماهیتی تصور ائسی بزجه ضعیف بر نظریه حائده قاضی اولیور چونکه بونی دفع ورد بولنده طفسان ایکنی ماده به تمسک ایتمش . طفسان ایکنی ماده ؛ وکلا ایه حکمته تمیز رؤسا و اعضاسنک و ذات و حقوق شاهاه علینده حرکت و دولتی بر حال مخاطره الفاه تصدی ایلمنلرک عا کسانک مآذدر ؛ دنیلور بناء علیه وکلانک دیوان عالی به کتیمی لازم نیر . ودعوا شو شکل سیاسیده اولسه بیلدوره طیبیدرکه بزبواه بوقطه به هیئت تحقیق نیک مقصدینه وصول آرزوسیه واصل اولیورزه حال بوکوماده دیوان عالی نیکه لقی ایدیلور و فله دیوان عالی دینور . طفسان ایکنی ماده اوراده بآشلور . اولا دیوان عالی نیک صورت تشکیلدن بحث ایدیلور بصرکه ده دینلور که ؛ وظیفه سی وکلا ایه حکمته تمیز رؤسا و اعضاسنک و ذات و جملونی شاهاه علینده حرکت و دولتی بر حال مخاطره الفاه تصدی ایلمنلرک عا کسانک بوقضومه اولا وکلانک بحث ایدیلور دیک که دیوان عالی نیک وظیفه سی اولا وکلا ایه عا کسانک ایتمکدر . شوقید مطلق طیبیدرکه وکلانک دیوان عالی به عا کسانکی استزام ایدن خصوصایدر .

اوت ، دیوان عالی نیک وظیفه سی ۳۱ نهمی ماده نیک صراحتدر ۳۳ نهمی ماده نیک تأییدی ایه وکلانک دیوان عالی حضورنده رؤیت ایدیه جک دیوان عالی رؤیت و تدقیق ایتمک ، ایکنی سی حکمته تمیز رؤسا و اعضاسنک عا کسانک بولور معلوم مالیکزدرکه حکمته تمیز املها کدر لوزک بوقته بر حکمیه بولور دوجبات اعتباریه عا کسانک رؤسا و اعضا و اجزاسنک نده عا کسانک اولدیجکی معلوم و صر جدر ، حکمته تمیز اجزاسنک بوقته بر حکمیه بولدیجکی وانلره تودیع ایدلش اولان وظایف روح عبادت بایلمک نام جالییه بولدیجکی کرک قهس مخصوص ایه کرک وظیفه مأموریتی سی استیلا تیره سی اولورق اجاع ایدلش اولان جرم بددنه جمل خبری ایلمنلرک ایچون ایسته بر مقام قایل بولند

تیس - بولر طوغریدن کالکره ویا اولان دیوان عالی نیک

سعدالدين فرید بك - (دوامه) بناءً عليه شو قطة نظردن عهكمه
 تمیز اعضاسك وظیفه مأموریشلردن منبت اولان فعلری بته دیوان
 عالی کیره جلدور . دیگر خصوصاًندن طولای تطویل مقاله لزوم
 کورسیورم . شمسی بقدر ایراد اجتناب اولدینمز شو وظیفه اعتراضی
 وکلای سابقه دولندن بولمنش اولان مؤکلامزه مانده کی کورنیور فقط
 اساس اعتباریه دیوان عالی مانده اولیان رفعل ایه تجریم ایدلش اولان
 هم فصل عد ایدلش بولونان ذواتك انفاستده ذممدخل اولوق اوزره
 بولنودلر طیبیدرکه حاضر بالمحا که اولان دکل ، طوضردن طوضرویه
 فاعل اصل کی اتهام ایدلش وکلاده بولونیور فرعاً ذممدخل اولوق اعتباریه
 شو جرمک مؤکلامیزی اضرار اتمک احتمالی اولسه دشنی اولجده عرض
 ایدلش اولدینی اوزره فرعیته اعتباریه جرمک عمل تدقیق و عمل وؤقی
 دیوان عالی اولونجه بونده مرتبط اولوق طولایسیله دیوان عالی به ذاتاً
 دیوان حربه مربوط اولادینی تصور ایدیلن ذواتك دشنی شو حقمنزی
 درمیان اتمک حقلری اولاجنی دوکاردر . چونکه دیوان عالی دعوایه
 وضع ید اجتناب و دعوا یی رؤیت باشلامش واک بیوک عهكمه اولوق طولایسیله
 تکمیل دعوا یی رؤیت اجتنابی لازم کلیر . عدالتك سالم برصورتده و طریق
 قانونیده جبران اجتنابی ایچون بویه اولوق ایجاب ایدر . رئیس باشا
 حضرتلری ، رفیق محترم جلالالدين عارف بك اقدی طرفندن مقدمه ده
 عرض ایدلنجه وجهله دیوان محترمه کوزه قارشى امنیت و اعتماد نامتاهدر
 فقط بزم بر وظیفه قانونیه من واره مؤکلام منصفه پایلاجق عا که مک
 سرخالده مرجع خصوصنده و اولنر حقدده و بریه جک حکمک و او حکمی
 اعطا ایه مکلف اولان ذوات طرقتدن ویرلسنی طلب ایتکدر .
 رئیس باشا حضرتلری ، بزم بر وظیفه اعتراضی اساساً بودعوا یی
 هیئت محترمه رؤیت ایدیور ديه دکدر . هیئت محترمه کز بزی بیکی
 دیکلورور . احتمال بزم طرفزدن واقع اولامش اولسه بیه طوضردن
 طوضرویه عهكمه طرفزدن ده نظر دقه آله ییلیر . بوجهت هیئت تحقیقه ده
 موضوع بحث اولمشور و زرده بوقی هر زمان درمیان اتمک . وضیعت
 قانونیه سی حائر بولمنش اولبورز و بونی شمسی درمیان ایدیورز و دیوروز که
 هیئت محترمه کز کندنی حضور بیه کن شو دعوا یی رؤیت صلاحیتدار
 اولادینه فراد اعطا بیورسون . چونکه معلوم مالکزدرکه عا که مک
 درجه قسیمی بیوک بر قاعده یی بیوک بر حکمت مستدر . عهكمه محترمه کزدن
 صادر اوله جق مقرراتك قابل رد و تمیز اولدینی دیوان دولترنك تشکیله
 دائر اعلان ایدلش بولان قرار نامه ایه مؤیدر . بناءً علیه دیوانکوزک
 قدرت و صلاحیت حکمیسی بك واسع وک قلمیدر . فقط بصلاحیت
 و قلمینارک حادثه کيفت قلمینقی قدر ایدجک بر دیوان همومی ، بر
 عهكمه تاریخ و بوتون بونلرک فوقده هر فردك اجرا آتی مأجور و یا
 مؤاخف ایدجک برده عهكمه کبرا واددر . ایته زرده بر طرفدن خلیفه
 فیشاییه و ملیونلرجه الفار ایدیه نامی احکامنی محافظه یین ایه تأیید
 ایدیلن قانون اساسیزک مواجهه مادیسنده و دیگر طرفدن مخالفته ترکیبه
 تلخیص اولان بوتون مقدماتك حضور منویسنده تاریخك هیئت جلیه کزه
 تمسک ایتدی اکه آخر وظیفه عدالتی ایضاً دعوت ایدیورز و دعواتك
 رفیق منله کوزک صلاحیتی خارجنده بولنیشدن بحث ایدیورز

محمد ماهر اقدی (دعوی وکیل) - اقدم سعدالدين فرید بك ،
 اجتماع جرائمن تحت ایندیله ازجه مؤکم ابراهیم بك وظیفه مأمورده سندن
 متولد سیاسی و غیر سیاسی بر طاقم جرائمن طولای دیوان مالیک هیئت
 تحقیقته یعنی مجلس میواتك شبه مخصوصه جلب اولونیور . قام
 ادواتك قرارنامه سنده ، دیوان مالیک وظیفه منته تجاوز ایدله چکندن
 تحت ایدلی . دیمک که مؤکم ابراهیم بك اقدی عهكمه علیه نرسه سوق
 ایدیلن جرمین ماعدا بر جرم اسناد اولونیور . شو حاله کندیلرند
 اجتماع جرائم وار دیمکدر . جرائم اجتماعیه حالده مجموع جرائمک کافسی
 بردن عا که ایدیلیر . اولنرک اکه اغیری حقدده حکم صادر اولور . اکه
 اغیر جزایی مستلزم اولان حکم ، دیگر لرینک بریه قام قائم اولور بوقه
 جرائم قریق ایدیلرک بر قسیمی بر عهكمه ده بر حکمه اقران دیکری دیگر
 بر عهكمه ده بالمحا که حکمه اقران اتمک یعنی ، آری آری جرملر ایچون
 آری آری حکم ویرمک جائز اولماز . بناءً علیه کندیلری حقددر
 دیگر عهكمه ده در دست رؤیت اولان بر دعوا ایچون مادمکه دیوان عالی مانده
 اولان دعوا عهكمه طالیلری وضع ید ایدله بورد . دیگر بر عهكمه نك وضع ید اتمش
 اولدینی بر جرمه وضع ید اتمک ایجاب ایدر . چونکه بوحالده ، یعنی اجتماع
 جرائم حالده جرائمک تدقیق و آری آری عا که کسی قانوناً جائز اوله ماز .
 حال منلا بك - رئیس باشا حضرتلری ، بنده کزده رفیق محترمه
 اشتراک ایدیورم . دیگر بخیر کندنی شخصه مانده بعض ملاحظاتدن
 هاردر . وظیفه منله سی تکرار ایدیورم .
 مصطفی نظلی بك - (مدعی همومی) درمیان ایدیلن وظیفه
 و صلاحیت منله سی حقدده بنده کزده قطة نظری عرض ایدله جکم
 اجراسی طلب اولونان عا که مک (ایشیدله بور سعدالری) بود دیوان
 حربی ، بوقه قانون اساسینک تمین ایتدیکی دیوان عالی همی ماندر .
 بوجهتک تمین اسناد اولونان جرملرک امور مأمورده دن منبت اولوب
 اولادینک هیئت متوقنقدر و قرارنامه ده و اتهامنامه ادا اولونان جرملر
 مأموریت اعتباریه نحدث اتمش ، مرکز همومیده و مرکز همومینک
 اجتماع همومینده نحدث اجتناب طولاییدر . شو حالده صورت
 سوق دعوا وظیفه مأمورده دن منبت اولوق اوزره تلقیه مساعد دکدر .
 ابراهیم بك حقدده کی جرائم اجتماعیه منله سی هنوز معلوم دکدر . بعض
 اوراقك ، مجلس میواتدن مدعی همومینک مقامه کوندر ایدکی خبر
 ویردیلر . اگر بو جرمک حین عا که ده وظیفه مأمورده تلقی نطق
 ایدره اولوق نظر دقه آله ییلیر . وظیفه و صلاحیت منله سی قطعاً
 موضوع بحث اوله من . فقط حال حاضر اعتباریه بو ، عهكمه علیه کزک
 دائره صلاحیتدور . چونکه سوق دعوا شوندن هاردر قرارنامه
 قرائت اولان صرف شخصی جرائمدر . اگر حین عا که ده اولوق
 اولادینی نطق ایدره اولوق نظر دقه آله ییلیر .
 رئیس - لازم کن تدقیقاتک اجاشدن مسکره قرار ییزی تبلیغ
 ایدجکزه . بختنه کونی سامت بردمانشاه ایدکی عا که مباشرت ایدیلر
 برمی عا که مک سوک
 دیکه
 سات
 ۳۰
 ۳۰
 دیوان حربی منله شیط هیئت مأمور
 سعدالدين

Sahife 8

Reis- Âzasından bulunduğunuz İttihat ve Terakki Meclis-i Umumîsi ve Merkez-i Umumîsi mukarrerâtıyla serzedde² zuhur olan efâl-i sekime ve bahusus harb-i umumî münasebetiyle hasıl olan meşagilden bilistifade bazı kesa²nın mekasid-i ihtiras kâranelerini temin için meydana çıkardıkları mesail-i nâmüddiyenin hiz arayı husul olacağına kani olarak hiç bir akl-ı selimin kabul edemeyeceği tarzda zahiren amâl-ı milliyeyi tatmin ve tamamîyet-i milliyemizi temin sadedinde göstererek teşebbüs edilen hususat ve harekâtın devletin siyasî ve idarî ve iktisadî umurunda tahavvülat ve teşevvusat-ı külliyeyi müntic ef'âl ve harekâtta bulunduğundan devletin başına bir gaile-i âzime çıkarılmış ve seferberlik münasebetiyle, her tarafa teşmil edilen idare-i örfiyeyi bir fırsat addederek iltizam-ı zecr ve şiddetle efvana nası sedd ve muhalefet ve tenkid-i refi ve benderek bimuhaba tatbiki men'iyata kıyam ve sadedilani ahaliyi igfâl ve igfâl ederek bir takım serselilerle mücriminden teşekkül ettirilen kavafilî dalle vasıtasıyla icra ettirilen harekât-ı cinayetkâranenin projelerini ihzar ve ~~ve~~-tamamiyle mevki-î fiile dile vazı-i netaic-i elimeye isal ettiklerinden dolayı vukua gelen ve din-i mübeyyininimizce hiç bir veçhile cevaz verilmeyip kavanin ve nizam-ı Osmanıyyeye hiç bir suretle kabil-i tatbik olamayan efâl ve tevlit eylediği lâyuat fecayi ve mezalim enzarı âlemde nefret ve telinî badi olduğundan bu efâlin mütecasırları meyanında sizlerin dahi bulunduğunuz ve hususat-ı me²buseden mühim roller icra eylediğiniz iddia olunur. Bu iddia Müdde-i umumîlik makamında tasrih ve isbat edilecektir dikkat ediniz Müdde-i Umumîye hitaben:

Sahife 9

Müdde-i Umumî Mustafa Nazmi Bey- Hazır^eı bir meclis ve gaibi anılm^h hakeme zevat hakkında iddia ve isnadolunan mevad-i cinaide krâat olunan kararnamede tavzih edilmiştir. Bunların dela^{ye}il ve vesaikinin kâffesi esami üzerine mürettep olan dosyelerde mevcuttur, bunları tekrar suretiyle teşrih-i meselâ^e ederek vaktin izaesine zait görürüm ve bu maksada mebni bu gün iç^üân icrası muayyen olan muhakemeyi ferdaya talike^{ine} sebep olmuş olmak istemedim. Esasen hakikat huzur-u mahkemede tecelli edecektir. Şu kadarki ruiyeti iptidar olunan dâvanın ehemmiyetini ve adâlet^e şiddeti alakasını tâyin için bir iki söz ilâve edeceğim. Malumdur ki milletlerin içtimâî, devletlerin teşebb^{KKüli}us hak, adalet, müsâvatın heyet-i içtimaiye içinde takarrur ve masuniyetinin kuvvetli bir surette devamı maksadına mâtuftur. Bundan naşı bir mülkte hak ve adaletin vücüdü o mülkteki hakimiyetin hayatı, âdemi ise mematı meselesidir.

S^eniyni ve ferihend^e ber^e bu mesele mülk-i Osmanide kesb-i müskülât etmiş, Abulbeşirin bir evlâdı olan anasır-ı muhtelifi-i Osmaniye yekdiğerine düşerek maelesef tarihe^{Osmaniye ye} kanlı sahifeler ilâve eylemiştir. Kanun-u Osmanînin menettiği, vicdan-ı Osmanînin nefret eyle^{digi}miş^{dir}, hakimiyet-i Osmanînin, makam-ı Hila fet-i uzmai Islâmiyenin hiç bir zaman kabul etmediği ve etmeyeceği öyle ceraim vukua gelmiştir ki bu ceraimi tercüman ve mümessili olduğum hukuk-u umumîye-i Osmaniye artık afedemez. Osmanlı toprakları üzerinde cezasız kalmış cinayetler kanun-u Osmanînin tayin ettiği cezayı görecektir.

Türab olmuş mâsum kanlar ruhunu \emptyset ş yeniden alarak dirilecektir. Atşan-ı adalet olan akvam-ı Osmaniye reyanı adalet

olacaktır. Hakikaten Osmanlı toplakları adâlete susamıştır. Ahvâl-ı ruhiye-i memleket asırlardan beri gıda-ı esasîsi olan adalet-i islâmiyenin^z sūdünden tamamen nasibdar olmadığı için bütün ~~anasırı~~ ^{amanat} ve meâliyatı memleket duçarı zâf olmuş ve 324 tarihinde ilân edilen meşrutiyet-i idareye İslâm, Hristiyan bilcümle anasırı hak, adalet aşkiyle sarılmış, ülema, nüzeha, naceba, bütün safiyetleriyle çalışmış, hayfakı hak ve adalet temerküz edecek yerde lâyuat ve lâyuhsa bir sürü mesavi ortalığı kaplamış, anasırı Osmaniyye yekdiğerinden ayrılmağa başlamış, hükûmet-i meşrutenin hıdmetine şitab eden nice eshab-ı namus ve hamiyet müteellim ve müteessir olmuştur, ilânı meşrutiyetle başlayan, katl, tahrib, gasp, nehb gibi kanlı vekara silsilei seyiyat maalesef İttihat ve Terakki cemiyetine idafe edilmekte olduğu gibi Devlet-i Osmaniyye için bir felâket-i âzime teşkil eden şu harb-i umumîdeki taktıl ve ~~İttihat~~ ^{İHTİKAR} harb meydanlarında irake edilen meydan ve delirani Osmaniyyenin kanlarında feci tessürler bırakmıştır.

Taktıl gibi sibâne, ^{İhtikâr} İttihât gibi hasisane cinayata ^{yine} maalesef İttihat ve Terakki cemiyetinin Merkez-i Umumîsini ve Heyet-i Umumîsini ve Teşkilât-ı Mahsusasına isnat edilmiş ve huzur-u mahkemeye sevkolunmuş zevât vükela memurini sıfatıyla değil, yine İttihat ve Terakki cemiyeti erkânı ve Merkez-i Umumî âzaları olmaları sıfatıyla sevk edilmiştir.

Şu taktıl ve ihtikâr dolayısıyla hakipay-i Osmaniyye düşen kanlı lekeler, nasiye-i Osmaniyye sıçrayan siyah lekeler ancak adâlet kalemleriyle silinebilir ve öyle silinmek için cihad ediliyor cürüm işleyen İslâm, Hırısıyan cezalarını görecektir.

Müdde-i Umumîlik mâkamı yalnız bir taraf hakkında icra-i

tâkibata memur edilmemiştir. Makamın gibi bilumum Müdde-i umumîlikler şikayet kabulüne, taharriyat icrasına salih mevkiler muhbir, müteşekki, mutazarrır olanların müracaatına küşade ve amadedir.

İslâm ve Hıristiyan olsun hiç bir Osmanlı kanı heder olmayacaktır. Bu badire-i mukatelede İslâm öldüren Hıristiyan Osmanlılar hakkında dahi takibat icra edeceğim. Her halde cürüm işleyenler cezalarını görecek, fakat mâsum olanların zimmeti ise her halde şu macera-i kıtalden beri olduğu şu divan-ı âlide tayyün eyleyecektir.

Osmanlıların Padişahi, bütün âlem-i İslâmın Halifesi Altıncı Sultan Mehmet Han Hazretleri adâlet-i İslâmiyenin yeni baştan tecellisine karar vermiştir. Hükûmet-i haziresi dahi aynı amâl-i adâleti tâkip ile muvazzaftır, bil'cümle anasırı Osmaniyye ise padişahlarının sülûk-i adile-i mukânelerine ittibaen huzurunda bulunduğumuz şu Divan-i Âlinin icra-i adâletine nasb-i inzar ve vakf-ı amâl etmişlerdir. Kanaat edilmelidirki bu heyyet-i hâkime bütün eczasiyle beraber vicdanlarında hiss-i adâleten başka bir şey beslemiyor. Esasen mahkeme-i adâlete hiss-i intikam, teesirat-ı siyasiyye, efkâ^Rı ihtiraş ve hiç bir devlet, ve hiç bir millet-i mutemedine Hükûmet-i Osmaniyyeden mehakim-i Osmaniyyeden alelittlak müce^azat icrasını talep etmemişler ve edemezler.

Bizden intizar olunabilen, hukuk-u beşer namına bir adâlettir. Adâlet-i İslâmiyye huzurunda halifeler el pençe divan durarak gerdani gerdandada^e ink¹iyat olmuşlardır.

Osmanlı mahkemelerinde Osmanlı hakimleri huzurunda vükela vevüzera seyyan olduğu gibi, Osmanlı adâlet-i munkatı olmayıp

carî bulunduđu cihetle kararnamede serdedilen cinayatta Doktor Bahaettin Şakir, Nâzım ve Atıf, Rıza, Cevat, Aziz, Enver, Cemâl, Talât Beyler hemfiil olarak ittiham edilmişlerdir. Mithat Şükrü, Doktor Rusuh, ve Küçük Talât, Ziya Gökalp, ve Kemal Beylerle Sait Halim Paşa, Ahmet Nesimi, Şükrü, İbrahim ve Halil Beyler de ferân kıtal-ı mezkürde zimethal olarak maznun ve müttehim bulunmaktadır.

Haklarında muhakemat-ı âleniyenin icrasını talep ederim.

Celâlettin Arif Bey (dava Vekili)- Paşa Hazretleri, müsaade buyurulursa hukuk-u umumîyeye taalluku olan bu muhakemede istizam-ı umumîye temin etmek maksadıyle vazife hakkında bazı mütaalat dermeyen edeceğim.

Reis Paşa- Buyurun.

Sahife 10 Celâlettin Arif Bey (dava vekili)- müdafaalarını deruhte eylediğimiz zevâtın heyet-~~ı~~ huzuruna sevki için kararname ve iddianamede isnadedilen mevaddın mahiyet-i kanuniyeleri bize evvel emirde hukuku umumîye ile alakâdar edecek bâzı izahat vermeye mecbur ediyor tabiî makam-ı iddianın dermeyen buyurduğu veçhile devlet-i Osmaniyyenin tesisinden sıvfet etmemiş olan bu tarihi hadisenin kavanin-i mevzuamızın icabat-ı katiyesi dahilinde tedviri vazife-i mühimmesi heyet-i celilelerinin kemâl-i adâletine ve azim ve metanetine ve alelhusus futur-u (tabiidir?) mesaisine mevdudur. Mahkeme-i âliyelerinden sadı~~rlarak~~ olan hüküm yalnız müekkilerimizi nesl-i hazırı değil, ensal-i müs takbele-i Osmaniyyeyi ve adâletin en mübeccel ve en ulvî misallerini mutavazihane ifadeleriyle kaydeden tarih-i İslâm ve Osmaniyyi alâkadar eyleyecektir ve bütün beşeriyet şarka ve şarkın bilhassa bizlere müteveccih olan nazarlarında memleketimizde adâletin her türlü ağrazdan, her türlü şaibeden, her

türlü ihtiraslardan münezzih olarak kabiliyet-i tatbikiyesinin derecesini gösterecektir.

Yine mahkeme-i devletleri huzurunda ve vazifesini tamamiyle müdrik ancak hak ve hakikatin tecellisine hizmet etmek âzîm ve kararıyla çıkıyor. Heyet-i celilelerinin muttasif bulunduğu seccaya-i âliye nısfet bu tarihî vazifemizi teshil edeceğine de eminiz yine makam-ı âli-i iddianın dermeyeran buyurulduğu veçhile ağraz, intikam ve saire mahkeme-i âliyenizin işgal eylemekte olduğu o mevki-i âlinize kadar yükselemez ve bu gibi şeyler, heyet-i hakime-i celileyi bir veçhile müteessir edemez. Adâletin temerküz etmesi lâzım gelen bu mahall-i mukaddesten, sadelikle ihtişamla, şevketle bir ses yükselecektir ve bu ses, bütün ortaya atılan o gürültüleri bastırarak ve bütün azametiyle istikbalde bile işitilecektir bu ses adâletin ve hakkı hakikatin sesi olacaktır, işte bu kanaat ve samiyetleldirki hususat-ı âtiyenin dahi arzını kendimiz için bir vacibe addediyoruz müekkilerimize isnat olunan töhmet, taktil ve sairede hemfiil olmak veya fer'en zimethal bulunmak hususlarıdır ki gerek iddianame, gerek kararname, İttihat ve Terakki cemiyeti münfesihesinin biri teşkilât-ı hâfiye, diğeri de teşkilât-ı âleniyeye ait iki tarzda idaresini irae ediyor ve teşkilât-ı hâfiyesi marifetiyle idare eylediği taktil ve saire gibi mezâlîme teşkilât-ı âleniyesi dahi zahir olarak müekkillerimizden bir kısmının hemfiil ve bir kısmının da bilerek müzaheret suretiyle fer'en zimethal olduklarını dermeyeran ediyor tarz-ı iddia şu şekilde bulunmasına nazaran bu davanın heyet-i âliyelerinin vazifesine dahil olup olmaması ~~bu davanın~~ meselesi, en ziyade muhta⁵ tetkik bir mesele-i kanuniye teşkil eder.

Müekkilllerimizden Sait Halim Paşa ile Halil, Nesimi, İbrahim ve Şükrü Beyler, mâlum olduğu veçhile vükela-i sabika-i devlettendirler. Kanun-u esasînin vükela-i devlete ait olan faslın otuzbir ve otuz üçüncü maddeleri nazar-ı tekike alındığı surette görülür ki vükela-i devletinin umur-u memurlerine müteallik muhakemelerinin ancak Divan-ı Âliye aidiyeti ve memuriyetlerinden hariç sırf zâtlarına ait olan her nevi davalarının mahall-i rüyeti mehakim-i umumîyedir diğer taraftan, kanun-u esasînin yirmiüçüncü maddesi gayet kat'idir. Kanun-u esasînin yirmiüçüncü maddesi diyor ki hiç kimse, kanunen mensub olduğu mahkemeden başka bir mahkemeye sevkolunamaz. Daha doğrusu icbar olunamaz ve keza kanun-u esasîmizin yüzonbeşinci maddesi daha kat'i surette ifade-i meram ediyor ve diyor ki, kanun-u esasînin bir maddesi bile hiç bir sebep ve bahane ile tadil ve icradan iskat edilemez, demek ki şu suretle bu davanın iki muhtelif mahkemede rüyet edilememesi ahkâm-ı müselleme-i kanuniyeye müstenittir. Onun için biz bu meseleyi evvelâ dört cihetten tetkik ettik:

Birinci cihet zatî madde, olacaktır.

İkinci cihet, müekkillerimizin şahsiyet ve zıfatları.

Salisen isnat olunan fiilin eşkâl-ı kanuniyeleri ne suretle olduğu ve râbiyen de işbu davanın tahkikatına makam-ı aidince şuru edilmiş bulunması nokta-i nazarından vezife meselesinin tetkiki lâzım gelir.

Evvelen: zâtî madde. Kararname ve iddianamedeki isnadatın başlıcası tehcir kanununun hini tatbikinde vukua getirilen ceraime mütedair bulunuyor halbuki usulu dairesinde Meclis-i Vükela karaiyle bittanzim İrade-i Saniyye-i Hazreti Padişahiye

iktiran ettikten sonra neşr ve ilân olunan bir kararnamenin esna-i tatbikinde vukua getirilmiş olan cürümler olsa, kanun-u esasının otuzburuncu maddesi mucibince tayin edilmiş olan hudut dahilindedir. Kanun-u esasının otuzbirinci maddesi gayet sarıhtır, diyor ki: "Mebusan âzasından biri ve yahut bir kaç heyet-i mebusanın dahilî daire-i vazifesi olan ahvalden dolayı vükela-i devletten bir zat hakkında mesuliyet mucip şikayet beyan ettiği halde, evvela heyet-i mebusanın nizam-ı dahilisi mucibince bu misillü mevadd-i heyet-i havalesi lâzım gelip gelmiyeceğini müzakereye memur olan şubede tetkik olunmak üzere şikayeti müşir heyet-i mebusan reisine verilecek takrir reis tarafından mihayet üç gün zarfında o şubeye gönderilir ve bu şube tarafından izahat- kâfiye istisâl olunduktan sonra şikayetin şayanı müzakere olduğuna dair ekseriyetle tertip olunacak kararname heyet-i zât davet ile bizzat veya bilvasıta vereceği izahat istima kılınarak âza-i mevcudenin sülûsan-ı ekseriyeti matlakasiyle kabul olunursa muhakeme talebinin müşir mazbatası makam-ı sadarete takdimle ledelarz müteallik olacak idare-i seniyye üzerine keyfiyet Divan-ı Âliyeden bir ya bir kaç zâtın aleyhinde vazifesi olan ahvâlden dolayı mesuliyeti mucip şikayet beyan edildiği halde o şikayetin tahkikatının icrası münhasıran Meclis-i Mebusanın şubesine aittir, o şubede doğrudan doğruya müstantiklik vazifesini ifa eder, çünkü otuzbirinci madde gayet sarıh surette "kararname" diyor...bundan müsteben olduğu veçhile burası doğrudan doğruya müstantiklik vazifesi ifa eder.

Izahat-ı anifeye göre zâtı madde umur-u memureden mütevellit bulunduğu cihetle kanun-u esasının otuzüçüncü maddesinin sarahati kat'iyesi karşısında müekkillerimizin memuriyetlerinden

hariç ve sırf zâtlarına ait davadan telakki etmek mümkün değildir.

Şifha 11

İddianame ve kararnameye nazaran İttihat ve Terakki Cemiyeti münfesihesinin îlân-ı meyrutiyetten tarih-i inhilâline kadar bir programa ve nizamname-i dahiliye müstenit zahiri ve alenî, diğeri de talimat-ı şifahiye ve mahremaneye müstenit mestur ve hafi iki mahiyet-i mütezaddeyi cami ve muhtevi olduğu ve taktîl mezâlimi sairenin hâfi teşkilât ile vukua getirdiği ve müekkil-^{il} lerimizden bazılarından vükela-i devletten mâtuđ bulunmalar-ı hasebiyle İttihat ve Terakki Cemiyetinin Meclis-i Umumîsi aza-i tabiîsinden oldukları ve bu itibarla cemiyet-i hâfiye ~~âza-ı~~ tarafından ittihaz edildiği iddia olunan ef'âli cürmiyeye vakıf oldukları halde bunları menetmemek suretiyle mütaharetlerinin mesbuk olduğu dermeyan ediliyor ki buda farzedilse bile bu şekildeki isnadına umur ve vezâif-i memurlerinden mütevellit olabilir, ve kanun-u esâsîn otuzüçüncü maddesinin fıkra-i evvelâsındaki "memuriyetlerinden hariç ve sırf zâtlarına ait" meselesi bu kadrda giremez çünkü müekkillerimizden ve vükela sıfatını iktisap etmiş olan bazı zevâtın Mecles-i Umumî âza-i tabiiyesinden bulunmaları hasebiyle keza Meclis-i Umumîde vücudu farzedilen cemiyet-i hâfiye müntesibini tarafından ika olunan ceraimе muttalî oldukları halde bunların ikaina mani olmamaları ve hatta - yine iddianamedeki sözü alıyorum - bilerek menetmemiş olmaları teslim edilse bile bu hareketleri vazife-imemurelerini sui-istimal etmek cürümü teşkil edebilir, çünkü vükelanın vazifesi esas itibariyle bu şeylere mani olmaktır. Bu da vazife-i memuriyetten münbais olmak itibariyle kanun-u esâsînin balaya nakletmiş olduğumuz otuzbirinci maddesi veçhile Divan-i Âliye sevkedilmeleri lâzımdır.

Yine iddianame ve kararnamede deniliyor ki bir teşkilât-ı mahsusa vardı, harbiye teşkilât-ı mahsusası. Bu teşkilât-ı mahsusanın İttihat ve Terakki ile münesebettar olduğu ihsas ediliyor ve bu da bizim müekkillerimiz için bir mesele-i tecrim olmak üzere gösteriliyor. Halbuki Teşkilât-ı Mahsusa bir takım esbab-i askeriye mübteniydi ve doğrudan doğruya Harbiye Nezareti tarafından ihdas edilmiş bir daire olmak hasebiyle müessesât-ı umumiyeye-i devletten bir dairedir, bir şube-i dahiliyedir. Bu dairenin bir merkez-i ve sübat-ı muhtelifesi olduğu gibi Harbiye Nezaretinden verilen talimatname-i resmi dairesinde tedvir-i umur ile mükellef bir takım memurini ve müstahdemini bulunduğu ve bunların maisatı da devletin umumî bütçesinden tediye edildiği tabiidir ki cümlece malumdur, bu Teşkilât-ı Mahsusaya ait Harbiye Nezaretinden mahfuz bulunması lâzım gelen kuyudat-ı resmîye ve dosyeler celbedilirse, görülür ki bu iddiamız mahza hakibattır, çünkü Teşkilât-ı Mahsusa bir daire-i resmiyedir ve onun başında bulunan bir takım muvazzaf zabitan ve memurin vardır ve bunlar da maaşlarını daima devletin umumî bütçesinden almışlardır. Bu dairenin umurunu tedvir eden eşhas meyanında İttihat ve Terakki Cemiyeti âzasından bir takım zevat bulunmuş, ve bunların da o suretle bulunmaları acaba Teşkilât-ı Mahsusayı devair-i resmiye-i devletten hariç tutabilirmi. Bittabi tutamaz çünkü bu gün de bir çok kimseler kendi hususî vazifeleri olduğu halde ayrı bir takım yerlere memur olabilirler ve oralarda da hizmet edebilirler, mesela İttihat ve Terakki âzasından bir takım zevat vardı ki bunlardan kimi Müdafa-i Milliyede, kimi Cemiyet-i Tedrisiye-i İslâmiyede, , kimisi de Hicaz Sıhhiye Komisyonunda muvazzaftılar ve orada çalışıyorlardı, bu zevâtın oralarda girmesi nasıl devair-i res-

miye-i ilmiye veya sıhhiye olmak gibi daire-i resmîyeden çıkaramazsa Teşkilât-ı Mahsusade, resmî olan bir dairede bulunmaları ve orada çalışmaları, bu, daire-i müssese-i resmîye halinden çıkaramaz.

Saniyen müekkillerimizin şahsiyet ve sıfatları hakkında bazı mütalaat dermeyen edeceğim. Arzeylediğim veçhile müekkillerimizden bir kısmı vükela-i devlettedir, vükela, kanun-u esasımızın mevadd-i sarihasına göre devletin siyaset-i umumîyesinden müstereken ve daire-i nezaretlerine ait olan muamelattan dolayı münferiden ve dahiliî daire-i vazifesi olan ahvaldan dolayı da cezaen Divan-ı Âli huzurunda mesuldur. Kanun-u esasının mevadd-i mâruzası kâtiyesine iptinaen mesuliyet maddesine heyet-i istintakiye ve iddia tarafından ve ne de mahkeme-i devletleri tarafından tefsir edilemez çünkü, kanun-u esasının yuzonyedinci maddesinin fıkrası dairesi mucibince tefsir-i selâhiyeti Meclis-i Âyana aittir ve ancak bu tefsiri Meclis-i Âyan yapar nitekim heyet-i âyan, Meclis-i Âyan zabıtnamesinin 29 Kânunuevvel 334 tarihli zabıtnamesinde münderiç olduğu veçhile tehcir ve taktil faillerinin tecziyesinde Hükûmetin derece-i faaliyetinin anlamak üzere Meclis-i Âyan Reis-i sabıkı Ahmet Rıza Bey tarafından vakı olan suale, Hükûmet namına cevap veren Adliye Nazırı Beyefendi, tehcir suretiyle ika edilen ceraimi üç dereceye ayırmıştı:

Bunlardan birincisi: Divan-ı Âliye sevki lâzım gelen memurin tarafından ika olunması muhtemel bulunan ceraimdir.

İkincisi, bunların gayrı memurin canibinden ika olunan ceraim.

Uçüncüsü, eşhas-i âdiye tarafından ika olunan ceraimdir.

Hükûmet-i Osmaniyye namına orada söz söyleyen Adliye Nazırı

Beyefendi, Meclis-i Âyana bu yolda beyanatta bulunmuş ve demişdi ki: Divan-ı Âliye sevki lâzım gelenler hakkında ve bu işlere taallük eden ahvalde Müdde-i umumîlerin hiç bir takibatta bulunmayacağı ve tahkikat esasında .u kabil ceraiime müsaâfif olursa, bunu tesbit ederek makam-ı nezarete bildirmesi iktiza edeceği, ve Divan-ı Âliye ait olan muhakematta şayan-ı dikkat bir mesele vardır ki o da, cürüm efrad-ı ahali ile müşterek olursa en büyük mahkemeye tabi olması kaide-i hukukîyesidir.

Şu halde Divan-ı 'Âliye sevki lâzım gelen mesailde efrad-ı ahaliiden bazılarının methalı olduğu takdirde bu gibi efradın da kâffeten Divan-ı Âliye sevkeleri icapeder, çünkü, cürüm ceraimi mürtebetedendir. Demek ki bu mesele Meclis-i Âyanda yani kanun-u esasîyi tefsire selâhiyetttar olan Meclis-i Âyanda müzakere edilmiş ve Meclis-i Âyanın kararı mâlum olduğu üzre tefsir mahiyetini haiz bulunmuştur. Verilen karar, doğrudan doğruya vükeladan gayri varsa onların da Divan-ı Âliye sevkleri esası Meclis-i Âyanda kabul edilmişti, bu mesel, arzettiğim veçhile Meclis-i Âyanda dur-u-diraz- müzakere edilmiş ve Damat Ferit Paşa Hazretleri tarafından Divan-ı Âli teşkili hususunu intibat-ı cedideye taaluk ve vükela-i maznun muhakemelerinin Divan-ı harplerde musareten sevki hakkındaki takrirleri mülkiye encümenin mazbatasıyla birlikte Meclis-i Âyanda müzakere edilmiş ve Adliye Nazırı arzeyelediğim veçhile ifadatta bulunduktan sonra Ferit Paşa Hazretlerinin takriri Meclis-i Âyanda reddedilmiş ve Adliye Nazarının tefsir mahiyetinde Meclis-i Âyanda dermeyan ettiği sözler Meclis-i Âyanca kabul edilmiştir. Demek ki Meclis-i Âyanın bu suretle vermiş olduğu karar, bir tefsir kararıdır. Onun için yine tekrar ediyorum ne müstantik, ne de makam-ı âli-î iddia ve ne de makam-ı devletleriniz kanun-u esasîyi tefsir edebilmek selâhiyetini

haiz olamazlar.

Kararı mezkür ile tehcir ve taktil ceraimin ve vükelanın memuriyetlerinden hariç olmayıp umur-u memuriyetlerinden mütevellit olduğu Meclis-i Âyanca kabul edilmiş ve vükelanın Divan-ı Âliye sevkleri Meclis-i Âyanca takarrur etmişti. Bu kararın muvacehe-i ilmiyesinde heyet-i celilerince mevzuubahs davayı rüyet-i vazifedar olduğuna dair karar verildiği takdirde tabiidir ki sadr-ı lâhik hazretlerinin Meclis-i Âyanda deddolunan takdirlerini mahkeme-i devletleri terviç makamında telakki buyurmuş olacak ki bu da, kanun-u esasıyla ne dereceye kadar kabil-i teeliftir, burası da cayî teemmüldür.

İşte şu arzettiğimiz esasa ibtihaendir ki ve müekkillerimizin mevkileri hasebiyle kendileri ancak Divan-ı Âlide muhakeme olunabilir.

Sâlisen, müekkillerimize isnat olunan ceraimin mahiyet ve şekli kanunîsi kararnamenin bir fıkra-i mahsusasında beyan olduğu veçhile isnat olunan ceraimin müekkillerimizin vazifeleri haricinde ceraim-i âdiyeden madud olduğu farz ve tesavvur olunsa bile bu misillü ceraimin mahall-i rüyeti yine mahkeme-i âliniz divan-ı harp değil, mehakim-i âdiye olmak iktiza eder, çünkü divan-ı harplar istisnai mahiyeti haiz ve selâhiyeti kararîleri derecesi idare-i örfiye kararnamesinde musarrah olduğu veçhile mahdud ve muayyen mehakim-i hususiyedendir, burası, üçyüzyirmibeş senesinden beri idare-i örfiye altındadır.

İstanbul'da îlân olunan idare-i örfiyeler bir zamanlar Gazi Muhtar Paşa kabinesi zamanında kaldırılmış ve fakat yeniden memlekette görülen asar-ı ihtilâl üzerine yenidenvazedilmiştir.

Zaten kanun-u esasımızın yüzonüçüncü maddesi idare-i örfiyeyi târif ediyor, diyor ki: Mülkün bir cihetinde ihtilâl zuhur edeceğini müeyyit asar ve imarat görüldüğü halde hükümet-i seniyyenin o mahalte mahsus olmak üzere muvakkâten idare-i örfiye îlânının hakkı vardır.

İdare-i örfiyeyi târif ediyor. Kavanin ve nizamat-ı mülkiyenin muvakkaten tâtilinden ibaret olup idare-i örfiye tahtında bulunan mahallin suret-i kararnameyi şekil ve suretinde olmak üzere neşr ve îlân olunuyor ve idare-i örfiyenin selâhiyeti kanun-u bir surette tahdir edilmiş oluyor. Filhakika kanun-u esasının madde-mâruzesi, idare-i örfiyeye ihtilâl haline hasretmesi, emniyet-i hariciye ve dahiliye mevzuubahs olması mütalâat-ı hakiranemize tamamiyle teyid eden vesaike - kanuniyedendir, çünkü kanun-u esasıyla mutlaka bu suretle divan-ı harplerin selâhiyetleri tamaiyle tahdir ve tâyin edilmiştir müekkillerimizin Divan-ı Âli huzurunda muhakemelerinden bir lâhzacık olsun sarf-ı nazar eylesek ve idare-i örfiye kararnamesinin haklarında tatbikini kabul etsek bile, müekkillerimize isnat olunan cürümlerin kararnamenin yedinci maddesi mucibince muhakeme-i adliye tarafından rüyet edilmesi lâzım gelir. Divan-ı Harp münhasıran makamına kaim olduğu mehakim-i adiyeye-i cezaîyenin vezai fiyle mükellef olduğundan bir mahkeme-i fevkalâde olan ve en büyük mahkeme telâkki edilmesi lâzım gelen Divan-ı Âlinin makamına hiç bir sebep ve suretle kaim olamaz. Kezalik idare-i örfiye kararnamesinin dokuzuncu maddesini aynen okuyorum:

"Divan-ı Harp münhasırın makamına kaim olduğu mehakimi adiyeye-i cezaîyenin vezai fiyle mükellef olduğundan idare-i örfiye îlân olunan mahallin haricinde kâin mahkemede bakılan veya bakılacak olan mahallin mehakim-i âdiyenin selâhiyeti dahilinde olma-

yan bir işe müdahaleye hakkı olmayacağı gibi idare-i örfiye altında bulunan mevkiin mehakim-i âdiyesinin idare-i örfiye îlânından evvel bir dereceye kadar rüyet etmiş olduğu işlere dahi bakamayacaktır.

Denilmekle Divan-ı Harbin hem daire selâhiyeti, hem daire-i kazaiyesi ve hemde vazifesi tahdid edilmiş oluyor. Mehakim-i âdiyeden bir dereceye kadar rüyet etmiş olduğu işlere vaziyeden menedilen Divan-ı Harp, hasıl olur da es büyük mahkeme olan Divan-ı Âlinin derühte etmiş olduğu bir işe vaziyed edebilir ve o işi görmek ister. Kezalik iddia ve kararnamede müekkillerimizden vükelalıkta bulunmuş olanların İttihat ve Terakki Cemiyeti Meclis-i Umumîsinin âza-i tabiiyesinden bulunmaları hasebiyle Cemiyetin teşkilât-ı hâfiyesi tarafından ikaı iddia edilen efâli cinaiyeye muttali oldukları halde bilerek müzaheret ettikleri dermeyen olunmaktadır.

Bu iddia hâfi cemiyetlere dahil bulunan ve o cemiyetlerin hedef ve gayesini tâkip edenlere ve şamil olabilir, yoksa mücerret vükela-i devletin İttihat ve Terakki Cemiyet Meclis-i Umumîsi âza-i tabiiyesinden bulunmaları keyfiyeti âza-i Cemiyetten bazıları tarafından hâfiyen teşkil edildiği farzolunan cemiyeti hâfiyeye mensubiyetlerine delalet edemez. Zaten bu sebebe mebni- dir ki böyle bir iddia ve isnat ne iddianame ve ne de kararnamede mesbuk değildir, farzımahal olarak İttihat ve Terakki Meclis-i Umumîsinde âzalık sıffatını iddia-i vakinin subutuna bir sebep-i hâfi addetsek bile anasır-ı muhtelifeden mürekkep olan İttihat ve Terakki Meclis-i Umumîsi bilumum âzasınında mefruz cemiyet-i hâfiyeye müzaharetlerini kabul etmek lâzım gelirdi. Filhakika bu müzaheret tarzında olan bu ishat Divaniye Mebusu

merhum Fuat Bey tarafından ikna edilip vükelanın Divan-ı Âliyeye sevki hakkındaki tahrir muhteviyatında da mevcut bulunuyordu ve bu isnatla beraber ayrı ayrı bir takım ef'âli cürmiye atfedilmiş olmasına nazaran içtimâi ceraim kaide-i kanuniyesi mucibince bu ceraimin kanun-u esasi mucibince Divan-ı Âli huzurunda rüyeti muktezadır. Müsaade buyurulursa Saadettin Bey devam etsinler.

Sahife 13

Saadettin Ferit Bey (dava vekili)- Divaniye Mebusu merhum Fuat Bey tarafından verilmiş olan tahrir Meclis-i Mebusan zabıtnamelerinde muharrerdir, orada hatır-ı âcizanemde kalğına göre on veya oniki bend üzerine o kadar şumullü ve o kadar umumî surette düşünölmüş ve yazılmıştır ki İttihat ve Terakki Cemiyetinin şu memlekette ika ettiği tasavvur olunan ve yahut tasavvur edilecek olan teknil ihata etmiş ve tamaiyle kanun-u esasının hududu daire-sinde düşünölerek gerek vükelanın Divan-ı Âliye merbutiyeti dolayısıyla onlar hakkındaki aksamın ve gerekse efrâ^mı ahaliden bulunan diğ[^]er kesanın yine bu müşterek ve mürtebit bulunan fiilden dolayı onlere tabiyen Divan-ı Âlide muhakemesinin icrası lâzım geleceğı dermeyen edilmiş ve uzun uzadiye teşrih ve izah olunmuştur.

Yine Meclis-i Mebusan zabıtnameleriyle ve netaic-i fiiliye-siyle sabit olduğı veçhile o tahrir kabul edilerek tahkikat vazifesini icra edecek olan şube-i mahsusasına havale olundu. Tahkikat ef'âlin bu gün heyet-i muhteremenizde, Divan-ı celileniz de mevzuubahs bulunan ancak bir kısmıdır bu cihetin tahkiki dahi yine bu şubede mevzuubahs bulunmuştur. Şube-i tahkikiye malum-u âlinizdir ki bir cüzüdüdür. Cüzü ise ya bilfiil mevcut veya bilkuvve mevcut olan bir küllün parçasıdır, feriidir, taasiri mahsus-u ile demin refik-i muhteremim Celâlettin Arif Beyefendi tarafından bir

heyet-i istintakiye şeklinde gösterilmiş olan bir heyet-i tahkikiyedir, tahkik ise istintakın şekli-i umumîsi olmak üzere doğrudan doğruya Divan-ı Âliye nisbet olunmaktadır, tereddüt edilmeyecek mertebededir işte bu suretle bu davaya Divan-ı Âli vaziye edilmese bile bir dava bir mahkemede derdest-i tetkik ve tahkikken aynı davanın başka bir mahkeme tarafından tahkik ve tetkik ve rüyetine mesâğı kanun-u yoktur şu müsellem ve kanun-u esasının yirmiüçüncü maddesine müstenit olan ve vazife hiç bir nazariye ve hiç bir içtihad-ı şahsî ile tağyir edilemez. Kararnamede müekkillerimizden bazı zevât tarafından esna-i tahkikte şu vazife meselesinin dermeyeran edilmiş olduğu zikrediliyor ve esbab-ı mucibesiyile şu talepleri reddediliyor. Tabiidir ki esna-i tahkikte dermeyeran edilmiş olan bu itiraz-ı mütekaddimin reddi üzerine bir itiraz, bir vaziyet-i kanunîye almak ihtimâli yoktur çünkü Divan-ı Harb-i mahsusun şu nokta-i nazarı da ne şekilde yani bu heyet-i takririyeye mukarreratını ne derece üzerine tetkik etmek imkânıyla mücehhez bulunduğu malum değildir binaenaleyh hukuk-u umumîyeden ve mahkemenin selâhiyetinden bahsetmeyi tabiidir ki bu gün mahkeme-i âliyyeniz huzurunda isbat-ı vücut etmeye talik edilmiş bulunuyorlar, Efendim, kararnamede, vükelanın vazifelerinden mütevellit bir cürm-i siyaseleri olursa Divan-ı Âliye sevkolunurlar ve doksanikinci madde ile kanun-u esasının otuzüçüncü maddesine atf-ı nazar edilmek lâzım gelir, diyorlar. Zannedirim ki otuzüçüncü maddeden evvel eğer otuzbirinci maddeyi tetkik olsaydılar demin refik-i muhtereminim Celâlettin Arif Bey tarafından pek vakıfane arzedilmiş olan otuzbirinci maddede vükelanın ne gibi ahvalden dolayı Divan-ı Âliye sevki lâzım geleceği musarrah bulunduğu tahattur eder ve otuzüçüncü maddeye temessük

etmek lüzumunu hissetmezdi halbuki otuzüçüncü madde yine heyet-i tahkikiyenin vazife iddiasını red yolunda ittihaz ettiği kararı teyid etmiyor, Efendim, madde gayet sariftir orada vükelanın vazife-i memuriyetinden hariç sırf zâtlarına ait denilmiştir. Şimdi burada kanunun istimâl ettiği bir kelimeyi her halde ikmâl etmek, ihmal etmemek mukteziyat-ı kanuniyeden olduğu gibi vazife-i memuriyetlerinden hariç demekle vazife-i memuriyetleri dahilinde bulunan ahvâlın Divan-ı Âliye aidiyeti tekrar teyid ettikten sonra sırf zatlarında ait yani bir cürm-i şahsî adiyeye saireye vuku bulan taaruzları meselâ vükeladan birisinin yolda birisine bir tokat atması, tahkik etmesi yahut o şahsa ait olarak bir sahtakârlık fiili irtikâp etmesi gibi ahvâl ki bu fiil o memurdan yani zâttan sıffet-i memuriyeti itibariyle değil, sıffat-ı zâtiyesi itibariyle sadir olmuş bulunuyor, yoksa vazife-i memuriyeti itibariyle yapılmamasına ve yahut yaptırmamağa dikkate mecbur bulunduğu ahvâli yaptırmaması veya yaptırmakla mükellef bulunduğu ahvâli yaptırmaması gibi eşhas-ı saireye karşı vuku bulmuş olan ceraim otuzbirinci madde mucibince doğrudan doğruya Divan-ı Âliye aittir.

Heyet-i tahkikiyenin şu fiilde cürm-i siyasî mahiyeti tasavvur etmesi bizce zayıf bir nazariye halinde kalmış oluyor çünkü bunu def ve red yolunda doksanikinci maddeye temessük etmişler. Doksanikinci madde vükela ile mahkeme-i temyiz rüesa ve âzasının ve zât ve hukuk-u şahane aleyhinde harekete ve devletin bir hal-i muhataraya ilkaya tesatti eyleyenlerin muhakemesine aittir, deniliyor, binaenaleyh vükelanın Divan-ı Âliye gitmesi lâzım gelir ve dava şu şekli siyasîyede olmasıyla mukayyettir, tabiîdir ki

biz buna, bu noktaya heyet-i tahkikiyenin maksadına vüsul arzu-
siyle vasıl oluyoruz halbuki bu madde Divan-ı Âlinin teşekkülüne
taallük ediyor ve fasla Divan-ı Âli deniyor. Doksanikinci madde
orada başlıyor, evvelâ Divan-ı Âlinin suret-i teşkilinden bahs-
ediliyor, sonra da deniliyor ki "vazifesi vükela ile mahkeme-i
temyiz rüesa ve âzasının ve zât ve hukuk-u şahane aleyhinde hare-
ket ve devlet-i bir hal-ı muhataraya ilkaya tasaddi eyleyenlerin
muhakemesidir." Bu fıkrada evvelâ vükeladan bahsediliyor demek
ki Divan-ı Âlinin vazifesi vükelayı muhakeme etmektir, şu kayd-ı
mutlak tabiîdir ki vükelanın Divan-ı Âlinin muhakemesini istilzam
eden hususattır.

Evet, Divan-ı Âlinin vazifesi otuzbirinci maddenin sarahatı
ve otuzüçüncü maddenin teyidile vükelanın Divan-ı Âli huzurunda
rüyet edilecek davalarını rüyet ve tetkik etmek, ikinci mahkeme-i
temyiz rüesa ve âzasının muhakemesidir. Malûm-u âlinizdir ki mah-
keme-i temyiz amma mehakimdir onun fev kinde bir mahkeme yoktur
derecat -itibariyle mehakim-i rüesa ve âza ve eczasının nerede
muhakeme edileceği malûm ve musarrahtır, mahkeme-i temyiz âza-
sının gevkinde bir mahkeme bulunmadığından ve onlara tevdi edil-
miş olan vezaif ruh-u adaleti teması tam halinde bulunduğundan
gerek kast-i mahsus ile gerek vazife-i memuriyetini sui-istimal
neticesi olarak ifâ edilmiş olan cürümden mütehasıl zararı telâfi
etmek için başka bir makam kalmadığından...

Reis- Bunlar matûm şeyler müekkillerinize ait olan vukuattan
Sahife 14 bahsediniz,

Saadettin Ferit Bey-(devamla) binaenaleyh şu nokta-i nazardan
mahkeme-i temyiz âzasından vazife-i memuriyetlerinden munbais

olan fiilleri yine Divan-ı Âliye girecektir, diğer hususattan dolayı tahvil-i mahale lüzum görmüyorum - şimdiye kadar iria etmiş olduğunuz şu vazife iktirazi vükela-i sabıka-i devletinden bulunmuş olan müekkillerimize ait gibi görünüyor, fakat esas itibariyle Divan-ı Âliye ait olmayan bir fiille tecrim edilmiş olan, hemfiil aadedilmiş bulunan zevâtın efâlinde zimethal olmak üzere bulunurlar.-

Tabiîdir ki hazır-ı bilmuhakeme olan değil, doğrudan doğruya fail-i asil gibi ittiham edilmiş vükela da bulunuyor -fer'en zimethal olmak itibariyle şu cürmin müekkillerimizi izrar etmek ihtimâli olsa dahi evvelce de arzedilmiş olduğu üzere feriyet itibariyle cürmen mahallı tetkiki, mahallı rüyeti Divan-ı Âli olunca bunda mürtebit olmak dolayısıyla divan-ı zaten Divan-ı Harbe merbut olmadığı tasavvur edilen zevâtın dahi şu hakkımızca dermeyen etmeğe hakları olacağı derkârdır, çünkü Divan-ı Âli davaya vazıyed etmiş ve davayı rüyete başlamış ve en büyük mahkeme olmak dolayısıyla teknil davayı rüyet etmesi lâzım gelir. Adaletin salim bir surette ve tarık-i kanuniide cereyan etmesi için böyle olmak icab eder, Reis Paşa Hazretleri.

Refik-i muhteremin Celâlettin Arif Beyefendi tarafından muhakemede arzedildiği veçhile diva-ı möhteremenize karşı emniyet ve itimat namütenahdir Fakat bizim bir vazife-i kanunuyemiz var ki müekkillerimiz hakkında yapılacak muhakemenin her halde merci-i mahsusunda ve onlar hakkında verilecek hükmün ve o hükmü ita ile mükellef olan tarafından verilmesini talep etmektedir, Reis Paşa Hazretleri, bizim bu vazife-i itirazımız esasen bu davayı heçet-i muhteremeniz bizi yine dinliyor, ihtimâl bizim tarafımızdan vaki

olmamış olsa bile doğrudan doğruya mahkeme tarafından nazar-ı dik-kata alınabilir. Bu cihet heyet-i tahkikiyede mevzuubahs olmuştur ve bizde bu hakkı her zaman dermeyeran etmek vaziyet-i kanuniyesini haiz bulunmuş oluyoruz ve bunu şimdi dermeyeran ediliyoruz ve diyoruz ki heyet-i muhteremeniz kendi huzuruna gelen şu davayı rüyete selâhiyettar olmadığına karar ita buyursun. Çünkü malûm-u âlinizdir ki mehakimin derecata taksimi büyük bir hikmete müstenittir. Mahkeme-i muhteremenizden sadir olacak mukerreratın kabil-i red ve temyiz olmadığı divan-ı devletlerinin teşkiline dair îlân edilmiş bulunan kararname ile müeyyettir. Binaenaleyh divanınızın kudret ve selâhiyeti hükmiyesi pek vasi ve pek katidir. Fakat bu salâhiyet ve katiyetlerin hadiseye keyfiyet-i tatbikini takdir edecek bir Divan-ı Umumî, bir mahkeme-i tarki ve bütün bunların fevkinde her ferdin icraat-ı mecbur veya muaheze edecek bir de mahkeme-i kübra vardır işte biz de bir taraftan halife-i zila-niyle, milyonlarca efradiyle tamamı ahkâmını muhafazaya yeminle teyid edilen kanun-u esasîmizin muvacehe maddesinde, diğer taraftan mehafetullah terkibiyle teşhis olunan bütün muhaddesatın ~~şâ~~ ~~âğır/vazîfe-i/~~ huzur-u manevisinde tarihin heyet-i celilenize tahmil ettiği en ağır vazife-i adalet-i ifaya davet ediyoruz ve davanın heyet-i celilenizin salâhiyeti haricinde bulunduğundan bahsediyoruz.

Mahmut Mahir Efendi (Dava Vekili)- Efendim, Saadettin Ferit Bey içtimâl ceraimden bahsettiler, ezcümle müekilim İbrahim Bey vazife-i memuriyesinden mütevellit siyasi ve gayr-ı siyasi bir takım ceraimden dolayı Divan-ı Âlinin heyet-i tahkikiyesine yani Meclis-i Mebusanın şube-i mahsusasına celbolunuyor. Makam-ı iddia-nın kararnamesinde, Divan-ı Âlinin vazifesine tecavuz edilmeyeceğinden bahsedildi. Demek ki müekkilim İbrahim Beyefendiye mah-

keme-i âliyelerine sevk edilen cürümden mada bir cürüm isnat olunuyor şu halde kendilerinde içtima-î ceraim var demektir. Ceraim-i içtimaiye halinde mecmu ceraimin kâffesi birden muhakeme edilir, onların en ağır hakkında hüküm sadir olur en ağır cezayı müstelzem olan hüküm, diğerlerinin yerine kaim olur. Yoksa ceraim tefrik edilerek bir kısmı bir mahkemede bir hükme iktiran diğeri diğeri bir mahkemede bulmuhakeme hükme iktiran etmek yani, ayrı ayrı cürümler için ayrı ayrı vermek caiz olmaz. Binaenaleyh kendileri hakların da diğeri mahkemede derdest-i rüyet olan bir dava için madam ki Divan-ı Âliye ait olan davaya mahkeme-i âlileri vaziyet etmemek icabeder, çünkü bu halde, yani içtimaî ceraim halinde ceraimin tetkik ve ayrı ayrı muhakemesi kanunen caiz olamaz.

Cemâl Munla Bey- Reis Paşa Hazretleri, bendeniz de refik-i muhterememe iştirak ediyorum. Diğer bahisler kendi şahsına ait bazı mülâhazattan ibarettir, vazife meselesini tekrar ediyorum.

Mustafa Nazmi Bey- (Müdde-i Umumî) Dermeyan edilen vazife ve salâhiyet meselesi hakkında bendeniz de nokta-i nazarımı arzedeceğim. İcrasi taleb olunan muhakemenin (işitilmiyor sadaları) bu Divan-ı Harb mi, yoksa kanun-u esasının tâyin ettiği umur-u memuriden münbais olup olmadığının tâyinine mutavakkıttır ve kararnamede ve iddianame -de iddia olunan cürümler, memuriyet itibariyle tahaddüs etmemiş, Merkez-i Umumîde ve Merkez-i Umumînin içtima-i umumîsinde tahaddüs etmiş ceraimden dolaydır. Şu halde suret-i sevki dava vazife-i memureden münbais olmak üzere telâkkiye müsaid değildir. İbrahim Bey hakkındaki ceraim-i içtimaiye meselesi henüz malûm değildir bazı evrakın, Meclis-i Mebusandan Müdde-i umumîlik makamına gönderildiğini haber verdiler,

eğer bu cürüm hiyn-i muhakemed vazife-i memuriye taalluku tahakkuk ederse, o vakit nazar-ı dikkate alınabilir. Vazife ve salâhiyet meselesi kûtiyen mevzu-û bahs olamaz. Fakat hal-i hazır itibariyle bu mahkeme-i âliyenizi daire salâhiyetindedir, çünkü sevk-i dava şundan ibarettir. Karanamede kıraat olunan sırf şahsî ceraimdir. Eğer hin-i muhakemede öyle olmadığı tahakkuk ederse o vakit nazar-ı dikkate alınabilir.

Reis- Lâzım gelen tetkikat-i ifasından sonra kararımızı tebliğ edeceğiz Perşembe günü, saat birde inşallah ikinci muhakemeye mübaşeret ederiz.

Birinci muhakemenin sonu.

Saat 3, dakika 30.

Divan-ı Harb-i Örfi Zabıt Heyetine Memur:

Ziyaettin.

Indictment 1

The papers prepared by the Judge of Instruction were read and examined as well as the details of the indictment prepared by the ~~Prosecutor~~ ^{Prosecutor} - General of the Court Martial, on April 12, 1919.

These documents and the indictment concern the Union and Progress Party which declared itself dissolved. The permanent members of the General Assembly, Talat Bey, (1) Enver Bey, (2) جمال Bey (3) (formerly Pashas), Ibrahim Bey, (4) Shukri Bey (5), Halil Bey (6) and Ahmed Nefsimi Bey (7), Midhat Shukri Bey, Secretary General of the party, the members of the Central Committee, Kemal Bey, delegate

1. See the Armenian translation ^{from Turkish Osmanli} in Medz Tojiru The Major Crime, by Aram Andonian, Bahag Press, Boston, Mass. 1921, pp. 275-302.

See ~~the~~ English translation in Public Record Office, London, No 1382/R-1902, Richard Webb, Acting British High Commissioner at Constantinople to Lord Curzon, July 7, 1919,

~~See~~ French translation, as above, PRO 1382/R-1902 compare with the English translation published by THE ARMENIEN REVIEW, vol. XXIV, No 4-96, pp. 7-19 ¹⁹⁷⁵

The editor ^{pretends} believes that this is the first translation!

2. The political party continued not official but underground activities under the name of TECEDDUD

Abbreviation: UPP = Union and Progress Party
UP = Union and Progress.

مجلس

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- CUP = Committee of Union & Progress,
- UUP = Union & Progress Party,
- GH = General Headquarters, or
NUR-EL-OSMANIYE
- CC = Central Committee of UPP

for Constantinople, Lia Gökalp Bey, Dr. Rıza ~~Şahin~~ Bey, Kuchuk Talaat Bey, and also Dr. Behaeddin Shakir Bey, Dr. Nazim Bey, Atif Bey, Riza Bey who organized Teşkilât-ı Mahsusa and the members of the administration of this organization; Aziz Bey, the former Commissioner of Public Security, Yevad Bey, ~~Military~~ ^{commandant de Place} ~~Commander~~ of Constantinople.

^{Committee of the} The above-mentioned indictment shows that the ^U (Union and Progress Party) ^P had two contradictory faces and characters; one of these faces was the external ^U (Union and Progress) acting in conformity with the internal by-laws; the other face was the secret and conspirational ^U (Union and Progress) acting in

In all departments, senate, chamber of deputies, ^U (Union and Progress Party) ^P members were in ^{The} majority; they had ~~extensive~~ ^{et} power, money and abundant means of propaganda. They had three newspapers published in Constantinople, Tasfir, Zaman and Memleket published in Constantinople. The major ~~severe~~ ^{designers} ~~authors~~ of the Armenocide had escaped Turkey since the first of November 1918. Other ^{and} responsible ^{and} involved in the massacres, who had not deserted, were hidden in Anatolia and in Constantinople, and ^{were} protected by the Teşkilât-ı Mahsusa ^U chete-gangs against Turkish and Allied Authorities who dared not ^{attempt} ~~try~~ to arrest them and bring them ^{to} ~~before~~ the Court Martial.

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conformity with oral and criminal instructions.

Documents and evidence in possession (of the Court Martial) affirm and confirm that the moral image of the Party is marked by an unending chain of massacres, ^{looting} plunderings and abuses.

The responsibility ^{for the} of crimes committed weighs heavily upon the Party.

The above-mentioned members, who were the influential and principal leaders of the Party, established under the well-known laws of Associations, were evidently and precisely guilty.

Similarly in consultation with the Party leaders General Mobilization was declared July (21), 1914.

For this reason, the most influential members of the Party; Enver Bey and Kemal Bey (both struck off from their military position because of their escape ^{from Turkey} and fugitive Talaat Bey and colleagues taking advantage of European World War believed they could solve all problems by applying terror and oppressions, ^{instead} of solving the unsettled questions in a spirit of ^{logic} reason, efficiency, wisdom and piety, they accomplished

(i) According to Ahmed Bedevi Kur'an the Ottoman Empire lost as a result of the adventurous and unexperienced policy of Young Turks more than twelve countries and 67.000.000 population under Turkish domination.

Osmanlı İmparatorluğunda
İnkılâp Hareketleri ve
Millî Mücadele, by Ahmed
Bedevi Kur'an, Çeltik
Matbaası, İstanbul, 1959,
p. 905.

(1) TEŞKİLÂT-I MAHSUSA hereafter
T. M.

Such acts and deeds which in their horrible consequences had a great influence on the destiny of the nation⁽¹⁾, and thus they provoked unending disturbances and disorders.

Under the pretext of better realizing the aspirations of the nation, they brought forth a gigantic calamity in order to act in accordance with, and strangle the voice of the people. !

At the same time taking advantage of the opportunity, they sought to accumulate ~~riches~~ riches by using violence. By fraudulent means these persons threw the country into the World War, they put the people before an accomplished fact, and began to execute their secret intentions. To accomplish its secret goals the (Union and Progress Party) attended to carry out special and conspirational acts

When making ~~preparations~~ ^{preparations} for war, the Party had the criminals released from prisons and organized a Teg-kilât-ı Mahsema⁽¹⁾ in Constantinople; prepared a program relative to the activities of the criminals released from prisons, issued orders

1. As to the massacre of the Armenians, were responsible not only the members of the (Union and Progress Party) of Young Turks, but Turks and of Parties

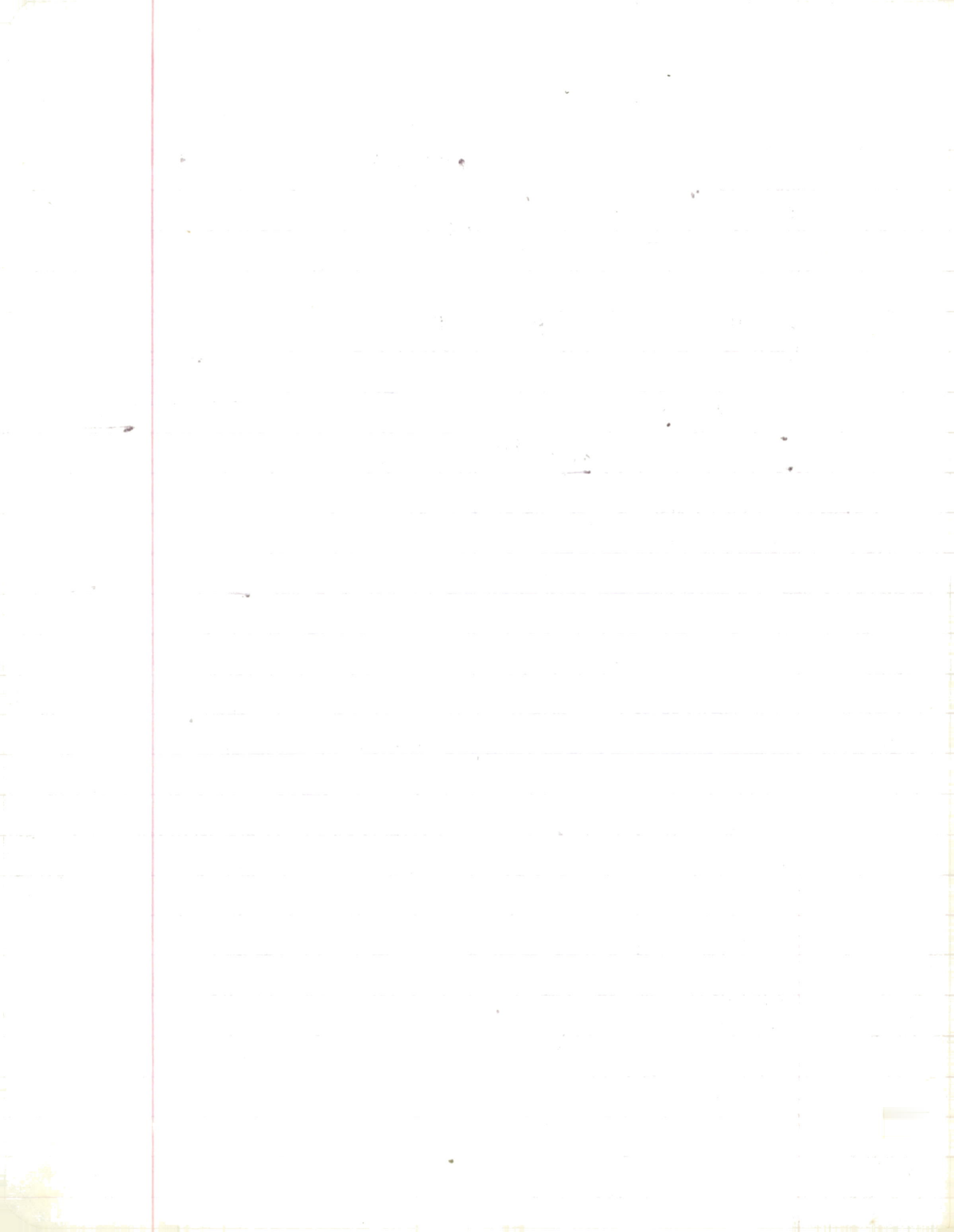
The massacre - sites were selected and preestablished by local authorities; directors and supervisors of massacre and looting were assigned for every massacre site.

and instructions for their activity and administration. The Party ^{appointed} members ^{to} of the Teşkilât-ı Mahsusa^M; Aziz Bey former Supervisor of the Public Security; Atif Bey, and Dr. Nâzım Bey, members of the General Headquarters of the (Union ^U and Progress ^P Party). These three leaders formed the General Staff (of the Teşkilât-ı Mahsusa^M in Constantinople. Jevad Bey, ~~Military~~ ^{ant de place} Commander of Constantinople was assigned ^{the task} to ratify their decisions and carry out their orders.

To this ^{end} effect he (Jevad Bey) ~~was~~ ^{is} distributing considerable amounts of money to the individuals used to carry out the orders and sent them in different areas ([previously established massacre sites K]) ^(put this in footnote)

Then he gave ciphers and keys of codes to the leaders ^{such} as Dr. Behaeddin Şakir Bey; ^{he} made military cars available to their ^{own} disposition. He gave them money in abundance and infernal ^{destructive materials} instruments for the execution of the program planned and prepared by the leaders of the (Union ^U and Progress ^P Party).

opposing the Union and Progress, took advantage to attack their political opponents and adversaries, criticized their policy of massacre, but they were not really opposed to the massacre ^{itself} of the Armenians perpetrated by the U. & P. P.



The Committee ^{leaders} ~~look~~ ^{for their personal interests} into ~~the~~ provinces certain individuals who received orders from Superiors, and the local representatives of the (Union and Progress Party) ~~for their personal interests~~ and the officials in compliance with the aspirations of the Party, as well as persons who, ~~joined their~~ in their simplicity and ignorance ^{joined} under their leadership and, with their assistance, killed people, ^{took} ~~looted~~ their possessions and money, burned houses and corpses, raped women and perpetrated all kinds of atrocities and abominations.

Without discrimination of race and religion, all the ^{citizens} (children) of the country were subjected to these atrocities. Although Armenians ~~were~~ ^{comprised} an important part of these unfortunate people, but other elements and especially Turks were the majority [of the victims] everywhere, 3

3. It seems inconsistent even contradictory as the Armenians were the important part of the victims, then Turks could not be any majority. ~~It~~ Perhaps the Turks lost more in War, but Armenians were the victims of organized massacres and starvation.

հոս քեր
պարտաւորութեան
մտր

The Committee of TM

to Dr. Nazim, Atif, Aziz, and
Jevad in Conale,

The President
of TM. / Dr. Behaddin Shaker in Ezrenu
and Rep. Secretaries and Delegates
in every province

Americians constitute the main subject of this investigation; the tragedy of their deportation which occurred in various times and places, and the authors who will be legally prosecuted one by one, has not the character of a local and special occurrences, but was carefully planned and organized by a central body composed of the above-mentioned persons, and the execution of their program was ascertained by orders and instructions issued by the same body.

Now ^{is brought} ~~be bring~~ to light written evidence and documents which are confirmed by inquiries and investigations held [by the Court Martial and the Inquiry Commission K.] (put this in foot-note.)

The leaders of the (Union^U and Progress Party^P) created under the name of Teşkilât-ı Mahsusa^{M.} a ^{committee} network of secret organization. 4

4- There were two kinds of Teşkilât-ı Mahsusa^{M.}. One of these special organizations was assigned the task of sabotage ~~and~~ ^{as} to help the Army. The second special or NEW organization was created specifically for the extermination of the Americans living in Turkey. Decisions were made since 1910 and repeated on 1911 in the Congresses at Salonica.

" Since the beginning [July 21, 1914] they disseminated rumors that the organization was created to participate in war efforts, but then, as it is evident in the indictment, the network was used for criminal activity.

The administrative body of ⁵⁴²⁴ these secret organizations was composed of Dr. Nazim Bey,¹ Dr. ~~Shah~~ Behaeddin Shaker Bey,² Atif Bey,³ Riza Bey,⁴ all four members of the General Headquarters of the Union and Progress Party, and Aziz Bey,⁵ Director of the Public Security. Of these Dr. Behaeddin Shaker Bey was sent to lead the forces acting in the Eastern Provinces, he choosed Erzerum for his General Headquarters.

Riza Bey was sent to Trebizond to act in that area. While Aziz Bey, ^{Atif Bey} and Dr. Nazim Bey began to work in Constantinople. Jevad Bey, ~~military~~ ^{Commandant de Place} ~~governor~~ of Constantinople was assigned the ~~office~~ ^{task} to ratify^{ing} their orders and of carry^{ing} out their decisions.

This circumstance is confirmed by a coded telegram addressed to Dr. Behaeddin Shaker
 1 -> Civil member.

^{osmanli}
Text in
(1) See TV. No 3554, p. 67, col. 1,
5th session May 12, 1919

(1) Emphasis added,

text of the telegram in
(1) See TV. No 3554, p. 69, col. 1. date: ¹³~~15~~ Nov. 1914
5th session May 12, 1919

Bey (file No 1, document No 1), which bears the decision and resolution No. 150 written as follows; "Punish Halil of Galata by order of The Committee, Report when the deposit is received from Post office adding that it will be distributed to people if necessary." (1)

This document is signed by Aziz, Atif, Nazim and under these signatures is found; "I am in accord, Jevad." The phrase; "get money from traitors" (2) is added below.

A document attached to the resolution confirmed ^{the order} by ~~the~~ notice; "The matter will be arranged in Irbin by Behaeddin Shakir Bey personally" and by the coded telegram signed; "A. (Ahmed) Jevad" (3)

Halil Pasha (1) uncle of the fugitive Enver Bey, participated in the Teshkilat-e Mahsusa activities when he was (^{M.} ~~Military~~ ^{commandant de place} ~~governor~~) of Constantinople, The connection between Teshkilat-e Mahsusa and ^{M.} ~~the~~ (^{U.} ~~the~~ Union and Progress Party) is established by another document (document No. 10), which is addressed to Midhat Shukri Bey and signed by Halil, Nazim, (1)

(1) Halil Pasha was ^{Commandant de Place} ~~military commander~~ of Coniple; He was replaced by Jevad Bey November 1914. He was a leader of Teshkilat-e Mahsusa chete-gangs.

(1) T.V. No. 3554, p. 59, col. 1, date Nov. 15, 1914,
session 5, 12 May 1919

(1) T.V. No. 3554, p.

xx in possession of the Court Martial, it would certainly be very easy to prove the guilt of high ranking officials and military officers deeply involved in the massacre. Atif, Aziz (file 59).

The telegram No. 67⁽¹⁾ dispatched by above-mentioned Halil Bey to the Mutesarif of Izmid establishes that he ^{appointed} assigned gang leaders and released detainees in prisons for this business.

The ^{notice} telegram No. 68⁽¹⁾ dated November 16, 1914 addressed by Halil Bey to the Personal Department of War Office shows that materials of destruction were provided to the Teskilat-ı Mahsusa ^M ~~shete~~ gangs.

Similar documents are also seen in the files of the Teskilat-ı Mahsusa ^M. However, investigations prove that an important part of the documents relating to this organization as well as all the records and registers of the General Headquarters are stolen. 5)

5. This is not absolutely true. Documents and secret registers were preserved in secret places with trustworthy persons. ^{The} Turkish Police Commissioner held investigations at the home of Ahmed Ramez Bey, son-in-law of Dr. Behaeddin Shakir Bey, in Pera, Istanbul, found a great ^{great suit case} hand bag in which there were dossiers containing files and documents relative to the massacres of the Armenians.

Midhat Shukri Bey, in agreement with other leaders in the ^{of Bekir Agja B. Ölüğü} prison, decided to make such statement to the C. Martial as an alibi, because if these documents were xx

to the court that they were stolen from members of the committee of Union and Progress in prison and in their homes and in the homes of their relatives in Europe. Before their trial, high ranking officers and members of the committee of Union and Progress in prison and in their homes and in the homes of their relatives in Europe. Dr. Nazim did not take documents with him to Europe. Before their trial, high ranking officers and members of the committee of Union and Progress in prison and in their homes and in the homes of their relatives in Europe. Dr. Nazim did not take documents with him to Europe. Before their trial, high ranking officers and members of the committee of Union and Progress in prison and in their homes and in the homes of their relatives in Europe.

The official documents and registers of the ministry of internal affairs prove that AZIZ Bey, Director of Public Security, did not return to their place the documents relating to the important operations and communications which he took from the office prior to the resignation (October 7, 1918) of Talaat Bey, after he was separated from his office. (File No 31).

Long before the declaration of war the (Union and Progress Party) had aspirations and goals to participate in war operations, This fact is confirmed by a document dated August 17, 1914, which carries the signature of Midhat Shukri Bey, Secretary General, addressed to Behaeddin Shakir Bey care of Vali [Tahsin Beyk] of Erzerum.

The massacre and tragedy perpetrated in the province of Diarbekir took place [August 17-18, 1914 K] because of fugitive Talaat Bey

These dossiers and files were taken from Nizem-el-Osmanieh, General Headquarters of the (Union and Progress Party). The same ~~hand bag~~ ^{mini-case} contained also the records and minutes of the secret meetings held at the General Headquarters of the Party.

See Ariamard, December 18, 1918, p. 2, col. 2
La Renaissance, No. 7, Sunday February 17, 1919.

(x) Abdulahad Nuri Bey, was the Special delegate of Talaat, ^{to Aleppo} who gave him secret orders and instructions before he left Consple for Aleppo. His title was: İSKÂN-ı AŞAYİR VE MUHACİRİN MÜDÜRİYETİ UMUMİSİ MUAVİNİ, Deputy-chairman of the General Committee for the Settlement of Tribes and Deportees, in Aleppo, Syria. The Chairman of the General Committee, Şuhberi Bey, had his head-office in Consple. Their common efforts were to organize the extermination of the Armenian deportation by having them walk, and deprivation them from food and water,

Letter

Winked at and incited ^{it} to.

of this ^Eevidence ^{of this} is given by the coded telegram that Talaat Bey addressed to Squad Bey, Governor of Zor and in which there is a phrase "The Vali and his aide-de-camp Memduh, Police Commissioner, must be put to death," and the mention "Keep secret". (File no. 8, document 1).

Ihsaac Bey, former Special Secretary in the Archives of the Ministry of Internal Affairs says that when he was Mutesarif of Kilis, Abdul Ahad Nauri Bey (~~x~~) tried to convince him that the main purpose of deportations is the extermination [of the Armenians K], that he had met Talaat Bey and received from him orders to annihilate because this will be the salvation of the country, (Investigation papers, pp. 1-15)...

The Responsible Secretary of Bursa, Midhat Bey, when he was in the same position at Bolu, sent a telegram from Chauri to the Mutesarif of Bolu stating that 61,000 Armenians of Ankara were deported, and that Turkish people in the above-mentioned province

1- Religious fanaticism and racial hatred of Moslem people were incited and incited to massacre Armenians, but the real reason was the possessions and properties of the Armenians they had the op.

(1) Responsible Secretaries sent by the Gen. Head of the U P P to the provinces and districts of Anatolia for the organization (of massacres) and the control ~~of~~. They ~~to~~ had the control of Governors.

T.V. No. 35072. 8 Jan. 8, 1920,
sentence, published Feb (9) 1920

praise and adore the ²¹ (Union and Progress Party) ^{P.} and its Government for their activities, that this adoration will be perpetual, and consequently, he has to carry out deportations to insure the happiness of the [Moslem K] people of Bolge. This is established by the telegram of Mutesarif Mufid Bey dated September 11, 1915 and addressed to the Ministry of Internal Affairs. (File No. 8, document No. 2).

So, in a locality ^{such} as Bolge which was not in the war zone, the deportation was not a military measure ^{or} a means ^{of} to preserve ^{ing} the public order, ^{It} ^{known to be} was a result of the desire expressed by ^{the} Union and Progress Party, and Midhat Bey, Responsible Secretary ⁽¹⁾, was inspired by the same considerations.

It is quite evident that this man who remained a very short time in ~~Chankiri~~ ^{Çankiri}, could not understand the feelings of ~~all~~ the people in the province of Ankara and it was more natural and easier that he could be aware of the feelings of the people in the province where he lived, i.e. Kastamuni. On the contrary ~~the~~ Moslems of Kastamuni were already disgusted ^{by the memory of} to remember the events that portunity to pillage and rob.

The Government had freed their hands, and ~~so~~ issued orders to not to prosecute the criminals.

(2) Put the telegram, Turkish & English.

occurred out of their area. ~~Even~~ ^{even} One day, The Müfti [Doctor of Islamic Law] of the town with the Sheikhs [Moslem religious leaders] and notables went to see Reshid Pasha, Governor General of [Kastamonu]. They said to him, "We learned that Armenian men, women and children of ^{the} surrounding provinces were driven to the mountain and there ~~massacred~~ ^{slaughtered} as animals in a slaughter-house. We do not want the same thing to happen in our district. We fear the anger of God. Our Government cannot endure a long time in its illegality and violence. We do not want such an event happen in our province".

Reshid Pasha secured those who came to see him that such ^{occurrences} events would never ~~occur~~ ^{happen} in ~~the~~ province. Upon this they returned with tears of happiness in their eyes. This is confirmed by written statements in the second annex page 15.

The coded telegram of Tahsin Bey⁽¹⁾ Governor General of Erzerum dated July 15, 1915⁽²⁾ clearly confirms that the atrocities ^{were} committed against the Armenians of the various districts of Erzerum

1 - Tahsin Bey not really opposed the deportation, tried to take advantage of his position to get rich; he showed difficulties, but as Mahmud Kiamil Pasha & Sr. B. Shaker Bey threatened him, he yielded.

(!) Put the tele in Turkish & English,

by the Teskilat-i Mahsusa^{T M} gangs jointly with gendarmes who accompany the caravans of deportees. The telegram of Tahsin Bey contains the following words: "A Captain, namely Faik, ravished four daughters of the Arabian family. Captain Kiamil Efendi too has stolen 1,863 Turkish pounds [27,945 dollars K], 35 bales of furniture and a considerable amount of jewelry. Such abominations carried out for sake of women and money are extremely shameful and against humanity. A stop must be put to this situation and especially put an end to the chete-gangs who are acting under the name of Teskilat-i Mahsusa^{T M}."

The Governor General of Harput^H wrote: "all the highways are covered with the corpses of women and children. We have no time to bury them. It will be better if we keep our dignity and save our national honor history." (File No. 8, document No. 4). (1)

The fact that this telegram is found in the files of The Fifth Commission of the Parliament (6)

6. The Fifth Commission of the Parliament was assigned the task of investigating to find the reasons and ^{those} responsible ^{for} the Armenian massacres.

Put here the telegram of Ali Suad, both
Turkish and English in two columns.

(8) Put photo, Turkish and English.

Among the documents relating to fugitive Talaat Bey, confirms the matter and the intention of destroying the important coded telegrams previously dispatched to Ali Suad Bey, Mutesarif of Zor. 7 x

Similarly, We will quote the coded telegram dispatched by Behaeddin Shakir Bey, Commander of the Teşkilât-ı Mahsusat from Erzerum to Nazim Bey [of Resne K] through the agency of Sabit Bey, Governor General of Harput (the photocopies of these telegrams are in the files No. 9).

x "Are the Armenians driven from these [Province of Mamuret-ul-Aziz K] extirpated? Are the ^{dangerous} harmful persons, whose exile and deportation you announced, annihilated or simply driven and deported? Clearly report this, my brother. 8)

7. In a coded telegram to Talaat Bey the Governor of Zor, Ali Suad Bey, had denounced the atrocities perpetrated in Diarbekir on August 1914, and asked ^{the} death penalty be applied to Hamid Bey, Governor General of Diarbekir and to Memduh Bey Police Commissioner of the same province.

8. Dr. Behaeddin Shakir Bey has dispatched his coded telegram to Nazim Bey of Resne, Responsible Secretary of the (Union and Progress Party)

(1) Put here the telegram, photo, transliteration and English translation

x Put here the telegram of Behaeddin Shakir:
1) Photo, 2) Transliteration, 3) English translation

The above-named Nazim Bey [of Resne' K.] was at that time the delegate of ^{The} ^U ^P (Union and Progress Party) in Harput. The fact that this man escaped ⁹) establishes already the close link ~~of the~~ between the ^T ^M Teşkilât-ı Mahsusa and the extermination [of the Armenians K] and the ^U ^P (Union and Progress Party).

The telegram ¹⁰) signed by Rushdi, Responsible Secretary of Samsun was addressed to the General Headquarters of the ^U ^P (Union and Progress Party), and which Midhat Shukri Bey delivered December 5, 1914 to Dr. Nazim, one of those who organized ^T Teşkilât-ı Mahsusa. ^M 10. The telegram reads: cc As the Fifth

in Mamuret-ul-Aziz through the agency of Sabih Bey, Governor General of Harput. In another telegram he asked him: cc It is required to deport Armenians and massacre those who are considered harmful.

Is this so there, my brother? » Dr. Behaeddin Shukir Bey signed the telegram in his capacity of President of the ^T ^M Teşkilât-ı Mahsusa. x

9. Nazim Bey of Resne' was not escaped, he was hidden in a Moslem Ward of Constantinople and protected by ^T ^M Teşkilât-ı Mahsusa chete-gangs.

10. The attorney general is trying to establish the close connection and cooperation for the same goal; the extermination of the Armenian people,

(1) The chete-gangs were used by NPP and the Turkish Govt for the extermination of the American deportees and the pillaging and looting of their possessions.

chete-gang composed of fifty-five men under the command of Toufau Agha was shipped in motor vehicles ».

Of course this is an evidence that the (Union and Progress Party) and the «^TTeşkilât-ı Mahsusa^M» were since the very beginning (July 21, 1914) busy with the organization of chete-gangs.

This fact is corroborated by a letter dated November 20, 1914 signed by Mustafa, Inspector of the (Union and Progress Party) at Balikeser, addressed to Midhat Shukri Bey, who in turn delivered it to Dr. Nazim Bey. The content of the letter proves that the Ministry of Internal Affairs and the (Union and Progress Party) organized together chete-gangs. (1)

the close connection was between 1- The General Headquarters of the (Union and Progress Party) acting through the agency of Midhat Shukri Bey, Secretary General; 2- The Responsible Secretaries and Delegates in the provinces, as Shukri Bey, in his capacity of Responsible Secretary of the (Union and Progress Party), in Samsoun, 3- The «^TTeşkilât-ı Mahsusa^M» in the capital, as Midhat Shukri Bey delivered the telegram to Dr. Nazim Bey, in his capacity of «^TTeşkilât-ı Mahsusa^M» leader and organizer, 4) The Minister of the Interior cooperating with the above-mentioned to organize chete-gangs to be assigned the job of massacring Armenians.

(1) Put here the missive photo, transliteration
and English translation,

The missive addressed to the General Headquarters by the Delegate of Union and Progress Party in Bursa dated December 19, 1914⁽¹⁾ states that criminals and bandits were registered in the chete-gangs of the Teşkilât-ı Mahsusa^{T M}.

At the beginning (July 21, 1914) rumors were disseminated that these chete-gangs would participate in war efforts, but this was to convince simple-minded people. These chete-gangs were really used in massacring and annihilating the caravans of [of Armenian K] deportees. This fact is established by evidence under hand, proofs and documents. ||

11 - Turkish newspaper Sabah^T, No. of December 12, 1918, published a telegram dispatched by Talaat Bey, Minister of the Interior, to the Club of the Union and Progress Party in Malatia: "Destroy all the Armenians who are to drive and gathered in your district. I assume ^{the} entire moral and material responsibility" (Emphasized by K) added.

In addition Sabah^T gave the following information:
 "An important portion of the riches^P belonging to the Central Committee of the (Union and Progress Party)^P came to existence from the money and possessions of Armenian deportees seized and confiscated.

"To have an idea about the colossal riches

* chetai gang received 15,000 T. pounds,
the total of amounts looted from Arun
deportees should reach $15,000 \times 12,000 =$
180,000,000 Turkish pounds or
\$ 6,300,000,000.

The coded circular signed by Talaat Bey dispatched on July 11, 1915 to the Governors of Diarbekir, ^{and Mamuret ul Aziz} ~~Surfa~~ and Lorz (Serial No. 11) establishes that the massacres were carried out

it will be enough to cast a glance on the agreement reached between the General Headquarters of the (Union and Progress Party) of Young Turks ~~and~~ on one hand, and on the other the Clubs and Chete-gangs of the same Party.

"As it is almost evident chete-gangs were composed of murderers (Kanlıkatiller) released from prisons and criminals recruited from outside.

"But these murderers were not granted the privilege and right of looting the Armenian deportees they used to kill. They had made an oath to deliver all confiscated matters to the Central Committee (of the U P P),

"According to this agreement, (the) half of the value of all seized effects was sent to the Central Committee, Constantinople. The other half was distributed to chete-gangs. And each chete-gang shared 15,000 Turkish pounds (525,000 dollars). This can prove what was the share of the Central Committee of the (Union and Progress Party) . The number of chete-gangs is evaluated more than 12,000 individuals, ~~Each~~ Each."

(1) Put here the telegram, transliteration
and English translation,

4578 1

p.29 Vehib

Suref
ELAZIZ VİLÂYETİNE

Copy
to the Govt of ELAZIZ

Bazı mahallerde defn olunmayarak açıkta bırakılmış eşada teşahdüf olunduğu haber veriliyor vilâyetiniz dahilinde defn olunmamış eşad ve bakiyesi var ise, defn ettirilmesi hususun da icab edenlere kemali şiddetle tebliği ve badeua her hangi kaza dahilinde defn olunmamış bu kabil eşad bulunduğ u anlaşılırsa oradaki mülkiyye memureynin işden el çektirilmesi ve Nezarete işare keyfiyet olunması.

19 Kanunvevel 331
Dahiliye Nazire;
Talaat.

It is notified to us that there are in certain places of your province corpses abandoned open out of the soil and not yet buried,

Give strict orders to whom it may concern to bury immediately such corpses and effects, and to completely make ^{the corpses} ~~these~~ disappeared still remaining in the districts of your province disappear. If hereafter there would be find non-buried corpses in the environments of the town, The Civil officials of the place should be dismissed from office and the result reported to us.

Dec. 19, 1915

Min. of Int. Aff.,
Talaat,

W 578 2

Vilâyeti Celileşkin
8/21 şifre Mahlûkedür.

Copy of the ^{de} coded telegram
8/21 from the Hon. PREFECTURE

Malatya Mütesarrefliğina;
Tebliğat-ı ekideye
rağmen yine yollarda
pek çok eçsat bulun-
duğu istitbar ediliyor,
bundaki mekaziri adide
muhtaşî izah olmadıje
gibi ba bapta Terahi
gösteren memureynin şid-
delle tecziyeleri Dahil-
liye Nezareti Celilesinden
ekiden bildirilmekle
hadat dahilindeki
umum cesetler dikkatle
bir surette defn ettirilme
icin miktarı kâfi jae-
darına ile iteri gelen
memureyden bir kaç zâtin
bu işe memur edilerek
hemşer her tarafa

To the Governor of Malatia;
Despite strict orders
we are learning that
there are ~~of~~ corpses
in great number in
your district still
not buried, it is need-
less to explain the
disastrous consequences
of such a situation.
We received strict
orders from the Minis-
ter of the Int. Affairs
recommending again
to severely punish without
exception civil officials
who neglect to accom-
plish their duty, we
insistently recommend
to appoint special offi-

(over)

çıkartılmasl ve buraya
malîmat itası, ehem-
miyetle Tekrit ve
cevap intizar olu-
nur.

20 Kanunvevel
21 (Agustos) 331

EL-AZİZ VALİSİ:
Sabit.

Aynen kaleme ve jandar-
ma Kumandanlığına,
hususla malîmattan sonra
iadesi.

22 minbu.

Görölmüştür, minbu
Nadim.

Officials and gendarmes
in sufficient number
to immediately bury
all corpses still open
in the boarder of your district.

See, 20, 1915.

Vali of ELAZİZ,
SABİT.

Textually to The Secretariat
and to The Gendarmerie
(current date 22/)
Return after to office.

Seen, Current date
Nadim.

(Gendarmerie Commander
of Kulelia)

W578, (1-)

Malatya Mutasarrıflığına To the Mutasarrıf of
Gayet Musteceldir; Malatya Very Urgent.

Dahiliye Nezaretinin
Şifre telgrafı balaya
atıldı; kazalar hu-
dudunda bu gibi
eşsat görüldüğü halde
bu hemşu Kaymakam
ve nahiyeye müdürleriyle
jandarması Kumandan-
larını işden el
çekdirilip Tahtı mu-
hakemeye alınacağı
beyan ve selaba
intizar olunur.

20 Kanunvesvel 331,

Vali, Sabit.

We hereby include
the coded telegram of the
Min. of Int. Aff. textually.
We recommend you
if hereafter corpses
will be found in the
environments of towns,
the Kaymakam, the
civil officials and the
jendarmerie commanders
of districts & counties shall
be dismissed from office
and brought to Court for trial.
We urge you to reply.

Dec. 20, 1915,

Vali, Sabit.

Nevahiye 645

Malatya Muhakamatina tamim Telgrafnameler,

Telgraf Jendarmeria Kumandauligina,

Tezkere NEVAHI

MÜDÜRİYETİNE

20 KANUNUEVVEL 331

Henüz yollarda defn olunmamış ceset var ise hemen köpekler toprak içine ezemeyeceği kadar derince kuyulara defni ve bu tarihten sonra ibtar hilafında o yolda açık cesetlere tesadüf olundığı takdirde en büyük mülkiye memuruyla jendarmeria komandanının

Nahiye = pl. Nevahi

over

To Counties 645 ✓

Circular telegrams to the Counties of Malatia and notices to Jendarmerie Commanders and civil officials of the districts.

Dec. 20, 1915.

If there will be found on the ways corpses still non buried, you have to dig ^{wells} graves as deep as possible dogs could not exhume and bury there the corpses. Despite our strict orders, if hereafter corpses are found on the ways, high ranking officials and jendarmerie commanders will be dismissed from office without any previous

derhal istizana
lüzum görülmeksizin
isten el çektirile
cegi Nezaret ve
Vilâyeti Celibedex
verilen Salâhiyete
Cinaen teblig olunuz.
20 Kanunvevel 331,
Malatya Mutesar-
rifi;

Jandarmaya,
Nevahiye,
Kazalara
yazıldı.
21 Kanunvevel 331,

notice according to
the orders issued by
the Min. of Int. af and
The Govt of the Province.

Dec. 20, 1915,
the Govt. of
Malatia.

Written
to the Jendarmerie Command
to the counties
to districts.

Written Dec. 21, 1915,

not only ^{with} ~~by~~ the knowledge but also by the order of Talaat Bey, Enver Bey and Gemal Bey.

In this circular telegram (!) Talaat Bey ordered the burial of the corpses abandoned all along the highways, that they not be thrown into ditches, ~~in~~ lakes and rivers, and ~~to~~ ^{that they} burn the effects left on the roads.

This operation was also confirmed by another telegram dispatched by Gemal Bey, Commander-in-Chief of the Fourth Army Corps, dated June 18, 1915 obs. = (July 1, 1915) addressed to the Governor General of Diarbekir bearing ^{notation} mention URGENT. Gemal Bey ordered ~~to~~ the Governor General to disseminate rumors that the corpses carried to the South by the Euphrates river ^{were} ~~are~~ probably the corpses of those Armenians killed during their uprising and rebellion, and ^{ordered him} to bury them immediately without leaving any corpses ^{in the} open. (File No. 11, document 3).

Suppose that the number of chete-gangs organised by the General Headquarters of the (Union and Progress Party) and the Office of the Teşkilât-ı Mahsusa ^M was at least ten thousand or more criminals, then the share ^{Gen. Head.} of received by the Central Committee of the Party should be more than 5,250,000,000 dollars [actual price] [approximately].

A. Andonian, op. cit. pp. 287-288,

(1) Pub the telegram, Transliteration and
English translation

N^o. 14, also file N^o. 11, document N^o. 1).

The Governor General of Harput in a telegram (1) to the Governor of Malatia gave the following order: "Despite strict orders a lot of corpses still remain along the high-ways. No need to explain the damages of such a condition. The negligent officials must be punished severely, and the Minister of Internal Affairs sent orders to bury very carefully all bodies found within the limits of your district. To this effect, use gendarmes and soldiers and certain trustworthy officials for the burial of corpses, sending them everywhere." >>

To show the importance and the extension of the massacres it is sufficient to remind the coded telegram of Reshid Bey [Governor General of Diarbekir K] dated September 15, 1915, in which he reports to the Ministry of Internal Affairs that 120,000 Armenians were deported from Diarbekir. (File N^o. 12, document N^o. 1).

In order to satisfy the patriotic feelings of honest people and to show that it is not correct to criticize ^{The} local Moslem population and the

(1) Put here Telegram, photo, translation & English translation.

subordinate officials for these occurrences,
 Let us now make record of the coded circular
 carrying the signature of General Mahmud Kiamil
 Pasha, Commander-in-chief of the Third Ottoman
 Army Corps. (File No. 13, document 1). (1)

Against the provisions of Islamic Law,
 that orders: « don't do a prohibited thing
 under ~~treat~~^{threat} and terror », this telegram states
 that the Moslem who dares to save an Armenian
 in his house ~~[of the Moslem &]~~ will be hanged
 in front of his own door and his house will
 be burned down. If the savior is a civil offi-
 cial, he will be discharged of his office and be
 tried by a Court Martial. If the protectors of
 Armenians are military men, they will be dis-
 missed of the service and tried by a war
 tribunal.

Hafiz Mehmed Bey, a former Deputy of the
 Chamber, reported to Talaat Bey that Armenians
 on the shores ~~of the~~^{of the} Black Sea ~~are~~^{are} put in boats
 and thrown into the sea, and that no measures
 are taken against Jemal Azmi, author of
 this tragedy. (File No. 15).

Talaat's criminal ^{behaviour} attitude is evident because he never paid attention to these kinds of reports. 12

In his coded telegram dated December 14, 1918, Munif Bey, Governor General of Erzerum, stated that a caravan of wealthy Armenians departed from Erzerum ^{low} in ^{the} direction of Kizhi, were massacred despite the instructions of Governor General Tahsin Bey [Erzerum K] and looted by chete-gangs organized by Behaeddin Shakir Bey, a member of the General Headquarters of the (Union and Progress Party) and by the bands of Dersim. (File No. 16).

This corroborates the evidence relative to the commission of crimes.

The minutes of the statement made by Kemal Assaf Bey (File No 18) which proves that the chete-gangs organized under the command of Kurd Aho, by Kemal ~~Az~~ Oguz Bey, former

12. Talaat Bey, in his capacity of Minister of Internal Affairs, had personally sent orders, thru Yusuf Riza Bey, Commander of Teskilat-ı Mahsusa in Trebizond, Nail Bey, Responsible Secretary of the (Union and Progress Party) in Trebizond, and Dr. Behaeddin Shakir Bey, President of the Teskilat-ı Mahsusa, had communicated secret orders to Kemal

1) ^{Mirwa}~~Miralay~~ Halil Rejai was the Acting Commander
of the Ott. Fifth Army Corps, at Ankara.

Responsible Secretary of the (Union and Progress Party) in Chankiri and now tradesman, massacred partly of those who were deported. These partial operations prove that this is a part of the system used by (Union and Progress Party).

The extensive testimony of Colonel Halil Rejai Bey (1) is remarkable (file No. 2, p. 1). He describes and explains in details how the Club of the (Union and Progress Party) in Ankara sent to the Commander a delegate, namely Tayib Efendi, who proposed him [Halil Rejai Bey, Commander of the Fifth Army in Ankara] to ~~expel~~ ^{expel} from ^{the} Army Armenian officials serving in the sanitary office (Health Department) ^{of the Army} and to take them under control.

He revealed, too, that Memduh Sheker, a Member of the Central Committee of the (Union and Progress Party) and his brother, Rafat Bey, came to Ankara during ^{the} deportations, ^{and} that ~~these~~ forced deportations were carried out in Ankara, ^{He also revealed} what was the role played by Nejati Bey, the Responsible Secretary

Azmi Bey, Governor General of Trebizond, to massacre and annihilate the Armenians living in the province of Trebizond. In addition Talaat Bey had dispatched orders prohibiting all legal proceedings against those who were responsible ^{for the} massacre.

(1) Put here Radi Bey's Testimony.

of the (^UUnion and Progress Party^P) of Ankara, and he referred to the great misdeeds shared by Behaeddin Bey of Monastir, the Police Commissioner of the province.

He gave the names of those who ^{might} ~~may~~ testify in this matter. And when legal action was taken against ~~the above-mentioned~~ ^{the above-mentioned} Behaeddin Bey to bring him before the local court martial, he was called to Constantinople. ⁽¹⁾ ~~and~~ ^{The} ~~the~~ records and papers relative to his examination were not forwarded to Constantinople, but, upon the insistent claims of the Minister of Internal Affairs, were brought then to Constantinople through special care of ^{the} War Office.

So, the abovementioned Behaeddin Bey was freed from legal prosecution.

According to the results of investigations, those who did not ^{refused} want to participate in the above-mentioned tragedies were considered traitors of the country, while persons active ^{such} as Behaeddin were considered worthy of all kinds of assistance and protection. ^{Even} ~~was~~ ^{me} former Minister of the Interior, Talaat Bey, sent ^{the} above named Behaeddin Bey

(1) Put here Reshid Pasha's telegram.

with a recommendation to Vehib Pasha, Commander-in-Chief of the Eastern Army Corps to assign him an office.

This man was for a while in active service in the Court Martial of Samsun, then he escaped to an unknown destination. (According to a statement in the transcript inserted in the special personal dossier of Vehib Pasha).

Reshid Pasha, Governor General of Kastamuni, stated that he had reported to the Ministry about the forced deportation carried out in Kastamuni. He wrote to the Minister about the crimes committed by Fehmi Bey, Responsible Secretary in the same locality, but his report was not taken into consideration. On the contrary he had received a coded telegram from Dr. Behaeddin Shakir Bey insisting to deport forcibly the Armenians of the province. (File No. 2, p. 13, and annexed copies of telegrams).

Onnig Ihsan Efendi, Deputy for Smyrna, revealed too (File 30) that in the General Assembly of the (Union and Progress Party) he made a petition to Talaat Bey, Chairman of the Party. He described in that petition the crimes and atrocities committed

on Armenians and asked to hold an investigation concerning the activity of all Responsible Secretaries of the (Union and Progress Party) and Dr. Reshid Bey [Governor General of Diarbekir K], Gemal Azmi^{Bey} [Governor General of Trabizond K], Muammer Bey (Governor General of Sivas K), Atif Bey [Provisional Governor General of Ankara K], and Ibrahim Bey, Director General of Prisons, while Talaat Bey rejected his petition with mention or marginal note a "KEEP".

On the contrary, ^{The} same Talaat Bey told him in the Sporting Club of Smyrna that he would "subject the Armenians of Smyrna to the same destiny ^{as} of the others." Above named Onnig Ihsan Efendi revealed, too, that Dr. Nazim Bey and his acolytes are real criminals.

Vehib Pasha also reveals (File No. 9, p. 3) that the massacre and annihilation of the Armenians and the confiscation and pillage of their possessions and properties were the results of the decisions made in the General Headquarters of the (Union and Progress Party) and Dr. Behaeddin Shakir Bey recruited and used in the zone of the Third Army

Corps (13) executioners and butchers of men. Statesmen were sympathetic to the directives of Behaeddin Shakir Bey.

All the tragedies, all the machinations and all the ill-doings in the zone of the Third Ottoman Army Corps were worked by Behaeddin Shakir.

The written statement reads; "To prepare gendarmes (14) and chete-gangs whose hands were stained with blood and whose eyes were bloodthirsty, and so on... ⁽¹⁵⁾ constitute an entire instrument of accusation against the General Headquarters of the (Union ^U and Progress ^P Party) and those ministers who were the permanent members of its General Assembly.

13. The provinces of Erzerum, Trebizond, Sivas, Bitlis, Van, Harput and Diarbekir were under the military jurisdiction of the Third Ottoman Army Corps on the front of Caucasus.

14. The criminals and convicts released by order of the Minister of Internal Affairs from Turkish prisons were recruited and registered as gendarmes, or simply disguised in gendarme uniforms and accompanied the caravans of Armenian deportees to the massacre sites previously established and there they participated with other criminals expecting the arrival of the caravans for massacre and ^{extermination} plundering.

15. JAJ, No. h 172 - h 182.

(1) Put here photo, transliteration and English translation

in extensive and lasting deliberations.

Whereupon Jelal Bey was forced to resign from his office and came to Constantinople; he tried to make Talaat Bey and Dr. Nazim Bey understand the disastrous consequences of the question. However, they answered him that they were convinced that this affair is necessary and useful. Dr. Nazim Bey even went so far ^{as} to insist that this initiative [of deportation and massacre K] might solve the Eastern Question.

And Although Khairiy Efendi, the Sheikh-ul-Islam, tried to stop this initiative, but he did not succeed.

Mazhar Bey, former Governor General of Ankara, was dismissed from his office because he refused to carry out the orders he received to forcibly deport and massacre [the Armenians living in his province K] (Investigation papers, p. 17).

Hamid Bey, former Director General of the civil inspection Board, reveals that the Governor General of Diarbekir, had two Kaymakams ⁺ (16) murdered because they refused to carry out

16. The first Kaymakam killed by order of

Violence and death sentences against Arabs as well as the forced deportation [of the Armenians in living in their respective districts K].

Governor General Reshid Bey, was Saidzade Sabit Bey, governor of Besheri, a native of Bagdade, ~~He~~ was the brother of Najji Bey, Civil Inspector in Aleppo. He had dispatched a telegram to Dr. Reshid Bey telling him what was going on in the district against humane right and public order and security; ^{He} he asked him what to do in such conditions. Dr. Reshid Bey had ordered him to deport and massacre. Sabit Bey resigned. Reshid Bey accepted his resignation. On his way to Aleppo via Diarbekir, Sabit Bey was killed by the gangs sent by Reshid Bey; the latter dispatched a telegram to Najji Bey and reported him that his brother was killed by unknown chete-gangs.

The next Kaymakam killed by order of Governor Reshid Bey was Nesimi Bey, governor of Lijex. He was native of Crete. His mother was a Greek and father a Turk of Crete. He refused to carry out the orders sent to him by Governor General Reshid Bey to deport and massacre the

Lautfi Bey, Director General of Internal Revenue in the Ministry of Finances, made revelations concerning the atrocities committed in Trebizond and accused the responsible authors, (Investigation papers, pp. 34, 38, 43) Nail Bey, Responsible Secretary of the (Union and Progress Party) in Trebizond.

Sabur Sami Bey, former Mutesarif of Antalia, reveals that Dr. Behaeddin Shakir Bey dispatched him a coded telegram from Erzerum: cc What are you doing in Antalia while all the Armenians, none ^{without} allowed ^{ing any body} to stay, are deported

Armenians. In reply Neasimi Bey sent to Reshid Bey the following telegram: "Cengizane veriken emirlere infardan maruzum", "I ^{refuse} renounce to carry out orders issued in the way of Genghis-Khan". Reshid Bey sent his gangs and had him murdered.

See: A. Andonian, pp. 294-299, in footnote.

See: Husaper, Special Issue dedicated to Fiftieth Anniversary 1915-1965, Husaper Press, Cairo 1965, the photocopy of the ^{report of the} Commission presided over by Mazhar Bey, dated from Diarbekir December 24, 1915, addressed to Talaat Bey, Minister of Internal Affairs; details of the murder of Neasimi Bey by order of Reshid Bey.

JAJ, No. 119

from Erzerum, Van, Bitlis, Diarbekir, Sivas and Trebizond into the direction of Mosoul and Zor areas? »

Salim Bey says that ~~although~~ he dispatched the copy of the same telegram to Talaat Bey, however, he did not receive any answer. (Investigation Papers, p. 44).

T Radi Bey gave information concerning the forced deportations in the province of Ankara and Nejatî Bey, Responsible Secretary in the same place.

All these revelations and informations provide sufficient evidence to confirm the accusations in a discursive manner.

T Behaeddin Shakir Bey dispatched a coded letter with mention: « To the General Headquarters of the (Union and Progress Party) through the agency of Talaat Bey ». ~~On the~~ ^{The} decoding of the same coded letter was found in the dossier of the Tezkilât-ı Mahsusâ and the answer which says: « Since you ~~achieved~~ achieved your work there (Artvin K), immediately depart to Trebizond, where you will be assigned a duty more important

than the work in Artvin. Yacub Gemil Bey is about to leave soon here [Constantinople K] and will bring you necessary explanations and instructions», 17

Those who among the ^{defendants} (accused) were ministers, although tried to deny the charges during investigations, they raised the question of ^{the} responsibility and ^{the} competency of the court, stating that the jurisdiction of investigation and trial belong not to the court martial, but to a Supreme Court composed according to the constitutional provisions⁽¹⁸⁾. But it is needless to refer to ~~the~~ Article 92, as they ^{do for their defense, as this} ~~try to defend with~~ concerns

17. Yacub Gemil Bey was a prominent Teşkilât-i Mahsusa leader, a trustworthy liaison officer and a special messenger between Constantinople and the provinces ^{for secret orders and instructions}. He was arrested by order of Ewer Pasha, sentenced to death and hanged.

His secret activities in Giki Devrin Perde Arkası Beyond the Curtain of two periods, by Hüsameddin Ertürk, writer Samih Nafiz Tansu, Pinar Yayınevi, Batur Matbaası, İstanbul 1964, pp. 129-158.

18. Constitutional law, section 33, reads: Ministers shall not be distinguished from any other Ottoman subjects in any legal proceedings

criminal acts resulting from the political activity of a minister or of the cabinet.

While according to the provisions of the Article

which are independent of their office and personal to themselves.

In such circumstances the trial shall be conducted before the ordinary courts of Justice.

~~See~~ Translation of the Ottoman Constitutional Laws, etc, published in Baghdad by the Ministry of Justice, ~~12th~~ March¹² 1921, p. 3.

33 of the Constitution concerning the crimes committed personally or by others, the ministers cannot be accorded legal privileges and therefore, they may be tried by ordinary tribunals for similar crimes.

At the outset of the first session of the Court Martial, the Defense Attorney asked whether the Court was competent to try High ^{ranking} officials of the Turkish Government. Some prominent jurists, Turkish ~~or~~ ^{and} non-Turkish, outside the Court, expressed their juridical opinions after investigation and consultation.

Lawyer César Bonnet, in a few words, expressed his view point; cc The Union and Progress Party being a private organization rather than a political party, and an authority not legally established in compliance with the Constitution of the Ottoman Empire, it would appear that the members of the Committee [of UPPK] ~~Union and Progress Party K~~ who might be guilty of crimes committed against the common right can be brought before the Court Martial involved in hearing cases regarding the events [massacres K] that occurred during the period of war.

In localities where war conditions still prevail and according to the corresponding ordinance, both civil and judicial laws and

"This is my observation, but each individual case must be investigated and examined by itself as well as the circumstances in which they are revealed. >>

Along the same lines another prominent foreign lawyer expressed his point of view as follows;

"The pursuits and investigations now made against the individuals who appear before the Court are not instituted against them in their capacity as Ministers. There is evidence that along with certain accused individuals who were ministers, there are others accused of the same crimes although they are simple and regular individuals. The truth is that the General Headquarters of the (Union and Progress Party) decided that the crimes be committed. The decisions had been carried out by all involved individuals, ministers or otherwise,

Under these conditions and circumstances there can be no question of crimes committed by ministers in the exercise of their functions (emphasized in the text K), a case that perhaps would

regulations are silent and the convicts are brought before court Martial.

Therefore, decision was made to remit the cases of massacre and speculations according

test the unique competence of a High Court, but there is only a question of crimes committed by a category of individuals (emphasized in the text K) involved in the criminal organization, by every available means to achieve the aims of the organization and insure success of the crime project.

One may say that they constitute an association of scoundrels engaged in various occupations and who may be brought before a court having jurisdiction of common right, which in this particular case is the Court Martial."

La Renaissance, No. 130, Saturday, May 3, 1919,

to the recent ordinance, to investigation Court Martial considering its competency in the matter and rejecting the objections raised against its competency.

According to evidence and proofs under hand, Dr. Behaeddin Shaker Bey¹⁹⁾, Dr. Nazim Bey²⁰⁾, Atif Bey²¹⁾, Riza Bey²²⁾, Yevad Bey²³⁾, Aziz Bey²⁴⁾, and Enver Bey²⁵⁾, Jemal Bey²⁶⁾ and Talaat Bey²⁷⁾ [the latter three being former pashas] are considered co-massacristo, and their acts are considered crimes,

Therefore, in accordance with the first paragraph of the Article 45 of the Penal Code and the Article 70, they will be tried by the Court Martial of Constantinople.

Midhat Shukri Bey²⁸⁾, Dr. Rop~~ro~~spufhi Bey²⁹⁾, Kuchuk Talaat Bey³⁰⁾, Zia Gökalp Bey³¹⁾, Kemal Bey³²⁾ and Said Halim Pasha³³⁾ as well as Ahmed Neşimi Bey³⁴⁾, Shukri Bey³⁵⁾, Ibrahim Bey³⁶⁾ and Halel Bey³⁷⁾, although they are not direct accomplices, nevertheless, they ~~helped~~ ^{did} help them ~~as they were aware~~ ^{and} of what they were doing. ~~Therefore,~~ ^{Therefore,} ~~and~~ they are their indirect accomplices. They shall be tried consequently before the Court Martial of Cons-

tantinople.

It was therefore decided, according to the indictment, to deliver to the Attorney General of the abovementioned Court Martial the papers and files relative to the trial, investigation, and their crimes, with all supplementary details.

10 Receb 339, and April 12, 1919.

Official ^{organ} journal: "Takvîm-i Vakayî Divan-ı Harb-i Örfî Muhakematı Zabıt Ceridesi", No. 3540.

Print session of April 27, 1919, first session, pp. 4, col. 2, p. 5, col. 1 - 8 - pp 4-88.

(19) - Dr. Behaeddin Shakir Bey, member of the General ~~Headquarters~~ ^{Central Com.} of the (Union and Progress Party), President of "Teşkilât-ı Mahsusa", Chairman of the three-member Executive Committee for the Armenocide, deserted Turkey November 1918, sentenced to death in absentia January 13, 1920, assassinated in Berlin by Aram Yerganian April 17, 1922, 1922.

(20) - Dr. Nazim Bey, Member of the ~~General~~ ^{Central} ~~Headquarters~~ of the Union and Progress Party, Director of "Teşkilât-ı Mahsusa" in Constan-

Constantinople, member of the Three-member Executive Committee for the Armenocide, deserted Turkey November 1918, sentenced to death in absentia July 5, 1919; hanged August 17, 1926 for plot against Mustafa Kemal, ^{First} President of Turkish Republic.

No 2702

(21) Atif Bey, Member of the General Headquarters of the Union and Progress Party, Deputy for Ankara, prominent leader of "Teşkilât-ı Mahsusa" in Constantinople, 37 years old, tried by the Court Martial, deported to Malta by British Authorities, released ^{30/11/21} for prisoners' exchange, Provisional Governor General of Ankara.

(22) Rıza Bey — Member of the General Headquarters of the Union and Progress Party, Commander of Teşkilât-ı Mahsusa in Trebizond, arrested and tried by the Court Martial, deported to Malta May 1919, by British Authorities, released in exchange of British prisoners of war.

Colr

Ahmed

No 2700

(23)

Jevad Bey, 47 years old, native of Kazan —

44
lik, Bulgaria, Artillery officer, ^{Commandant de Place} ~~Military Governor~~
of Constantinople, Supervisor of Teşkilât-ı
Mahsus in Constantinople, arrested and tried
by the Court Martial, departed on May 30, 1919 to
Malta ^{Prison No.} by British Authorities, released in exchange
of British prisoners, 30/4/21

(24) Aziz Bey, Director of Public Security,
Member of the Central Committee, prominent leader
of "Teşkilât-ı Mahsus", deserted Turkey, ^{went to}
Stockholm, Sweden,

(25) Enver Bey, ^{Permanent} Member of the Central Committee,
(Union and Progress Party) Minister of War, Commander-
in-Chief of the ~~Arm~~ Ottoman Armed Forces, deserted
Turkey, sentenced to death in absentia July 5, 1919,
assassinated 1922, murderer not identified. Secret
activities: ~~see~~ Public Record Office, London, 371/4173, 935
1270/58010.

(26) Zemal Bey, Permanent member of the Central
Committee, Minister of Navy, Commander-in-Chief of the
4th Army Corps, deserted Turkey, sentenced to death
July 5, 1919, in absentia, assassinated in Tiflis by

Stepan Dzagizian, Bedros Derbozhonian and
Ardashes ~~Der~~ Kevorkian, ⁱⁿ 1922,

(27) - Ahmed Talaat Bey, Chairman of the Gen. Assembly
of (Union and Progress Party), Minister of Int. Aff.,
Grand Vizier, Feb. 1917 - Oct. 7, 1918, deserted
Turkey, sentenced to death in absentia July 5, 1919,
assassinated by Soghomon Tehlirian, Berlin March 15,
1921, killer acquitted by Berlin Court. June 14, 1921,
Secret Activities, see Public Record Office London,
371/4173, 935, 1270/58010 —

(28) - Midhat Shukri Bey, native of Salonika,
aged 45 years, Secretary General of the Gen.
Headq. Deputy for ~~Porter~~, arrested and
tried, deported to Malta May 30, 1919 by British
Auth. No 2693, released 24, 3, 21, exchange
prisoners.

(29) - Dr. ~~Roussoukhi~~ ^U Roussoukhi Bey, Member of the Gen. Head,
^C escaped from Turkey to Germany.

(30) - Kuchuk Talaat Bey - member of the General Headquarters of the (Union and Progress Party^U) arrested and tried, ~~deported to Malta by British Authorities~~, escaped with Halil Pasha, from the prison of Bekir Ağa Bölüğü.

(31) Zia Gökalp Bey - Member of the General Headquarters of the (Union and Progress Party^U), 43 years old, Professor at university, theoretician of Pan-Turanism, arrested and tried, deported to Malta^U, prison No 2759, released on April 30, 1921 from Malta in exchange of British prisoners ^{May 28, 1917}

(32) - Kemal Bey, Mustafa Kemal Bey, called Kara Kemal, Member of the Central Committee, Representative of the (Union and Progress Party^U) in Constantinople, arrested and tried, released, joined Nationalists in Ankara, killed himself 1926,

(33) Said Halim Pasha, Egyptian Prince, President of the (Union and Progress Party^U), Grand Vizier 1913-1917, ^{56 years old,} signed Deportation

Imperial Edict, arrested and tried, deported to Malta ^{May 28, 1919} by British Authorities, prison No 2755, released from Malta April 29, 1921, assassinated in Rome by Arshavir Shisagian December 5, 1921.

(34) - Ahmed Nexsimi Bey, Member of ^{the} Union and Progress Party, of Crete, 44 years of age, Minister of Foreign Affairs, arrested and tried by the Turkish Court Martial, deported to Malta by British Authorities, ^{Malta} Prison No 2736, released from Malta April 4, 1921 in exchange of British prisoners.

(35) - Shukri Bey, Ahmed, Minister of Education, Member of the Three-Member Executive Committee for Armenocide, arrested and tried by the Court Martial, deported to Malta May 1919 by British Authorities, Prison No 2763, released from Malta April 30, 1921, joined Nationalist Forces, ^{in Ankara} hanged August 4, 1926 in Smyrna,

(36) - Ibrahim Pirizade Sahib Bey, Member

30, 1919,
 of the (Union and Progress Party), of Constantinople,
 58 years of age, Deputy for Salonika, Minister
 of Justice, Senator, ^{President of State Council} arrested and tried by
 the Turkish Court Martial, deported to Malta, May
 by British Authorities, ^{Malta} prison No 2735,
 released from Malta April 29, 1921, joined
 Nationalists in Ankara.

(37) ^{Mehmed Saleh, of Mentesh} Halil Bey, Member of the Union
 and Progress Party, 44 years of age, President
 of the Ottoman Parliament, Minister of Justice,
 Minister of Foreign Affairs, arrested and tried
 by the Court Martial, deported to Malta
 May 1919, by British Authorities, ^{Malta} prison No 2760,
 released from Malta April 30, 1921



nized by a central body composed of the above-mentioned persons, and the execution of their program was ascertained by orders and instructions issued by the same body.

" Now is brought to light written evidence and documents which are confirmed by inquiries and investigations held [by the Turkish Court Martial and Inquiry Commission].

" The leaders of the (Union and Progress Party) created under the name of Teşkilât-ı Mahsus a network of secret organization.

" Since the beginning (July 1914) they disseminated rumors that the organization was created to participate in war efforts, but then, as it is evident in the indictment, the network was used for criminal activity.

" The administrative body of these secret organizations was composed of Dr. Nazim Bey, Dr. Behaeddin Shakir Bey, Atif Bey, Riza Bey, all four members of the Central Committee of the Union and Progress, and Aziz Bey, Director of the Public Security.

" The telegram signed by Rushdi, Executive Secretary at Samsun, addressed to the Central Committee and delivered by Midhat Shukri on December 6, 1914 to Dr. Nazim: " As a fifth çete-gangs composed of fifty-five men under the command of Tufan Ağa was shipped in motor vehicle.

p8 col. II.

Pres. - You [^{defendant} accused ministers and ~~the~~ Party leaders] have been official members of the ~~the~~ Party.

The Gen. Headquarters and the ^{central} Committee of ~~this~~ party has ^{ve} made decisions to commit unlawful acts, especially taking advantage ~~from~~ the confusion ~~and~~ ^{trouble} of the Gen. War to in order to give satisfaction to the ambitious aspirations of certain people; (Party leaders) it (the Party) provoked problems which are absurd and inadmissible (for) to ~~the~~ honest and rational people. (1)

1 - Of Immediately after the ^{reading} of the ~~so~~ indictment, the Pres. of the ~~Ext.~~ Court Martial Ferid Nazim Pasha made some ^{remarks.} ~~conclusions~~ and addressed directly to ~~those~~ ^{the} Ministers ^{of both war cabinets} and the Party leaders who ~~were on the banks~~ of ~~a~~ occupied ^{in the courtroom} ~~the~~ ~~in~~ ~~the~~ the banks of ~~the~~ reserved to ~~the accused~~ defendants.

They had ^{raised} ~~purposed~~ ^{goals} ~~purposed~~ apparently useful to the nation, and ^{for} the integrity of the country;

Through such ^{goals} ~~purposes~~ they ~~created~~ raised questions and introduced modifications & changes in the political, administrative and financial affairs of the State, they provoked confusions, ^{made} ~~created~~ troubles for the State.

They took advantage ^{desires} ~~at~~ the periods of ^{The} mobilization [July 21, 1914] ~~to proclaim the State of emergency~~ ^{of War} ~~and martial law~~ ^{extensive} ~~of military law~~ ^{martial law};

and

They ~~thought~~ took the opportunity of ^{rejecting} ~~refusing~~ all opposition and critics.

refused

They formed bands of gangs composed of sluggard people and criminals ~~bothering~~ ~~the~~ people - ^{carefully} ~~planned~~

They ^{planned} ~~prepared~~ and carried out plots & ~~in~~ ending massacres ^{conspiracies}

and ^{exercised} tyranny against the Ottoman Islamic profession and regulations;

~~such as~~ Through ~~the~~ such inadmissible affairs & problems they caused provoked ~~the~~ ~~the~~ general disgust & malediction of the world.

You were yourselves among the ~~auth~~ originators and ^{the} responsible of such acts, and accepted important roles *in*.

I call your attention to consider a fact that The Prosecutor General ~~proved~~ ^{brought evidence provided evidence} and confirmed all the above facts.

He then addressed the Prosecutor General and invited him to speak.

The Pros. Att. Gen. Mustafa Nazmi Bey concluded:

The ~~accused~~ ^{defendants} who are ~~present~~ personally present in this courtroom and those who are absent [because fugitive]

4

who are incriminated,
The criminal acts ~~who~~ are ^{explained} ~~explained~~
in the indictment.

The evidence and proofs, ^{as well as} with
~~and~~ the names ^{of those} ~~of~~ who are accused,
are registered and preserved
in (the) dossiers - files

I ~~want~~ ^{don't want} ~~not~~ to waste time
~~to~~ by reading ~~the~~ papers in
the dossiers and ^{by} explaining and analysing
the questions; I would not push
for the trial ^{which} ~~that~~ begins today.
The truth shall ^{be brought to light} ~~appear~~ see
this courtroom.

I would like to ^{Take this opportunity} say a few
words concerning the importance
of ~~this~~ the present trial and the
justice ^{which has} to be applied.

It is evident that the ~~process~~
~~and~~ apparatus of nations and
peoples is realized ~~by~~ with
the principle of right, justice,
and equality. This serves to
strengthen and ^{perpetuate} guarantee the goals.

of right & justice

Consequently ~~the~~ the existence in a country must be the spirit of a gov^t.
In case of absence of such spirit ~~will~~ ^{will} ~~lead~~ ^{lead}
~~cause the death of a gov^t.~~
lead a gov^t to death.

Since since memorabile (This matter in the ott. Empire
(since long time) met great difficulties
obstacles; different elements composing
the Ottoman Nation were lead to
mutual hatred, and added
bloody pages in ^{the} its history.

The ott. Constitution prohibits, ^{and}
the ~~con~~ human conscience cannot
admit, as well as the Khalife of
~~the~~ Musleme people, ^{condemn} the countless
crimes which were perpetrated and
are considered unpardonable
by the ottoman public opinion
and the ^{originators} authors can no more
be representatives (of the nation).

~~According to the despondencies~~
~~of the ottoman laws~~ | all the crimes
without any exceptions have to be punished
in accordance with the provisions of
ott. laws

The bloodshed of the innocent ~~has~~ must be indemnified, and the ^{flames of the} ott. justice shall bring satisfaction to all races living in Turkey; the ott. soil is thirsty of justice.

The traditions and ^{great} glories of weakened because they were far from ~~the fundamental~~ ^{essential} ~~structure~~ the Islamic justice which was the ^{an} essential ^{structure} ~~structure~~ of the country ~~for~~ ^{throughout} centuries.

In the ^{constitutional} administration of the ~~which~~ proclaimed in 1908, all ~~peoples~~ Moslem and Christian peoples, communities, and Aleutas, ^{inspired} impressed by the Spirit of right & justice walked together to centralize ~~and~~ ^{the} justice, however a group of unlawful ^{individuals} ~~people~~ spread ^{made} ^{horrible} among the ottoman elements and added bloody pages in the ott. history.

Many people who were impressed with the spirit of serving the constitutional

administration were already disappointed,
 After the proclamation of the Consti-
 tution massacre, plunderings and many
 other bloody events succeeded each other.

~~Unfortunately, the U & P Party's Gen. Head-
 quarters and the~~ ^{members of} ~~the~~ ^{U & P Party's} ~~Gen. Head-
 quarters and the~~ ~~above~~
~~mentioned facts~~

Unfortunately, members of the Gen.
 Headquarters and T.M., allegedly and
 high ranking official of the State are
 brought to justice, ~~because they are~~
 not in their capacity of officials, ~~but~~ ^{but}
~~is~~ because they are members of
 the Gen. Assembly of the U & P.

Similarly, the participation in the War,
 the massacres, illicit gains, and plunderings

1 - ~~The Proclamation of the Ott. Constitution~~ ^{was proclaimed}
 place on July 24, 1908, with the help of ARF ^{helped} the
 Young Turks. The U & P Party ~~was~~ ^{on 13 April 1909} planned, organized
 and carried out the massacre of 21,057
 Armenians in Cilicia. ARF & U & P Party attri-
 buted ^{Adanya} ^{The holocaust} to the reaction of Sultan ^{abdul} Hameid; this
 The latter had nothing to do. Deputy Hagop
 Babegian, who ~~told~~ reported the truth, was killed.

were ^a caused ~~you~~ big calamity ~~salamity~~ for the ~~ott.~~ state.

Similarly, only the pees of justice ~~main~~ may wipe away the bloody stains which are rubbed to on the ~~ott~~ fronts of the ottomans.

* For this purpose ~~we~~ holy war is declared: ^{Both} Moslem & Christian criminals will find their ~~condign~~ punishments they deserve.

Attorneys general have to ~~investigate~~ make not only legal unilateral investigations but ~~to~~ hear the complaints of all without exceptions & discrimination.

Q ~~Special~~ ~~An~~ office is established to make investigations.

Attorneys General, as well as I, have to hear plaintiffs, make investigation, receive those who may ~~to supply~~ ^{to supply} informations, who had ~~and~~ have claims, to accept the demands of those who incurred damages, the blood of all ottoman victims, Moslem

or christians, will be taken into consideration.

I have to prosecute those Christian ottomans who killed muslims during the massacre,

In every case all criminals will meet the penitence they deserve.

This high court will decide the rights ^{and restitution for the} ~~and~~ of innocent people,

Sultan Mehmed Khan VI Kahideddin, ^{reigning} ~~the~~ on the oth. throne, the Khalife of all muslims ~~people~~, the successor of the Prophet, as well as the actual Govt, have made the decision enthusiastically and they consider it ~~the~~ a duty to reestablish the muslim justice.

All the ottoman elements living in Turkey have likewise ~~deci~~ made a decision ~~at an~~ ~~to~~ to reestablish, as their primary duty, the Islamic justice ^{among} ~~between~~ all the populations

As their Sultan, all the ottoman elements and this High Court, are impressed by the same spirit of justice and the

Staff of the Courts with all ~~these~~ members have in their conscience only the feeling of justice ~~and~~ with have no other goal.

It is impossible to introduce in the activity of the Court ^{any} political influence and such a desire.

No other state, no civilized nation have a right to claim from the ottoman Govt to apply punishment, and in fact, such a ~~claim~~ demand is not ~~to~~ made.

In the name of ottoman rights we are asked to apply justice. Also even Khalifes have a special respect to such justice.

In the ottoman Courts, ~~before ottoman judges~~, justice will be applied by oth. judges with out any impediment, ~~they will be tried~~ the crimes mentioned in the decree will be tried: Dr. Bahaddin Shakir, Nazim, Atif, Jemal, Talaat Bays are accused as co-operators,

Midhat Shukri, Dr. Kusubi, Kulchuk Talaab, Zia Jökalp, and Kemal Beys, Said Halim Pasha, Ahmed Nesimi, Shukri, Ibrahim and Halil Beys are accused as accomplices of the abovementioned massacres.

I urge The Court to ^{begin} start ^{their} ~~start~~ public trial and ^{deliver} ~~apply~~ verdicts according to the ^{provisions} ~~dispositions~~ of justice.

Jelaladdin Arif Bey ⁽¹⁾ (Defense Attorney) -

I wish to express certain explanations concerning the ~~questions~~ matters attributed to the persons ^{who are} brought to trial ^{by} ~~it~~ ^{according with} the decree and the indictment, as well as ^{their} public rights and their legitimate positions ^{will be} ~~is~~ ^{considered.}

in accordance with the provisions of

According to the insistence of the prosecution, we have to accomplish a very important duty to judge ^{this} a fact that since the ~~foundation~~ ^{establishment} of the Ottoman State was ~~not~~ unknown within the limits of the ~~laws~~ ^{existing} existing laws

hist of Criminal activities of UaP. (1) (2) lawyers: ^{of UaP} Jelaladdin Arif x Koca Kafa Arif. F.O. 371/4173, B.I/3082. (M.I. 2.)

following a perfect justice and especially the justice which will be applied by your high Court.

justice The verdicts which will be delivered by this high court, ^{have to} (will) be the ~~very~~ most gleaming and the ~~most~~ highest example of not only for my ~~defenses~~ ^{protégés} but also ~~the~~ ^{for} present and future generations; it will interest, according to your expression, ^{concern} the Islamic and Ottoman history, and will prove to whole mankind and set specifically to us that the justice of # our country shall be exempted ~~from~~ ^{from} all blemish spot.

simply clearly the We too are coming in the presence of ~~this~~ ^{Your} Hon. Courtroom, we are ^{know that} conscious we have to serve ~~our~~ accomplish ~~decisively~~ our duty, ^{decisively} ~~to serve~~ ^{to} the application of right and truth, ^{with} and, ^{facilitate} ~~to~~ ^{to} make ^{us} accomplish ^{us} our historical duty, ~~and~~ I have to add In addition, I have to say that, according to the expression of the Prosecution, ^{any} feeling of revenge

and such other matters ^{could not} cannot reach this high court and exercise ~~or~~ any influence on ~~x~~

From this sacred tribunal which has the destiny to apply justice, will be heard the voice of a pure glory, loyally dissipating all rumors, and the same voice will in the future be heard in its entire majesty, this voice being the one of only justice, rightful and truthful.

Within this sincere conviction we feel it our sacred duty to introduce here the ~~future~~ questions ^{of coming generations} ~~of the future~~

Massacres and such misdeeds are attributed to my ^{protégés} ~~clients~~, accusing that they were directly or indirectly ~~and~~ participants, accomplices, as it is expressed in the decree and the indictment, ~~revealing~~ affirming that the dissolved A & P Party had two categories of activities, one of which being secret, the other apparent. The [The Party would have carried out], in its secret activities # massacres and oppressions,

and in its apparent activities, it used to act according to the ~~dispositions~~ ^{provisions} of law, and my ~~clients~~ ^{protégés}, consciously or unconsciously would have participated in the secret and apparent activities of their Party.

According to the indictment a legal and critical question may be ~~is~~ raised as follows: is your court, ~~be~~ competent or not, to ~~try~~ ^{achieve} hold such a trial?

My ~~clients~~ ^{protégés} Said Halim Pasha, Halil, Nesimi, Ibrahim and Shukri Beys were high ranking officials in the former cabinet; if we ~~examine~~ ^{special provisions} the ~~dispositions~~ of ~~laws~~ the Articles 30 and 31⁽¹⁾ of the Constitution concerning the trial of high ranking officials of the State, we will find that the trial concerning the official activities of high ranking officials of the state is in the jurisdiction of only the Supreme Court, while ~~their acts~~ the trial of ~~their~~ ^{other} activities not within their offices is within the competence of ordinary courts.

(1) put here text.

The ^{provisions} dispositions of the Art. 23⁽¹⁾ of the Constitution are decisive, it reads;

"No one shall be compelled to resort to a Court of Justice other than the Court which according to the Code of Procedure which will be subsequently enacted, has jurisdiction over him."

Similarly, the Art. 115 of our Constitution explains more explicitly and reads: "None of the provisions of the law of the Constitution shall, for any reason whatever, be suspended or left unenforced."

For this reason we examined the matter in four different manners.

First, the main ^{provisions} disposition of the Article is so.

Second, The personality and ^{the} position of the present accused,

Third, the ^{nature} substance of the misdeeds which are attributed to them,

Fourth, To which Court the ^{actual} ~~present~~ trial legitimately belongs, or which court may hold the investigations?

First of all, the main ~~disposition~~ ^{provisions}

/ which court may legitimately achieve the actual trial

dearing ~~the~~

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of the Article, within the ~~decret~~^{application of the} and the indictment, because ^{the} law of deportation crimes were attributed ^{to them} commission of ~~crimes~~ ^{crimes} ~~tragic~~ crimes is attributed, however ^{it was prepared in} ~~the~~ Council of Ministers and approved by his Majesty The Sultan, was proclaimed in the ~~decret~~ execution of the decree, the crimes committed correspond to the ^{provisions} ~~dispositions~~ of the Art. 31 of the Constitution.

The Art 31 of the " " reads:

"If one or more members of the Chamber of Deputies lodge against a Minister a complaint of such a nature that the latter is held answerable and in respect of which the Chamber has jurisdiction such complaint shall within 3 days be referred by the President to the Section of the Chamber which is entrusted with the discussion of such matters and which, after due consideration, shall decide in accordance with the Internal Regulations of the Chamber, whether such complaint should or should not be referred to the Chamber, the Section

shall in such a case make the necessary enquiry, and take sufficient explanation from the person against whom the complaint is made and shall pass resolution by a majority of votes. If deliberation upon the complaint is recommended such resolution shall be read over in the Chamber, and, if considered necessary the person against whom complaint is made shall be invited to make in person or through a representative further statements. If the complaint is accepted by a majority of two-thirds of the members present, a memorandum requesting prosecution of the Minister shall be sent to the Prime Minister who will submit the matter for Imperial sanction. If sanctioned by Imperial Edict the matter shall then be referred to the High Court. >> 1

1 - The decision concerning the massacre of the Aruacian people was made by first of all by the Central Committee of the Uda P

It may be therefore concluded that the investigation of complaints ^{against} of one or more officials of the State ~~concerning~~ in the accomplishment of their duty, belongs to the jurisdiction of The Commission of the Chamber of Deputies.

This Commission accomplishes the duties of a judge of instruction because Art. 31 explicitly is called a decree. ~~31~~ (1)

(1) Article 33 reads: "Ministers shall not be distinguished from any other ottoman subject in any legal proceedings which are independent of their office and personal to themselves. In such circumstances the trial shall be conducted before the ordinary

Party. The Committee introduced the decision to The Govt and ^{urged} The Council of Ministers decided the execution, those who opposed to the execution had to resign or no more could ~~no~~ participate in the official staff of the Govt.

Former Turkish Minister of Public Works

As a conclusion we may say that it is the duty of a ~~judge~~ judge of

competent Courts of Justice. >>>

The execution of the Armenian massacre was a question of personal conscience, independent of the office of a minister, ~~as the accomplishment~~ it was not a question matter of the accomplishment of duty of an official.

There is not a ~~sort~~ ^{all over the} ~~on this~~ word whose ministers may in their office order to ~~collect~~ massive massacre or to carry out such ~~massacres~~ ^{crimes}.

The Young Turks had ~~cancelled~~ ^{annulled} the Articles of the Constitution during the State of War which was in force from 1912-1919.

detained in Malta No 2762, wrote on Oct. 19, 1920 to Lord Curzon, Secretary of State for Foreign Affairs, London, as follows:

"Consequently, I can not be considered as guilty of ill-treatment of Prisoners. As to the massacre, which took place in 1915, I was not in position at that time neither to decree nor to commit directly or indirectly, these acts. Consequently I cannot be held responsible for them, neither as a decreeing power, nor as an executing capacity. >>> P.R.O, London

371/5091, No GR. Malta, 11834/1670

instruction according to the explanation of the ^{main} Article concerning the ~~aff~~ ^a matters of ^{the} activities of officials and the ^{explicit} provisions of the Art. 33 of the Constitution, the court cannot investigate only cases of my ^{notes} clients' personal affairs and only ^{in-private} trials.

According to the indictment and the decree, the U.S.P. Party since the proclamation of the Constitution fill the ^{its} dis-

The question of the Quinceira massacres has no connection with the accomplishment of duty of ministers or high ranking officials ^{their} in office. The Party had not power and jurisdiction to decide the extermination of a people and to communicate such decision to its fort for execution. The Council of Ministers had to resign. Those Ministers or high ranking officials who decide to carry out such a decision of their Party, are simply ordinary criminals or accomplices, and have to be tried ^{by} as ordinary courts.

1) it is negative attitude, not to approve the perpetration of crimes.

solution, had two kinds of activities one according to an internal regulation, public and apparent, and the other secret and occult in accordance with secret and occult instructions based on two contrary facts,

massacre and oppressions, and such, took place through ^{our} secret organizations, and as ^{some of} my ~~clients~~ ^{protégés} were officials of the State and at the same time members of the Gen. Assembly of ^{the} U. P. Party, and ~~in that~~ it is established ^{that} ~~they~~ in this capacity they were aware of the criminal acts initiated by the secret organization, and that they did not opposed to such activity, but they helped them to commission, commit crimes.

In this way the accusation may be attributed to the accomplishment of their official duty (1)

(1) The ministers and high ranking officials of the Govt did not resign, ~~but~~ also they signed orders and instructions.

concerning the deportation of the Armenians and the confiscation of their property. The signatures of Said Halim Pasha and other ministers in his cabinet appear with the signature of Sultan Mehmed V Reshad under the Imperial edicts sanctioned by the Sultan concerning the confiscation of the Armenian property in Turkey, if the order issued by Imperial Edict was the transplantation of the Arme. people from one zone into another on the ott. territory, such an operation had not to be followed by other orders to confiscate and liquidate the properties belonging to the Armenians supposedly transferred from one zone to ~~an~~ another.

This principle is established by the Turkish Int. Court Martial, The ministers and high ranking officials had to resign because they knew that the deportation of the Armenians had to make easy their extermination through massacre and ~~sub~~ starvation.

and thus ~~the~~ according to the paragraph of the Article 53 of the Constitution may be applied to my clients' ^{non-official} activities and only personal affairs; it cannot be introduced in this circle frame because my clients had functions of ministers, in their capacity of permanent members of the Jew. Assembly, and being aware of the crimes committed by the certain members of the Secret Team, they had not opposed the commission of crimes. According to the contents of the paragraph in the indictment they consciously did not oppose the commission of crimes after having taken into consideration the factual ~~com-~~ crimes.

We may consider that this is the ~~omission~~ non-accomplishment of their official duty because the duty of the ministers is to oppose the ~~comm~~ crimes, and because they factually did not oppose; this fact proves that they had not accomplished their official duty of Minister,

in this matter (coming forth from their office)

according to the dispositions of the Art. 31 of the Constitution they have to be tried by a Supreme Court.

In the indictment it is said that T.M. there is a T.M. which is connected with the U.P.P., it is implicitly (tacitly) understood, that this fact ~~is~~ shows for the ministry a criminal matter.

The formation of T.M. was based on military necessity in its ~~formation~~ and was formed directly by the War Office to cover military necessity⁽¹⁾, and because it is ~~an~~ Office a General office of the State and an internal institution, ^{the} Gen. Headquarters and several sections acting according to the official instructions of the War Office.

The officials and those in service of the T.M. received their salaries,

1) The Court Martial distinguished two categories of T.M.: one formed for military necessity by War Office in 1913, ^{and for} and the other formed by U.P. Bethal Committee, in 1914 for the specific purpose of executing the extermination of the Am. people.

the State budget. (1)

if we examine the records and transcriptions in the War Office concerning the T.M. as well as the dossiers ~~rel~~ regarding their activity; (2)

1- Defense attorney & Gelaladdin Arif Bey cleverly is confusing the distinction made by the Court Martion of two categories of T.M. The first one being formed by Enver Pasha in 1913 in his capacity of Minister of War and Commander of the ott. Armed forces. This T.M. was assigned the task of helping the ott. Army.

The second T.M. was formed in 1914 unofficially by the members of the Central Committee of the U.S.P.P. It was assigned ~~the~~ ^{officially} criminals released from ~~the~~ prisons were admitted in ranks of the T.M. which was assigned the task of exterminating the caravans of Armenian deportees.

In the beginning, July 1914, the officials and those in service of T.M. were paid a salary from the secret funds as long as they had not pillaged and plundered the Arm. properties.

(2) War office ^{officially} answered the questions of the Inquiry Commission and firmly confirmed that there were 2 T.M.†

† Howsep, Special Issue, 1965, Cairo
p. 5, col 1 & 2 & IV Nos.

We will find that our insistence is a justly ^{true} ~~truth~~ because T.M. was an official section and there are many officers and officials in its administration, whose ^{se} salaries were ^{always} paid by State budget of the State.

Among the persons who administered this official institution there were some members of the U.P.P. This fact does not prove the presence of these members in T.M. does not prove that the office, ^{naturally} ceased to be an official institution, (1) because, many people, apart their official activities may have a job elsewhere, as an example, certain members of the U.P.P. assumed activities in the National Defense, others in the Association of Professors, and others in the Commission of Health for Hejaz

1) As it is clear, ~~the~~ Jaleddin Arif Bey tried to introduce to the Court Martial only one side of the T.M. and its military goals, without saying word about the other T.M. or Teşkilât-ı Cedide, New organization, which was assigned the task of exterminating the Azerbaijanis.

and working there in religious or as Health departments they did not cease to continue their official duties; ~~T.M.~~ also they may work in the offices of T.M., therefore this institution (T.M.) cannot be considered as an act of officiality, 1

Second, I would like to introduce certain observations concerning my clients, some of them are ministers, who, in accordance with the provisions of the Constitution, in the general policy of the State and in general and in the activities relative to the ministries, as well as in the accomplishment of their ~~duties~~ ministerial duties, ^{their responsibility} cannot be interpreted according to the clear dispositions of the Constitution by the court, because

1- ~~the~~ Turkish Official and non-official documents use to qualify the ~~the~~ headquarters of the U.P. Party and the Turkish Govt being a centre or a cavern ~~seat~~ of brigands and criminals.

Sultan Validdin formed the Eaf. C. Martial with As a high court with all with no hesitation of jurisdiction, ~~he~~ ordered to prepare a procedure, but the Grand Vizier had no time to.

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in accordance with the ^{provisions} dispositions of the Art. 117 of the Constitution the privilege of interpretation belongs to the Senate or the Senate only can interpret the law. 1)

(1) The Art. 117 reads;

a Where any necessity arises for the interpretation of any provision of law, if such law relates to the affairs of justice, it shall appertain to the Court of Revision to interpret such provision. If such provision relates to the administration of the State its interpretation shall be given by the Shura Dowlat (State Council), and if it relates to the ~~present~~ law of the Constitution its interpretation shall be given by the Senate. =>

The defense attorneys are not historians and researchers, they are confusing historical facts and dates making history as the Chamber was dissolved Dec. 21, 1918 and since Dec. to April 1919, new elections did not take place. Most of the deputies ~~had~~ ^{were} directly and ~~indirectly~~ ^{indirectly} involved in the massacre, and enjoyed immunity till ~~21~~ ²¹ Dec, 1918.

As in the records of the Senate's meeting of Dec. 29, 1918 ~~the~~ the former president of the Senate Ahmed Riza Bey introduced a motion and also urged the Govt to ~~on~~ Senate to punish the originators and accomplices of deportation and massacre, establishing the degree of culpability of the Govt; (1) the Minister of Justice representing the Govt, answered and

1. on Dec. 29, 1918, in the Senate, Ahmed Riza Bey introduced a motion, which was read and which urged the Govt to try and punish, whoever they might be, all the criminals involved in the deportation and massacre of the Armenian people, accord in accordance with the degree of their guilt and following the provisions of the Civil and military penal codes.

The motion of Ahmed Riza was read in the same meeting of the Senate as follows;

cc Considering that the Supreme Court found will try the responsible individuals who demanded Turkish participation in the War, and the errors committed during the War, and other

enumerated three categories of crimes committed during the period of deportations. The first

matters — while unprecedented and beyond imagination — crimes have been committed by the two former cabinets against Arab, Armenian and Greek citizens, I forcefully urge that, without any time being lost, the criminals be brought to justice!!! >>> I

The Minister of justice Rejmeddin Kemal Molla Bey answered the motion of Ahmed Rıza, and distinguished three categories of criminals involved in the deportation and massacre.

1. First Category of Criminals, such as high ranking officials and officers, police commissioners and Gendarmerie Commanders, truly guilty, should be tried by a high court and the Govt ought not to intervene in this affair.

2. Second category of Criminals — the officials

1. La Renaissance, no. 2, Tuesday, Dec. 10, 1919. ^{8.}

category, i.e. the case of officials who probably committed, will be tried by a Supreme Court,

of the Fort involved in the deportation and massacre, should be tried by Special Courts. A divergence existed between the view of the Council of Ministers on one hand, and on the other, the Council of the State. The Fort urged that the officials should be tried by the extraordinary courts, while the State Council supported the point of view that the officials should be tried in accordance with the procedure that was in use for the officials of the Fort, during the Commission of crimes.

Third Category of Criminals, for ordinary people involved in the deportation and massacre nothing would be decided regarding the category for the time being. — These guilty persons should be tried by ordinary tribunals in proportion as complaints would be introduced against them.

Those guilty of mass murder, perpetrated with the agreement of Fort officials, should

The second, category is the case of crimes committed by those who are not officials, the third case is the case of crimes committed by the ordinary people;

The Minister of justice had made a similar statement ~~so~~ as the representative of the att. gen. The statement concerned high ranking officials who should be tried at Supreme Court; the Attorney General ^{when meeting} ~~before~~ such crimes have to report to the Ministry after having them established; but there is an interesting question in the trials introduce brought to the High Court, if the people has been accomplice in such crimes, then it belongs to

be tried by ordinary courts. But, there was a divergence concerning the procedure to be applied to these criminals. (1)

(1) Jawanap, Tuesday, Dec. 10, 1918.
Araraman, " " " "
La Ren, " " "

highest jurisdiction of the highest court to try the case. In such case if the mob had participated in the crimes, the Highest Court would have to try all of them because it is an organized crime, and therefore the Senate have to interpret the provision of law and after ~~the~~ such interpretation by the Senate, the case ~~must~~ must be brought to the Highest Court as to try the ministers, if there are even accomplices, who are not ministers, the Senate had admitted that they be tried by the highest Court, as I said the matter was discussed more than once in the Senate and Damad Ferid Pasha had proposed to form a Highest Court for their trial, but it was postponed ~~af~~ for after elections, and those ~~of~~ of ministers guilty of massacres were brought

1) The Chamber was dissolved by Imperial Edict of Dec. 21, 1918, and new elections had not yet taken place.

to the Court Martial, and the notice was brought to the discussion of the Senate by request of the Political Commission. The minister of justice ~~had~~ after his statement of the notice of His Excell. Dawad Ierid Paoha was refused by the Senate, and the interpretation of the minister of justice as well as the ~~States~~ declaration was accepted in the Senate.

This means that the decision made by the Senate was an interpreted decision. For this reason I repeat that the Judge of Instruction, The ^{Hon.} Attorney General and the Hon. Court have no jurisdiction to ~~try~~ interpret the provisions of the Constitution. As well the decision above mentioned as well as the crimes of deportation & massacre are included in the office of the ministers, and therefore they proceeded from the office of ministers and that the Senate has decided to bring them to the Supreme Court. !

1) This is rhetoric, not historical facts.

In Accordance with this decision, ~~if the trial~~
~~in question~~ a decision is made to proceed
 to the trial in question, ~~it was a motion~~
 the motion of for such a decision
 was refused by the former Grand Vizier
 and the Senate, considering that it was
 accepted by the court, and it was
 taken into consideration that ~~the~~ how
 much it was connected with the Consti-
 tution. So, based on data above mentioned
 data, we can try ~~these~~ ^{my clients} only before
 the Supreme Court considering their quality of
 ministerial position.

Third, The nature of the crimes attri-
 buted to my clients, their legitimate condi-
 tion, as it is expressed and attributed
 in the Special paragraph of the decree,
 are supposed to be ordinary crimes, ~~not~~
~~including~~ excluding the officiality of my
 clients; even supposed that the investi-
 gation and the place of trial of such
 ordinary crimes are not in the limit of the
 jurisdiction of the Court Martial, but

ordinary tribunals. My clients have extraordinary qualifications; the Court of Revision being inactive since 1910 and the State of war was proclaimed. This is explicitly expressed in the decree; they are special tribunals endowed with limited and uncertain jurisdictions.

The State of war proclaimed in Coudje, was for a while suppressed by Ghazi Mukhtar Pasha, but it was reestablished again by the revolution. Also the Art. 173 of the Constitution comments the State of war as follows, saying, ^(as amended) "whenever indications or symptoms of an impending disturbance in any part of the country are noticed, the Imperial Govt shall have power to proclaim martial law temporarily in such part of the country. Martial law shall mean the temporary suspension of the laws and regulations of the Empire. The administration of localities placed under martial law shall be laid down in special Regulations." 1

1 - U.O.P. Party proclaimed martial law since Balkan War 1912, and martial law was in force till 1919, when the ministers were accused of massacre, therefore they had no privileges or being tried by a Supreme Court.

The jurisdiction is legally limited, indeed, this Article of the Constitution establishes martial law for only ^{in case of} revolution, to reestablish internal and external security and order. The decree in question is a legal document in its ~~own~~ proclamation because the jurisdiction of the Courts Martial, in connection with the Constitution is ^{determined and} limited. |

If suppose that we ignore for a while the right of my clients to be tried by High Court, and ^{even} we accept that the ^{decree of the} Martial law is in force, the crimes attributed to my clients, in accordance with ^{The} Seventh Article 7 of the decree, they must be brought to ordinary courts, the high court can not be replaced by special ordinary courts and cannot accomplish the duty of the highest Court, in any case and for any ~~purpose~~ rational purpose.

1 - Sultan Vahideddin granted illimited jurisdiction to the Court Martial, there was only one limitation: in case of death sentence, delivered by the Court Martial, such sentences only had to be sanctioned by the Sultan,

likewise, I would like to read ~~hear~~ here the ~~9th~~ Article of the Decree of Martial Law as it is; "The Court martial is only an ordinary tribunal which has to accomplish the duties of the ordinary peacetime courts; out of the localities where Martial Law is in force has no jurisdiction to intervene in cases of those who are tried or have to be tried ~~in~~ by the court out of that place. Before the proclamation of the Martial Law, the ordinary court in the place of under Martial Law, cannot try the cases raised in that place. The jurisdiction and the duty of delivering verdicts are limited for the Court Martial. How the ordinary courts have are prohibited to try the cases ~~wh~~ brought to them, while the Court Martial tries the cases belonging to the high court; Likew also, it is understood that in the decree and the indictment, the

accused who have been former ministers, and permanent members of the Gen. Assembly of the U.S.P.P., may be considered responsible of the criminal acts committed by the secret organization; as they were aware of such and criminal acts, they had supported them. !

(45) This insistence is relative to those only who were members of the Secret organization, and those who pursued the goals of the secret organization, otherwise, a people minister

1. There is no question of being member of the Secret organization. The ministers, being aware of crimes, before they were committed, during the period they were committed, and after the period of the they were committed, did nothing to stop the massacres, ~~but~~ or did nothing to ~~p~~ arrest and punish the responsible, if not only the Ministers were aware of the criminal acts, but in the Council of Ministers they approved the massacre, they decreed massacre, see the confession of Ali Munif Bez.

in his capacity of being a permanent member of the Gen. Assembly of the U.A.P, does not prove ^{the supposition} that certain members had he ~~was~~ was a member of the secret organization of the same Party and that certain the members of the same Party had organized massacres.

For this reason such an insistence and ^{are} ~~is~~ not proved in the decree and the indictment.

supposedly if we consider ^{that possibility} ~~the case~~ of membership of the Gen. Assembly of the U.A.P Party was an evidence, ^{if even} we introduce ^{this} ~~it~~ an insistence as a sufficient proof, it would be necessary to accept that all the members of the ~~that~~ Party Gen. Assembly of the U.A.P Party would have helped to force the secret organization, indeed concerning such

many evidence proves that they many help. Edicts with the Sultan.

1 - The question concerning the official of the State who at the same time were permanent members of the Gen. Assembly of the U.A.P Party, conclusively may be said, that during and after the crimes, they never had a reaction to stop the massacres or to punish those responsible of the same crimes, they had not resigned, but they continued to approve what was going on, and document

assistance Feud Bey, the late Deputy for Divanich introduced the motion urging to bring all the ministers be brought to the high court; with this attribution, as well as the attribution of certain criminal acts on the ^{legal} basis of ~~legal~~ of collective crime & c in accordance of the Constitution they have to be brought to a high court. (1) I beg your pardon, to authorize Saadeddin Ferid Bey to continue (the defense):

(1) Yelaladdin Arif Bey did not say word that T.M. was formed specifically for the extermination of the Armenian race as the Court Martial concluded finally, that T.M. was ~~formed~~ brought into existence for the execution of extermination planned by the U & P.P. that the leaders of the Party, and at the same time, high ranking officials of the Govt, were guilty of massacres have to be tried by a high court, as the Parliament being dissolved Dec. 21, 1918, the high court as claimed by the provisions of the Constitution had no more existence.

it also evident that the extermination of the Armenian race was decided and approved in the Council of Ministers.

in footnote
after pages 42-43

Jagadawad, Saturday, March 15, 1919

Jemal Bey, Min. of Internal Affairs, made the following
Statement.

The U.S.P. Party took in its hands the destiny of the
Empire and reduced it to the actual situation.
It had 800,000 Armenians massacred, and
400,000 Greeks deported. Do you think that the nation
has not a right to demand an account concern-
ing their policy of these men? We had the
members of the U.S.P. arrested not because
they are members of the Party, but because they
are personally responsible of the declaration of
war. We will have a speedy and good trial,

The Ministers ~~sh~~ will be simply tried by
Court Martial because the Unionists ~~ca~~ annulated^{ed}
themselves the laws, according to which Ministers
had to be, tried by only by a highest court.

We will give a memorandum to the Entente Commissary
asking them to arrest and extradite to us
saying that Turkey case is expecting the arrest
and extradition of the criminals.

Monday, Nov. 4, 1918, during the Session of the Ott. Chamber of Representatives the massacre of the Armenians was discussed. Presided over Hussein Jahid Bey.

Fuad Bey, Deputy for Divanich, introduced a motion and he urged to bring to the Court of Justice the ministers of the two former cabinets, and ^{to} prepare ~~for~~ immediately a Court to Commission to prepare the indictments.

By order of the president the motion in Ten Articles of Fuad Bey was read.

" I propose to try ~~be~~ by a high Court the two Cabinet members of Said Halim Pasha and Talat Pasha for the following reasons :

- 1 - Without any reason and untimely they participated into the War.
- 2 - In order to initiate War they introduced to the Chamber of Representatives erroneous and lying deceitful declarations,
- 3 - After Mobilization and prior to begin War they refused the proposals honorable and advantageous proposals made by the

Powers of the Entente, and entered into war without assuring any guaranty from Germany and any advantage prior to participate into war.

4- They entrusted the operations of war to incompetent persons; they made Stupid enterprises ~~against~~ against strategical systems, and in order to insure personal interests they spent all the energy of the nation and country.

5- Promulgating provisional laws against humanitarian rights and against the spirit of this Representative Assembly, both cabinets transformed our country into a theater of crimes.

6- They did not report the facts ~~so~~ that had not connections with the strategy and therefore had not be kept secret, in order to not to weaken their personal positions. Likewise, they allowed the enemy for any reason occupy a part of our country and they did not explain to the nation ~~cases~~ about its future.

7- During War, especially after the break up of Russia, they refused the proposals of ^{repeatedly} reconciliation ^{made by} of the Entente Powers and they reduced our nation and country to this the present tragical condition.

8- Instead of helping our people during the trouble created by the War, they opened the doors to insure personal interests.

9- They established ~~an~~ military and political censorship ~~intenable~~ and unlaughful censorship and prohibited the entry in our country of European press.

10- They organized gangs and helped them to create confusion and to commit attacks and crimes, >>

The Chamber of Representatives decided to take into consideration the above motion.

After the reading of the motion, ¹¹ they discussed the manner how to try the ministers as they the latter had to be tried by a High Court according to the provision of law, but this law did no more exist.

Saadeddin Ferid Bey (defense attorney)

The motion introduced in the Chamber by Fuad Bey, Deputy for Divanich, was registered in the ~~trans~~ records of the Chamber of Parliament. As I remember, the motion contained 10 or 12 articles, are generally conceived and compiled. (1)

(1) Here is the motion of Fuad Bey:

Fuad Bey, Deputy for Divanich, introduced a motion in ten articles. The motion was read in the Chamber on Nov. 4, 1918. It urges that all the members of both cabinets of Said Halim Pasha 1913-1917 and Ahmed Talaat Pasha February 1917 to Oct. 7, 1918, be brought immediately to the Court of justice.

Article 5 ^{of the motion} ~~reads~~ "Promulgating provisional laws against humanitarian rights laws and against the spirit of the Representative Assembly, both cabinets transformed our country into a theater of crimes." 1

-1- Jamnanag, Nov. 5, 1918.

1

Extraordinary Court Martial

According to the provisions of the Articles ^{and 92} 31 of the Ottoman Constitution, the Prime Minister, the ministers and the high ranking officials of the Turkish Government have to be tried, if necessary, by a High court consisting of thirty members, ten senators, ten members of ^{The} State Council, and ten selected members of the Courts of Revision and the Courts of Appeal.

The Parliament was dissolved by an Imperial Edict of Dec. 21, 1918, and ~~not~~ another Chamber of Deputies and Senators were not elected till May 1919. It was therefore impossible to form a high court consisting of ten Senators; and all the members of the Courts were implicated, at least indirectly, in the deportation and massacre, because no one of them accomplished their judicial duties and allowed the continued ^{ation} of deportation and massacre.

The Govt of the U & P Party had proclaimed Martial law since 1912 to its fall of Oct. 1918, and martial law was in force in 1919.

~~A~~ In accordance with the State ^{made by} meet of Jemal Bey, Min. of Int. Affairs on # May 4, 1919, ~~the~~ both former cabinets (1913-1918) had ~~can~~ annulled the Art. ~~ids~~ ~~31~~ and 92 of the Constitution.

~~Consejo~~ Sultane Mehmed VI Vahideddin had forced the Int. C. Martial to try ~~high~~ high ranking officials and officers involved in the depor-
tation and massacre, consequently the arguments of the Defense attor-
neys ~~is~~ constitute a non-sense.

(6248)

The UAPP muffled all the affairs conceived and to be conceived for the country by the Central Committee.

The connection between the ministry and the high court was extensively explained. The matter has not to be confused; the people partly participated in the misdeeds, but the necessity to of trying high ranking officials remains still in force.

Also, the project ^{plan} ~~has to be~~ ^{was} accepted in the report of Council of Representatives, which ^{was} established by the result of its activity, it was transferred to the office which had to make investigations.

Article 10 of the same motion ^{read} concluded:
 "They [both cabinets ^{members} of 1913-1917 and 1917-1918) organized gangs and helped ^{to} create confusion, (and) to commit attacks and crimes." 1

1- Jamanay, Nov. 5, 1918.

The matter was examined and through the examination, ~~the~~ the misdeeds which were attributed, were ~~being~~ brought submitted to the trial before your high court.

Your high Honor knows that this a part, — The other part practically exists and (or) is a part of a whole, or as enposed my Colleague Jhaluddin Arif Bey it is known as an Inquiry Commission.

The examination in general belongs to the High Court directly and in an absolutely, ~~and~~

So, ~~even~~ so if this trial has been initiated by the court, there is no it is not allowed that the same trial and investigation be achieved by another court.

This is in accordance with the provision of the Article 23 of the Const. & Futur,!

1- At the date of April 27, 1919, the election

Art. 23 - No one shall be compelled to resort to a Court of justice other than the Court which according to the Code of Procedure which will be subsequently ^{enacted} ~~excepted~~, has jurisdiction over him.

and such duty cannot be a matter of personal discussion & conviction,

during the examination of I certain one of my protégés, the matter in question was rejected according to some arguments; ~~this is mention~~ There is a mention about this.

Naturally, the rejection of this objection during the examination has not the probability of taking position pro or con, because it is not known evident that the decisions of Inquiry Commission, whatever jurisdiction ^{the possibility of investigation} and jurisdiction the degree of jurisdiction it might have, cannot ^{were brought} ~~therefore~~ ^{the introduction} to your High Court were postponed to today,

of the public right and the jurisdiction of the court

of the chamber did not take place, there was no chamber, and ² the High Court as could not be formed. Many deputies ~~were~~ directly or indirectly involved in the massacre, were arrested, and others escaped the country or were hidden. The ^{Turkish} press insisted to impeach the ~~see~~ ^{past} former Parliament members.

The political crimes mentioned in the decree forthcoming from the duties accomplishment of ministerial duties, they have to be brought to the High Court in accordance with the provisions of the Article 92 and 33 of the Constitution; if we examine before the Art. 33, the provisions of the Art. 31, which was introduced and explained ^{in a realistic manner} by my ^{Hon.} Colleague Jelebeddin Arif Bey, if he had mentioned the necessity of bringing the ministers before a high Court according to the provisions of the 31 Art. 31 of the Constitution, he would have no more need to adhere to the provisions of the Art. 33, however the Article 33 does not establish the decision made by the Inquiry Commission ~~of~~ of rejecting the insistence ~~of~~ ~~for~~ the duties. (1)

The Article is clear, it is ^{concerns} ~~sa~~ affirmed personal misdeeds out of ministerial office.

circumstances

(59)

1) The way the defense attorney are introducing the provisions of the articles of the Constitution, not only is excluding ^{the} historical facts; first the Parliament was dissolved since Dec 21, 1918, and second, the AdPP had annulled the ~~same~~ articles of the Constitution in question.

is ignoring, but also

Now, the term used in the law, in every case, whether to neglect or not, is a legal necessity; the fact is out of duty.

After having ascertained that it concerns more the official duty and that it is in jurisdiction of the High Court to proceed to trial. In case when it concerns personal affairs as it is in the case where there are attacks on ordinary persons, for example a minister slaps a person in a street, he outrages him and is accused when he is accused, the matter concerns the person or the official, ~~it~~ it belongs to his official function, otherwise, in the point of view of the official duty, where it is not done, or to the duty is ~~or not~~ accomplished or not and the crimes committed against other individuals concern in accordance of the art. 31 directly to the jurisdiction of the High Court.

(54)

In such case, according to our opinion, it is ~~a view~~ an weak view to ~~consider~~ the Inquiry Commission could consider it a political crime, because in order to prohibit this, they based it on the provisions of the Art. 92; The provisions of the art. 92 concern ministers and the Court of Revision (Makeme-i Teqvira) ^{against} the person of the president and the member, and against the jurisdiction of the Emperor put the State in a dangerous way, and ~~it belongs to those~~ ^{who} the trial of ~~these~~ the treacheries, therefore the ministers have to be tried by a High Court, it is said. Subsequently the trial has to be in a political way; naturally, we want that this point reach the goal of the Inquiry Commission, but this article pertains to the High Court, and the Art. 92 begins from there.

It treats first of all the formation

of the High Court, then it says:
 "Its duty shall be to try any of the Ministers or the President or the members of the Court of Revision, or any person who is guilty of an attempt against the person or the rights of the Sultan, or who has attempted to endanger the safety of the State." →

In this paragraph concerns the Ministers, it means that the duty of the High Court is to try ministers. Naturally, ~~doing this~~, saying this, it means that the ministers have to be tried by a High Court.

The duty of the High Court, according to the firm provision of the Art. 31, the Ministers have to be tried and examined by a High Court, second it concerns ^{the president and members of} the Court of Revision.

Your Honor knows ^{it} that the Court of Revision is the Highest Court, there is no other Highest Court. In the point of view of the grade, ^{it is evident that} the president, and the members

and component members cannot be brought to other courts. As there is no a higher court the High Court, and as their duties being in communication with the spirit of the justice, ^{lets} intentionally, ^{be it} be it a consequence of the negligence of duty, ^{be it consequence of} the crimes committed, we have to consider, that there is no higher court. (11)

President — These are evidence. You have to speak us about the ^{events} (happenings) ^{occurrences} concerning your protégés.

Saadaddin Ferid Bey (continuing) — Consequently all the proceedings ^{members of the} proceeding from the trial of the Court of Revision are in the jurisdiction of the High Court. I think it is not necessary to ~~us~~ speak about other duties.

The objection we made till now concerning the duty, ~~now~~ I see that it concerns the former ministers, but fundamentally it does not belong to the jurisdiction of the High Court to consider accomplices in the criminal acts of other persons.

Naturally they are not those who are present in the Courtroom, but directly there are other ministers who are considered originators and authors ^{as they} (who) are accused.

As I said ~~but~~ already, those who had actively participated in these crimes, if we consider the probability of hurting my protégés, in a secondary way, the trial and the will be in the jurisdiction of the High Court.

investigative
procedure

The fact that the ^{High} Court Martial is not connected with the Court Martial, means that these persons have the same ^{jurisdiction} right, because the high court has already initiated ~~to~~ their trial and the highest court has to achieve all the proceedings of the trial.

It must be so, as justice has to go on its way surely and legally.

Your Honor, honorable members, and ~~hon~~ colleagues, in accordance with the opinion, of Jelaladdin Qrif Bey, expressed in the prelude, our confidence towards this court is illimited, but we have

a legal duty ~~is~~ in regard of our protégés, but the latter have a special place where to be tried unconditionally and we claim that the verdicts concerning these persons here be delivered by the right ~~per~~ individuals who have the right to.

Your Honor, our objection, this trial ^{has} ~~must~~ not to be achieved by your Hon. Commission, but, the Hon. Commission in this hearing, even if it ^{takes} ~~looks~~ place in our presence, will be taken into ^{direct} consideration by the Competent Court. The Inquiry Commission already heard about this matter, and we remembered such a legal right in our speeches and now we ~~repeat~~ firmly repeat that your Honorable Commission has no the rightful jurisdiction to conduct and achieve the present trial, let it decree because your Honor knows well that there is a graduation in the Courts based upon a Grad ^{jury} Council.

The decree published establishes the formation of the ^{Hon.} ~~present~~ Court, and

~~decide~~
~~judges~~ that the verdicts ~~de~~ which will be delivered by this Court cannot be rejected nor be ~~in appeal~~, ~~consequently~~ recalled before a Court of Appeal, consequently the power and jurisdiction are very extensive and final.

But a General office, a historical Court, and above all a Court which examines the acts and verdicts, have to control the jurisdiction and the verdicts of the same Court for final execution, and now, we too, among millions of people ask our glorious Khalife to establish and preserve ^{the} such principles and the provisions of the Constitution; on the other hand, in the presence of the sacred moral principles, and we invite this magnificent Court of yours to accomplish the heaviest duty of justice and we express that the present trial is far above the jurisdiction of your magnificent Court.

Mahmud Maher Ef. (defense attorney) —
 Saadeddin Ferid Bey, ^{just above by} spoke about collective crimes, especially certain political and unpolic

lical Crime ~~can~~ proceeding from the accomplishment of the duties of his protégé Ibrahim Bey, to call The Inquiry Commission of the high court as in the decree, the Special Section of the Council of Deputies, in the Body of the Attorney-General (makam-e Iddia), spoke about the High Court to remain in its limits of its right jurisdiction, i.e., my protégé Ibrahim Bey is accused not only of the crime investigated by this high court, but also by another misdeed; in this case all collective crime will be examined, and a verdict will be delivered concerning the ^{most weighty} ~~heaviest~~ crime and the provisions of the ^{most weighty} ~~heaviest~~ verdict will replace also the others. Otherwise, by distinguishing the crimes, a court will examine a part of them, and another part will be examined by another court, and verdicts separately will be delivered, so, we need not to have separate verdicts.

Consequently, another court, your court cannot handle the trial held already by another court, a trial which is in the limit of the

jurisdiction of the high Court.

General Mulla Bey - Your Honor, I agree with my honorable Colleague ~~about the~~ about ~~and~~ certain questions pertaining to ^{this case} to be considered. Again I ^{recall} repeat the questions of duty ...

Mustafa Nazmi Bey (Att. General) - I will introduce my point of view about the matter of duty and jurisdiction, the trial which is requested (voices; we don't hear) belongs to the High Court as ~~determined~~ according to the law of the Constitution, ~~it may~~ ^{it will be} a court martial or not. The determination of this point of view is ~~the~~ ^{the} question of crimes attributed, in connection or not with the activities of officials as the crimes are insistently expressed in the decree and the indictment, crimes which are not proceeding connected with their office. They proceed more from the misdeeds in the Central Committee and the General Assembly of the U & PP. So, it is not fit to accept that

that they proceed from the official activities of the officials who are to be tried.

As to ~~Concerning~~ the case of Ibrahim Bey, the question of collective crimes is not yet clear. It is revealed that certain documents were sent to the office of the Attorney-General of the Council of Deputies, when it will be determined that the crimes are really proceeding from the official activities in accomplishing their duties, then it will be taken into consideration. The question of duties and privileges have never been asked, but, now it is in the limit of jurisdiction of your high Court, because the case of bringing them to justice is so.

What was said in the indictments concerns only personal guilt. If it will not be determined during the proceedings of the Court trial, then it will be taken into consideration.

President - After ~~making~~ having made necessary examinations, we

Will communicate our decision on Thursday
at 1:00 p.m.; ~~with~~ God helping, we
will begin the trial.

End of the first trial, ~~at~~ 7:30 p.m.
Transcription concerning the Commission
of the Court Martial.

Signed / Ziaed din.

Jagabamard 5/5/1919 (1)
TV. 3540,

May 4, 1919, Sunday at 1:00 P.M., The Extraordinary Court Martial held the second session;

By order of the President Ferik Nazim Pasha, the recording secretary read in presence of the accused and ^{crowded} large assistance the following decree, here is a ~~resumé~~ summary:

In the first session the defense attorneys had made the following objections;

"A. As it was established in the indictment, the moral person of the U & P Party is accused of many crimes. The accused who were members of ^{the} Central Committee and the General Assembly of the U & P Party caused the above mentioned crimes.

When putting into execution the law of deportation, delegats and ^{officials} functionaries sent by the Central Committee to the provinces and districts ^{carried out} massacres were ~~comm~~ carried out through their service, and the accused were aware of the crimes ~~or~~ committed by their agreement and their decisions.

This fact is established on evidence and many proofs, ~~see~~ such as the argument

had massacres carried out through their service and control

of the defense - attorneys ^{cannot be} ~~is not~~ accepted where they ~~say~~ affirm that the crimes ~~com-~~mitted were ^{merely} abuses, committed by the members of the ^{salience} ~~the ministers~~ ^(b) in their Office of minister: ministerial office.

No matter ^{importance} that T M had links with the Committee Jee. Headquarters of the A & P, and with state offices, because the question does not concern the purpose of or the way of composition.

T M was ~~set~~ apparently formed for the purpose of serving military purposes, but ~~intentionally~~ ^{intentionally} and specifically certain malefactors and idiots were admitted in the ranks, who were armed and used to massacre the caravans of deportees and to provoke several agitations.

cc B - The Court does not intend to ~~try~~ make trials in favor of the general policy of the Govt as it is mentioned in the Articles 30 and 31.

The accused will be tried as they are personally implicated in the crimes mentioned

(1) in the accomplishment of their duties.

iii The indictment.

"C - Since state of war is proclaimed especially with the proclamation of war and as the above-mentioned crimes are committed in a period, when the state of war was in force, consequently those ~~who are~~ arrested ^a for trial will be tried by the Court Martial and not by an ordinary court.

"D - The Chamber of Representatives made a simple investigation and did ~~not~~ ^{never} make a decision to force a high court because the chamber ~~is~~ needed a majority of 2/3 to make such a decision. Consequently ^{the incomplete superiority of} the Fifth Section of the Chamber of Representatives cannot serve as an evidence to bring the accused before a Supreme Court, =>

After the ^{reading} lecture of this decret delivered by unanimously, lecture was given of a report prepared by Halil Bey, former President of the Chamber of Deputies; He referred in this report to certain dispositions of the Constitution, trying to prove that

(4)

they had to be brought before a Supreme Court.

Another decree delivered by the Court was read; it made clear that the accused ministers and the fugitive Pashas have among those arrested such accomplices whose investigations are not yet already completed; therefore their trial is postponed and shall be tried with the others.

After the lecture of this decree the President announced that the trial of other accused shall continue after half an hour's break.

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