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14 Notes - Courts Martial

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STATE _____
POLICY
and T.M.

P. R. O. 11834/1670

x

In a letter dated from Malta prison Oct. 19, 1920, Ali Munif Bey, undersecretary ⁱⁿ at the department of the Interior, assigned Governor of General of in Lebanon, then Minister of Public Works, ~~he~~ deeply involved in the massacres perpetrated in Cilicia and Lebanon, was arrested in 1919 for trial, ^{then} deported to Malta by British authorities, prison no. 2762, tried to justify himself.

His argumentation ^{for his justification is a real revelation} is as follows: When the massacre of the Armenians was decreed in the Council of Ministers, he, Ali Munif ^{Bey} was not at that time a minister, therefore he could not participate in the Council of Ministers, and consequently could not, in such capacity of Minister, decree the massacre of the Armenians as other ministers did, ^{really} decree.

He wrote in his letter: "As the massacre, which took place in 1915, I was not in a position at the time neither to decree nor to commit, directly or indirectly, these acts, consequently I can not be held responsible for them [massacres], neither as a decreeing power, nor as an executing capacity."

Ali Munif, Former Turkish Minister of Public Works, detained in Malta on 1

1. Decision of massacre was ^{communicated} made by the U.A.P.P. to the cabinet. The Council of Ministers decreed its execution. Ali Munif did not oppose, but participated in the organization,

In the decree signed by Talaat those who opposed it could no more stay in the general staff of the Govt.

U.A.P.P. had made decisions long ago. A such decision was communicated to the executive department. The Council of Ministers had issued a decree, and respective departments issued several orders.

✓ News

Rev. No. 6, Saturday +
sec. (14), 1918
10

The Minister of the internal affairs blamed and condemned both cabinets of Saïd Halim and Ahmed Talaat Pashas:

"A Govt," he said, "has to prosecute only guilty individuals."

"It is really regrettable that ^{our} the leaders ^{of the} period (at that time) were inspired by banditery; they applied the law of deportation in a manner so much that even the most audacious and bloodthirsty bandits could not do... The Govt issued order to exile Armenians to Zor, had not even thought to ~~protect~~ settle them there and ~~protect~~ ^{them} and supply food, ^{and} protect them against the arabic raids.

"What was the ^{purpose} intention of the Govt?"

"Unfortunately it is impossible to deny as to cover the questions. The Govt wanted to exterminate them, and really exterminated them, as it is impossible to deny that the decision of the extermination was made by the influential members of the Central Committee of the Party and the Govt carried out the decision.

They preferred to exterminate the Armenians."

La Rev. No. 10, +
Sunday, Dec. 14, 1918

"The Prince heir Abdul Mejid made the following statement to the reporter of Morning Post: The massacre, he said constitutes the most ~~unoff~~ indelible stain that stained the hands of our nation, ^{and people} with blood.

The massacres were the work of Talat and Enver.

Before they began to carry out their decision, I asked Enver if massacre was a part of their program.

He answered to me that their decision was definitive and this was their program.

I talked about to the Sultan and asked him to intervene; The Sultan promised to speak about with Enver, but he was sure that he would not be listened.

Only Germany could stop the massacre, ~~if she wanted~~, but did ~~nothing~~ ^{not want};

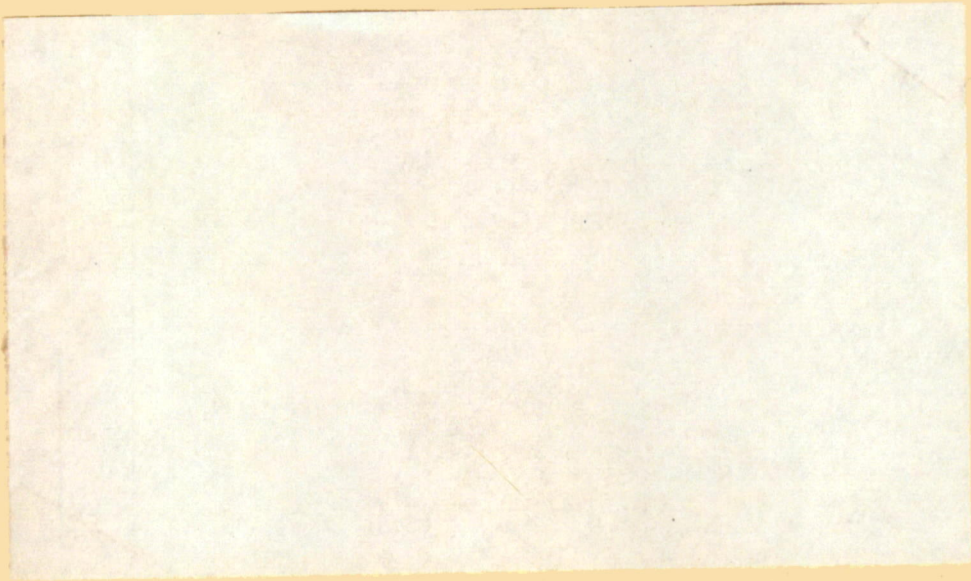
La Rev. No. 7.

Sunday, Dec. 15, 1918 †

Ali Kemal Bey, editor of Sabah, and Yonus Nadi editor of Yeni Cüm, discussed in their respective columns the responsibility of the Armenocide.

The editor of Sabah concluded as follows:

"All the world knows, and this is the fact that the massacre of the Armenians ^{was} ~~were~~ organized by order of the ^{Gen. Headquarters} (Central Committee), and ~~the~~ the order of massacre were communicated through the agency of special delegates and was carried out under their control."



1 ✓
Saadeddine Bey, Defense Attorney of Kemal Bey, Kaymakam of Bosphazlian and promoted Acting Mutesarif of Yozgat, ^{made an} ~~objected~~ ^{inst} at the first session of the Turkish Court Martial held on February 5, 1919, as follows:

"At least", he said, "these ^{defendants} ~~accused~~ persons are pitiful officials, who carried out the orders ^{issued by} ~~emanating from~~ their superiors. First of all ~~these~~ chiefs (ministers and Governors General) and their accomplices have to be ^{tried &} punished, then subsequent investigations have to be carried out in order to determine the role played by these subordinate officials..." 1

The Defense Attorney said to the Court:
"The order to exile the Armenians ^{was} the result of (resulted from) the decision made in the Council of Ministers, and it has been approved by an Imperial Edict, and the officials of the government carried out the orders of the government..." 2

- 1- La Ren. No. 58, Feb. 6, 1919.
- 2- Jamanag, " " " .

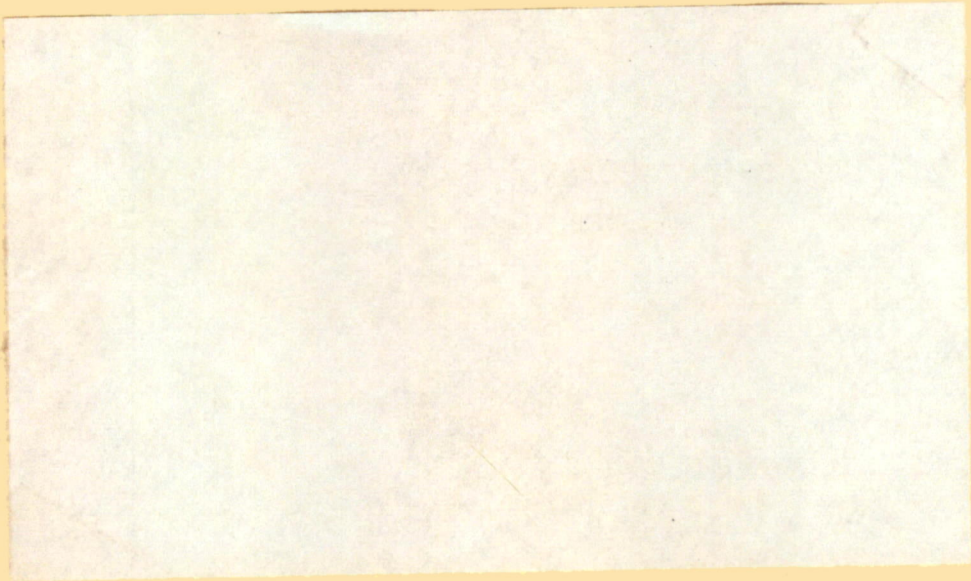
Sami Bey, Attorney General of the Court Martial replied to ~~the~~ ^{Saadeddin Bey} Defense Attorney of governor Kemal Bey: «It is true that all officials are submitted to the orders of their superiors, but each and every official has to ~~to~~ examine if the orders given (by the Superiors are or are not in accordance with the provisions of justice and law, and consequently, if they are to be ^{or not} carried out. On this basis, ^{certain} ~~some~~ officials had not carried out the orders and were opposed to their execution.» 1

+ if they obeyed, they are all guilty. 2

Concerning the officials, in accordance with the Constitution no one is obliged to carry out orders that are not in accordance with the provisions of law. Since no law ordering deportations and massacre, consequently the officials did not have to obey the orders they received. 2

Mahmoud Hayret Pasha President of the Court Martial concluded: «The Constitution prohibits carrying out orders of Superiors. You had to resign.» 3

- 1- Jamanag, February 6, 1919, pp. 1-2
- 2- La Rev. " 6, 1919, from Proia, Greek Daily.
- 3- Jegadaward, March 23, 1919, 15th session.



La Pen. No. 173,

XV

Sunday, June 22, 1919, from Istiklal, Turkish
Newspaper:

"Let us judge with equity.

"Was it not for the purpose of putting an end to the despotism, abuses, bad administration, injustices and nepotism, etc., that we established The Constitution?

"Let us answer by putting our hands on our hearts. Have we been successful in such an enterprise?

"On the contrary, we demonstrated a true skill in increasing the unworthy facts that we had to suppress, and the number of misdeeds,

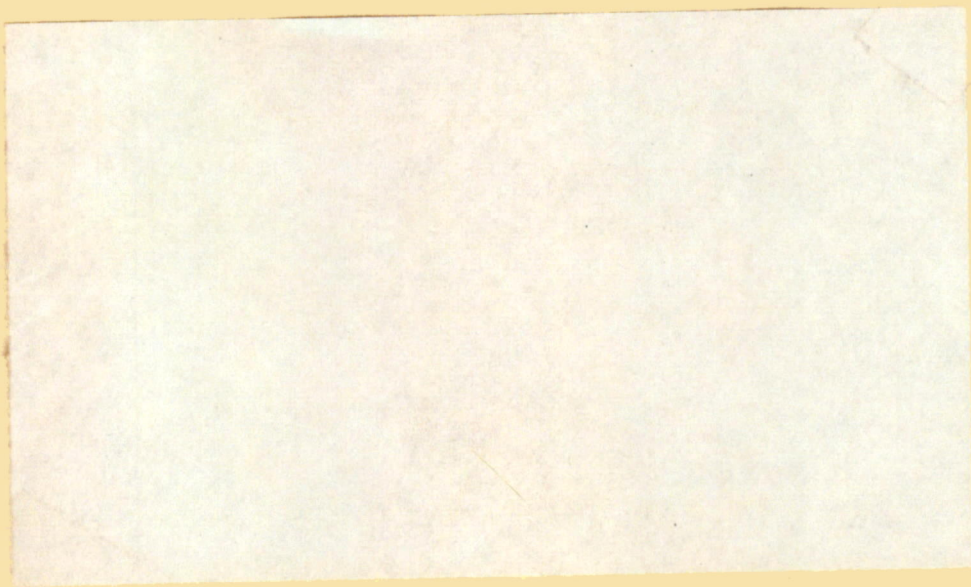
"World War I stirred up among us to the last extremity the spirit of bestiality and immorality.

"To day these acrimonious truths would be equivalent to denying the light of the Sun.

"We today are like a ship which, assaulted by a storm, has lost its sails and steering-wheel.

"We need a ship to pilot us and bring into the harbour."

"If we are left alone, in a short time we shall annihilate our ship, our sacred interests, our life."



However crucial the measures
taken may ~~be~~ appear, you have not
to pay any regard to either
women or children, nor to
repugnance and consciousness
or for human feelings, ~~you have~~
to ~~put~~ ^{may be put} an end to their existence.

State Policy

"U & P P¹⁵ prepared a programme of massacre
gave order to the Govt
(letter of Dr. B Sh. 18 Feb)

The Govt ~~accepted~~ agreed to carry out the programme of mass.

1) "Murders were carried out by order & approval
of Talat, Jemal & Enver beys."

(TV, No 3543, April 27, 1919)

+ "During the trial before the C. Martial, evidence is set
that massacres perpetrated in the province of Trebizond,
^{and Boghazlian}
Yozgat districts, & county of Boghazlian, have been
organized and carried out by the leaders of the "U & P"
P" (TV, No 3504, July 5, 1919,

"Evidence is ^{made} clear from the proofs & documents
concerning chete-gangs that these were formed with the
purpose of massacring & exterminating the convoys of
deportees". (TV 3604, p 4, col. 2 & P 5, col 1)

U P P organized chete-gangs of the Best

TMA since the Gen. mob. July, 1914.

"To this effect (carrying out special & conspiratorial acts)
When making preparations for war, the Party had
criminals released from prisons & organized TMA
in Constanople, prepared a program relative to the activities
of the criminals released from prisons, issued orders
and instructions for their activity & administration

State

State policy ^{specific} supposes ^{ruling} a political Party's program; ^{the executive} a decision communicated to ^{Government} the ruling ^{application & execution} Party of Union & Progress had planned programs immediately after revolution of July 1908.

And as a matter of fact they attempted to put into execution ^{at least} their ^{partly} their secret program ⁱⁿ in 1909 April by organizing ^{the} a massacre of the Armenians in Cilicia, ^{where} the ^{former} Armenian population ^{was} increasing

In 1910, Aug. 10, ^a the program was ^{elaborated} in the secret meetings ^{of} of the ^{Young} Congress held at Salonika.

In 1911, Oct. 10, the same program was prepared in details:

- 1) One Nation = Turkish - Turkification of all the population ^{from} all over
- 2) one religion = Islam b) Islamization of the Ott. Empire

3) one language if there would be any ethnic groups or minorities which could not be assimilated by Turkification & Islamization, such groups and minorities should be destroyed by violence ~~and force~~.

Assimilation of all ethnic groups living in Turkey in one nation, in one religion, Islam, unification of other languages in Turkish language.

National unity
Religious "
Linguistic "

State-policy supposes to include:

- a) ^{the so called} explosion of ~~the~~ religious fanaticism between ethnic groups of different faiths to ^{provoke} mutual slaughter
- b) explosion of racial hatred between ^{two or more} ethnic groups of different races to ^{provoke} mutual slaughter,
- c) openly or secretly the Govt decision to weaken an ethnic group and to strengthen an other ethnic group,
- d) openly or secretly the Govt organization to destroy a ~~racial~~ ethnic race and to replace by another -
- e) openly or secretly the Govt agents disarm the ethnic group to be weakened or ~~mass~~ destroyed on one hand ~~and~~ arm an ethnic group to be ~~the~~ strengthen ~~the~~ another group.
- f) openly or secretly provoke religious fanaticism and racial hatred of an ethnic ^{and religious} group to be strengthen by destroying an other ethnic & religious & racial groups

One must consider that in the Ott. Empire some ethnic groups were encouraged by for their Moslem faith and Turkish origin, and others of Christian faith and non-Turkish origin were not considered on the same level as Moslem Turks. This discrimination provoked fanaticism and hatred. The Govt did nothing to prevent such feelings in the population.

the Govt

1)

Conditions of State Policy

In general the ^{majority} ruling Party imposes its policy to the ^{ruling} Party
 For Young Turks' Party the program was definitively prepared in
 the conference held at Salonika, 1910, 1911 Aug. 10, 1911 Oct. 10,

Party Programme comprises: 1) open & published before execution

2) secret, & justified only after execution

3) force of justification or explanation to cover ^{with} Party's & Part's responsibility.

3) ← Public explanation of massacre

a) impulsion of religious fanaticism,

b) " attitude and inside provocation on instigation of massacre
 c) Recall of such impulsion : mutual slaughter of various different racial & religious groups.

But we as a matter of over long and deep study we may state that there is no spontaneous religious fanaticism and racial hatred. This is a post-factum justification or explanation, in reality fanaticism & hatred cannot provoke mutual slaughter, suppose that it may be while

(over)

ARMENIAN CATHOLIC COMMUNITY NEW YORK

In such case the Govt ~~must~~ can ~~and must~~ prevent all massacre of its subjects

- 1- allow the massacre of a group by an other
- 2- prohibit the massacre of a group by an other
- 3- organize massacre of a group by the other

Govt has to protect the victims

Govt cannot take neutral attitude in case of massacre

It should protect the victims

1- prevent all massacre or mutual slaughter of groups

2- prohibit, ^{use of force if necessary} by means of force, the mutual slaughter

3) cannot never allow of the commission of crimes

4) if spontaneous explosion of religious fanaticism and

racial hatred was ever possible, the

result of mutual slaughter and the number of

victims should be very limited, because the

Govt has the duty and responsibility ^{to take necessary preventive measures} not to allow

the commission of crimes, ~~and~~

July 24, 1908

April 1, 1909

6

31

28

31

-28

On the contrary, Turkey's official documents, now available partly

to scholarly study, provide absolute evidence

- a) Religious fanaticism & racial hatred are provoked by the Govt
- b) The organization & execution of massacre are ordered by the Govt
- c) The Govt incited only Moslem groups to annihilate non-Moslem groups
- d) " Armed only " to massacre non-Moslems
- e) The U.S.P. imposed to the Govt its ^{secret} program of mass re
- f) the Govt accepted to carry out the program of ~~the~~ P. Marshall elaborated

U & P.P.'s program contained the massacre
of Non-Moslem & Non-Turks minority groups.

Such program ^{was planned} existed long ago, but U & P.P.
could not ^{& directly} openly declare publish but in form of Treat.

However, of Turkes tried to justify the massacre
of the Armenians carried out by order of
Sultan Abdul Hamid. ¹⁸⁹⁰⁻¹⁹⁰⁸ (See Meshrutiyat)

~~to~~ ~~the~~ July 24, 1908, U & P. Party succeeded ^{in agreement with cooperation} to
depose Abdul Hamid. However they did not
hesitate to organize & carry out the massacre
of Armenians in Cilicia, April 13, 1909, only
seven and half months after the proclamation of
the Ottoman Constitution.

7
30
31
30
31
31
28
31
13
232 | 3.0
22 | 7.7

seven months
& 20 days