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# 30 TV - Armenian XXX

Krikor Guerguerian

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Takvin-1 Vakayi No 3540 Modern Turkish English Teanslation

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page 1.

8 Mart sene [1] 335 tarihli rade-i seniyye-i hazret-i padisahî ile tesekkül eden

η <u>DÍVÂN-I HARB-İ ÖRFÍ</u> muhákemát zabt cerídesi

\*\*\*\*\*\*\*\*\*\*

Reis: Ferîk Nazım Paşa

A'zā: Mîrlivā Zekî Paşa, Mîrlivā Mustafā Paşa, Mîrlivā Ali Nāzım Paşa,

Mîralay Receb Ferdî Bey

Müddeî-i mumî: Mustafâ Nazmî Bey

# BİRİNCİ MUHÂKEME

Pazartesi: 27 Nisan [1]335

BİRİNCİ CELSE

Saat

<u>Daki</u>

Vicâhen muhâkemesi icra edilen maznunların esamisi: Sa'id Halîm Paşa, Halîl Bey, Ahmed Nesîmî Bey, İbrahîm Bey, Tal'at Bey, Rıza Bey, Midhat

Sükrî Bey, Ziya Gökalp Bey, Kemal Bey, Sükrî Bey, Cevar Bey, Atıf Bey

Gıyaben muhakemesi icra edilen maznûnların esamîsi: Tal/at Efendi,

Enver Efendi, Cemâl Efendi, Doktor Nâzım Efendi, Doktor Bahâüdeîn Şâkir

Efendi, Doktor Rusúhí Efendi, Azíz Efendi

Reis: Paşa Mazretleri, ism-i âlîniz?

Sa id Halim Pasa: Mehmed Sa id Halim.

Reis: Peder-i alîniz?

Salid Halim Pasa: Halim.

Rêis: Sinn-i alîniz?

Sa id Halim Pasa: Elli altı.

Reis: Nerede tevellüd ettiniz?

Sa'îd Halîm Paşa: Kahire'de.

Reis: Mahall-i ikametiniz?

Sa id Halim Pasa: Yeniköy.

Reis: Derece i tahsiliniz?

Sa id Halim Pasa: Ali.

Reis: Müteehhilmisiniz?

Sarid Halim Pasa: Evet.

Reis: Bir guna mahkumiyet-i sabıkanız var mı?

Sa lid Halîm Paşa: Hayır.

Reis: Oturunuz. Zât-ı âlînizin ism-i âlîniz?

alija. John

Halil Bey: Halil.

Reis: Peder-i âlîniz?

Halil Bey: Salih.

Reis: Sinn-i âlîniz?

Halil Bey: Kirk dort.

İfâdât aynen zabıt edilmiş olup yalnız şîve-i kelâmı tarz-ı takrîre tebdîl için îcâb eden takdîm ü te'hîrlerden maadâ hiç bir tashîh yapılmamıştır.

(3540 numaralı <u>Takvîm-i Vekayi</u>) ez Vakayiye merbûttur)

Infisahı ilen eden (İttihad ve Terakki) gem iyetinin reîs-i muûmîsi Sa îd Halîm Paşa ile meclis-i muûmîsinin a za-kı tabî îyesinden olan Tal at, Enver, Cemâl, İbrahim, Şükrî, Halîl ve Ahmed Nesîmî ve kâtib-i umûmîsi Midhat Şükrî ve merkez-i dmumîsi a zasından İstanbul murahhası Kemâl ve Ziya Gökalp, Dr. Rüsühî, Küçük Tal at ve yine merkez-i dmumî a zasından olup Teşkîlât-ı Mahsûsa ya memur bulunan Dr. Bahaydan Şâkir, Dr. Nâzım, Âtıf, Rıza ve teşkîlât-ı mezkûre encûmen-i idaresine dahil olan Emnîyet-i Umûmîye müdîr-i esbakı Azîz ve merkez kumandan-ı sâbıkı Cevâd Beyler hakkında icra kılınan tahkikatı mutazammın evrak-ı istintakıyye ve teferruâtiyle Divan-ı Harb-i Örfî müddeî-i umûmîliğinin bâlâda mestûr iddianamesi mutalaa ve tedkîk olundu.

Mezkûr iddianamede "İttihad ve Terakki Cem iyeti biri programa ve nizamname-i dahilî ye müstenid zahirî ve alenî, diğeri ta lîmât-ı şifâhîye ve mahremâneye mübtenî mestûr ve hafî iki mahîyet-i mütezadeyi câmi' olup, delâil ü berâhîn-i mevcûde müeddâsından şahsîyet-i majnevîyesinin bir silsile-i kıtâl ve garet ve suiistimâlât ile maznûn aleyh bulunduğu ve icrâ'ât-ı vâkı'asından mütevellid meş'ûlîyet-i kanûnîyeyi mütehammil olması, cem'îyetler kanunu ahkâm-ı sarîhasiyle müeyyed olan cem'îyet-i mezkûrenin bâlâda mezkûrü'l-esâmî rüesâ-yı mühimme ve erkân-ı müteneffizesinir mâbihi'l-maznûnîyeti îzâh ve kendilerine isnâd olunan cerâ'im bast û temhîd edildikte, ve ez ân cümle üç yüz otuz senesi Temmuzunda rüesâ-yı cem'îyetle bi'l-istişâre i'lân olunan seferberlik üzerine cemiyetin zînüfûz erkânından olup firârlarından dolayı silk-i askerîden matrûd Enver ve Cemâl ve kezâ firarî Tal at Beylerle rüfekası Avrupa nın meşgul olduğu harb-i umumîden bi listifade îz an ve iktidar ve adl ü dad û hükûmet ü ref'etle hallolunması îcâb eden mesa il-i muallaka ve gava il-i muadileyi herkese ibraz-ı şiddet ve her tarafa ilka pı dehşetle hall ü fasl sevdâsına düşerek mukadderât-ı millet üzerinde tahavvülât-ı azîme ve teşevvüşât-ı bînihâ îyeyi müntic ef'al ü icra at-ı vahîmeye cür'et ve sûreta amal-i millîyeyi tatmînmaksadiyle ve hakikatte ise bir ga'ile-i uzmā ihdās ile senā'-ı milleti susturmak ve bu firsattan bi 1+istifade icra-vi tahakkum ve tagallub ile iddihâr-ı servet ü sâmân etmek amnîyesiyle hareket eyledikleri ve harb-i umûmîye iştirâki bir takım hiyel ü desâ'is isti'mâliyle emr-i vâki' hâline getirdikten sonra tatbîk-ı menvîyâta bi'l-ibtidâr, harekât-ı harbîye sıralarında makasid-i haffiyelerini mevki -i fi'le îsâl garaziyle husûsî ve mahfî komitacasına)

esince

ef'âl ü harekâtile istigal etmek ve hapishânelerden tahlîye ettirdikleri kavâfil-i mücrimînin harekât-ı cinâyetkârânelerine esâslar hazırlamak ve bunlara evâmir ü ta'lîmât vermek ve bütün bu kabil harekât-ı hafîye ile İstanbul'da iştigal etmek üzere "Teşkîlât-ı Mahsûsa" nâmı tahtında vücüda getirdikleri bir komitadan Emnîyet-i Umûmîye müdîr-i esbakı Azîz ve merkez-i umûmî a zâsından Âtıf ve Dr. Nâzım Beyler âdetâ merkez erkân-ı harbliğini ve merkez kumandanı Cevâd Bey dahi anlar tarafından ittihâz olunan mukarrerâtın tasdîk u tatbîkını îfâ edip istihdâm eyledikleri eshāsa külliyetli paralar tevzî' ve menātık-ı muhtelifeye sevk u i'zâm ve Dr. Bahâüddîn Şâkir gibi rüesâsına şifre miftâhları verip emirlerine otomobiller, mébzûlen nukud ve levâzim-i tahrîbîye tevdî ve tahsîs eylemiş ve bu vechile İttihad ve Terakki Cem'îyeti rüesâsının makasıdını gizli bir usûl dâiresinde tenfîz ü icrâya koyulmuş oldukları dermeyân olunmaktadır. Bu komitanın taşraya dağıttığı efrâdından ba'zıları reîslerinin telkîn ve işâretleri ve âhar mahallerin İttihad ve Terakki murahhaslariyle cem'îyete intifâ' garaziyle mutî' ve münkad ba'z-ı me'mûrîn ile sâ'ika-ı safvet veyâ ilcâ-yı cehâletle anlara iltihâk eden mikdârı pek kalîl ba'z-ı eşhâsın delâlet ve muâvenetiyle, taktîl-i nüfûs, nehb-i emvâl ü nukud ve ihrâk-ı mebânî ve ecsâd, hetk-i ırz, işkence ve ezâ fazâyihini îfâ' eyledikleri bu mesâ'ibe hedef olanlar bilâ tefrîk-ı cins ü mezheb ve ebnā-yı memleket olup bu miyānda mağdûrînin kısm-ı mühimmi gerçi Ermenîler ise de kısm-ı küllîsi de anâsır-ı sâire ve bi'l-hâssa her vakit ve her yerde Türkler olduğu cümle-i müdde'âttandır. İşbu tahkikatın mevzû'u olan madde-i muayyene Ermenîlerin tehcîri esnâsında muhtelif zaman ve mahallerde vuku'a getirilen ve her birinin fâ'illeri haklarında başkaca ta'kîbât-ı kanûnîye icrâ kılınmakta olan fecâyi'in mevzi'î ve münferid vekayi'den ibâret olmayıp mezkûrü'l-esâmî zevâttan mürekkeb bir kuvve-i müttehide-i merkezîye tarafından tertîb ve icrâ'âtının șifâhî ve hafî evâmir ü ta'lîmât i'tâsı sûretiyle te'mîn ve idâre edilmiş olması mâhîyetindedir ki netîce-i tedkîkatı müş'ir 🖈 delâ'il ü 🗶 berâhîn ve beyyinât-ı tahrîrîye ve vesâ'ik-i mu'tebere ber vech-i zîr derc ü telfîk olunur.

#### Şöyle ki:

İttihad ve Terakki rüesâsının "Teşkîlât-ı Mahsûsa" unvânı tahtında bidâyeten harbe iştirâk etmek işâ'asıyle vücûda getirdikleri ve fakat bi liâhirê iddi'ânâmede bast u tezkâr olunduğu üzere harekât ü icrâ'at-ı cürmîye ile iştigal ettirdikleri şebeke-i hâfîye encümen-i idâresi merkez-i umûmîsi a'zâsından Dr. Nâzım, Bahâüddîn Şâkir, Âtıf, Rızâ ve Emnîyet-i Umûmîye müdîr-i esbakı Azîz Beylerden mürekkeb olup bunlardan

Bahâüddîn Şâkir Beyin merkezi Erzurum olmak üzere vilâyet-i şarkîyedeki kuvvetlerin kumandasına gittiği ve Rızâ Beyin de Trabzon havâlisinde dolaştığı esnâda İstanbul'da Azîz, Âtıf ve Nâzım Beylerin icrâ-yı fa'âlîyet eyledikleri ve merkez kumandanı Cevâd Beyin dahi mukarrerât-ı müttahizelerinin tasdîk u tatbîk vazîfesinde bulunduğu (tertîb no. 10 vesîka 1) Bahâüddîn Şâkir Beye hitâben 150 numaralı karârı muhtevî (Galatalı Halîl'in komitaca teczîyesi matlûbdur, emânet postahâneden istirdâd edilecek, îcâbında ahâliye verileceğinin tebliği) ibâresini ve zîrinde (Azîz, Âtıf, Nâzım) imzâ-yı zâtîlerini hâvî ve altında (muvâfıktır: Cevâd) tasdîk ve imzâsını ve daha altında (esbâbı hıyânet para toplamak) ibâresini şâmil olan varaka ile sâbittir bu karârnâmenin merbûtu varaka ise keyfiyetin (Artvin'de, Bahâüddîn Şâkir Beye bi'z-zât hallolunacaktır..) işâretiyle (A. Cevâd) imzâsiyle şifreli telgrafla emr ü iş'âr olunduğunu irâ'e eder.

(Teşkîlât-ı Mahsûsa'da) firârî Enver Beyin amcası Halîl Paşanın da merkez kumandanlığı zamanında dâhil bulunduğuna ve teşkîlât-ı mezkûrenin İttihâd ve Terakki Cem'îyetiyle irtibâtına. (tertîb numara 10 vesîka 4) Midhat Şükrî Beye hitâben yazılan (Halîl, Nâzım, Âtıf, Azîz) imzâlarını hâvî ve 56 numaralı tezkere delîl ve bu uğurda sergerde cem' ü tedârik ve mahpûsları tahlîye ettirdiklerine de mûmâileyh Halîl Beyin İzmit. mutasarrıflığına gönderilen 67 numaralı telgrafı bürhândır. (Teşkîlât-ı Mahsûsa)ya mevâdd-ı tahrîbîye verildiğini mûmâileyh Halîl Beyin Harbîye Dâiresi müdîrîyetine 68 numara ile 16 Teşrîn-i sânî sene 30 tarihinde yazdığı tezkere göstermekte ve buna mümâsil vesâ'ika Teşkîlât-ı Mahsûsa'nın evrâk-ı mütebâkîyesi miyânında tesâdüf edildikte bununla berâber tedkîkat-ı vâkı'adan bu dâireye âid evrâktan bir kısm-ı mühimminin ve merkez-i umûmînin bütün evrâk u defâtirinin aşırıldığı anlaşılmakta ve hattâ Emnîyet-i Umûmîye müdîr-i esbakı Azîz Beyin Tal'at Beyin istifâsından evvel dâireden aldığı ma'lûmât u muhâberât-ı mühimmeye dâir dosyaları infisâlinden sonra i'âde etmediği Dâhilîye Nezâret-i Celîlesinin tezkeresi mündericâtı ve şehâdât-ı mazbûta delâletiyle sübût bulunmakta. (Tertîb no. 31) i'lân-ı harbden hayli müddet akdem harekât-ı harbîyeye niyyet olunduğu ve bunun Cem'îyetçe kasd u arzû olunduğu 17 Ağustos 30 tarihli kâtib-i umûmî Midhat Şükrî Bey imzâsiyle ve Erzurum vâlîsi vâsıtasiyle Bahâüddîn Şâkir Beye olan iş'ardan istidlal olunmaktadır. Diyârbekir'de îka' edilen kıtâl ü fecâyi'in firârî Tal'at Beyin iğmâz u teşvîkiyle tevâlî eylediğini (tertîb 8 vesîka 1) Zor mutasarrıfı Ali Su'âd Beyin mûmâileyh Tal'at Beye keşîde edip münderecâtı vâlî ve yâveriyle komiser Memdûh'un i'dâmen teczîyeleri vücûbuna dâir olan şifreli telgrafnâmenin (hıfz) işâretiyle ibtâli te'yîd eder.

Dâhiliye Nezâreti kalem-i mahsûs müdürü İhsân Bey Kilis kaymakamı iken Dersaâdet'den Haleb'e gönderilen Abdülehad Nûrî Bey'in tehcîrin imhâ maksadına müstenid bulunduğunu ve (ben Tal'at Bey ile temâs ettim imhâ emirlerini bizzât aldım. Memleketin selâmeti bundadır) diyerek kendisi de iknâ'a çalıştığını ityân eylemektedir. (evrâk-ı istintâkîye sahife 15).

Bursa kâtib-i mes'ûlü Dr. Midhat Bey'in Bolu kâtib-i mes'ûlü iken Çankırı-dan Bolu mutasarrıflığına Ankara vilâyetinden teb'îd olunan Ermenîlerin yekûnu altmış bir bine bâliğ olduğunu ve vilâyet ahâlî-i islâmîyesinin bu münâsebetle (İttihâd ve Terakki) ile anın zâde-i meşrû'u olan hükûmete perestiş ettiklerini bu te'sîrin

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senelerce pâydâr olacağını binâen aleyh Bolu'nun da seâdet-i âtîyesini te'mîn için ayn-ı harekete imtisâlin mûcib-i fevâid olacağına dâir servis çektiği mutasarrıf Müfîd Bey'in 11 Eylûl 31 tarihiyle Dâhiliye Nezâretine olan şifreli telgrafnâmesinde muharrerdir ki (tertîb 8 vesîka 2) bununla Bolu gibi dârü'l-harekâttan ma'dûd olmayan bir mahallde tehcîrin ne tedbîr-i askerî ve ne de tedbîr-i inzibâtî cümlesinden olmayıp cem'îyetin emel ü ârzûsundan münba'is ve Midhat Bey'e müracaatindan mülhem olduğunu anlatmaktadır. Kısa bir müddetle Çankırı'da bulunan bu zâtın Ankara vilâyeti halkının hissîyât-ı umûmîyesini uzaktan öğrenemiyeceği bedîhî ve bulunduğu vilâyet ahâlîsinin hissîyâtına âgâh olması daha sehîl ve tabî'î idi. Hâlbuki Çankırı'nın merbût bulunduğu Kastamonu müslümânlarının muhîtleri hâricindeki vekayi'i nefretle yâd ve telâkkî eyledikleri hattâ bir gün memleketin müftîsîyle meşâyih ve eşrâftan bir cem-i gafîrin vâlî Reşîd Paşa'ya aynen şu sözleri (civâr vilâyetlerden Ermenîleri mezbahaya sevk eder gibi çoluk çocuklarıyle berâber dağ başlarına çıkararak katl ediyorlarmıç biz memleketimizde böyle sey istemeyiz. Gazab-ı ilâhîden korkarız. Küfr ile hükûmet pâydâr olmaz. Zulm ile pâydâr olmaz. Aman ricâ ederiz bizim vilâyette böyle bir mu'âmele yapılmasın) dedikleri ve vâlî-i müşârünileyh cânibinden böyle bir hâle kat'îyen meydân verilmeyeceği beyân ü te'mîn edilmesi üzerine meserretlerinden gözleri yaşararak gittiklerini ikinci merbûtun onbeşinci sayfasındaki beyânât-ı tahrîrîye ile müeyyeddir.

(Teşkîlât-ı Mahsûsa'nın) ve ana mülhak ba'z-ı jandarmaların Erzurum vilâyeti mülhakatında Ermenîlere olan taaddîyât u tecâvüzâtını tavzîh eden vâlî Tahsîn Beyefendinin 15 Temmuz 331 tarihli şifreli telgrafnâmesi (Fâ'ik nâmında bir mülâzimin Arabiyan'ın dört kızını aldığını ve mülâzım

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Kâmil Efendi'nin de 1863 lira ve otuz beş yük eşyâ ve pek çok mücevherât çaldığını para ve kadın rezâletinin pek hacâletâver ve merdliğe muhâlif olduğunu ve bu hâllere hâtime ve bilhâssa Teşkîlât-ı Mahsûsa nâmı altında türeyen çetelere her taraftan nihâyet verilmesi ve Ma'mûretülazîz vâlîsi bütün yollar kadın ve çocuk cenâzeleriyle doludur defn etmeğe yetişemiyoruz diyor merdliğimizi tarih-i millîmizi muhâfaza etsek iyi olur cümleleri muhtevîdir (tertîb 8 vesîka 4). İşbu telgrafnâmenin Meclis-i Me'bûsânın beşinci şu'besinde firârî Tal'at Bey'e âid evrâk meyânında bulunması Zor mutasarrıfı Ali Su'âd Bey'in bâlâda zikri geçen şifreli telgrâfnâme-i mühimmesinin keyfiyet ve maksad-ı hıfz u ibtâlini te'yîd etmektedir.

Erzurum Teşkîlât-1 Mahsûsa re'îsi Bahâüddîn Şâkir Bey imzâsıyle Ma'mûretülazîz vâlîsi Sâbit Bey'e--Nâzım Bey'e âid olmak üzere keşîde kılınan ve
fotoğrafisi dokuzuncu tertîbde bulunan şifreli telgrafnâmenin müdericâtı
(oradan sevk edilen Ermenîler tasfîye olunuyor mu) nefy ü tagrîb
olunduğunu bildirdiğiniz eşhâs-1 muzırre imhâ ediliyor mu) yoksa yalnızca
sevk u i'zâm mı olunuyor vâzıhan bildiriniz kardeşim) sûretindedir ki
mûmâileyh Reseneli Nâzım Bey'in o sırada Ma'mûretülazîz İttihâd ve Terakki
műfettişliğinde ve'l-yevmü hâl firârda bulunması Teşkîlât-1 Mahsûsa'nın
imhâ vazîfesiyle meşgul olarak cem'îyetle irtibâtı müekked vesâ'iktandır.

Samsun kâtib-i mes'ûlü Rüşdî imzâsıyle İttihâd ve Terakki merkez-i umûmîsine çekilip Midhat Şükrî Bey tarafından Teşkîlât-ı Mahsûsa'ya me'mûr Dr. Nâzım'a 16 Kânûn-ı Evvel 330 tarihinde havâle edilen telgrafnâme dahi (beşinci çete olarak Tûfân Ağa kumandasıyle elli beş kişilik bir çetenin motor ile yola çıkarıldığını) mübeyyin olması Teşkîlât-ı Mahsûsa ile cem'îyetin irtibât ü münâsebetini ve şu'abât-ı cem'îyetin de öteden beri çeteler tertîbiyle iştigal ettiklerini musavvirdir yine bunu müeyyid (Balıkesir İttihâd ve Terakki müfettişi Mûsâ) imzâsıyle 20 Teşrîn-i Sânî 330 tar-ihli Midhat Şükrî Bey'e mürsel ve Dr. Nâzım'a muhavvel mektûb mündericâtı ayrıca Dâhilîye Nezâretiyle cem'îyetin bu çetelerle meşgul olduklarını irâ'e eder kezâlik Bursa murahhaslığının 19 Kânûn-ı Evvel 330 tarihli merkez-i umûmîye tahrîrâtı cânîlerin şakîlerin Teşkîlât-ı Mahsûsa'ya mukayyed olacaklarını mu'lindir. Gerçi işbu çetelerin bidâyet-i seferberîde harbe iştirâk ettirileceği işâ'e ve erbâb-ı hulûs u safvet iknâ'a gayret edilmiş ise de bilâhire kısmen bâlâda zikr ü ityân olunduğu vechile tehcîre tâbi' tutulan kafilelerin katl ü ifnâsı husûsunda istihdâm kılındıkları olbâbdaki delâil ü berâhîn ü vesâikın hey'et-i umûmîyesinden müstebân olmaktadır.

Taktîllerin Tal'at ve Cemâl ve Enver Beylerin emr ü vukufları altında cereyânı (tertîb 11) biri 21 Temmuz 331 tarihli Diyârbekir ve Ma'mûretülazîz

Urfa ve Zor vâlî ve mutasarrıflarına yollarda kalan emvât defn ettirilerek ecsâdın dere ve göl ve nehirlere attırılmaması ve yollarda terk ettikleri eşyânın yakılması hakkındaki Tal'at Bey'in şifreli telgrafı ve Dördüncü Ordu kumandanı Cemâl Bey'in Diyârbekir vâlîsine (müsta'cil) ve (zâta mahsûsdur) işâret ve 1 Temmuz 331 tarihli telgrafında Fırat nehrinin cenûbuna doğru sürüklediği ecsâdın harekât-ı isyânîyede maktûl düşen Ermenîlerin cesedleri olması muhtemel bulunduğundan bahisle bunların mahallerinde defn ettirilmesi meydanda ecsâd bıraktırıl.maması lüzûmu beyân olunmaktadır. (Tertîb 11 vesîka 3) Cevâben mûmâileyh Cemâl Bey'e çekilen 3 Temmuz 31 tarihli ve (zâta mahsûsdur) işâretini hâvî şifreli telgrafnâmede (Fırat vilâyetimizle pek az münâsebetdârdır. Sürüklenen ecsâdın Erzurum ve Ma'mûretülazîz cihetlerinden gelmeleri muhtemeldir. Burada harekât-ı isyânîyede--maktûl düşenlerin yâ metrûk ve derîn mağaralara atılmaları yâhut ekserîyetle yapıldığı vechile ihrâkları sûretiyle muâmele yapılmakta ve definleri bile pek müstesnadır) denilmektedir Zor mutasarrıf-ı esbakı Ali Su'âd Bey livâ-ı mezkûra sevk edilen Ermenîlerin avâkıbı hakkında ma'lûmât vermekte ve hattâ Tasvîr-i Efkâr gazetesi muharrirliğinde bulunmuş olan Haleb'de ajans telgrafları tâbi'i Agâh Bey'in Zor mutasarrıfı Sâlih Zekî Bey'e (senin için on bin Ermenî imhâ etti diyorlar) demesine karşı Zekî Bey'in benim nâmûsum var on bine tenezzül etmem daha çık bakalım cevâbını vermiş olduğunu Agâh Bey'in rivâyetine page 7 of original

atfen dermiyan eylemektedir. (Tertip 6 ve tertip 14 vesika 4 ve tertip 11 vesika 1) Ma'mūretülazīz valīsi tarafından Malatya mutasarrıfına şifre ile verilen emirde teblîgat-ı ekideye rağmen yine yollarda pek çok ecsadın bulunduğu ihbâr ediliyor bundaki mahāzîr muhtāc-ı îzâh olmadığı gibi bunda terâhî gösteren me'mûrînin siddetle tecziyeleri Dâhilîye Nezâret-i Celîlesinden ekîden bildirilmekle hudûd dâhilindeki bi'l umum cesedler dikkatli bir süretle defn edilmek için mikdar-ı kafı jandarma ile ileri gelen me'műrínden bir kaç zâtın bu işe me'mûr edilerek hemân her tarafa çıkarılması lüzümu ihtar olunmaktadır. Diyarbekirden sevk olunan Ermenîlerin yüz yirmi bin nüfûsa bâliğ olduğu hakkındaki Reşîd'in Dâhilîye Nezâretine keşîde ettiği 15 Eylûl 31 tarihli şifre vekayi'in derece-i sumul ü ehemmîyetini ira'eye kâfîdir (terti 12 vesîka 1) Bir Ermenîyi tesahub edecek bir müslümanın hanesi önünde i'dam ve hanesi ihrak ve me'mûrînden ise tard ve dîvan-ı harbe sevk ve himayeyi reva görenler cihet-i askerîyeden iseler nisbet-i askerîyelerinin kat'iyle berayı muhakeme mezkur divan-ı harblere tevdî' olunmasına mütedair Üçüncü Ordu

<u>e</u>.

#### page 7 of original (ct'd.)

kumandanı Mahmud Kâmil imzâlı telgraf (tertîk 13 vesîka 1) bu fecâyi'de nehî ani'l-münker emr-i şer'îsine oralardaki müslümânların ne gibi tehdîd ve tedhîş altında muvaffak olamadıklarını ve fecâyi'-i vâkı'adan yerli ahâlî-i islâmîyenin ve küçük me'mûrların mu'aheze olunamayacaklarını ukul-i selîmeye telkîn ve efkâr-ı adileyi tatmîn eyler.

Trabzon meb üs-i sabıkı Hafız Mehmed Bey'in Kara Deniz sahillerinde Ermenilerin kayıklara ne süretle irkab ve gark eylediklerini mübeyyin ve bu fecâyi'i Tal'at Bey'e bildirilmiş ise de valı Cemal Azmı hakkında bir şey yapılmadığını mutazammın ifadesi (terti 15) Tal'at Bey'in vaz iyet-i cürmiyesini tesbît eden esbab-ı te'yidiyedendir.

Erzurum valisi Münir Bey'in 14 Kanûn ve vvvel 34 tarihli şifreli telgrafı (tertib 16) Erzurum'dan Kiğı tarikıyle gönderilen zenginler kafilesi valî-i sabık Tahsîn Bey'in rızası hilafına olarak merkez-i umûmî a'zasından Bahaüddîn Şakir Bey'in tertîb etmiş olduğu çete efradı ve Dersîmliler tarafından katl ü garata ma'rûz kaldıklarını mübeyyin ve binaen aleyh delail-i mevcûde—i cürmîyeyi müeyyiddir.

Tehcîr edilenlerden ba'zılarının sâbıka Çankırı kâtib-i mes'ülü ve hâlâ tüccârdan Cemâl Oğuz Bey'in teşkîl eylediği Kürd Ulüvv çetesi tarafından sûret-i katillerine dâir Cemâl Âsaf Bey'in ifâde-i mazbûtası (tertîb 18) Cem'îyet mümessillerinin cem'îyetin manzûme-i merkezîyesine muzâf olması lâzım gelen fi'l ü hareketlerinin bir cüz'üdür. Ankara tehcîri esnâsında mahallî İttihâd ve Terakki kolunun kumandan nezdine Tayyib Efendi namında birini göndererek berâyı sevk cihet-i askerîyede müstahdem Ermenî memûrîn-i sıhhîyesinin nisbet-i askerîyelerinin kat'ını teklîf ettikleri ve merkez-i umûmî mensûbîninden Memdûh Şevket ve birâderi Re'fet Beylerin o sırada Ankara'ya giderek ne sûretle zengin olduklarını ve Ankara tehcîri tafsîlâtını ve İttihâd ve Terakki kâtib-i mes'ûlü Necâtî Bey'in derece-i müdâhalâtını ve bu husûsda büyük rol îfâ etmiş olan vilâyet-i müşârünileyhâ polis müdîr-i esbakı Manastırlı Bahâüddîn Bey'in ef'âl ü harekâtını ta'rîf ü îzâh eden (tertîb iki sahîfe 1) Mîralay Halîl Recâ'î Bey'in beyânât-ı mufassalesi bilhâssa şâyân-ı kayd u tezkâr beyânâtdan ma'dûd ve i'tâ-yı ma'lûmâta muktedir şühûdun da esâmîsini muhtevîdir. Mûmâileyh Bahâüddîn Bey oraca dîvân-ı harbe tevdî' ve hakkında ta'kîbât-ı kanûnîye icrâsına tevessül edilmiş iken İstanbul'a çağırılış ve Dâhilîye Nezâretinin talebine binâen gönderilmeyen evrâk-ı tahkîkîye bilâhire Harbîye Nezâretince celb ü istirdâd edilerek mûmâileyh ta'kîbât-ı vâkı'adan kurtarılmıştır.

Netâyic-i tedkîkata nazaran fecâyi'-i mezkûreyi şiddetle redd ve adem-i iştirâk tarîkına temessük edenler vatan hâini add edilirken Bahâüddîn Bey gibi anâsır-ı fa'âle pek ziyâde mazhar-ı himâyet ü sahâbet olmuşlardır. Hattâ Dâhilîye nâzır-ı esbakı Tal'at Bey mûmâileyh Bahâüddîn Bey'i Şark Ordular Grubu kumandanı Vehîb Paşa'ya sûret-i mahsûsada tavsîye ederek berâyı istihdâm göndermiş bir müddet Samsun dîvân-ı harbi refâkatında îfâ-yı hizmet eyledikten sonra bir semt-i mechûle savuştuğu anlaşılmaktadır (Vehîb Paşa'nın zâtına mahsûs dosyada mazbût ifâdesi).

Kastamonu tehcîrini îzâh ve ora kâtib-i mes'ûlü Hasan Fehmî Efendi'nin cerâim ü mesâvîsini nezârete yazmış iken dibletemediği ve tehcîrin lüzûmuna dâir Dr. Bahâüddîn Şâkir Bey'den şifreli telgraf aldığı hakkında vâlî Reşîd Paşa'nın beyânâtı (tertîb 2 sahife 13) ve merbûtu telgraf sûretleri ve İttihâd ve Terakki fırkasının bir ictimâında fırka re'îsi Tal'at Bey'e verdiği takrîrde Ermenîlere karşı îfâ edilen fecâyi' ü mezâlimi bi'l-hikâye İttihâd ve Terakki kâtib-i mes'ûllerinin cümlesiyle Dr. Reşîd, Cemâl Azmî, Sâbit, Mu'ammer, Âtıf, ve hapishâne-i umûmî müdürü İbrahim Beyler haklarında tahkîkat icrâsını taleb eylediği halde Tal'at Bey'in (hıfz) işâretiyle takrîrini bir tarafa attırdığını ve İzmir'de (Sporting Kulüp)de Tal'at Bey'in kendisine (buradakileri ötekilerin âkıbetine uğratırım) dediğini ve Dr. Nâzım ile avenesinin birer fâ'il-i müessir olduğunu söyleyen İzmir meb'ûsu İhsân Efendi'nin (tertîb 3) ifâdesi ve Vehîb Paşa'nın (tertîb 7 sahîfe 3) Ermenîlerin katl ü imhâsı ve mallarının yağma ve gasbı İttihâd ve Terakki merkez-i umûmîsinin netîce-i mukarrerâtı olup Üçüncü Ordu mıntakasında insan kasablarını tedârik ve onları idâre ve istihdâm eden Bahâüddîn Şâkir Bey'dir. Rüesâ-yı hükûmet Dr. Bahâüddîn Şâkir Bey'in emr ü iş'ârına inkıyâd etmişlerdir Üçüncü Orduda bütün felâket-i beşerîye bütün fitne ve fesâd Bahâüddîn Şâkir Bey'in eli altından sudûr u zuhûr etmiştir. Berikiler ipten ve kazıktan kurtulmuş yârânını ötekiler de eli gözü kanlı jandarmalarını ihzâr...ilh.) ifâde-i tahrîrîyesi de İttihâd ve Terakki merkez-i umûmîsiyle meclis-i umûmî a'zâ-yı tabî'îyesinden bulunan vükelâ için bir hüccet-i ithâm ve bürhân-ı nâmdır.

Süleymân Nazîf Bey'in (evrâk-ı istintâkîye sahîfe 6) Bağdâd'dan Diyârbekir page 8 of original

hudûduna gelir iken ecsâdın taafününden burunlarını tıkadıklarına dâir Konya vâlî-i esbakı Celâl Bey'in (evrâk-ı istintâkîye sahîfe 7) Haleb'den kaldırılması ordu kumandanı Cemâl Paşa tarafından Tal'at Bey'den sorulup cevâben Ermenî mes'elesinde nokta-ı nazarıyle hükûmet-i merkezîye nokta-ı nazarı arasında muvafakat olmadığından ileri geldiği bildirildikte ve

Konya Ermenîlerini himâye eylemiş ise de Dr. Nâzım tarafından gönderilen meb'ûs Ali Rızâ Efendi'nin merkez-i umûmîce arîz u amîk düşünülerek ■arar verilmiş bir mes'ele hakkında ısrar edilmemesi yolunda hayırhâhâne vesâyâda bulunduğuna ve nihâyet bu sebebden infisâl eylediğine ve İstanbul'da bu mes'elenin mahazîrini Tal'at ve Nazım'a anlatırken onlar bu işin lüzûm ve faydasına kail olduklarını ve Dr. Nâzım Bey daha ileri giderek bu teşebbüsün şark mes'elesini hall edeceğini söylediğine ve Hayrî Efendi ise çalıştığı halde men'ine kadir olamadığını beyân eylediğine dâir ifâdesi tehcîr ve imhâ hakkındaki teklîfâtı icrâ etmekten imtinâ ettiğinden dolayı azl edildiğine dâir (istintâknâme sahîfe 17) Ankara vâlî-i esbakı Mazhar Bey'in ve Arablara icrâ kılınan mazâlim ve i'dâmlarla Diyârbekir vâlîsi tarafından tehcîre muvâfakatkâr vaz'îyetde bulunmadıklarından dolayı imhâ ettirilen iki kaymakam hakkında heyeti teftîsîye-i mülkîye müdîr-i umûmî-i sâbıkı Hamîd Bey'in ifâdâti Trabzon fecâyi'i ve fâ'illeri hakkında Mâlîye Nezâreti vâridât müdîr-i umûmîsi Lûtfî Bey'in (istintâknâme sahîfe 34, 38, 43) Trabzon kâtib-i mes'ûlü Nâ'il Bey hakkındaki beyânâtı ve Bahâuddîn Şâkir Bey'in Erzurum'dan Antalya mutasarrıflığına (Erzurum, Van, Bitlis, Diyârbekir, Sivas, Trabzon) havâlîsinde tek bir Ermenî kalmamak üzere Musul ve Zor taraflarına sevk eylediklerinden Antalya'da ne yapmakta olduğu) meâlinde şifreli telgraf çektiği ve bunun bir sûretini Tal'at Bey'e göndermiş ise de bir cevâb alamadığına dâir Antalya mutasarrıf-ı sâbıkı Sabûr Sâmî Bey'in ifâdesi (evrâk-ı istintâkîye 44 sahîfe) ve Ra'dî Bey'in Ankara tehcîrine ve ora kâtib-i mes'ûlü Necâtî Bey'e âid ma'lûmâtı müdde'ayât-ı vâkı'ayı isbâta medâr-ı delâil ü karâin-i kâfîyedendir.

Bahâüddîn Şâkir Bey'in Dâhilîye Nâzırı Tal'at Bey vâsıtasıyle (merkez-i umûmî)ye yazdığı bir şifrenin muhâvili olup Teşkîlât-ı Mahsûsa dosyasında zuhûr eden varakanın zahrında muharrer 69 numaralı cevâbda (mâdemki orada işiniz kalmamıştır Artvin mes'elesinden daha mühim bir vazîfeyi deruhde etmek üzere Trabzon'a hemân hareket ediniz buradan hareket edecek olan Ya'kub Celîl Bey size lâzım gelen îzâhât ve ta'lîmâtı getirecektir) denilmiş olması aradaki irtibât u münâsebâtı bir kat daha tavzîh eyler.

Maznûnaleyhümden vükelâlıkda bulunanlar ifâdât-ı istintâkîyelerinde inkâr ile müterâfık bir vazîfe mes'elesi ihdâs ile merci'-i tahkîk u muhâkemelerinin dîvân-ı harb-i örfî olmayıp kanûn-ı esâsî ahkâmınca teşkîl kılınacak dîvân-ı âlîye âid bulunduğunu müdafa'aten dermiyân etmektedirler. Fakat îzâhdan müstagnî olduğu üzere kanûn-ı esâsînin istinâd ettikleri 96ncı maddesi nâzırların veyâ müştereken hey'et-i vükelânın ancak umûr-ı me'mürelerinden mütevellid harekât-ı siyâsîyelerinden

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mütehassıl ef'âl-i cürmîye ile mukayyed olup şahsen îfâ ettikleri veyâ \_\_\_\_r'an zîmedhal bulundukları cerâim-i âdîye için kanûn-ı mezkûrun otuz üçüncü maddesi ahkâmınca nuzzârın hiç bir imtiyâz-ı kanûnîleri olmayıp o kabîl cerâimden dolayı merci'-i muhâkemeleri mahâkim-i âdîye olmasına ve idâre-i örfîye cârî olan mahallde olbâbdaki karârnâme mûcebince kavânîn-i mülkîye ve adlîye temâmiyle sâkin (ve dîvân-ı harb-i örfîler merci'-i cerâim olacağına ve taktîl ve ihtikâr gibi mevâddın tahkîkı işbu dîvân-ı harb-i örfînin teşkîl ve vezâifine müteallik karârnâme-i ahîr mücebince de cümle-i vezâifden olmağla gayr-ı vârid olan vazîfe i'tirâzının reddi karârgîr olduktan sonra sâlifü'z-zikr cerâime mücâseretleri hakkında ber vech-i bâlâ delâil ü berâhîn-i kâfîye istihsâl kılınan maznûnaleyhümden: Dr. Bahâüddîn Şâkir, Dr. Nâzım, Âtıf, Rızâ, Cevâd, Azîz Beyler ve Enver, Cemâl ve Tal'at (Paṣa) Beyler kıtâlde hemfiil olduklarından harekât-ı vâkıaları mücâzât-ı terhîbîyeyi müstelzim ef'âlden olarak kanûn-ı cezânın kırk beşinci maddesinin birinci fıkrasıyle yüz yetmişinci maddesine ve hemfiil olmayıp bilerek icrâ-yı muzâheretle maznûnların cürmlerinde muayyin olarak fer'an zîmedhal bulunan Midhat Şükrî, Dr. Rüsûhî, Küçük Tal'at, Ziyâ Gökalp, Kemâl Beylerle —a'îd Halîm Paşa ve Ahmed Nesîmî, Şükrî, İbrahim ve Halîl Beylerin de kanûn-ı mezkûrun kırk beşinci maddesinin ikinci fıkrası delâletiyle yine madde-i sâlifeye muvâfık bulunduğundan mevâdd-ı mezkûreye tevfîkan maznûnaleyhümün Dersa'âdet dîvân-ı harb-i örfîsinde muhâkemeleri icrâ kılınmak üzere cinâyetle lüzûm-ı muhâkemelerine ve liecli's-sevk evrâk-ı tahkîkîyenin maa teferruât dîvân-ı müşârünileyhâ müdde'î-i umûmîliğine tevdî' ve irsâline ber mûceb-i iddiânâme karâr verildi.

10 Receb 1337 ve 12 Nisan 1335

#### Translator's Note:

In the transliteration, I have tried to reflect the punctuation of the original, which is both sparse and inconsistent. Parentheses, used for emphasis, are often begun and not closed. Sentences are only rarely concluded with a period. Commas are used at times in lists of names and places, while at other times no punctuation is used at all. In two or three instances typographic errors in the original have been corrected for the transliteration. Otherwise, the text is the exact rendition of the original in Latin letters.

#### **ERRATA**

As I reviewed the transliterated text in the course of the translation, I discovered a few mistakes and typographic errors in the transliterated text I sent you. I would appreciate it if you could correct these on your copy.

ORIGINAL TEXT

TRANSLITERATION

- p. 5
- p. 2/end of \$1 for mus'ir-i read mus'ir
- p. 6 (1st paragraph, line 16) for katl ediyorlarmic read katlediyorlarmis
- p. 7 (last paragraph, line 2) for dibletemediği read dinletemediği
- p. 8 (paragraph 1, line 1--same page of typescript as above) for taafününden read taaffününden
- p. 8 (next-to-last paragraph, line 1--on next-to-last p. of typescript) for sifrenin muhâvili read şifrenin mahlûlü

Thank you!



by M. Yazız, " Eski Yazıları oluma analıfarı" in Vakıflar Umrum Midüzli Minutes of the proceedings of the martial law Court Martial convened by authority of the Imperial Rescript of His Majesty the Padishah, issued on March 8. in the year [1] 335.

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Presiding Officer: Divisional General Nazım Paşa

Members: Major General Zekî Paşa, Major General Mustafa Paşa, Major

General Ali Nâzım Paşa, Colonel Receb Ferdî Bey

Public Prosecutor: Mustafa Nazmî Bey

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#### FIRST TRIAL

Monday, April 27, [1]335

FIRST SESSION

Hour

Minutes

50

Names of the accused tried in person: Sa'îd Halîm Paşa, Halîl Bey, Ahmed Nesîmî Bey, İbrahim Bey, Tal'at Bey, Rızâ Bey, Midhat Şükrî Bey, Ziyâ Gökalp Bey, Kemâl Bey, Şükrî Bey, Cevâd Bey, Âtıf Bey Names of the accused tried in absentia: Tal'at Efendi, Enver Efendi, Cemâl Efendi, Doctor Nâzım Efendi, Doctor Bahâüddîn Şâkir Efendi, Doctor Rüsûhî Efendi, Azîz Efendi

Presiding Officer: Paşa, what is Your Excellency's name?"

Sa'îd Halîm Paşa: Me

Mehmed Sa'îd Halîm.

Presiding Officer: "And that of Your Excellency's father?"

Sa'îd Halîm Paşa:

Presiding Officer: "What is Your Excellency's age?"

"Halîm.

Sa'îd Halîm Paşa: "Fifty-six."

Presiding Officer: , "Where were you born?"

Sa'îd Halîm Paşa: "In Cairo."

Presiding Officer: "What is your place of residence?"

Sa'îd Halîm Paşa: "Yeniköy."

Presiding Officer: "What is your level of education?"

Sa'îd Halîm Paşa: "High."

Presiding Officer: "Are you married?"

Sa'îd Halîm Paşa: "Yes."

Presiding Officer: "Do you have any prior convictions?"

Sa'îd Halîm Paşa: "No."

Presiding Officer: "You may sit down. What is your name?"

# page 1 (ct'd.)

Halîl Bey: "Halîl."

Presiding Officer: "What is your father's name?"

Halîl Bey: "Sâlih."

Presiding Officer: "What is your age?"

Halîl Bey: "Forty-four."

Statements were entered into the minutes exactly; except for changes in word order necessary for changing the spoken language into the written form no alterations have been made.

(supplement to issue number 3540 of the Takvîm-i Vekayi [Official Gazette])

#### JUDICIAL DECREE

An investigation has been carried out concerning the following officials of the Committee of Union and Progress, which has been disbanded by official decree: the Committee's general chairman. Sa'îd Halîm Paşa; ex officio members of its central committee, q including Tal'at, Enver, Cemâl, İbrahim, Şükrî, Halîl, and Ahmed Nesîmî; its general secretary Midhat Şükrî; members of its central committee, including Istanbul delegate Kemâl, Ziyâ Gökalp, Dr. Rüsûhî, the younger Tal'at; members of the central committee assigned to the Teşkîlât-ı Mahsûsa [Special Organization], including Dr. Bahauddîn Şâkir, Dr. Nâzım, Atıf, and Rızâ; and members of the executive board of the Teskîlât-1 Mahsûsa, including former Public Safety Director Azîz Bey and former Central Commandant Cevâd Bey. The aforementioned writ of indictment, prepared by the office of the prosecutor of the martial-law court-martial, and containing the records of the investigation, including the minutes of the interrogations and all particulars, has been read and examined.

In the abovementioned writ of indictment, it is stated that the Committee of Union and Progress was an organization having two aspects opposite in character: one was its outward and public aspect, based on its program and the charter regulating its internal organization, while the other was its veiled and secret aspect, based on verbal and confidential instructions. In accordance with the present proofs and evidence, it stands accused of possessing a moral character charged with a series of massacres, looting, and malfeasance. It bears legal responsibility for the actions it committed; therefore, as is constated by the explicit regulations of the law on organizations, the basis of the legal accountability of the abovementioned important officials and influential leaders of the Committee in the matter of these accusations has been explained, and the serious crimes attributed to them have been (have been) laid out and set before this court. Among these is the fact that in July 1330 [August 1914],

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The Central Committee was composed of eight members; four other members were added end

upon the declaration of general mobilization, which was a decision undertaken in consultation with the CUP [Committee of Union and Progress | Aeadership, Enver and Cemal--influential leaders of the CUP, now stricken from the ranks of the military as a consequence of their flight -- and Tal'at Bey, who has also since fled, took advantage of the general state of war with which Europe was occupied at that time. They succumbed to the vain desire of using a show of violence and of inspiring terror on all sides as a means of solving unsettled problems and complex and troublesome situations, which ought to have been resolved by using sound understanding and statecraft, justice and equity, good government and clemency. They had the impudence to engage in pernicious actions and administrative decisions that have resulted in great upheavals and unending disturbances in the destiny of our people. While they gave this the appearance of being aimed at fulfilling national aspirations, in reality, by bringing about a state of tremendous disorder and warfare, they acted in the hope that thereby they would be able to amass both wealth and power, while dampening the splendor of our nation and using this opportunity to exercise arbitrary rule and domination in pursuit of their own aims. After they had engineered our entry into the war, making it a fait accompli by employing a number of deceptions and intrigues, they set to work to carry out their true intentions. Acting in the course of wartime operations, they pursued the aim of translating their secret intentions to the field of action. Proceeding in a private and confidential manner befitting a secret society,

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they employed a number of individuals for the purposes of carrying out their secret deeds and activities, of preparing a basis
for the murderous actions of the hordes of criminals they had
ordered released from the jails, and of transmitting orders and
instructions to these criminal bands. In order to carry out these

sorts of secret activities in Istanbul, they established a secret society known as the Teşkîlât-ı Mahsûsa [Special Organization]: - Among the members of this secret society were former Public Safety Director Azîz Bey, who, along with Atif Bey and Dr. Nazım Bey, members of its executive board, constituted a sort of general staff. Central Commandant Cevâd Bey confirmed and carried out their decisions. They distributed generous amounts of funds to the individuals they employed and dispatched and sent out to various parts of the country. To their chief officers, such as Dr. Bahâüddîn Şâkir, they gave the keys to secret codes, put automobiles and lavish funds at their disposal, and distributed arms and demolition equipment to them. clear that by this means they were put in a position of carrying out and putting into effect the aims of the CUP leadership while proceeding under the cloak of secrecy. Some of the individuals sent out into the countryside by this secret society acted under verbal instructions and signals coming from their leaders. received help and guidance from CUP delegates of other localities, from some obedient and submissive public officials eager to be useful to the CUP, and from a very small number of people acting out of naive impulses or out of ignorance. Their shameful acts included the massacre of whole populations, the looting of cash and property, the burning of buildings and corpses, rape, torture, and the infliction of pain and injustice. All of those who were the intended victims of these despicable acts were, without distinction of race or creed, fellow citizens of this country. However the most important among the victims were the Armenians, while a large number also came from other ethnic groups,, including especially and at every time and place Turks as well. The above facts constitute the whole of what the defendants are accused of. particular item that is the subject of this inquiry is the following: the horrible deeds that were committed at various times and places in the course of the deportation of the Armenians

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were not isolated and localized occurences. While the individuals who actually carried out these criminal acts are presently being prosecuted in separate legal proceedings\*, their actions were orchestrated and directed by a unified and centralized force consisting of the persons named in this indictment, who issued verbal and secret orders and instructions designed to make certain that these actions would be carried out and to direct them. The evidence and proofs, sworn depositions, and valid documents supporting the conclusions of this investigation have been compiled and incorporated the following brief. Thus:

The CUP leadership set up a secret network under the name Teşkîlât-ı Mahsûsa [Special Organization--hereafter abbreviated as TM], initially announcing that it was to take part in the war, but subsequently--as is laid out and explained in this indictment-this network was employed to carry out criminal acts and to implement criminal measures. Its executive board was composed of members of the central committee Dr. Nazım, Bahauddîn Şakir, Âtıf Bey, Rızâ Bey, and former Public Safety Director Azîz Bey. Of these individuals Bahâüddîn Şâkir Bey went off to direct the forces in the Eastern Vilâyet, centered at Erzurum, while Rızâ Bey operated in the area of Trabzon. At the same time, Azîz Bey, Atıf Bey, and Nâzım Bey were carrying on their activities in Istanbul, while Central Commandant Cevâd Bey was charged with the duty of confirming and implementing their decisions (series 10, document 1). This is confirmed by the document containing order Nº150, addressed to Bahâüddîn Şâkir Bey, which includes the phrases, "a demand has been made that Galatalı Halîl be punished by the organization; the goods deposited for safekeeping are to be retrieved from the post office; if necessary, it will be announced that they will be given out to the population; " underneath this are the signatures "Azîz, Âtıf, Nâzım," followed by "agreed: Cevâd, " bearing his signature and approval; and underneath this,

<sup>\*[</sup>one of these separate trials was that of Kemâl Bey, former district chief of Bogazlıyan and lieutenant governor of Yozgat, who was condemned to death and hanged in front of the War Office in Bayezid Square on (8) April 1919 for his part in the Armenian deportations and massacres (source: Ismail Hâmî Danişmend, İzahlı Osmanlı Tarihi Kronolojisi, IV, 457-58).]

the phrase "collection of the money and property of traitors." The document attached to this order points to the fact that the matter had been communicated in instructions sent by encoded telegram "to Bahâüddîn Şâkir Bey in Artvin, to be attended to personally..." signed "A. Cevâd."

Halîl Paşa, paternal uncle of the fugitive Enver Bey, was also a member of the TM during his tenure as central commandant.

This fact, as well as the connection between the TM and the CUP, is demonstrated by a letter addressed to Midhat Şükrî Bey and bearing the signatures "Halîl, Nâzım, Âtıf, Azîz," numbered 56.

A telegram, numbered 67, sent by the abovementioned Halîl Bey to the office of the governor of İzmit, proves that they recruited hoodlums and bandits and had prisoners set free from the jails for this purpose.

The fact that the TM was supplied with arms and demolition equipment is shown by letter Nº68, sent by the abovementioned Halîl to the directorate of the War Office on 16 November 1330 Similar documents can be found among the [29 November 1914]. surviving documents of the TM. However it is apparent from this investigation that a significant portion of the records of that organization and all of the documents and ledgers of the central committee have been stolen. Further, it has been established by the contents of a letter from the Ministry of the Interior and by sworn depositions that former Public Safety Director Azîz Bey, following his own resignation, did not return the dossiers concerning important information and communcations that he took away from the office after Tal'at Bey's resignation. (Series 31) The fact that wartime actions were being contemplated some time before the declaration of war, and that this reflected the desire and intent of the CUP, is proven by a communication dated 17 August 1330 [30 August 1914], signed by CUP General Secretary Midhat Şükrî and forwarded to Bahâüddîn Şâkir Bey by way of the governor of Erzurum.

The fact that the massacres and horrors committed in Diyarbekir went on with the connivance and encouragement of the fugitive Tal'at Bey is corroborated by the disposition of a telegram in code sent to Tal'at Bey by Ali Su'âd Bey, the governor of Zor [Deir ez-Zor]. In the telegram, Ali Su'âd Bey writes that the governor [of Diyarbekir], his adjutant, and Commissar Memdûh Bey must be punished and executed [for their part in the massacres]. Tal'at Bey suppressed the telegram, cancelling it with the mark "confidential" (series 8, document 1).

The same Bey, director of the private secretariat of the Ministry of the Interior, mentioned during his interrogation a conversation he had, during his time as district chief of Kilis, with Abdülehad Nûrî Bey, who had been dispatched from Istanbul to Aleppo. He reports that Abdülehad Nûrî Bey stated that the deportations were based on the goal of extermination, and tried to convince him by saying "I have been in touch with Tal'at Bey and personally received the orders for extermination. The salvation of the country rests on this." (minutes of the interrogation, page 15).

Dr. Midhat Bey, party secretary for Bursa, while serving as party secretary for Bolu, sent a service telegram from Çankırı to the office of the governor of Bolu. In this, he stated that the number of Armenians deported from Ankara province had reached X60,000, and that, as a consequence, the Muslim population of that province were much devoted to the CUP and to its legal offspring the government. Stating that this effect would endure for years, he suggested that it would be useful if the same measures were applied in order to assure the future happiness of Bolu. this is contained in an encoded telegram sent by Müfîd Bey, the governor of Bolu, to the Ministry of the Interior on 11 September 1331 [24 September 1915] (series 8, document 2). This also states that in a place like Bolu, far from the theater of war, deportations constitute neither a military measure nor a security measure, that they are entirely the product of the aims and desires of the CUP and inspired by Midhat Bey's request.

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It is self-evident that this individual [Midhat Bey], who passed only a short period of time in Cankiri, would have been in no position to ascertain the general sentiments of the people of the province of Ankara from afar. It would have been more natural and easier for him to have been aware of the sentiments of the population of the province he was actually in. Cankiri is part of the province of Kastamonu. It is recorded and attested by written depositions (appendix 2, page 15) that the Muslim population of Kastamonu received news of the events that were taking place outside their own region and recalled them with revulsion and disgust, and that on the date given a great multitude, including the local mufti [authority on Islamic law], other Muslim religious leaders, and the local notables, went to Reşîd Paşa, the governor of Kastamonu, and presented him with the following statement: "It is said that in the neighboring provinces they are taking away the Armenians, and that like sending cattle to slaughter they are taking the Armenians with their families, women and children to remote places and murdering them. We don't want anything of this sort to happen in our homeland. We fear the wrath of God. No government can endure if it engages in acts which our religion forbids. Oppression cannot make it endure. love of God, we ask you that nothing of this sort be undertaken in our province." When the above mentioned governor gave them assurances and a statement that such things would definitely not be allowed to happen, it is recorded that they went away with tears of joy in their eyes (appendix 2, page 15).

The unjust acts, assaults, and excesses committed against the Armenians in the districts of the province of Erzurum by the TM and some gendarmes attached to it, are clearly laid out in an encoded telegram written by the governor, Tahsîn Beyefendi, on 15 July 1331 [28 July 1915], containing the following sentences: "A lieutenant named Fâ'ik has abducted Arabiyan's four daughters; lieutenant Kâmil Efendi has stolen 1863 Turkish pounds worth of cash, 35 donkey loads of movable property, and a large amount of jewelry; the incidents of theft and the violation of women are

bringing shame on us and are violations of the code of manliness and honor; an end should be put to such a state of affairs and especially to the armed bands that are springing up everywhere operating under the name of the TM; the governor of Ma'mûretülazîz [Elâzig] says that all the highways are full of the corpses of women and children, he cannot keep up with burying them; it would be well for us if we could preserve our manly honor and our national history [from such a shame]" (series 8, document 4). The fact that this telegram was found in the fifth bureau of the Chamber of Deputies among the papers of the fugitive Tal'at Bey explains and confirms the reason behind the cancellation and suppression of the important encoded telegram sent by Ali Su'âd Bey, the governor of Zor [Deir ez-Zor], which was mentioned earlier in this indictment.

Another encoded telegram, signed "Bahâüddîn Şâkir Bey, chief of the TM in Erzurum," and addressed to "Sâbit Bey, governor of Ma'muretulazız [Elâzığ], to be forwarded to Nâzım Bey," contains the following phrases: "Are the Armenians dispatched from there being liquidated? Are the harmful individuals whose exile and deportation you have reported being exterminated, or are they merely being sent on their way? Give me clear information on this, my brother." (photograph of this telegram included in series 9) This is among the documents confirming the connection between the CUP and the TM in its task of extermination; the above mentioned Reseneli Nâzım Bey was, at that time, inspector for the CUP at Ma'mûretülazîz. Today, he is a fugitive.

Yet another document illustrating the links and relations between the CUP and the TM and the fact that the CUP was occupied from an early point on with the formation of armed bands is a telegram signed by Samsun CUP secretary Rüşdî and addressed to the CUP's central committee. This telegram was passed on by Midhat Şükrî Bey to Dr. Nâzım, who was assigned to the TM, on 16 December 1330 [29 December 1914] and includes the statement that, "an armed band of fifty-five men, as armed group number five, has been sent on its way by motorized transport under the leadership of

Tûfân Ağa." A letter signed "Mûsâ, inspector for the CUP in Balıkesir" and dated 20 November 1330 [3 December 1914], sent to Midhat Şükrî Bey and passed on to Dr. Nâzım, points out that the Ministry of the Interior as well as the CUP was involved with these armed bands. Similarly, communications from the office of the Bursa CUP delegation to the CUP central committee, dated 19 December 1330 [1 January 1915], reveal that murderers and bandits were to be recruited into the TM. Even though in the first days of the proclamation of general mobilization it was announced that these bands of irregulars were to be used for military duties in the war and efforts were made to convince sincere and innocent people of the truth of this announcement, it is evident from the general picture presented by the relevant evidence, proofs, and documents that at a later point some of them were used in the manner mentioned and laid out above for the purpose of murdering and annihilating the columns of deportees.

The fact that the massacres proceeded according to the orders and under the authority of Cemâl Bey and Enver Bey is attested by further documents (series 11). One of these, dated 21 July 1331 [3 August 1915], is a telegram in code from Tal'at Bey to the governors of Diyarbekir, Ma'mûretülazîz, Urfa, and Zor [Deir ez-Zor], with instructions that the corpses left on the highways should be buried, that measures should be taken to prevent corpses from being thrown into rivers and lakes, and that abandoned property should be burned. Another is telegram marked "urgent" and "personal," sent to to the governor of Diyarbekir by Cemâl Bey, commandant of the Fourth Army, on 1 July 1331 [14 July 1915]. This telegram states that Cemâl Bey thinks it likely that the corpses carried southward by the waters of the Euphrates River are those of Armenians killed in operations against the rebels, and points to the necessity of burying such corpses on the spot and not leaving them out in the open. (Series 11, document 3) In answer to Cemâl Bey, a telegram in code marked "personal" and dated 3 July 1331 [16 July 1915] states that, "the Euphrates has little connection with our province; it is likely that the

corpses floating down the river come from the direction of Erzurum and Ma'mûretülazîz; as for our operations against the rebels here, our practice is to throw the corpses of those killed in the fighting into abandoned and deep caves or, more usually, to burn them on the spot; even burial is only rarely resorted to." Ali Su'âd Bey, former governor of Zor [Deir ez-Zor], gives further information on the fate of the Armenians sent to that province, referring to a statement by Agâh Bey, who was a correspondent for the newspaper Tasvîr-i Efkâr and the printer of news agency wires in Aleppo. Agâh Bey told him that when Salih Zekî Bey, the governor of Zor, was asked "they say that you have destroyed ten thousand Armenians," Zekî Bey replied, "I have a reputation at stake here; I wouldn't stoop as low as ten thousand--let's see you raise your estimate!" (Series 6; series 14, document 4; and series 11, document 1) An order from the governor of Ma'mûretülazîz [Elâzığ] to the district governor of Malatya, sent in code, states that in spite of repeated instructions there are still a great many corpses to be found on It goes on to say that it is hardly necessary to the roads. explain the possible harmful effects of such a state of affairs, and states that the Ministry of the Interior has issued urgent instructions ordering that officials responsible for delays in this matter should be severely punished, and that all corpses found within the boundaries [of the province] are to be carefully buried; teams composed of a sufficient number of gendarmes and of a select number of leading government officials must be assigned to this duty and dispatched to all areas at once. is sufficient to point out the significance and scale of these events by citing the coded message from Reşîd to the Ministry of the Interior, dated 15 July 1331 [29 July 1915], which states that the number of Armenians sent from Diyarbekir [province] had reached 120,000 (series 12, document 1). A telegram signed by Mahmûd Kâmil, commandant of the Third Army (series 13, document 1) contains the following orders: "any Muslim who tries to harbor or protect an Armenian is to be summarily executed in front of

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his place of residence, and his house shall be burned down; if he is a government official, he is to be discharged from government service and remanded to a court-martial [for punishment]; if those seeing fit to defend and protect [the Armenians] are members of the military services, they are to be stripped of their ranks and expelled from the military and handed over to the above mentioned court-martial." This telegram should be sufficient to point out what sorts of intimidation and terror were used in the course of these events to prevent the Muslim people of those areas from being able to successfully implement the command of Islam's Sacred Law, which orders us to "forbid acts of indecency and wickedness;"\* it should also suggest to those having common sense and satisfy those who bear justice in mind, that the local Muslim population and minor government officials cannot be blamed for the horrible events that took place.

Another item of evidence among the proofs confirming Tal'at Bey's criminal responsibility is the sworn statement of Hâfız Mehmed Bey, former member of parliament from Trabzon. In his statement, Hâfız Mehmed Bey explains how the Armenians [living] on the shores of the Black Sea were loaded onto rowboats and drowned, and that even though he informed Tal'at Bey of these atrocities, no action was taken against the governor, Cemâl Azmî (series 15).

A telegram in code from Münîr Bey, the governor of Erzurum, dated 14 December 1334 [1918], states that the column of wealthy deportees sent from Erzurum by way of Kiği had been subjected to murders and looting at the hands of armed bands, organized by central committee member Bahâüddîn Şâkir Bey, and [the tribes] of Dersim, all this taking place against the wishes of former governor Tahsîn Bey (series 16). This also confirms the existing evidence of criminal responsibility.

<sup>\*[</sup>nahy Cani'l-munkar is a cardinal principle of Islamic law, often repeated in the Koran, especially in Sura XVI:90, a verse read every Friday in Sunni Muslim mosques: "Lo! God enjoins justice and kindness, and giving to kinsfolk, and He forbids lewdness and indecency and wickedness, admonishing you so that you may take heed." See also Sura III:104. "and let there be from you a nation who invite to goodness, and enjoin right conduct and forbid indecency."]

Another piece of evidence regarding the activities of the CUP's representatives, for which the CUP central organization must be held accountable, is contained in the written deposition of Cemâl Âsaf Bey (series 18). This concerns the way in which some of the deportees were murdered by the Kürd Ulüvv [Kurdish Greatness] band of irregulars organized by Cemal Oguz Bey, formerly CUP secretary for Çankırı and presently a merchant. The detailed statement of Colonel Halîl Recâ'î Bey, containing the names of witnesses who can give further information, must be numbered among the exceptionally noteworthy and memorable recorded statements (series 2, page 1). In this statement, Colonel Halîl Recâ'î Bey states that during the Ankara deportations the local CUP branch sent an individual named Tayyib Efendi to the commandant, with the proposal that Armenian public health officials employed by the military be deprived of their military status; he describes the methods by which members of the CUP central committee Memdûh Şevket and his brother Re'fet Bey, who went to Ankara at that time, became wealthy; he gives further details of the Ankara deportations and the degree to which CUP secretary Necâtî Bey intervened in these events; and he recounts the actions of former Ankara police chief Manastirli Bahauddîn Bey, who played a considerable role in this regard. Although steps were taken by the local authorities to have this Bahauddîn Bey handed over to a court-martial and to initiate legal proceedings against him, he was saved from prosecution by being recalled to Istanbul; the documents of the investigation were inot forwarded at the request of the Ministry of the Interior but were later procured and recovered by the Ministry of War.

According to the results of our investigations, while those who vehemently rejected and chose to refuse to participate in the abovementioned atrocities were regarded and treated as traitors, active elements like Bahâüddîn Bey were the beneficiaries of a great deal of official protection and patronage. In fact, former Interior Minister Tal'at Bey especially recommended Bahâüddîn Bey to Vehîb Paşa, the commander of the Eastern Army Group, and

as a result of this recommendation Bahâüddîn Bey was offered a position, serving for a time attached to the court-martial at Samsun, after which it is understood that he slipped away and fled to parts unknown (written deposition by Vehîb Paşa, included in the dossier).

Among other proofs constituting evidence that serves to corroborate the indictment and to incriminate the CUP's central committee and the ministers who served as ex-officio members of its executive council, are the following documents: statements by Governor Reşîd Paşa (series 2, page 13), explaining the deportations in Kastamonu, the fact that he had written to the ministry concerning the crimes and evil acts committed by Kastamonu CUP secretary Hasan Fehmî Efendi but was not able to get the ministry to listen, and that he had instead received a telegram in code from Dr. Bahâüddîn Şâkir Bey explaining the necessity for the deportations (copies of the telegrams are attached); a statement by İhsân Efendi, member of parliament for İzmir, who states that at a meeting of the CUP he had given a memorandum to Tal'at Bey, the party's chairman, telling him of the atrocities and acts of oppression committed against the Armenians and demanding an investigation of all CUP party secretaries, Dr. Reşîd, Cemâl Azmî, 🕾 Sâbit, Mu'ammer, Âtıf, and former general director of prisons Ibrahim Bey; Ihsân Bey states that Tal'at Bey, instead of acting on the recommendation, threw aside the memorandum, marking it "confidential;" he further states that at the Sporting Club in Izmir Tal'at Bey told him, "I will see to it that those [Armenians] here come to the same end as the others," and that Tal'at Bey said that Dr. Nazım and his accomplices were all effective agents (series 3); further, there is Vehîb Paşa's written deposition, stating that the killing and annihilation of the Armenians, and the looting and seizing of their property were the result of decisions taken by the Central Committee of the CUP; he states that the individual who recruited butchers of people in the region of the third army, and who directed and employed them, was Bahâüddîn Şâkir Bey; Vehîb Paşa goes on to say that

leading government officials submitted to Bahâüddîn Şâkir Bey's commands and instructions, even as all the human calamities, illegal acts, and banditry that took place in the Third Army region issued directly from the hands of Bahâüddîn Şâkir Bey; while the one procured his accomplices from among convicts reprieved from execution and hard labor, the others provided their bloody-minded and bloody-handed gendarmes, etc. (series 7, page 3). All of the above serves as evidence to corroborate the indictment.

Among further documents in evidence proving and conclusively confirming the accusations contained in this indictment are the following: a statement by <u>Süleymân Nazîf Bey</u> (minutes of the /page 8 of original/

interrogations, page 6), to the effect that while traveling from Baghdad to Diyarbekir he [and his companions] had to hold their noses because of the stench of corpses; and that when Cemâl Paşa, the commander of the army, asked Tal'at Bey for the reason why Celâl Bey, the former governor of Konya, had been removed from Aleppo (minutes of the interrogations, page 7), Tal'at Bey gave the following answer: the reason [for Celâl Bey's dismissal] was a lack of agreement between Celâl Bey's views on the Armenian problem and the central government's views on this matter; though Celâl Bey had protected the Armenians in Konya, Dr. Nâzım had sent a deputy, Ali Rızâ Efendi, to give Celâl Bey friendly advice, saying he should not insist on holding out in a matter that the central government had decided on after wide and deep deliberations; finally he [Celal Bey] was removed from his post; when he went to Istanbul and tried to tell Tal'at and Dr. Nâzım the objectionable nature of [this solution to] this problem, they told him that they were convinced of the necessity and usefulness of this affair, and Dr. Nazım even went as far as to say that this undertaking would take care of the Eastern Question once and for all; the statement goes on to cite Hayrî Efendi, who said that although he tried to block [the measures against the Armenians],

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he was unable to succeed in doing so. Further, there is the sworn statement by Mazhar Bey, former governor of Ankara, who states that he was dismissed from his post because he refused to carry out suggestions made to him in connection with the deportation and annihilation [of the Ankara Armenians] (minutes of the interrogations, page 17). There is the statement of Hamîd Bey, former general director of the administrative inspection commission, concerning the oppressions and executions carried out against the Arabs, and the liquidation of two district chiefs [kaymakam] by order of the governor of Diyarbekir because they had refused to comply with the deportations. Concerning the atrocities committed in Trabzon and the individuals who committed them, there is the statement of Lutfî Bey, general director of revenues for the Ministry of Finance (minutes of the interrogations, pages 34, 38, 43), regarding [the role of] Trabzon CUP party secretary Na'il Bey. Further, there is the statement given by Sabûr Sâmî Bey, former district governor of Antalya, who states that Bahâüddîn Şâkir Bey had sent a telegram in code from Erzurum to the Antalya district governor's office, to the effect that, "while Armenians from the areas of Erzurum, Van, Bitlis, Diyarbekir, Sivas, and Trabzon have been sent off in the direction of Mosul and Zor [Deir ez-Zor], so that not a single Armenian remains in those areas, what are you doing in Antalya?" Sabûr Sâmî Bey says that even though he sent a copy of this telegram to Tallat Bey, he was unable to elicit any response (minutes of the interrogations, page 44). Lastly, the statement by Ra'dî Bey concerning the deportations in Ankara and on [the role of] Ankara CUP party secretary Necâtî Bey, is yet another piece of evidence proving and supporting the accusations made in the indictment.

A further document that plainly points out the connections between the TM and the CUP is the phrase: "since it appears that you have no work remaining to be done there, set out right away for Trabzon to carry out a duty even more important than the Artvin problem; Ya'kub Celîl Bey who will set out from here will bring you the necessary explanations and instructions." This is

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part of a reply to a coded telegram sent by Bahâüddîn Şâkir Bey to the CUP Central Committee by way of Interior Minister Tal'at Bey. The text of the reply, numbered 69, can be found in the dossier on the TM, written on the back of the decoded text of Bahâüddîn Şâkir Bey's telegram.

Those of the accused who held office as government ministers issued denials as part of their statements during the interrogations, bringing up the problem that they were acting in the course of their official duties. They cite in their defense the claim that according to the constitution they are not subject to investigation and trial by the martial-law court-martial, since the constitution provides for the setting up of a special high court [to be constituted for such instances]. However it is unnecessary to explain that the 96th article of the constitution, which they cite as the basis for this claim, is limited to punishable acts stemming from political actions performed in connection with their official duties. According to article 33 of the constitution, government ministers have no legal immunity of any sort if they personally carry out or indirectly contribute to ordinary criminal acts. It follows that in such cases the proper court of recourse is an ordinary criminal court. localities placed under martial law, according to the martial law decree, the ordinary laws governing administrative and judicial matters are suspended in their entirety, "and according to the provisions of the abovementioned decree, the proper courts for abjudicating criminal matters are the martial-law court-martials, which are also responsible for investigating incitement to murder, profiteering, and like crimes." Accordingly, the objections by the defendants based on their official positions have been rejected as irrelevant. As delineated above, sufficient proofs and evidence have been produced concerning the involvement of the following. defendants in the crimes which have been outlined in the indictment: Dr. Bahâüddîn Şâkir, Dr. Nâzım, Âtıf Bey, Rızâ Bey, Cevâd Bey, Azîz Bey, and Enver Bey, Cemâl Bey, Tal'at Bey (formerly holding the title Paşa). Since they acted as accomplices in the

killings, and since the acts they committed are of a sort that requires the imposition of deterrent punishment, they are to be charged and tried according to paragraph 1 of article 45 and article 170 of the criminal code. Defendants who were not direct accomplices in the commission of these crimes, but indirectly contributed to the commission of these criminal acts by knowingly acting in support of the actions of the accused, include: Midhat Şükrî, Dr. Rüsûhî, the younger Tal'at, Ziyâ Gökalp, and Kemâl Bey, Sa'îd Halîm Paşa, Ahmed Nesîmî Bey, Şükrî Bey, İbrahim Bey, and Halîl Bey. According to paragraph 2 of article 45 of the criminal code they are also subject to prosecution under the abovementioned article. This being the case, it has been decreed that it is necessary that the abovementioned defendants be tried by the martial-law court-martial of Istanbul for the crime of murder. Accordingly, it has been decreed that the documents of the investigation with all particulars be forwarded for prosecution to the office of the public prosecutor of the abovementioned court-martial.

10 Rajab 1337 AH / 12 April 1335 [1919]

#### Translator's note:

The translation follows the original text literally. Nothing of substance has been added or deleted. In order to make the translation intelligible in English, some long Turkish sentences have been translated as several shorter English sentences, while in others the sequence of phrases has been reversed to follow the logic of English syntax. Any significant additions and explanatory notes supplied by the translator have been clearly marked by the use of brackets [].

Dates in the text are given according to the Ottoman fiscal calendar. In this mixed solar-hijr system, the new year began on March 1st. The numbering of the days and months was the same as the Christian Julian (Old Style) calendar, while the years were numbered Muslim-style from the date of the Prophet Muhammad's emigration (hijra) from Mecca to Medina. In fiscal 1332 (1916-17) there was a calendar reform, when the days and months were converted from the Julian to the Gregorian system by the expedient of skipping 13 days at the end of 1332 (16 February 1332 = 1 March 1333). Thus, after 1 March 1333 (1917) all dates of the days and months correspond to our present calendar, the only differences being the observance of the new year on 1 March instead of 1 January and the numbering of the years. In all cases where dates are cited in the text, modern equivalents have been provided in brackets.

## POST-ARMENOCIDE

# TURKISH JUSTICE TO THE ARMENIAN

#### PEOPLE

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- 2. Introduction: Researches since 1937 starting in Rome
- 3. Researches all over erchives available for study.
- 4. Author's travels in the middle-East including Turkey,

  Europe and North America. Author fluent middle-eastern

  and western languages.
- 5. Post-Armenocide Armeno-Turkish Reconciliation forced by Turkish Authorities.
- 6.-Changes-in-the-Ottoman-Empire.
- 7. The Fall of Talat Pasha's Cabinet October 7, 1918.
- 8. Now Cabinet of Izzet Pashm and the Escape of the Major authors of Armenocide.
- 9. Amnesty concerning Armenian deportees and Armenian prisoners in Turkey.
- 10. Amnesty General excepting those individuals involved in Armenian deportations.
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- 12. The Fifth Section of the Ottoman Chamber to bring to justice the two War Cabinet Members L913-1918.
- 13. The Dissolution of the Ottoman Chamber.

	14. Jurisprudence: Controversy in between the Council
	of Ministers and The Department of Justice and the
	Chamber.
	15. Allied Powers reserve to themselves the trial of
	the responsible individuals involved in crimes against
	humanity.
	16. Trikish Inquiry Commission to prepare dossiers
	17. Turkish Extraordinary Court Martial tries the authors
·	and-accomplices-of-the-Armenocide.
	18. Collection of Official Turkish documents by the Court
	Martial concerning Armenocide.
·	19. The Turkish Extraordinary Court Martial establishes
	the authenticity of official documents concerning
	Armenocide.
	20. The Turkish Extrordinary Court Martital interpretes
	the T urkish official documents.
	21. Arrest of criminals.
	22. The Ottoman Empire divided into TEN regions and in
	each region established Courts Martial to try res-
	ponsible individuals involved in Armenocide.
	23. Categories of criminals:
	24. Turkish Court Martial sentenced to death the major
	authors of the Armenocide.
	25. British Government removed from Turkish trial the
	criminals-to-Malta.

PROVISIONAL LAW REGARDING THE GOODS, DEBTS AND CREDITS OF THOSE PERSONS
WHO HAVE BEEN TRANSPORTED ELSEWHERE.

# Article I.

The goods, debts and credits of particulars and moral persons who have been transported elsewhere, in conformity with the provisional law of 14th May 1331 - 26/5/1915, will be liquidated by the courts upon presentation of a statement of accounts drawn up especially for each person by a commission instituted for this task.

## Article II.

The properties consisting of buildings (wakf idjareteinli) and of wakf lands belonging to such persons as are referred to in Article I, will be set down in the name of the Ministry for pious (?) foundations; the other buildings will be set down to the name of the Finance Ministry. After the liquidation of the status of the proprietor, the remainder of the sum from the value of his property will be remitted to him which will be settled with him by one of these two Ministries.

In all the lawsuits concerning buildings and all matters related to them, either due to contested ownership or other causes, the other party will be represented by employees of the Cadastre (administration for land assessment). Ownership may be established by evidence other than writs of property issued by the Ministry of Cadastres, on condition that it is not a question of an apocryphal statement.

If during these acts of transfer and the sales made by the above-mentioned persons, within the 15 days before their transport, it is established, following a lawsuit, that there exist simulation of excessive deceit, the act will be annulled.

## Article III.

The ready moneys, moveable goods abandoned, credits and deposits of the persons above-cited, will be collected, retaken and demanded of the debtors by the presidents of the ad hoc commissions, who will, simultaneously operate the sale of those abandoned goods which are not contested. The sums thus constituted will be left in deposit in the safe of the Finance Ministry set down in the name of the proprietors.

### Article IV.

A two month delay is granted to those who claim they have rights on the abandoned buildings or who say they are creditors of the transported persons, in order that they may have the time to address themselves personnally or through an empowered party to the commission and have their claims inscribed. This delay is of four months for those persons who are living abroad. Besides, they must select a domicile in the city where the commission is staying to enable that the necessary communications be made to them. The lawsuits undertake after this delay will follow the rules of ordinary procedure and persons who have a warranted right from such lawsuits will not be able to lay claim to the goods liquidated in conformity with the present law.

#### Artiole V.

The commissions will find out the evidence of each debt and each credit they will accept and set down those that they will have found to be warranted and will send the creditors to the competent courts after having set down the contested lawsuits regarding abandoned goods. Moreover, the

commission will draw up a balance sheet of the assets and liabilities of each person and will bring these balance sheets to the knowledge of interested parties by posting legalized copies of them at the places indicated while the originals of these balance sheets with relevant items will remitted to the attorney general.

The attorney general will forward these documents to the arbitration court of the conscription wherein the debtor had his legal residence before his transport and will ask this court to register these documents. Creditors may submit their objections to these bills of right before competent courts and this within fifteen days of the notice being posted.

Upon expiration of the delay, the court will examine the accounts in the presence of the attorney general and if objections have been submitted, it will urgently summon the person who has formulated them and the commission president or the person replacing him so that note be taken of the claim and the defence. Thereupon the court will effect the necessary modifications in the balance sheets in question and after registering them, will turn them over to the commissions in the form of court sentences to be effected in conformity with the dispositions of the following article:

These sentences are not susceptible to objections, deferments, appeals or cessation.

# Article VI.

The task of paying the privileged and ordinary debts of the debtor, in conformity with court's final sentence, falls upon the liquidation commissions, and upon the executive courts when the commissions are no longer in session. If the total of the goods of the debtor are not enough for the integral payment of his ordinary and privileged debts, these are paid in proportion with the assets.

#### Article VII.

Conservation seizures and executive seizures effected as regards the goods of displaced persons, either by the courts or the administrative offices of the State will be nul and void and those who have effected these seizures will comply by the present law. Those who have lawsuits in process against displaced persons will be free to address themselves to the commissions or to allow the matter to run its normal course in conformity with the general dispositions. The last paragraph of article 4 is applicable to those who do not address themselves to the commissions. The lawsuits in process that are in favour of these persons will be pursued by the president of the commission or one appointed by him.

### Article VIII.

The manner in which the commissions will be instituted and the application of the different dispositions of the present law will be the object of a statute.

## Article IX.

The constructed buildings of the category of Idjareteinli wakfs as well as wakf lands and other buildings set down to the account of the Ministry of Wakfs and Finances, may be, in conformity with rules regarding the emigrants be distributed to immigrants.

# Article X.

The Ministers of Wakfs, of the Interior, of Justice and of Finances are charged with the execution of the present law.

#### Article XI.

The present law will be in force as from the day of its promulgation.

26th September, 1915.

#### POST ARMENOCIDE: TURKISH JUSTICE TOWARDS THE ARMENIANS

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- 39. Expertise
- 4. Author's Travels, including Turkey, Europe and North America
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- 7. Fall of Talat Pasha's Cabinet: October 7,1918
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- 11. Armenian Massacre discussed in the Ottoman Chamber, Nov. 3,1918
- 12. Fifth Section the Ottoman Chamber, ordering the two War Cabinets Members of -1913-1918-the brought to traal.
- 13. Dissolution of the Ottoman Chamber, accomplice and responsible
- 14. Jurisprudence: Controversy between Council of Ministers, Department of Justice, and the Chamber
- 15. Allied Powers reserve the right to try those Responsible for Crimes against Humanity
- 16. Turkish Inquiry Commission to prepare Dossiers
- 17. Turkish Extra-Ordinary Court Martial tries Remarkable Masterminds of the Armenocide and their Accomplices.
- 18. Court Martial orders all official Turkish Documents pertaining to the Armenocide
- 19. Turkish Extra-Ordinary Court Martial established authenticity of the Official Documents
- 20. Inkered Court's Interpretation of the official Documents.
- 21. Criminals Arrested.
- 22. Establishment of ten regions, each with its own Court Martial to try \*\* those Responsible for the Armenocide.
- 23. Categorical delineation of the Criminals
- 24. Death Sentenced meted to Major Masterminds of the Plot to Commit Armenocide
- 25. British Government removes criminals to Malta.

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