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35 Confiscation - UN

Krikor Guerguerian

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SEIZURE
(1929)

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DOSSIER
CVII

107

Ordinance

stating null and void the wholesale
by the Agricultural Bank of immovable
property of Armenian deportees of Cilicia.

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

Whereas, the Agricultural Bank, having violated the
Ottoman law, pursued and realized the wholesale of immovable
property of Armenian deportees hypothecating them by mean
of mortgage;

Whereas, there are reasons to put an end to the con-
sequences of this illegality;

change Having an eye upon the Decree of January 19, 1919,
of the High General Commander, who (organized temporarily)
the Administration of enemy-occupied territories in the
North of Cilicia;

Having an eye upon the sixth annex of the Instruction
of February 19, 1919, of the High General Commander,

D E C I D E S :

Article 1

Are stated null and void, ^A as a violation of the Ottoman
law, the wholesales of all immovable property ^{to the} ~~in~~ detriment
of Armenian deportees, carried out by the Bank of Agricul-
ture on the basis of mortgages handed over ^{to} the Armenians
prior to the declaration of war by Turkey, ↗

65f

Article 2 ^{original} ^{have the right}
The former owners shall get a right to ^(re) possess their property as soon as they establish their former ownership to ^{said} these property.

^{been} If the lands, the former owners shall ^{have} receive, are planted, the former owners have to pay, during harvest, the ^{cost} value of labor to the planters; this ^{cost} value will be estimated, in the event of discrepancy, by arbitration of the Commission of the Province;

Article 3

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

Article 4

All transgressions of aforesaid provisions shall be subject to one day to six month ^(term of) imprisonment and a fine of 50-100 Turkish Pounds.

Article 5

Civil and military authorities (have the jurisdiction) each in its ^{respective} Department, to carry out the present Decree.

Adana, April 3, 1919.

Administration of Enemy-Occupied Territories
^{the} in Northern Zone of Cilicia:

Signed/ Col. Brémond.

See: Jagadamart, Armenian daily, published in Constantinople, Wednesday, April 16, 1919.

Paris, August 20, 1925

Mr. President:

We have the honor to submit ^{for} ~~to~~ your kind consideration ^{following} the memorandum ^{on} ~~to~~ here below, which exposes the treatment imposed ~~to~~ the Armenians of Turkey by the Government of Ankara, ~~and~~ ^{earliest} ~~nearest~~ We request you to schedule ^{on} ~~in~~ the agenda of the ~~nearest~~ meeting of the Council of the League of Nations, the question which will be its object, and which, partly, has already been the object of deliberations.

We are convinced ^{that} ~~that~~ our ^{legal} (lawful) protestation will find a favourable reception at your Honorable Tribunal, and that an equitable and quick solution will be given to these grievance, ^{as stated} ~~as exposed~~, We have the honor to present you the homage of our highest consideration.

For the Central Committee of the Armenian

Refugees:

Signed/ Leon Pashalian.

To His Excellency Mr. Quinones de Leon

President of the Council of the League of Nations.

The Treaty of Lau^Szane^N and the Armenians
of Turkey.

About a year has elapsed since the coming into force of the Treaty of Lau^Szane^N, and we ^{regret} ~~(are sorry)~~ ^{that} ~~to see that the same~~ ~~Treaty, which,~~ ^{Although} ~~passing over the vital rights of Armenians,~~ ^{it} ~~had~~ at least envisaged in ^{its} ~~the~~ stipulations concerning Mino-

has come into effect

rities and General Amnesty, a certain amelioration of their future destiny, ^{We are sorry that it is} has not been observed. Really, their ^{honored} (signature) ^{made it} became worse.

Not to speak about the Armenians of Turkey residing in foreign ^{countries} country, we ^{must} (have to) point out that the Government of Ankara ^{exercised} exercised an inexorable ^{hardness} hardness in their respect, ^{severity} ^{ships towards them} ^{severity}

In spite of the statements of the Turkish Delegates at the Conference of Lauzane, ^{S H} (the Government) have not ^{authorized} authorized any one of them to return ^{to} into Turkey, and ^{with the succession} with the succession of measures and regulations, ^{Officials of the Government saw fit} they were pleased to seize all their possessions.

^{At} In the beginning, it was said that there was no question of "Abandoned Goods" of "Fugitives" ^{only} (only) and they stated that they were directed ^{only} only by ^{the concern} anxiety of ^{safe} safeguarding these possessions, waiting ^{for} the rightful owners ^{to} return, ~~home~~.

But a "Law" ^{last} lastly promulgated April 15, 1923, changed the ^{at} feature and ~~dictated~~ ^{dictated} that the seizure must be extended ~~to~~ to all ^{other} ~~over~~ property of absent persons, whatever ~~may be~~ the date, reasons and circumstances of their departure, ^{may be}.

Moreover, the right to be ^{re} presented by a procurator was ^{denied} refused expressly, and all procurations were declared in advance null and void.

Very recently, at Smyrna and elsewhere, they proceeded by auction sales to sell the property they seized.

Extending the stipulations of the "Law", the Government ^{has} (have) confiscated as well the deposits of Armenians in the Banks and Agencies of Foreign Banks, ^{as well} and issued a writ of

attachment against the deposits transferred to Europe by the same Agencies, ^{Such} that, ^{by the Government} in consequence, ~~believed to be~~?

it was not obliged ~~not~~ to restore them to their lawful owners.

We may point out, ~~(by the way)~~ ^{authorities} that the Turkish ~~authorities~~ have promised to grant a premium to all those persons who would denounce the absent ^{ees} people, ^{Further} and ^{deliberated upon} they considered and ~~threatened~~ ^{even} ~~(threatened so such)~~ ^{held} individuals who ~~have~~ never left Turkey, but whose ^{place of} property were ^{located} situated in the localities other than their actual residence.

The Armenians of Turkey, before and during ^{the} ~~the~~ world War I), ~~have~~ left the country for ^{business,} ~~commercial affairs,~~ for reasons of health or to ^{follow} achieve their studies, ^{authorization} by ~~atuo-~~ ^{either} ^{valid} ^{complete} rization, with regular passports delivered to them by the Turkish authorities, or, later ~~on~~, during the occupation (by the Allied forces) with a ^{pass} ~~regular safe-conduct~~ delivered by the Allied ^{authorities} authorities. Others ~~have~~ left the country after the Smyrna affair: the ^{ant} Commandment of the Turkish Army, the ~~Division~~ ^{soon} Division General Nureddine Pasha, as ~~early~~ as he entered ~~into~~ the city, invited the Greeks and Armenians inhabitants, ~~under the treatment to deport them~~ ^{ation} by force to the interior and detain ^{where they were} them in concentration camps, ^{or} to leave immediately the country ~~without~~ being subject to passport formalities.

The Armenians, Turkish subjects, who were ^{had been} during long ^{for many years} ~~years~~ residing in foreign countries, and others who left Turkey ^{various reasons} for ~~affairs~~, during or after war, ^{the} ~~are~~ ^{have} all ^{been} deprived of their ^{furniture} furniture, buildings, ^{bank} deposits in ~~banks~~ and ~~so on~~. ^{the assets}

on business

reference to

We must ~~we~~ remember also, ^{mention mental} the ~~moral~~ torture inflicted ^{on} to many families, some members of which are resident ^{of} in foreign countries, ^{and who} are not ^{allowed} authorized to join their relatives at home.

Moreover, the Turkish Consular ^h authorities refuse to recognize the ^{constitutional rights} ~~organic~~ statute of Armenians in foreign countries and deliver ~~them~~ ^{identification papers to them} identifying documents, so that all their ^{business} affairs of heritage will, ⁱⁿ guardianship, emancipation etc, ^{have} been ~~are~~ suspended.

The Armenians ^{have been patiently} were ~~waiting~~ until now ~~in patience~~ hoping that this situation will be ended, but ^{instead of} far from diminishing, rigorous measures are ^{being} reinforced ^{every} day by day. The ~~claims~~ ^{being} are made from ^{all quarters} every part and protestations are ^{ing} accumulated.

Neither human rights, nor constitutional laws of Turkey, ~~neither~~ ^{es} tractations at Lauzane ^s, nor ~~the~~ ^a Franco-Turkish agreement at Ankara, and ^{is} neither the Treaty of Kars, concluded on October 31, 1921, ~~do not~~ justify these acts. Any lawful principle ^{es} do not admit seizure of property. General Amnesty had been proclaimed by the Treaty of Lauzane ^s. Even the ~~150~~ ^{hundred-fifty} Moslems, sentenced to death by the Turkish Courts and excluded ~~from~~ amnesty gratification, have not been deprived of their property; they have been given ^{time} (a delay) to liquidate ^{at} their possessions through procurators. The same right was recognized ^{for the} to Greeks of Constantinople, who were subjected to be exchanged. The most elementary justice urges ^{the} for ~~Armenians~~ ^{at least equal} treatment ^{for the Armenians} ~~at least equal~~ as ^{to that} it is prescribed by the stipulations of the Lauzane Treaty.

In addition, the Turkish authorities find ~~fault~~ fault

with these Armenians who, during ^{the} foreign occupation of Turkish territories, have ^d been granted, by decision of the Allied ^{authorities} authorities, passports and special protection to travel to Europe, and ^{will} would not recognize them as their ~~subjects~~, Turkish subjects. Is it admissible that ~~the~~ Allied protection, forcibly of temporary character and which ^{capable of} could not bestowing ^{cause} a foreign nationality, may be used as a ~~motif~~ of perpetual banishment and spoliation against those persons?

Turkey ^{formally} formally limited in the Lauzane ^{S N} Treaty the cases and conditions of the change of nationality, granting this right only to the inhabitants of the territories ~~detached~~ detached from ^{the} Ottoman Empire, how can ^{they} now they refuse to recognize Turkish nationality to their ~~Armenians~~ subjects of Armenian descent, to whom the above-mentioned provisions cannot be applied.

^{is} No principle ^f autorizes to hinder voluntary return to home of a citizen) who has not been sentenced by a tribunal, and oblige him to abandon his original citizenship, unless his natal ^{of birth} country ^{surrendered} has been detached by a Treaty, even in such case one must have the right of option and the liberty to dispose property. Many Moslems of Constantinople have traveled ^b to Europe, after Armistice, with the same passports delivered by Allied ^{authorities} authorities, and this, of ^{course} course, has never constituted a ^{cause to forfeit} motif of forfeiture ~~from~~ from nationality and seizure of property.

It is time to stop ^{this} these flagrant denial of justice and inequality of treatment which has a tendency to perpetuate

only hatred and animosity, and that is antipodal to the basic principles intended by the Treaty. France, Great-Britain and Italy that made ^{commitments} engagements in regard to Armenians, and the League of Nations, charged by Lauzane^{S/N} Treaty to safeguard the rights of minorities, "which constitute obligations of international interest" and had been guaranteed, have the duty to take this situation ^{under} into serious consideration, and we must hope that the Government of Ankara, under better inspirations, would not ^{hesitate to carry out} miss to accomplish the duties of a modern and civilized State.

The points to be established may be resumed as follows:

1. Restitution to Armenians of their property and ^{facility} ~~faculty~~ for those who would not return to Turkey, to administer their property by procurators.
2. ^{choice} Faculty to return to Turkey for those Armenians who would desire, ^{and} recognizing to enjoy the same rights as other Turkish citizens.
3. Acknowledgement of the personal ^{status} ~~statute~~ of Armenians of Turkey who reside in² foreign country and wish to preserve their Turkish citizenship.

Paris, August 20, 1924.

" " " " " " " " " " " "

Geneva, September 5, 1925

Mr. Secretary General:

With reference to our letter dated last ^{August (1925)} August 20 accompanied by a memorandum on the treatment inflicted by the Governme

Recognition of
the right

and that
way

of Ankara to Armenians of Turkey residing in foreign countries, we have the honor to include herewith the list, which appeared until to day in ^{the} Turkish newspapers, of all property belonging to those Armenians, which have been sold in public auctions ⁱⁿ at several cities of Turkey.

The silence kept until now by the League of Nations in such an affair, which, in conformity with the Treaty of Lauzane^S, ^N (is) depending on its jurisdiction, serves as an encouragement to the Government of Ankara to continue its policy of spoliation in regard of us (Armenians) and achieve by final measures. We request ^{urgently} instantly once more to bring this question to the Council of the League of Nations now ^{Session} in meeting at Geneva.

can you re-phrase this?

Please, Mr. Secretary General, be sure to accept our assurance of high consideration.

The Secretary General:

Signed/ Leon Pashalian.

To Hon. Sir James Eric Drummond

K.C.M.G.C.B.

Secretary General of the League of Nations,

Geneva.

Memorandum

of the Central Committee for the Armenian Refugees despatched to the Secretary General of the League of Nations on November 22, 1925.

Paris, November 22, 1925

Mr. Secretary General:

In our request of last August 20, 1925, we had the honor to

bring to your kind attention on the situation created for the Turkish subject ^S ~~Armenian~~ of Armenian descent, whose ^{were} property are seized by the Government of Ankara under the pretext that they ^{were} are absent from Turkey and that the property are "Abandoned Goods".

^{Since} Since that date, no measures have been taken to put an end to the flagrant injustice to which ~~are~~ ^{are submitted} submitted our unfortunate compatriots. The Turkish ^{Authorities} authorities persist in refusing to grant them passports and do not ^{authorize} authorize them to go and ^{claim} get possession of their property; at the same time they declare that the acts of procuration are not valid any more, do not recognize the procurators designated by those who have the right to do so, and they are ~~considering~~ continuing to sell seized property and appropriate the valuables. as well as ^{located} in Constantinople as in Smyrna and in other cities of Turkey.

P-6045
The same fate is forfeited to the property of Armenian communities such as churches, monasteries, schools, etc.

This state of things remain inexplicable and inexplicated, in spite of reiterated recourses that the interested persons have never ceased to make to the ^{recognized} competent ^{authorities} authorities.

Let us come to the question posed in by our above-mentioned request and expose, as complementary information, certain points which demonstrate clearly all the illegality of the acts committed against us and the conclusiveness of our complaints.

1. The so called "Law" of "Abandoned Goods" that the ^{proclaimed} Government of Ankara edicted April 1923, is formally incon-

sistant with the rights of Minorities that (the Turkish Government) are in ^{obliged} obligation to respect. In fact, in the Article 37 of the Lauzane Treaty, Turkey had recognized as fundamental laws the stipulations contained in Articles 38 to 44 of the Treaty, concerning the protection of Minorities and had admitted that "no law, regulation, nor official action shall be in conflict or interfere with these stipulations, nor shall any law, regulation, nor action prevail over them."

2. The Article 39 and 40 of the Lauzane Treaty explicitly prescribe that the Turkish subjects belonging to non-Moslem Minorities, enjoy the same civil and political rights as Moslems. Now, the fact of living not in Turkey and being in a foreign country, cannot certainly deprive Armenians of their ^{rights as} quality of being Turkish subjects, considering that the absence is a common right and does never constitute a change of nationality.

3. The Articles 30 and 36 of the Lauzane Treaty having specified the persons who cease to be Turkish subjects, precizing the conditions of changing their nationality (Syria, Palestine, Mesopotamia, etc.), therefore, Armenians who do not enter in this category, remain as they were Turkish ^{Subjects} subjects, and the Government of Ankara is contesting to them this capacity.)

4. Armenians whom^e the Government of Ankara would deny have never been ^{the} subject of condemnation by the Turkish courts. Moreover, the amnesty proclaimed by in the Treaty of Lauzane^s,ⁿ

Minors
their rights

recovers them, as ~~(have been covered)~~ all other Turkish subjects, Moslem and non-Moslem.

5. Nothing ^{authorizes} the Turkish ^{authorities} to consider as "Abandoned Goods" the property of Armenians who claim them personally or by ² procurator. It is arbitrary to conceal administratively their deeds (of property), to refuse to recognize the acts of procuration, to seize their deposits in Banks, to collect their rentals of ~~buildings~~ buildings, to sell and appropriate the products, while these possessions have their owners and rightful claimants.

It is so ^{unjust} strange to impose ^{on} to Armenians such a treatment that, in any case, is not even equal to the treatment imposed to 150 Turkish Moslems excluded from the stipulations of amnesty proclaimed by the Lauzane Treaty; the latter sentenced to death by the Courts-Martial and exiled from the country, have been granted ^{the right to} (to enjoy and) dispose their property in Turkey.

6. Finally, one must not disregard that the Treaty of Lauzane ^{is} use intentionally, following the case, the terms of "subjectts" (ressortissants) and "inhabitants" to ^{7.} guarantee the special rights of every one. In fact, the "Subject" is a Turkish subject, may live not in Turkey and have residence in foreign country, while "inhabitant" is considered as ^{permanent} (p) residing in Turkey in a more or less fixed manner and may be not ^{be} (u) Turkish ^{subject} ssubject.

Reitering, Mr. Secretary General, our request to take into consideration our petition and provide all our recour-

petitions

used

Re-iterating

made a formal statement that the notice in question did not concern Armenians.

Even those (Armenians) who were provided with regular passports delivered by the Turkish authorities prior to the war, had their requests rejected. Persons (worthy of faith, ?) may produce their written testimonies if requested to affirm this fact.

Informing you of the proceedings and the facts, we believe that we must prevent all argumentation against which the Turkish Government might prevail in the future, (reproaching) to Armenians, Turkish subjects, residing in foreign countries having not regularized their situation between the fixed delay.

Please, Mr. Secretary General, be sure of the assurance of my highest consideration.

The Secretary General:

Signed/ Leon Pashalian.

To Hon. Sir James Eric Drummond,

K.C.M.G. C. B.

Secretary General of the League of Nations,

Geneva.

Paris, January 25, 1926

Mr. Secretary General:

We have the duty to bring ~~in~~ ^{to the/ special} particular attention of the Council of the League of Nations the statements that Mr. Shukri Bey Sarajoglu, member of the Turkish Delegation at Geneva, has made when returning to Constantinople and which have been pub-

Part 2 including
concerning

lished in the (No of) December 26 of "Jumhuriyet", ¹⁵⁵⁰² ^{Slav. offic. 24} official organ of the Turkish Government.

Interviewed by a correspondant of that newspaper, Mr. Shukri ^{Bey} ~~Bye~~ said among others:

"In the question of Armenians our Delegation has felt a just discontent. Before going to the meeting of the Council, (the Delegation) was complaining that this question has been scheduled in the agenda of the day, unlawfully. The Delegation said that the claimants are Armenians who to-day are not considered as Turkish subjects and if the League of Nations goes thoroughly into the question of the ^{claims} claimants made by individuals who have left Turkey, this would open the way again to worry the minorities, who had expressed their satisfaction about their state and (renouncement) to the provisions of the Article 42 of the Treaty of Lau^sane^N. So, the League of Nations would have (disconted[?] the people which they (League of Nations) have to protect."

At the same date (December 26, 1925) the Turkish newspapers published a notice, following which "considering that the sale of "Abandoned Goods" belonging to Armenians is suffering prejudicial delays to the interests of the country, ^{2v} an order had been given to the interested Departments to fix[?] the prices of buildings, fields and orchards abandoned belonging to Armenians and to sell them immediately ~~in~~ ~~and~~ by auction".

In the same order of facts, we must ^{report} signal that ^a few days ago, the Turkish Consul at Paris invited by an official

Notice all Turkish subjects to present themselves in order to regularize their personal statute, but when Armenians answered to this appeal, he ^{informed} made them ^{dismissed them} know that the notice could not concern them and sent them away home.

^{It follows that} ~~The~~ ^{It} results of these statements, measures and proceedings that the Government of Ankara is inexorably pursuing the application of the "Law" of April 15, 1923, which had ^{decreed} edicted the general seizure of the property of Armenians absent from the country, whatever may be the date, ^{reason} motif and circumstances of their departure, and which stated that the procurations given by the absent persons are no more valid.

The "Law" of the "Abandoned Goods" is based on an obvious equivocal, because the property it proclaims "Abandoned" have their proprietors and their rightful owners, who are ~~asking~~ ^{living} in existence, and who are claiming their rights. They would return home, or at least administrate their property by procurators, but they are ^{kept at hindere} hindere) by the Government.

It must be noticed that a great many of these Armenians were in foreign countries before ^{The} war (World War I), and that others have ^{went} gone during the hostilities (1914), all provided with regular passports and having plausible reasons as for commercial affairs, health, study, etc.

Also the inhabitants of Smyrna and the ~~the~~ ^{ordered} neighbouring districts who had been forcibly impelled to move temporarily from the country by the Commanders of the Turkish Armies, those localities having been declared military zone.

Finally, there are others, ^{fe-writes} (who seized by comprehensive panic, have gone,) waiting to get home when the situation will come into normal.

How one could rightfully refuse to all these Armenians, good and peaceful citizens, their capacity ^{right} to be Turkish subjects, that has not been ever expressed by an international act, such as for inhabitants of countries ^{ceded} detached from Turkey: Syria, Palestine, Irak, etc, and whose all ~~recourses~~ recourses effectuated to Ankara, remained unsuccessful? Have they proceeded in the same manner with other Moslem or non-Moslem subjects of Turkey? Does the Article 39 of the Lauzane Treaty not guarantee to Armenians to enjoy as well as Moslems the same rights civil and political?

Pretending that those, because ^{they are} Armenians, must stay at home and not travel, under the penalty of loosing their nationality, will be a non-sense, to like to dispossess them of their property because they are absent from the country temporarily ⁱ would have been inconceivable and inadmissible grossness in Law and justice.

By Article 37 of the Treaty of Lauzane ~~it~~ did not Turkey sign an engagement not to ~~promulgate~~ promulgate any law, any regulation or any official action in ~~an~~ contradiction with the stipulations concerning Minorities? How one may conciliate such an engagement with the treatment scarcely covered in the statements of Mr. Shukri Bey Sarajoglu relative to the future fate of Armenians in Turkey.

In the Note dated 20 October 1925, the Secretariat General of the Government of Ankara has written that "the

actual situation of Armenians having left Turkish territory before the signature of Lauzane Treaty has been regular^{ted}~~ized~~ by the Declaration of Ismet Pasha at the Conference of Lauzane, Declaration consigned in the ~~xxx~~ minutes No 13 of the session on Tuesday July 17, 1923."

Now the fact that he has been engaged to apply the amnesty in a large spirit, and has stated that only "trouble-makers" would be excluded from returning in Turkey; he had never spoken about the seizures which would be practiced on the property of Armenians absent from the country.

Such a measure seemed so unjust and far from his thinking, that even ¹⁵⁰ Moslems of Turkey sentenced to death by the Courts Martial and excluded from amnesty, ^{been granted} have recognized to enjoy their rights of disposing fully their property.

In the same order of thinking non-exchangeable Greeks who are ^{not} authorized to return to Turkey, have not deprived, rightfully, to ^{exercise} their rights on the property left by them in the country (Turkey).

It results of these considerations that the treatment inflicted to Armenians proceed from a confusion that the Council of the League of Nations has the charge to dissipate. It is not a question of Turkey's ^{internal} interior order, but of international order, and settled under the guarantee of the League of Nations.

It is under the compulsion of daily complaints that the Central Committee is making this recourse; these complaints are coming from Armenians temporarily residing in Greece,

re-written

Can this be re-written?

Bulgaria, Rumania and waiting with anxiety the solution of the question of their personal ^{status} statute, the safeguard of ~~the~~ what is remaining from their property, and the application of rights contained in the stipulations of the Lauzane Treaty concerning Minorities.

They cannot recognize the validity of sales made by Turkish ^{authorities} authorities under the fiction of "Abandoned Goods" and the amount of which, following the Turkish newspapers, already reached one million Turkish Pounds. They consider ~~that~~ these sales as null and void, and, trusting in their cause, are waiting for justice as well ~~as~~ from the League of Nations as ~~as~~ from the Turkish Government.

In any way, an urgent measure must be taken to ask the Government of Ankara to postpone the sale of property seized, until the solution to be given to this affair by the Council of the League of Nations.

Sincerely....

The Secretary General:

Signed/ Leon Pashalian.

The Hon. Sir James Eric Drummond

K.C.M.G.C.B.

Secretary of the League of Nations

Geneva.

Paris, June 1, 1926

Mr. Secretary General:

We have the honor to include herewith a memorandum concerning the illegality and nullity of the measures of

seizure and denationalization taken in regard of Armenians by the Turkish Government, composed by André Mandelstam, member of the Institute of International Right, who has agreed, as we have ^{noted} noticed to you in our letter dated February 4, 1926, to award his juridical concurrence.

We believe we have to add that all conclusions of Mr. Mandelstam are fully adopted by our Committee.

Please, Mr. Secretary General, be sure to agree the ^{accept} assurance of our high consideration.

The Secretary General:

Signed/ Leon Pashalian.

Hon. Sir James Eric Drummond

K.C.M.G.C.B.

Secretary General of the League of Nations

Geneva.

Memorandum

of Mr. André Mandelstam

on the illegality and nullity of measures of seizure and Denationalization taken against the Armenians

By Turkish Government.

I

The Rights of Armenians following The Treaty of Lauzane

The Article 39 of the Treaty of Lauzanne signed on July 24, 1923, carries: "The Turkish subjects belonging to non-Moslem minorities shall enjoy the same rights civil and political as the Moslems. All inhabitants of Turkey, without

distinction of religion, shall be equal before the law..."

And in the Article 44 of the same Treaty: "Turkey undertakes that, in the measure where the preceding Articles of the Section affect the non-Moslems of Turkey, the stipulations constitute obligations of international interest and placed under the guarantee of the League of Nations".

However, the Treaty of Lauzane is distinguished of the Treaties called of Minorities ~~concluded~~ concluded by the Principal Allied Powers with other States such as Poland, Czechoslovakia, ^{and others} etc, by the absence of stipulations regulating the acquisition or loss of nationality in Turkey. The Section II of the Part I of the Treaty is entitled "Nationality" concerning only Turkish subjects established on the territories ^{ceded} detached from Turkey.

So a distressing problem is posed. The protection of the League of Nations not being assured by the Treaty of Lauzane only to non-Moslem minorities, ^{who} which are subjects of Turkey. Must we conclude from this that (Turkey) has the right to exclude, of its own will, from ^{b. a.} sujection the members of the minorities and deprive them by this indirect means, from the Protection of the League of Nations?

The analysis of the acts signed at Lauzane as well as of the minutes of the Conference lead to a negative answer to ^{these} this questions, and this for the reasons exposed hereunder.

The statement relative to the amnesty

The "Declaration relative to the amnesty and the protocol" signed at Lauzane on July 24, 1923 by Great-Britain, France, Italy, Japan, Greece, Rumania and Turkey contain the chapter I and III, so wording:

I. "Any individual inhabitant or having inhabited in Turkey, and, reciprocally, any person inhabiting or having inhabited Greece, must not be worried or molested in Turkey, and reciprocally, in Greece, under any pretext, because of his military or political conduct or because of the assistance he could have given to a foreign Power Signatory of the Peace Treaty to the date of this day or to its subjects between August 1, 1914 and November 20, 1920.

II. "Full and complete amnesty shall be granted respectively by the Turkish Government and by the Greek Government for all crimes and delicts committed during the period in evident connection with the political events taken place during this period".

These texts ^{should} ~~could~~ be sufficient to assure to Armenians inhabiting or having inhabited Turkey the ^{benefit} benefice of a complete amnesty. However, the painful situation of Armenians ²⁵ ~~had~~ drawn during Lauzane Conference, the particular attention of the Plenipotentiaries of Allied Powers and was the object of long talks with Turkish Delegation, as it is registered in the minutes of the First Committee of the Conference No 9, 11, and 13, of May 19, June 4 and July 17, 1923. The exchange of views in this matter ended with the Decla-

can this be
re-written?

Declaration of Ismet Pasha on July 17, 1923.

II

Declaration of Ismet Pasha on July 17, 1923

The Declaration of Ismet Pasha must certainly be considered as the genuine interpretation of the Turkish Delegation of the Declaration of amnesty. Very recently it already received, by the side of Turkey, a new consecration, in fact, the letter of the Turkish Government to the Secretary General of the League of Nations, dated October 20, 1925, bearing the signature of Tewfik Kiamil Bey, contains in its last paragraph, the following declaration: "As to the actual situation of the Armenians having left the Turkish territories before the signature of the Lausanne Treaty, have been regulated by the Declaration of Ismet Pasha at the Conference of Lausanne, declaration that is consigned in the ~~minutes~~ minutes No 13 of the session of ^{Thursday} Thursday July 17, 1923".

The above-mentioned Declaration of Ismet Pasha is as follows:

"ISMET PASHA declares that the Turkish Government desires to apply as soon as possible the provisions of the Declaration relative to the amnesty sincerely and punctually. The Government shall apply in a spirit as extensive as the other Powers signatory of the Declaration. It was natural indeed that the Turkish authorities pursue the guilty until the moment where the peace would be signed;

whatever it may be, the Turkish Government, incontestably, have not stopped and will not stop, in the course of these pursues but only the worry of their (Government) security impose, to prove the greatest generosity possible.

Pursuits (handwritten)

"The Turkish Delegation has exposed during the precedent meetings their manner of seeing the matter of Armenian emigrants. They (Delegation) ^{same as,} estimates that it would be needless to repeat.

preceding (handwritten)

"The Government of the Great National Assembly of Turkey, sincerely desirous to see the concord and good understanding be dominant between all the elements of the Nation, means that they enjoy in perfect equality all the rights and liberties that the laws recognize to Turkish citizens.

"In order to contribute to the general pacification in the country, the Turkish Delegation had first accepted to grant complete amnesty to the inhabitants of Turkey. Although, by the ^{expression} experssion "inhabitant" were designated persons ^{living} inhabiting actually in Turkish territories, they (Delegation) accepted at a later date, in order to enter in the views of Allied Delegations, that the persons ^{living} having ^{previously} precededly inhabited in Turkey may equally enjoy this amnesty.

"Accepting to renounce all pursue, even against people who had taken arms against their country, the Turkish Government consider having proved to the detriment of the public order a spirit of tolerance and conciliation that is not practiced in other States. If other States are right for several motives, and particularly for reasons of general

countries (handwritten)

security, not to renounce to pursue their subjects being in the same situation, it would not be equitable to urge Turkey, a part penal irresponsibility that they (Government) accept to open the doors of the country to trouble-makers. It would be to expose again the country to the bloodshedding events, that, since the Treaty of Berlin, made the reestablishment of a persisitant tranquillity in Turkey impossible.

"Finally they decided to ^{that} make the Turkish people ^{should} to enjoy the benefice of order and tranquillity, that every independent country enjoys. The Turkish Gdvernment are in the imperative ^{obligation} obligation to prohibit the access of the territory ~~of~~ to all elements of disorder and revolution.

The exercice of this sovereign duty shall not hinder Turkey to look after, in possible measures, that inhabitants and good citizens do not suffer the measures in question.

"The Turkish Delegation believe, moreover, that they must draw the attention of the Conference upon a capital point that seems to be the principal reason of the actual controversy. In his opinion, one must avoid to establish any correlation between two orders of questions essentially different: the Amnesty and the Return of emigrants in Turkey.

"The consequences of the Amnesty in regard of persons actually ^{living} inhabitant in Turkey are clearly defined. It is evident, moreover, that there shall not be pursue afainst persons having formerly inhabited in Turkey, because of the acts enumerated in the Declaration of amnesty. The re-
turn to Turkey of persons ^{returning} entering in this last category

Amnesty 20/11/22/10/24

20/11/22/10/1
~~20/11/22/10/1~~

is submitted to the authorization of the Turkish Government;
~~authorization~~
this authorization shall be granted only to persons who had not bad antecedents.

Amnesty

"As to the return home of hundreds of thousands of persons emigrated in several periods, this is a question completely independent of the amnesty and which ^{does} not enter into the limits of the problem that could be resolved by the Peace Conference.

Changes
changing

"Considering the deep changes that affected especially the political and economical situation of the Orient, Turkey could not take any engagement in this regard and declares clearly that in his opinion this question is completely strange to the Declaration of Amnesty."

""""
""

analysis

A juridical analysis of the Declaration of Ismet Pasha allows to establish the following points:

There is no correlation, in the opinion of the Turkish Delegation, between orders of question essentially different: the Amnesty and the return of emigrants into Turkey.

1. The Amnesty:

The Amnesty is extended not only to inhabitants of Turkey but also to persons having ^{previously living} precedently inhabited in Turkey. This Amnesty is otherwise designated as "penal irresponsibility", admitted by Turkey. The Declaration precizes that there will not be pursues against persons having formerly inhabited in Turkey, because of the acts enumerated in the ^{Declaration} Declarateon of amnesty. The amnesty is extended even to

persons who had taken ^{up} arms against their country.

2. ~~The~~ Return:

Turkey ^{prohibits} ~~interdicts~~ the access on his territory to "trouble-makers", to "all elements of disorder and revolution".

^t ~~Burk~~ Turkey should, "in possible measure", deal that peaceful people and good citizens do not suffer the measures in question. But even the return of individuals having not bad antecedents is submitted to the ^{authorizations 122+101} authorization of the Government. And the hope to obtain this ^{authorization} authorization is already ⁷ attenuated by the elimination at least temporary of wholesale ^{not} return home. Turkey declares ~~not~~ to take any engagement in this regard.

This distinction between Amnesty and return home is, in all points of view, artificial, a veritable amnesty ⁷ comports the return home of emigrants. At the end of this memorandum, it will be enough to study the effects of the Amnesty as it is defined in the Declaration of Ismet Pasha.

III
The Illegality of all Measure
of Seizure in the point of view of the
Declaration of Ismet Pasha

Several measures taken by the Turkish Government ¹⁴ ~~in~~ regard of Armenian property were enumerated and described in detail in the ^{7. previous} precedent memorandum of the Central Committee. They are:

- a) The seizure of property of absent people to the profit of the State,
- b) The seizure of deposits of Armenians in Banks,

- c) The refusal to the absent individuals of the right to be represented by procurators, all procuration being declared in advance non-valid.

All these measures are absolutely contrary to the terms precise and clear of the Declaration of İsmet Pasha on the Amnesty,

Whatever it may be actually, in the eyes of the Turkish Government, the nationality of the Armenians absent from Turkey, the Government have, by the Declaration of July 17, been obliged vis-à-vis of Allied Powers to abstain of all pursue) against persons having formerly inhabited in Turkey because of the acts enumerated in the Declaration of amnesty. These individuals are covered by "penal irresponsibility", admitted by Turkey. Therefore, all measure of seizure concerning their property is unlawful.

IV

The unlawfulness of the exclusion by the Turkish Government, from Turkish nationality of Armenians enjoying amnesty

As it has already been exposed in the precedent memorandum of the Central Committee, the Turkish Government refuse³ to recognize the Turkish nationality to the immense majority of Armenians living in foreign countries, such as:

- a) Armenians who escaped ^{to} in Europe during the events of 1915,
- b) Armenians who left Smyrna on the categorical orders of the Commander of the Turkish Army,

- c) Armenians who left Turkey with passports ^{delivered} delivered, during occupation, by Allied authorities,
- d) Certain Armenians who left Turkey during or ^{the} after war, provided with passports delivered by the Turkish authorities, and even others established in foreign countries ^{many} since long months, ^{the} before war.

But special Notices have invited the Turkish subjects to present themselves to the Turkish Consulates in order to ^{legalize} regularize their situation. But to Armenians (~~men~~ who presented themselves), the Turkish Consuls have invariably declared that these notices concerned only Greeks and Israelis.

The Turkish Consular authorities refuse to recognize the ^{Turkish/} personal/statute of those Armenians in foreign ^{countries} country and to deliver them ^{legal} legalized documents so that their affairs ^{inheritance} of heritage, will, guardianship, emancipation etc. are in suspension.

This denationalization of the Armenians of Turkish nationality are in any way founded on their voluntary or personal ^{recognition} renunciation of their nationality. Needless to insist the case of those Armenians who had escaped from Turkey during the ^{tragic} ~~tragic~~ events of which their race suffered during and after World War I, or who have been ^{evacuated} evacuated by the Turkish authorities. The ^{question} question is posed not either for those among them who left Turkey provided with passports delivered by the Turkish authorities. Finally, one could not presume the intention of renouncing their country among those who had left Turkey provided with passports delivered by the Allied autho-

rities. The delivery of these passports was due to an evident necessity, and the document delivered had temporary character; and, moreover, they did not grant the bearers a foreign nationality.

General Pellé, French Plenipotentiary, established during the meeting held on March 19, 1923, of the First Committee of the Conference of Lausanne that the persons who left Constantinople at the time of ^{change} ~~change~~ ^{the} ~~the~~ regime in 1922, with regular papers, have left in good faith, with the consent of the Turkish Police.

It is then evident that the ^{depriving the} ~~skinning~~ of Armenians ^{Their} ~~from~~ their civic rights, that affected almost all Armenians, living in foreign countries, has penal character.

Therefore, ~~with~~ this denationalization is absoluteley contrary to the Declaration of Ismet Pasha, by which the Turkish Government recognized ~~the~~ "the penal irresponsibility" including in even/^{the/}amnesty "the people who took arms against their country".

It is useless that the Turkish Government would prevail of his sovereignty in order to assert the right to legislate in all independence in the matter of nationality.

This right belongs to them (Turkish Government) inconsistably, but only as fan as they (Turkish Government) did not renounce it (the right of sovereignty) by an international act. This point had been lastly confirmed by the consultative judgement of the Permanent Court of International Justice, on February 7, 1923, in the controversy between France and Great-Britain in the matter of Decrees promulgated

Loss of nationality can this be

gated in Tunisia and Morocco. 1)

"It can be, said the Court, very well, that, in a matter, which, as the one of nationality, regulated by ^{→ Juh} international ~~right~~ law, the liberty of the State to dispose at their own will, be however, restricted by engagements that could be undertaken with ^{other} ~~their~~ States. In this case, the competence of the State, exclusive in principle, is limited by rules of international law".

Now, in the case of Armenians, the exclusive competence of the Turkish ~~Government~~ State to legislate in the matter of nationality has been limited by the Declaration of Ismet Pasha on July 17, 1923, confirmed by the letter of Tewfik Kiamil Bey dated October 20, 1925.

Recognizing the penal irresponsibility of Armenians, on account of acts enumerated in the Declaration of Amnesty, Turkey ¹⁹²⁵ have interdicted (to themselves) the faculty to exclude them (Armenians) from Turkish nationality as a punishment.

All shortcomings of Turkey to the Declaration of Amnesty and to the Declaration of Ismet Pasha expose certainly Turkey to the complaints of the signatory States of the Treaty of Lausanne. And in case Turkey would not comply with the complaints, could be assigned by the Allied Powers (to the

1) Publication de la Cour Permanente de Justice International
série B. Recueil des Avis Consultatifs, No 4, p.24.

Court) on the basis of ~~the~~ intended line 1 of the Article 15 before the Council of the League of Nations the unique existence of two engagements sufficient to bring down the reticence of the exclusive competence contained in the intended line 8 of the Article 15.

Here is how, in this matter, the Permanent Court of the Hague delivered the judgement:

"But as early as the law invoked are of a character to allow the temporary conclusion that can have a juridical importance for the conflict submitted to the Council and that the question to know whether a State is competent to take such or such measure is subordinated to the appreciation ~~of~~ and interpretation of the rights, the provisions of the Paragraph 8 of the Article 15 discontinue from being applicable and one gets out from the exclusive domain of the State to enter into the domain regulated by international law. 2)

V

The recourse to the Permanent Court

The Council of the League is not, however, in any way obliged to suspend its action looking meanwhile the issue of a controversy between the Allied Powers and Turkey in the matter of nationality of Armenian emigrants.

If any exception of incompetence is ^{raised} rised before (the Council) by the Turkish government, the situation which will result must be regulated in virtue of the intended line 3

2) Avis Consultatif, No 4, l.c. p.26.

of the Article 44 of the Treaty of Lausanne worded as follows:

"Turkey agrees, moreover, that in case of difference of opinion on the questions of right or fact concerning these articles between the Turkish Government and any of the signatory other Powers or all other Power,^s Member of the Council of the League of Nations, such difference shall be considered as a difference of international character in accordance with the terms of the Article 14 of the Covenant of the League of Nations.

The Turkish Government agree^s that all controversy of this kind shall, if the other Party claims, be submitted to the Permanent Court of International Justice.

The decision of the Permanent Court shall be non appealable and has the same force and value as a decision^c made in virtue of the Article 13 of the Covenant".

In conformity with this text, every Member of the Council has then the faculty to defer to the Permanent Court of International Justice the question of knowing whether the Council^{council} is or is not competent to assure in conformity with the Articles 37 to 44 of the Treaty of Lausanne, the protection of Armenian emigrants that the Turkish Government pretend to exclude from Turkish nationality.

It seems, in fact, impossible to pretend that a difference of opinion on this question between a Member of the Council and Turkey would not be one of the questions of "right or of fact", that envisages the Article 44 of the Treaty of Lausanne.

Referred to by Spain, Italy and Sweden, the Council

proceeded to the first inquiry in the session held on December 14, 1925, 3) and accepted a report from Mr. de Mello Franco. This report contained the following:

"It comes out of the Note by which the representatives of Spain, Italy and Sweden, have pointed out the affair to the attention of the Council, that they made in the absence of all observations on behalf of the Turkish Government. Later on the question has been ~~registered~~ ^{scheduled} in the agenda of the day of the Council, we received the Turkish Note dated October 20, 1925. In these conditions, the Council shall estimate perhaps preferable to postpone this affair to the Committee formed by the above-mentioned representatives to allow them to submit it to another inquiry. It shall depend of the result of the inquiry that this affair be again referred to the Council." 4)

The representative of Turkey, Munir Bey, accepted the transfer to the Committee and maintained the right "to expose the point of view of his Government before the Committee and, in case of need, before the Council, if the latter is referred to". 5)

It is then the Committee of the Council, composed of the representatives of Spain, Italy and Sweden, that shall deliver first on the question of the Competence of the Council

3) L.C. p. 176.

4) and 5) L.C. p. 178.

in this matter, whether its competence is contested by the Turkish Government. It shall belong to the Committee to decide this question taking in account as well the Declaration relative to the amnesty of July 24, 1923, as the Declaration of İsmet Pasha of July 17, 1923, confirmed by the letter of the Turkish Under-Secretary of State dated October 20, 1925 addressed to the Secretary General of the League of Nations.

In the case the difference of views in the matter of this competence would be produced between the three Powers or one of them, on one hand, and Turkey, on the other, every and each one of these Powers might refer on this difference to the Permanent Court of the Hague. And the same right would belong to all other Powers, Members of the Council, what would refer to the Council in this matter.

" " " " " " " "

Paris, September 2, 1926.

Mr. Secretary General:

^{As}
 (At) it was brought to your ^{attention} knowledge, the Government ^{has} of Ankara have already decreed a new regulation concerning the so called "Abandoned Goods" of Armenians of Turkey, the French translation of which we are enclosing herewith published in the newspapers of Constantinople.

^{The}
 It results of this document that, although the terms used are not sufficiently explicit, the Government of Ankara, supposing to give a solution to this question, ^{impatiently/} looked to/by many people who are interested in, have not

desired or have not been able to complete are limited to decide:

1. "To make a distinction between the seizures effectuated prior to August 6, 1924, date of coming into force of the Peace Treaty of Lausanne, and the seizures effectuated later on since that date (August 6, 1924).

2. "To restore property to rightful owners only of the last category, and this, under major restrictions.

3. "not to effectuate hereafter any more seizures, except those that are being seized actually."

^{is} Is this distinction established by the date of the Peace Treaty conform with the terms and spirit of that ~~act~~ act?

May it be justified in right and may one consciously ~~find~~ find it juridically basic?

It belongs to the League of Nations and eventually to the Court of International Justice of the Hague to clarify and determine some questions therein, but let it be allowed to Armenians of Turkey whose property are in question, make their voice ^{heard} listened by the present because the access of their homes is not yet opened to them and even permission is not granted to them to have procurators on the spot in order to ^{press} expose their claims and ^{defend} defense their rights.

However, if there had been a contradictory deliberation, how many conclusions would have been avoided and misunderstandings ^{disappeared} disappeared?

The analysis of the new regulation clearly demonstrates

- the Article 4 is formal in this matter - that the unique fact which is reproached to Armenian owners in question, is the fact to have escaped or disappeared or even simply being absent. Must it be reminded that ² longtime before or after the war (World War I) this absence was not motivated with plausible reasons: personal affairs, travel, study, financial reasons or health, etc.?

Otherwise, the Turkish authorities had, because of the war operations, forced entire populations to move, as in Smyrna. In both cases, not a notice they had been given not to be absent or to return home as soon as possible.

No one suspected that the absence would be a motif of dispossession. Do the right of the people and the Covenant of the Hague, to which Turkey is one of the signatories, not respect the property during wartime as in peace?

Do ^{es} the Great National Assembly since the first days of new Turkey, not admit and guarantee in a pact the right of minorities?

Did they not ask [^] then a peace based on the Wilsonian ideas that had facilitated to forget the past indelible horrors to which the Armenians had been the wholesale victims during War?

Does the Turco-Russian Treaty concluded at Kars not recognize to all Armenians who would leave Turkey, the right to liquidate their possessions ^{as they wish} in all liberty?

Does the Accord of Ankara not contain such stipulations?

The law of the "Abandoned Goods" was conceived in the

beginning in a spirit of safeguard of those property^{ies} for the benefit of rightful owners.

The new regulation seems to forget this point, and, by the distinction that is established, completely denatures this character. The negociators of the Treaty of Lausanne did not suspect certainly that this distinction would be made in the future, they had stipulated a clause to safeguard^{the/} property of ^{the} 150 Moslems sentenced to death by tribunals, who were excluded of the benefit of general amnesty.

The new regulation affirms that it is based on the stipulations of the Treaty of Lausanne concerning minorities.

The idea presiding the elaboration of laws for minorities and the aims pursued are of an order of justice highest and universal and submitted to dates. The diplomatic^{al} act signed at Lausanne, was concluded to establish peace and justice..

The idea of penalty and punishment are excluded, and it is inadmissible that the unique reason that Armenians are absent may prevail a punishment so heavy as to contain the seizure of their property.

If we would enter now in a detailed analysis of the new regulation, we could say that the property of Armenians absent from Turkey have been seized, in its majority, prior to the date of August 6, 1924, and what is seized ~~in~~ since (that date) do not present a great value. On the other hand, the Turkish Government are making a strange reserve²⁺¹⁰⁴ for the property of this second category, that, in order to be res-

tored to their owners, must not be officially reported to the knowledge of the Government prior to the above-mentioned date. This is to leave open the door to the arbitrary.

By what means the interested people could establish that their property ^{ies} were not signaled to the Government prior to the date of August 6, 192~~3~~4?

We have to relieve finally a capital lacunae: the new regulation is silent on an important question concerning the property ^{ies} of Armenian communities: churches, monasteries, schools, public institutions provided with buildings or lands actually renting, that are seized in the provinces, ~~where these communities~~ even in the localities where these communities are still existent.

Such are the considerations that an attentive study ^{in depth} of the new regulation suggests to us and being grateful to the Turkish Government that have regulated this question, we hope that, under better inspirations, it should not be late to arrive to a general and complete regulation in conformity with the right and equity, and that the League of Nations would continue to give us, as they have to, their powerful support.

Please, Mr. Secretary General, be sure to accept our highest consideration.

On behalf of the Central Committee of Armenian
Refugees:

Signed/ Leon Pashalian.

The Hon. Sir Eric Drummond
Secretary General of the League of Nations,
Geneva.

Geneva, September 14, 1926.

Mr. Secretary General:

The new regulation concerning the so called abandoned Goods of Armenians, that the Turkish Government have already promulgated and which the Central Committee of the Armenian Refugees have called ^{to} your attention ~~to~~ in a letter dated 2 current, testify a new tendency in the provisions, due, undoubtedly, to the high intervention of the League of Nations. We wish first of all to express ^{herzfelt} hertfelt thanks to the League.

The principal importance of the new regulation for our question resides in the acknowledgement by Turkey of the illegality of seizure.

In the first Article, the Turkish Government recognize in fact, that in accordance with the stipulations of the Treaty of Lausanne concerning the minorities, there is no ^{more} ~~more~~ to carry out seizures of the property of so called "Abandoned Goods" starting by the coming into force of the Treaty ~~concluded~~ on August 6, 1924.

The Turkish Government admit so, expressis verbis, that all seizures of property ~~is~~ are contrary to the stipulations of the Treaty of Lausanne.

Unfortunately, the scope of this acknowledgement is singularly diminished by the restriction that accompanies and which is confirmed by the Article 2 of the Regulation,:

"If the seizure has been officially reported to the knowledge of the Government prior to ~~the~~ August 6, 1924,

the formalities in question shall be completed."

In other terms, the seizure is maintained and relative formalities ^{to be} ~~shall~~ be completed in respect of all "Abandoned Goods" officially signalized to the Government prior to the coming into force of the Treaty of Lausanne.

Now, the property of the Armenians absent from Turkey have been seized, in major part, prior to the date of August 6, 1924, and the property seized since that date (August 6, 1924) do not present a great value.

On the other hand, the restitution of the property seized later on the date of August 6, 1924, supposes, following the Article 3 of the law, that the existence of the "Abandoned Goods" has been officially reported to the knowledge of the Government later on August 6, 1924.

This terminology opens the door to abuses. The Turkish ^{Authorities} ~~authorities~~ may, in fact, pretend in all matters of property, that they would not have seized prior to the date of August 6, 1924, that the existence has been signalized to them prior to this date. And ~~by~~ what means the interested owners ~~can~~ could dispose to demonstrate that the Turkish Government had not, prior to this ~~fatal~~ fatal date, an official knowledge of the existence of the "Abandoned Goods" in question?

In this way, the regulation of August 1926, very important as acknowledgement of ^{the/} principles of the Treaty of Lausanne, has a practical value very restricted.

It is, however, easy to demonstrate that the seizure which is maintained is contrary to the engagements assumed

by Turkey at Lausanne, as the seizure that the law carries back.

Indeed, the distinction introduced in the new regulation between the seizure effectuated prior and later on of the coming into force of the Treaty of Lausanne cannot be maintained.

We have extensively exposed in our memorandum presented to the Secretariat General on June 1926, the extension for our cause of the Declaration of Ismet Pasha on July 17, 1923, in which, following the letter of the ^{Turkish/}Government to the League of Nations dated October 20, 1925, has regulated "the actual situation of Armenians having left Turkish territories prior to the signature of the Treaty of Lausanne". By this Declaration, Ismet Pasha has guaranteed to the ~~xxx~~ refugees an amnesty otherwise expressed a "penal irresponsibility".

It results that all seizures of so called ~~XX~~ "Abandoned Goods" by the ^Turkish Government, seizures always having the character of a "punishment", are contrary to the Declaration of Ismet Pasha, and, therefore, u n l a w f u l.

The ^Turkish Government have tried until today to elude the intervention of the League of Nations, concluding the Denationalization of the Armenian refugees.

We believe that we have demonstrated in our aforesaid memorandum that the denationalization, carried out as a punishment, was also contrary to the Declaration of Ismet Pasha and, therefore, ~~xx~~ unlawful.

Today, the Turkish Government seem to abandon^d this thesis, acknowledging^d the application of/ the Treaty of Lausanne to the question of property seized, without ^{insisting} ~~insisting~~ on the nationality of their owners.

We have to request that the League of Nations continue their generous and effective intervention in this affair and receive from the Turkish Government the extension of the benefice of the new regulation for all "Abandoned Goods" that, in accordance with the Declaration of Ismet Pasha, ^{should} ~~shueld~~ be restored to their rightful owners, independently of the date of their seizure.

In the case, however, that, against all logic, the Turkish Government would ^{raise} ~~rise~~ the exception of competence of the Council, we respectfully ask that the Committee of Three decide on this question and that all difference in this matter between a Power Member of the Council and the Turkish Government, be referred to the Permanent Court of International Justice, in conformity with the intended line 3 of the Article 44 of the Treaty of Lausanne.

Please, Mr, Secretary General, be sure of the assurance of our highest consideration.

Singed/ Leon Pashalian

Signed/ A. Mandelstam.

To His Excellency Sir Eric Drummond

Secretary General of the League of Nations,

Geneva.

Geneva, March 8, 1927.

Mr. Secretary General:

We have the honor to call once more your kind attention on the question of so called "Abandoned Goods" of the Armenians of Turkey, - question that remains in suspense at the desk of the Council of the League of Nations since December 1925, and the solution of which is looked for ^{anxiously} ~~in~~ anxiety by the thousands ^{and} of thousands of unfortunate interested people.

You are aware that the Government of Ankara published last August 1926 a decision to keep all the property seized prior to the coming into force of the Treaty of Lausanne, i.e. August 6, 1924, and restore ~~only~~ to rightful owners only property seized later on the date (August 6, 1924), with the understanding, however, that they (Government) had not knowledge of the existence (of the property).

As the Central Committee had the honor to expose in the memorandum dated September 14, 1926, such a distinction is arbitrary. But, even since that date of August 6, 1924, the restitution made, either in judiciary or administrative way, are not so many, while thousands of thousands of property ^{claims} have to be restored to their owners.

The Central Committee protests once more against the act of ^{Spoliation} spoliation carried out in regard of a whole population, almost afflicted by sufferings and victims of so many calamities, and to declare that all the arguments that the Government of Ankara advance forth to legalize, are ^{fallacious} fallacious.

Indeed, there are no "Abandoned Goods" in Turkey by Armenians. With all their ^{resources} resources and means, the owners

of these property^{ies} claimed since the first day and continue to claim their rightful ownership.

The owners of the Goods are not "fugitives". Many of them have gone from Turkey prior to the war provided with Turkish passports for reasons of commerce, health, study and, contrary to all expectations, they were surprised to see the doors of Turkey closed when they were trying to ^{return} get home; for this, many Armenian families are living today in a tragical~~ly~~ separation. Many others evacuated by force by Turkish ^{Athorities} authorities under the treatment of deportation, as during the events of Smyrna.

The Government of Ankara indeed are making a mistake to seek, under the fiction of "Abandoned¹ Goods" by "fugitives", to ³ justify their ² scope which is only to get rich with the spoils of these unfortunate people.

In order to avoid the intervention of the League of Nations in this painful affair, the Government of Ankara ~~im~~ conceived the idea to refuse the ^{right} capacity of Turkish citizenship to the immense majority of Armenians in foreign countries; the latter, following the Turkish Government, would be a part of the Armenian minority in Turkey, and, consequently, could not enjoy the protection of the League of Nations.

In the memorandum of June 1, 1926, the Central Committee refuted the hypothesis of forced denationalization of Armenians. They demonstrated that this thesis is contrary to the Declaration made at Lausanne by Ismet Pasha on amnesty, that entails a penal irresponsibility of Armenians and does not

allow the ^{A+} Turkish Government to denationalize them as a punishment. In the same time we reminded that the Declaration of Ismet Pasha had been explicitly confirmed by the letter of Tewfik Kiamil Bey addressed to the Secretary General of the League of Nations on October 20, 1925.

Finally, in the case that Turkey would continue to contest the competence of the League of Nations in this affair, so vital ~~is~~ for our compatriots, our Committee respectfully called the Council that every and each Member has, in virtue of the intended line 3 of the Article 44 of the ~~League~~ Treaty of Lausanne a right to refer to the Permanent Court of International Justice of the Hague all difference "of opinion on the questions of right or fact" concerning the articles of the Treaty of Lausanne relative to minorities.

Since then, our ~~cause~~ cause had made no progress. Referred to by a Committee composed of Spain, Italy and Sweden, the Council has postponed on December 14, 1925, the question scheduled by the same Committee for a new inquiry. This Committee, transformed because of the changes introduced in the composition of the Council, has not made a final decision.

In these conditions, our Central Committee instantly requested the Council to ask the Turkish Government to restore the injustice that they (Government) committed in regard of Armenian owners of property seized in Turkey, restoring them the same property. And in case that the Turkish Government would persist to invoke the incompetence of the League of Nations, the Central Committee beg each Member of the

Council to use the right given to him by the Article 44 of the Treaty of Lausanne and refer the question to the competence of the Permanent Court of International Justice of the Hague.

Please, Mr. Secretary General, be sure to accept the homage of our highest consideration and our profound feelings.

On behalf of the Central Committee of Armenian

Refugees:

Signed/ Leon Pashalian.

Sir Eric Drummond

Secretary General of the League of Nations

Geneva.

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Paris, December 5, 1927

Mr. Secretary General:

We have the honor to submit to your attention some new facts concerning the unfortunate question of so called "Abandoned Goods" of Armenians of Turkey, question which scheduled in the agenda of the meeting held on December 1925 by the League of Nations, is remaining always in suspens^{ce}, for the great despair of thousands unfortunate people deprived of their last ressources.

1- The Decree in which the Government of Ankara stated that the property^{ies} that were not seized until August 6, 1924, ~~is~~ date of coming into force of the Treaty of Lausanne, will no more be seized, remained simply a dead letter. The seizures are continuing. We would allege as a typical exemple the

following case:

The house situated at Bakir Keuy (formerly Makri Keuy), suburb of Constantinople, 69 Station Street, belonging to Mrs. Melikshah, living in Paris and in which house is living her sister Lucy Melikshah, a widow, with her children (her husband was massacred during the deportations of 1915), has been seized on last October 27, (1927).

2-Some Armenian owners have recourse to Tribunals and established incontestably their ownership, but the Government of Ankara promulgated a Decree stating that these property ~~may~~^{ies} cannot be restored to the owners if the latter were not personally present and their procurations are not valid.

Now, every ~~and each~~ one knows that the Turkish Consular ^{authorities} authorities categorically refuse to grant visa in the passports of Armenians who would return to Turkey.

A more serious fact is made public ^{very} very recently. A telegram from Ankara, despatched by the Official Telegraphic Agency, dated last November 22 and published in the newspapers at Constantinople, is worded textually: "The Government having been informed that certain tribunals ~~are~~ are delivering sentences favorable to Armenians who are absent (from Turkey) have insured the consent of the Ministry of Justice so that the tribunals do not any more deliver such sentences."

In submitting these facts to your appreciation, we would hope, Mr. Secretary General, that you shall not miss ^{to} to bring ~~down~~ the attention of the Government of Ankara

and at the same time reconsider the question of the "Abandoned Goods" in general.

We are convinced that if the Government of Ankara are continuing inexorably the policy of seizure in regard of Armenians and are acting against their own decrees, because they are ^{seeing} ~~seizing~~ that the lawful revendications of Armenians are not supported by those who have the right and the duty to support them.

Please, Mr. Secretary General, accept the insurance ^{of} of my highest consideration.

On behalf of the Central Committee of Armenian Refugees:

Signed/ Leon Pashalian.

.....

Paris, August 8, 1928.

Mr. Secretary-General:

We learned that the Turkish Government have answered to the complaints formulated in our petition dated December 5, 1927, concerning the property of Armenians so called "Abandoned", situated in Turkey, and they (Government) pretend that the fate of Armenian Refugees and their property ^{ies} could not enter in the framework of the engagements ~~of~~ that Turkish Government concluded at Lausanne, these refugees cannot be assimilated, in their opinion, ~~xxxx~~ with the minorities living in Turkish territory.

To support this allegation, the Turkish Government invoke in the first place the Declaration of Ismet Pasha

in the session held on July 17, 1923 at the Conference of Lausanne, establishing a distinction between the amnesty granted to the Armenian Refugees and their return home in Turkey, and ^{reserving} preserving to the Turkish Government the right to ^{authorize} ~~authorize~~ the return home only of those Armenian refugees whose life in Turkish territory could not (provoke inconveniences).

They (Government) support that the Declaration of the Delegate (Ismet Pasha) had understood that the individuals non-authorized to enter in Turkey would be ^{deprived} ~~fallen down~~ from ~~the~~ Turkish nationality.

They invoke in second place a "law" that they promulgated on May 23, 1927, ^{authorizing} ~~authorizing~~ the Executive Power to declare ^{deprived} ~~fallen down~~ those nationals who during the war of Independence had not participated to the national struggle, from their Turkish nationality, would have stayed away from Turkey ^{and} ~~do~~ not entered Turkish territory during the period between July 24, 1923 and the promulgation of the above-mentioned "law" (May 23, 1927).

Dr. Roushdy Bey, Commissary for Foreign Affairs, ^{maintains} pretends that this "law" is a legal confirmation of the Declaration of the Turkish Delegation at the Conference of Lausanne, and deduces that the refugees incontestably enter in the category of Turkish nationals ^{deprived} ~~fallen down~~ ^{of} from their nationality. He adds that the Turkish Government could not fall in any controversy on this interpretation which he estimates as the only just-one.

Finally, the Government of Ankara allege as a third and last objection that the stipulations of the Treaty of Lausanne, so far as they concern the Minorities of Turkey, had come into execution only since the date of signature and have not retroactive effect.

Relying on these allegations, Dr. Ruoshdy Bey considers the question of the "Abandoned Goods" as definitively liquidated and asks the Committee of Three of the League of Nations to dismiss the aforesaid petition as deprived of all ~~judi~~ ^{judi} ~~judicial~~ ^{judicial} basis and as unsupported by the provisions of the Treaty of Lausanne.

Prior to inquire the objections rised by the Turkish Government, our Committee insistantly expresses the bitter disappointment that this answer has caused to the Armenian refugees. They were hoping rightfully that the Government of Ankara, recognizing the sufferings undeserved that they are undergoing since more than five years, should not refuse to grant them a just reparation, taking in account the fact that they had not been sentenced for delicts committed against the State, as 150 Moslems, whom, however, they (Government) allowed to liquid ^{ate} their property in Turkey. They were especially ~~looking~~ looking for that the actual Government, which are showing a tendency to modernize in all domains, should receive formally their legal claims and would not follow the criminal conduct of the ^{preceding} precedent regimes soundly denounced by the civilized world because of the massacres and spoliations of Armenian nationals, Greeks and Israelis and other Moslems, studying the series of laws and regulations promulgated

in these last years relative to persons and property¹²⁵ of the refugees, one would say that the actual Government have felt a duty to create juridical situations that should allow them to appropriate the property under the cover of legality.

To come to the objections in question, we would allow to ^{ex}pose the following considerations:

As we have analysed enough ~~xxx~~ in our memorandum dated June 1, 1925, whether the Declaration of Ismet Pasha subordinate the return home of Armenian refugees to the ^{authorization} authorization of the Turkish Government, Ismet Pasha himself has characterized the amnesty as a ~~xxx~~ penal irresponsibility, i.e. as a ^{renonciation} renonciation to all pursue by the Turkish Government "even against those who would have taken arms against their country".

Now, is it not needless to say that the deprivation of Armenians of their civil rights and the seizure of their property¹²⁵ constitute the utmost hardest penalty and, consequently, are contrary to the spirit as well as to the letter of the aforesaid Declaration.

The Turkish Government could not validly support today that the right of prohibiting the return home of Armenians contains also their ^{being deprived of} falling down from Turkish nationality, ^{authorize} falling down which could authorize the seizure of their property without possible recourse to the ^M measures of guarantee adopted at Lausanne in favor of the Minorities, because the Declaration of Ismet Pashe, confirmed by the letter of Tewfik Kiamil Bey dated October 20, 1925, prohibiting them to take penal sanctions against these refugees.

such as the loss of nationality and the seizure of property without^{out} contestation.

^{It} results then of these preceding considerations that the law dated May 23, 1927, by which the Turkish Government are prevailing in second place, is never a "legal confirmation" of the Declaration of Ismet Pasha but which, ^{on} in the contrary conceals the effects of the aforesaid Declaration. It is never a matter "of course" as is pretending Dr. Roushdy Bey, that Armenian Refugees fall under the provisions of the law. The Declaration of Ismet Pasha, having them guaranteed against all penal measures, no Turkish law has either the power to ^{deprive} exclude them of the Turkish nationality nor to deprive them of their property in Turkey.

Finally, as it concerns the last objection of the Turkish Government, one must first of all have in mind an important point.

Dr. Roushdy Bey declares that the stipulations of the Treaty of Lausanne have come into force since only the signature of the Treaty. One must then take notice that the Turkish Government renounce (to) the position taken in the law dated August 1925, the first Article of which provides that since August 6, 1924, date of coming into force of the Treaty of Lausanne, that there is no more need to practice seizures on the "Abandoned Goods". There is, moreover, no need to discuss (on) the retroactive effect of the stipulations of the Treaty of Lausanne relative to minorities. The Declaration concerning the amnesty could not evidently

put out the full and entire effect announced in the point III, if it does not implicate ⁷ the lift up of the seizures carried out priorly on the property of persons beneficiary of amnesty. An amnesty always includes the cancellatⁱon of all penal sanctions adopted against persons to whom they are applied; and one cannot ever find in the aforesaid Declaration provisions excluding the Armenian Refugees nor their property out of measures of clemenc^ye to which Turkey ^{has} are engaged in the Paragraph III.

The Central Committee of Armenian Refugees ^{think} ~~think~~ that the three objections of Dr. Roushdy Bey ^{are/} ~~are~~ ^{2nd} ~~and~~ they have demonstrated that it is not the Armenian thesis but the Turkish thesis that has no foundation.

The Central Committee received the serious facts signaled in the communication dated December 5, 1927, and they hope that the competent organs of the ~~Turkey~~ League of Nations, should finally estimate that the time has come to protect the lawful revendications of thousands of unfortunate Armenians, who, after the unprecedented disaster of which they are victims, are seing themselves ~~depossessed~~ ^{deprived} disseized of the remainder of their property, some of them because they escaped the Turkish territory blood-stained by the wholesale massacres, others evacuated by the Turkish military ^{authorities} under treatment of deportation as at Smyrna and neighbouring area^s, others have been contrained by the circumstances to leave the country as in Cilicia, others finally moved provided with Turkish regular passports for reason of commerce, health, studies, etc. etc.

Signalizing the ^{preceding} precedent points to the kind attention of the League of Nations for justice and equity, the Central Committee of Refugees, that continually receive from every part true complaints of Armenians deprived of their home, resources and protection, would not loose hope for justice from the League of Nations charged by the Treaty of Lausanne to protect their interests.

Please, Mr. Secretary-General, ^{accept} agree the assurance of our highest consideration.

On behalf of the Central Committee:

Signed/ Leon Pashalian

The Hon. Sir James Eric Drummond

X Secretary-General of the League of Nations
Geneva.

:::::

Paris, March 2, 1929.

Mr. Secretary-General:

We believe that we have to call your attention on many requests, that, since four years, we did not stop to submit in the matter of so called "Abandoned Goods" of Armenians of Turkey and which remained without any ^e response, leaving so the interested people to the most cruel [?] incertitude.

The Government of Ankara, evidently encouraged by the fact that our lawful [?] revendications do not find in the League of Nations the protection we have a right to, continue inexorably the seizures and the auction sales, they (Government) do not even take into account of ^{Their} the own Decree pro-

mulgated on August 1926 by which they decided to seize no more the property which they had not confiscated since the coming into force of the Treaty of Lausanne. Moreover, as you ^{must} have to know through the extensive source of information and documentation at the disposal of the League of Nations and through the publications of the Turkish press, the Government of Ankara intensify^{re} the measures of seizure of the property of public utility which constitute the national heritage of all Armenians - measures substantially contrary to the Constitutional Turkish laws and the stipulations ad hoc of the Treaty of Lausanne.

In the name of our unfortunate compatriots thus deprived of their property and their ultimate resources, we are compelled ~~to~~ all means of recourse to Turkey being refused to us - to call once more the League of Nations to schedule the question of "Abandoned Goods" in the agenda of inquiry. We have already brought at several times all the elements to your disposal and especially in our petition dated March 8, 1927, a copy of which is herewith annexed.

Please, Mr. Secretary -General, be sure to agree the assurance of our high consideration. ^{accept}

On behalf of the Central Committee of the Armenian

Refugees:

Signed/ Leon Pashalian.

Sir Eric Drummond

Secretary-General of the League of Nations

Geneva.

Observations of the Turkish Government
 Letter of the Foreign Ministry to the
 Secretary-General of the League of Nations.

No 32035/3

Ankara, February 25, 1928.

Mr. Secretary-General:

I have the honor to confirm my telegram dated January 8, 1928, No 28968-2. In this telegram I accused reception of your letter dated December 16, 1927, No 41-63524-37912, which was transmitted to me with an annex (request bearing the signature of L. Pashalian, relative to the condition of Armenian Refugees of Turkey and to the question of "Abandoned Goods") through the good offices of the Turkish Legation at Berne. I have been attentive to bring to your knowledge that my Government was intending to present, in due time, observations in this matter.

In his responsive Note dated October 20, 1925, the Minister of Foreign Affairs had ^{expressed} exposed to you the manner of thinking and acting of my Government in the question of Minorities, Turkish nationals (ressortissants) pointing out that Turkey respectful of ~~its~~ her engagements, loyally applied the provisions of the Treaty in regard of the above-mentioned Minorities.

Now, in the eyes of the ^{opinion} Turkish Government, the condition of Armenian Refugees in question as well as the question of so called "Abandoned Goods", cannot positively enter in the outline of the engagements concluded by Turkey, considering that the Armenian Refugees in question cannot

equitably and in any way be assimilated with the Minorities living actually in Turkey and fully enjoying, consequently, the provisions of the Treaty relative to them.

Indeed, the fugitives are in a special situation, i.e. guilty having not been exempted of the penalties that they could incur if they had been integrated into the country, because of their reprehensible actions, which, thanks to the Protocol relative to the general amnesty, is annexed to the Treaty of Lausanne.

In all other question, to their concern, Turkey has reserved the liberty of action, as it clearly results from the Declaration distinct and precise ^{that} they are consigned in the minutes No 13 of the session dated July 17, 1923.

In these statements known to the Conference, it is precisely set : "that it will be appropriate to avoid to establish any correlation between two substantially different questions: the amnesty and the returning home of the emigrants into Turkey".

The Government reserved the right ^{authorizing} on ^{previously} the return ~~to~~ home only of those Ottoman subjects who had ^{previously} left (the country), and whose return into Turkish territory was in any way inconvenient. The Delegate implied that those persons whom the Government ^{would} ^{right of} refused this concession of returning, shall be deprived from Turkish nationality.

Moreover, the law dated May 23, 1927, that ^{authorized} the Executive Power to state: "Ottoman subjects who, during the war of independence, had not participated in the national struggle and continued to stay ^{away from} ~~out of~~ Turkey and returned

not into Turkish territory in the period of time extending between July 24, 1923 and the promulgation of the present law (May 23, 1927), are deprived of their capacity of Turkish ^{citizen} "citezzen", is a legal confirmation of the application of the Declaration made at the Conference by the Turkish Delegation, which deal with the forfeiture of the Turkish nationality of a certain category of Ottoman subjects, and it is a matter of cause that the Armenian fugitives in question who had left previously the country enter indisputably into this category. ^{with out question} Turkish

Also, on the question that the ^{Turkish} Government consider definitively liquidated and on the interpretation that they estimate to be only ~~just~~ true, the Turkish Government cannot fall in with any controversy.

Considering what is preceding above, I would like to believe that the Committee would reserve an ^{exception} to the request of Mr. Pashalian, which has no juridical basis and which does not stand on ^{the} provisions of the Treaty of Lausanne the stipulations ^{of} which so far as they concern Minorities in Turkey, had come into force since the date of the signature and have not retroactive effect.

I take this opportunity to express the hope that the League of Nations which, through its kind efforts, is directed to synthetize the most beautiful conception of Peace and order based on Justice and equity, would admit and favor bit in great reserve and circumspection the complaints formulated at all hazards and by any one against the Turkish Government, complaints mostly ^{with out} any foundation and

derived from a category of individuals who, having left the country in the most difficult times when the majority of the people were in ^{the} struggle for ^{their} own existence, have broken every ^{ties} relation with their former home, in respect of whom the Turkish Government have reserved every liberty of action at the ~~Treaty of Lausanne~~ Peace Conference of Lausanne and who, today are trying to take advantage ^{wrongly} of the provisions of a Treaty that offers loyally to the Minorities who remained Turkish citizens the same right as to the Turkish people.

Mr. Secretary-General, please be sure to accept my highest regards.

Signed/ Dr. Roubhdy.^s

???????

New Regulation relative to the
Abandoned Goods
 promulgated by the Government
 of Ankara on August 1926.

Article 1

In accordance with the stipulations of the Treaty of Lausanne concerning Minorities, it is needless to practice any more seizure on the abandoned goods starting August 6, 1924, date of the coming into force of the Treaty.

Article 2

If the seizure had been effectuated, i.e. if the existence of an abandoned property has been brought ^{officially} to the knowledge of the Government after August 6, 1924, ~~the following~~ the formalities in question shall be completed

cont. 2 p. after

(2)
13

with Turkish persecutions against christians starting 1913
by organized boycotts.

The law promulgated April 15, 1923 by the National Assembly at Ankara decreed the seizure of property belonging to absent persons, whatever date, reason, circumstances of their departure may be.

The right of designating a procurator was denied and procurations delivered prior to departure were considered null and void.

The properties seized ~~was~~ were sold at auction sale ^{absent}
The Govt of Ankara confiscated the deposits of Americans in Banks and deposits & transferred to ~~the~~ elsewhere.

The Turkish authorities promised to grant a premium to persons who would denounce the absentees
Americans were refused ^{the right} even to have a property located in Turkey, if the owner did not live at the same locality where the property was.

2
② Armenians left Turkey with regular passports delivered by Turkish authorities at several dates

& prior to war, for business,
for vacation,
for education
for health

After War
Smyrna occupation / with pass delivered by Allied authorities
etc

Division General Nureddine Pasha, ordered to deport Greeks & Armenians from Smyrna district,

Armenians who had left Turkey for any matter prior, during, or after War: were deprived of their possessions, properties, bank deposits etc.

In Foreign Countries Turkish Consular authorities refused to recognize normal rights to Armenians as heritage, wills, guardianship.

Armenians pro made protests to Turkish as well as Allied Foreign Authorities.

The Gov of Ankara continued the policy of spoliation of the Armenians

Again Protest Sept. 5, 1925 to the League of Nations,

" Nov. 22, 1925

Interested persons never ceased to make petitions to the rightful authorities.

Dec. 30, 1925

Article 3

If the seizure had been effectuated, i.e. if the existence of the abandoned property¹²⁵ has been brought officially to the knowledge of the Government after August 6, 1924, the following procedure shall be applied:

* a) If the owner of these buildings is there where his property is located, this property shall be restored to him; if he is not there (where his property is located) and is represented by a procurator, the property in question shall be delivered to his procurator. (If even) ^{does have} he has not a procurator, the State shall administrate^{or} (the property) in the account of the owner in conformity with the common right.

b) If such abandoned buildings have been reserved or rented to (Moslem) immigrants, the price of these property¹²⁵ estimated ^{on} at the date ^{of disposal} in which they have been disposed, by the Administrative Council taking into account the ^{markets} practical price on the spot where the property is located for sale of buildings in cash, shall be given to the owner.

c) If these buildings have been sold, the owners can receive the price they have been sold ^{for} of only ^{on} in the conditions ^{under} in which the sale ^{was} has been effectuated.

If the owner does not agree, he has the ^{right} faculty to have recourse to the tribunals to get a sentence in conformity with the common right.

Article 4

It has been considered as inadmissible that the laws relative to the liquidation of the abandoned goods be

applied to the property of individuals who are in possession of these buildings or lands ^{other} elsewhere than ^{there in} the locality where ~~they are~~ located and from where the owners are not absent.

If, consequently, there had been such cases because of a wrong interpretation of the law, if ^{for} ² in exemple, a seizure has been effectuated on the property located out of Constantinople and belonging to a person born, living and registered in the Civil State of Constantinople, and who is not absent from, ^{Sauve} it is necessary and indispensable to proceed to ^{ward} the ~~the~~ rectification of the error committed and to the restitution of the property in question.

""""""""
 """"""""
 """"""
 ""
 ""

Law of March 31, 1927

* The Council of Commissaries is ^{authorized} authorized to exclude from Turkish nationality those among the Ottoman subjects who, during the war of independence, had not taken part in the national struggle, and ^{Giving} ² staying in foreign country, did not return in ^{to} Turkey ^{from} starting July 24, 1924 until the day of the promulgation of the present law.

~~Are excepted~~ those, who, in conformity with the treaties (coming into force), have made option for Turkish nationality.
 (are excepted)

August
Paris, August 20, 1925

Mr. President:

p. 51
We have the honor to submit ^{for} to your kind consideration the ^{following} memorandum ^{hereunder} ~~here below~~, which exposes the treatment imposed upon ^{to} the Armenians of Turkey by the Government of Ankara, and we request you to schedule ^{on} ~~in~~ the agenda of the ^{next} ~~nearest~~ meeting of the Council of the League of Nations, the question which will be its object, and which, partly, has already been the object of deliberations.

We are convinced ^{that} ~~thout~~ ^(legal) our lawful protestation will find a favorable reception at your Honorable Tribunal, and that an equitable and quick solution will be given to these grievances, ^s as exposed ^{stated} ^W. We have the honor to present you the homage of our highest consideration.

For the Central Committee of the Armenian
Refugees:

Signed/ Leon Pashalian.

To His Excellency Mr. Quinones de Leon
President of the Council of the League of Nations.

Lausanne

The Treaty of Lausanne and the Armenians
of Turkey.

p. 51
See attached sheet ①
About a year has elapsed since ~~the coming into force of~~ the Treaty of Lausanne, ^{Lausanne HAS COME INTO EFFECT, THAT} and ~~we are sorry to see that~~ ^{it} the same Treaty, ^{Although} which ^{is} passing over the vital rights of Armenians, ^{it} had at least envisaged in ^{its} the stipulations concerning Mino-

rities and General Amnesty, a certain amelioration of their future destiny, ^{WE are sorry that it} has not been observed. (Really, their signature ^{made it} became worse.] ^{honored (or practiced)}

(^{Not} to speak) ^{Countries} about the Armenians of Turkey residing in foreign country, we ^{must} have to point out that the Government of Ankara exercised an inexorable ^{hardship towards them} hardness ~~in their respect.~~

ps 2
In spite of the statements of the Turkish Delegates at the Conference of ^{Lausanne} Lausanne, (the Government) ^{has} have not authorized any one of ~~them~~ to return ~~into~~ Turkey, ^{and} ^{with} the succession ^{of} measures and regulations, ^{they} ^{saw fit} were pleased to seize all their possessions. ^{Officials of the Government}

~~At~~ the beginning, it was said that there was no question of "Abandoned Goods" of "Fugitives" only, ^{and} ^{they} ^{stated} that ^{they} ^{were} ^{directed} only by ^{motivated} ^{the concern} anxiety of ^f safeguarding these possessions, waiting ^{for} the rightful owners return ^{to} (home).

But a "Law" ^{last} ^{on} ^{April} ^{15,} ^{1923,} changed the feature and ^{decreed} edicted that the seizure must be extended ~~to~~ to all ^{other} over property of absent persons, whatever may be the date, reasons and circumstances of their departure.

Moreover, the right to be ^{re} presented by a procurator was ^{denied} refused expressly, and all procurations were declared in advance null and void.

Very recently, at Smyrna and elsewhere, they proceeded, at by auction sales, to sell the property they seized.

Extending the stipulations of the "Law", the Government ^{has} have confiscated as well the deposits of Armenians in the Banks and Agencies of Foreign Banks, and issued a writ of

attachment against the deposits transferred to Europe by the same Agencies, that, ^{such} ~~in consequence~~ ^{consequently} ~~believed to be~~ ^{the Government} ~~that~~ ^{it was not} obliged not to restore them to their lawful owners.

We may point out, by the way, that the Turkish authorities have promised to grant a premium to all those persons who would denounce the absent ^{people}, ^{Further deliberate upon} and they considered and ^{even} ^h threatened (so) such individuals who ~~have~~ never left Turkey, but whose ^{held} ^{was} property ~~were~~ situated in ^{places of} (the) localities other than their actual residence.

p 52
The Armenians of Turkey, before and during ^{the} ~~the~~ ^[WWI] World War I, (have) left the country for commercial ^{Business (activities)} ~~affairs~~, for reasons of health or (to ^{study} ^{achieve} their studies), by ^{author} ~~author~~ ^{ization} ~~ization~~ with regular passports delivered to them by the Turkish authorities, or, later on, during the occupation ~~by the Allied forces~~ with a ^{safe} ~~regular safe-conduct~~ delivered by the Allied authorities. Others (have) left the country after the Smyrna affair: the ^{ant} ~~Commandement~~ of the Turkish Army, the ~~Division~~ ^{soon} ~~Division~~ General Nureddine Pasha, as ~~early~~ as he entered ~~into~~ the city, ^{subjected} ~~invited~~ the Greek and Armenian inhabitants, ^{??} ~~under the treatment~~ to deport ^{them} by force to the interior, ^{where they were} and detain ^{or} them in concentration camps, to leave immediately the country without being subject to passport formalities.

The Armenians, Turkish subjects, who ^{had been} ~~were~~ during long years residing in foreign ^{for many years} countries, and others who left Turkey ^{on business} ~~for~~ ^{the} ~~are~~ ^{have been} all deprived of their ^{bank} ~~fur~~ ~~ture~~, buildings, ~~deposits in banks~~ and so on.

moral

on

Must we remember also the moral torture inflicted to many families, some members of which are resident ^{s of} in foreign countries, and who ^{allowed} are not authorized to join their relatives at home.

p 53

Moreover, the Turkish Consular authorities refuse to recognize the ^{Constitutional} organic statute of Armenians in foreign countries and deliver ~~them~~ ^{reaction papers to them} identifying documents, so that all their affairs of heritage, will, ^{guardianship}, emancipation etc. are suspended.

neglected all normal family business have been

The Armenians were waiting (until now in patience) hoping that this situation will be ended, but far from ^{instead of} diminishing, rigorous measures ^{being} are reinforced ^{day by day} ~~day~~ by day. The claims are ^{being} made from every part ^{all quarters} and protestations are accumulated ^{ing}.

have been patiently

Neither human rights, ~~nor~~ constitutional laws of Turkey, ^{es} neither tractations at Lauzane, ^{Lausanne} ~~nor~~ the Franco-Turkish agreement at Ankara, and ^{not} neither the Treaty of Kars, concluded on October 31, 1921, ~~do not~~ justify these acts. Any lawful principle ^{es} do not admit seizure of property. General Amnesty had been proclaimed by the Treaty of Lauzane. ^{Lausanne} Even the 150 ^{out} Moslems, sentenced to death by the Turkish Courts and excluded ~~to~~ from amnesty gratification, have not been deprived of their property; they have been given ^{time} a delay ^{etc} to liquid their possessions through procurators. The same right was recognized ^{for the} to Greeks of Constantinople, who were subjected to be exchanged. The most elementary justice urges for Armenians a treatment at least equal ^{to that} as it is prescribed by the stipulations of the Lauzane Treaty.

In addition, the Turkish authorities find ~~fault~~ fault

with these Armenians who, during foreign occupation of Turkish territories, ^{had} have been granted, by decision of the Allied authorities, passports and special protection to travel to Europe, and ^{will} would not recognize them as their subjects, Turkish subjects. Is it admissible that ~~the~~ Allied protection, forcibly, of temporary character and which ^{capable of} could not bestowing a foreign nationality, may be used as a ^{motive for} (motif) of perpetual banishment and spoliation against those persons?

Turkey formally limited in the ^{Lausanne} Lausanne Treaty the cases and conditions of ~~the~~ change of nationality, granting this right only to the inhabitants of the territories ~~is~~ detached from ^{the} Ottoman Empire. ^{of} How can now they refuse to recognize Turkish nationality ~~to~~ their Armenian subjects of Armenian descent, to whom the above-mentioned provisions cannot be applied?

p 53
No principle ^{the} authorizes ^{the} to hinder ^{right of} voluntary return ~~to~~ home of a citizen who has not been sentenced by a tribunal, and oblige ^s him to abandon his original citizenship, unless his ^{ive} native country has been detached by a Treaty ^e even in such case, one must have the right of option and the liberty to dispose of property. Many Moslems of Constantinople have traveled to Europe, after ^{the} Armistice, with the ~~same~~ passports delivered by ^{the same} Allied authorities, and ^o this, of course, has never constituted a ^{ing} ~~motif of forfeiture from~~ nationality and ^{or} seizure of property.

p 54
It is time to stop these flagrant denial ^s of justice and inequality of treatment which ^{have} has a tendency ^{only} to perpetuate

only hatred and animosity, and that is antipodal to the basic principles intended by the Treaty. France, Great Britain and Italy, ~~which~~ ^{with} ~~made~~ ^{agreements} ~~in~~ ^{the} regard to Armenians, and the League of Nations, charged by Lausanne Treaty to safeguard the rights of minorities, "which constitute obligations of international interest" and ^{will} had been guaranteed, ^{had} have the duty to take this situation into serious consideration, and we (must) hope that the Government of Ankara, under better ^{advice} ~~circumstances~~ ^{will} ~~not~~ ^{fail} ~~miss~~ to accomplish the duties of a modern and civilized State.

The points to be established may be ^{summed up} resumed as follows:

1. Restitution to Armenians of their property and ^{authority} ~~faculty~~ for those who ^{will} ~~would~~ not return to Turkey, to administer their property ^{through} ~~by~~ procurators.

2. ^{Authority} ~~Faculty~~ to return to Turkey for those Armenians who would desire, ^{to be allowed} ~~recognizing~~ to enjoy the same rights as other Turkish citizens.

3. Acknowledgement of the personal ^{constitutional Rights} ~~(statute)~~ of Armenians of Turkey who reside in foreign ¹⁰⁵ ~~country~~ and wish to preserve their Turkish citizenship.

Paris, August 20, 1924.

Geneva, September 5, 1925

Mr. Secretary-General:

With reference to our letter dated last ^{August} ~~Agust~~ 20 accompanied by a memorandum on the treatment inflicted by the Governme

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of Ankara ^{on} ~~to~~ Armenians of Turkey residing in foreign countries, we have the honor to include herewith the list, which appeared ^{to date} ~~until to day~~ in Turkish newspapers, of all property ^{ies} belonging to these Armenians, which have been sold in public auctions ^{held in} ~~at~~ several cities of Turkey.

p55

light of

The silence kept ^{these years} ~~until now~~ by the League of Nations in such an affair, which, in conformity ^{of} with the Treaty of ^{Lausanne} ~~Lausanne~~, is depending ^{entirely} on its jurisdiction, serves as an ^{incentive} ~~encouragement~~ to the Government of Ankara to continue its policy of spoliation in ^{of} ~~regard~~ ^{of} us (Armenians) and ^{immediately} ~~achieve~~ by ^{drastic} ~~final~~ measures. We request ^{brought before the} ~~instantly~~ once more to bring this question ^{now} ~~to the~~ (Council of the League of Nations ~~now~~ ^{now} ~~in~~ meeting at Geneva.

its end have

Please, Mr. Secretary-General, be sure to accept our assurance of high consideration.

The Secretary-General:

Signed/ Leon Pashalian.

To Hon. Sir James Eric Drummond

K.C.M.G.C.B.

Secretary-General of the League of Nations,

Geneva.

p55

Memorandum

of the Central Committee for the Armenian Refugees despatched to the Secretary-General of the League of Nations on November 22, 1925.

Paris, November 22, 1925

Mr. Secretary-General:

In our request of last ^u August 20, we had ^u the honor to

bring to your kind attention ~~on~~ the situation created for the Turkish subject ^S ~~Armenians~~ of Armenian descent, whose property ^{ies being} are seized by the Government of Ankara under the pretext that [^] ~~(they)~~ ^(their owners) are absent from Turkey and that the property ^{ies} are "Abandoned Goods".

f55-
 Since that date, no measures have been taken to put an end to the flagrant injustice to which ~~are submitted~~ our ^(have been subjected) unfortunate compatriots. The Turkish authorities ^h persist in refusing to grant them passports and do not ^h authorize them to go and ^{take} (get) possession of their property; at the same time they declare that the acts of procuration are not valid anymore, ^{and they} do not recognize the procurators designated by those who have the right to do so, and ~~(they)~~ ^{are} considering continuing to sell ^{confiscated} (seized) property and ^{To} appropriate ~~the~~ valuables ^{well as} as well as in Constantinople as ^{(in Smyrna and in} other cities of Turkey.

The same fate ^{has befallen} (is forfeited) ~~to~~ ^{the} property ^{of} Armenian communities such as churches, monasteries, schools, etc.

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 This state of ^{affairs} (things) remain ^s inexplicable (and inexplicated) in spite of ^{recurrent (repeated) petitions} (reiterated) ^{recourses} that the interested persons have never ceased to make to the ^{RIGHTFUL} ^h competent authorities.

Let us ^{turn} (come) to the question posed ~~in~~ by our above-mentioned request and expose, as complementary information, certain points which demonstrate clearly ^{total} (all) the illegality of the acts committed against us and the conclusiveness of our complaints.

1. The so-called "Law" of "Abandoned Goods" that the Government of Ankara ^{issued} (edicted) April 1923, is formally incon-

sistant^e with the rights of Minorities that [the Turkish Government] are^{is} (in obligation)^{obliged} to respect. In fact, in the Article 37 of the ^{Lausanne} Lauzane Treaty, Turkey had recognized as fundamental laws the stipulations contained in Articles 38 to 44 of the Treaty, concerning the protection of Minorities and had admitted that "no law, regulation, nor official action shall be in conflict or interfere with these stipulations, nor shall any law, regulation, nor action prevail over them."

2. The Article^s 39 and 40 of the ^{Lausanne} Lauzane Treaty explicitly prescribe that: the Turkish subjects belonging to non-Moslem Minorities, ^{should} enjoy the same civil and political rights as Moslems. Now, the fact of living not in Turkey and being in a foreign country, cannot certainly deprive Armenians of their quality of being Turkish subjects, considering that (the) absence is a common ^{privilege} right and ~~does~~ never constitute^s a change of nationality.

3. The Articles 30 and 36 of the ^{Lausanne} Lauzane Treaty having specified the persons who cease to be Turkish subjects, ^(shall) ~~(precizing)~~ ^{strictly statie} the conditions ^{for} of changing their nationality (Syria, Palestine, Mesopotamia, etc.); therefore, Armenians who do not ^{belong to} (enter in) this category, remain as they were Turkish subjects, and ^{cts} the Government of Ankara is ^{of theirs} contesting ~~to them this capacity~~. This.

4. Armenians, whom^s the Government of Ankara would deny, have never been subject ^{to of} of condemnation by the Turkish courts. Moreover, the amnesty proclaimed ~~by~~ in the Treaty of ^{Lausanne} Lauzane,

fs 6

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? covers ~~(+ factors to)~~
receives them, as have been covered all other Turkish sub-
jects, Moslem and non-Moslem.

5. Nothing ^hauthorizes the Turkish authorities to consider as "Abandoned Goods" the property of Armenians who claim them personally or ^{through} ~~or~~ ^{an} ~~by~~ ^(an) ~~procurators~~ ^(decision) it is arbitrary to conceal ~~administratively~~ ^{PROPERTY} their deeds (of property), to refuse to recognize the acts of procuration, to seize their ^{bank} deposits ~~in Banks~~, to collect their rentals of ^{on} ~~buildings~~ ^{their} buildings, to sell and appropriate the ^{Merchandise} ~~products~~, while these possessions have ~~their~~ owners and rightful claimants.

It is ^{certainty} ~~so~~ strange to impose ^{on} ~~to~~ Armenians such a treatment that, in ^{no way} ~~any case~~, is ~~not~~ even equal to the treatment imposed ^{on} ~~to~~ 150 Turkish Moslems excluded from the stipulations of amnesty proclaimed by the ^{Lausanne} Treaty. The latter, sentenced to death by the Courts-Martial and exiled from the country, have been ^{permitted} ~~granted~~ to ~~enjoy~~ ^{of} and dispose their property in Turkey, ~~and enjoy the Proceeds~~ ^{overlook the fact}

6. Finally, one must not ~~(disregard)~~ that the Treaty of ^{Lausanne} Lausanne ^(use) ~~use~~ ^{intentionally}, following the case, the terms ~~of~~ "subjects" (ressortissants) and "inhabitants" to guarantee the special rights of every one. In fact, the ^{word} "Subject" ^{is} a Turkish subject, ^{who} may live ^{necessarily} not ^{but} in Turkey and have residence in foreign country, while "inhabitant" is considered ^{to} as ^{a person} ~~a~~ residing in Turkey in a more or less fixed manner and may ^{who} ~~be~~ not ^u a Turkish subject. ~~at all~~.

^{at c} Reitering, Mr. Secretary-General, our request to take into consideration our petition and provide all our recour-

ses which the state of ^{affairs} things ^(above) ~~may~~ ^{has} exposed may require, we have the honor to present you the homage of our high consideration.



Paris, December 30, 1925

Mr. Secretary-General:

We believe ^{wish} to draw attention to the following fact that is connected with the question of "Abandoned Goods" and the deposits in ^b Banks of Turkish subjects of Armenian descent, which is scheduled ^o in ^{Today's} the ^{on the} agenda ^{of the daily agenda} (of the day) by the Council of the League of Nations.

At the beginning of December ^(running) ~~the~~ ^{on the} Consul General of Turkey at Paris, has affixed ^{inside and outside of the} Consulate the following notice:

"The Turkish subjects having left Turkey:

- #1. Before the hostilities (1914),
- #2. Without a passport,
- #3. Provided with foreign passport^s and desiring to ^{legalize} regularize their ^{present status} situation, are informed that they must make ^{? RIGHFUL CLAIM} their statute through the services of this Consulate ^{when} that will deliver ^{to the} them necessary applications. ^{to them}

"These requests will be received until December 31, 1925."

Many Armenians, who have interests in Turkey and who are desirous ^{of correct ing} to regularize their ~~judiciary~~ juridical situation, ^(have gone) went to the Turkish Consulate in order to fill the necessary applications which could ^{submitted} be (given) then. They were mostly surprised when the employees of the Consulate of Turkey

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made a formal statement that the notice in question did not concern Armenians.

Even those [Armenians] who were provided with regular passports delivered by ~~the~~ Turkish authorities prior to the war, had their requests rejected. ^{Trustworthy?} ~~Persons worthy of faith,~~ may produce their written testimonies if requested to affirm this fact.

^{Having} Informing you of the proceedings and the facts, we believe that we must prevent all argumentation against which the Turkish Government might prevail in the future, reproa^a-ching ~~to~~ Armenians, Turkish subjects, residing in foreign countries, ^{and} having ^{not} regularized their situation ^{7?} between the fixed ~~delay~~ ^{?? period.}

Please, Mr. Secretary-General, ^{Please} be sure of ^{you may be certain (you have)} the assurance of my highest consideration.

The Secretary-General:

Signed/ Leon Pashalian.

To Hon. Sir James Eric Drummond,

K.C.M.G. C. B.

Secretary-General of the League of Nations,

Geneva.

Paris, January 25, 1926

Mr. Secretary-General:

^{to the/}
We have the duty to bring ~~in~~ particular attention of the Council of the League of Nations the statements that Mr. Shukri Bey Sarajoglu, member of the Turkish Delegation at Geneva, has made ^{upon} (when) returning to Constantinople ⁿ and which have been pub-

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issued in the ~~no~~ issue of December 26 of "Jumhuriyet", ^{semi-official} ~~efficient~~ organ of the Turkish Government.

interviewed by a correspondant of that newspaper, Mr. Shukri ^{Bey} ~~eye~~ said among others: ^{things}

^{As regards} "(in) the question of Armenians, our Delegation has felt a just discontent. Before going to the meeting of the Council, [the Delegation] was complaining that this question has been scheduled ^{on} in the agenda of the day, unlawfully. The Delegation said that the claimants are Armenians who to/day are not considered ^(as) Turkish subjects, and If the League of Nations goes ^{investigate} thoroughly into the question of the claimants made by individuals who have left Turkey, this would ^{be} open the way again to ^{vexing} ~~worry~~ the minorities, who had expressed their satisfaction about their ^{plus conditions} ~~state~~ and renunciation ^{of} ~~the~~ provisions of the Article 42 of the Treaty of Lauzane. ^{in this manner} So the League of Nations would have discontented ^{made} discontented ^{whom} the people ^{which} they [League of Nations] have to protect,"

^{on} ^{day} At the same (date) (December 26, 1925) the "Turkish newspapers published a notice, ~~following which~~ "considering that the sale of "Abandoned Goods" belonging to Armenians is suffering ^{detrimental} prejudicial delays to the interests of the country, ^{have} an order had been given to the interested Departments to fix the prices of buildings, fields and orchards abandoned belonging to Armenians and ~~to~~ sell them immediately in sub by auction".

in the same order of facts, we must ^{point out} signal that, ^{mention a} few days ago, the Turkish Consul at Paris invited, by ~~an~~ official

Renunciation

made

ps 9

Notice, all Turkish subjects to present themselves in order to ^{legatize} ~~regularize~~ their personal ^{status} ~~statute~~, but when Armenians answered to this appeal, ^{they were told} he ~~made them know that~~ the notice ^{did} ~~could~~ not concern them and ^{were} ~~sent~~ them away home.

^{the} ~~It~~ results of these statements, measures and proceedings ^{are} that the Government of Ankara is inexorably pursuing the application of the "Law" of April 15, 1923, which ^{ordered} ~~had~~ ~~edicted~~ the general seizure of the property of Armenians absent from the country, whatever ^{may be} the date, ^{ve} ~~motif~~ and circumstances of their departure, and which stated that the procurations given by ~~the~~ absent persons are no ^{longer} ~~more~~ valid.

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The "Law" of the "Abandoned Goods" is based ^{on} an obvious equivocal ^{ation}, because the property ^{ies} ~~it~~ ^{declares} "Abandoned" have ~~their~~ proprietors and ~~their~~ rightful owners, who ~~are asking a~~ in existence, and who are claiming their rights. They would return home, or at least administrate their property by ^{means of} procurators, but they are kept ~~at~~ hinderance ^{ed} by the Government ~~from doing so~~.

It must be ^{ed} ~~noticed~~ that a great many of these Armenians were in foreign countries before war ^{the} (World War I), and that others ^{was left} ~~have gone~~ during the hostilities (1914); all ^{having been} provided with regular passports and having plausible reasons ^{for being abroad} as ^{such as} commercial affairs, health, study, etc.

^{there are} ~~Also~~ the inhabitants of Smyrna and ~~their~~ neighboring districts who had been forcibly impelled to move temporarily from the country by the Commanders of the Turkish Armies, those localities ^a having been declared military zone.

Finally, there are others, who, seized by ^{pervasive} comprehensive panic, have gone, waiting to ^{to return} get home when the situation ^{returns to} will come into normal.

How ^{one could} rightfully refuse ~~to~~ all these Armenians, good and peaceful citizens, their capacity to be Turkish subjects, ^(a fact that never?) that has not been ever expressed by an international act, such as for inhabitants of countries detached from Turkey: Syria, Palestine, Iraq, etc, and ^{whose} all of ~~whom~~ ^{directed at} ~~recourses~~ ^{have been} effected to Ankara, ^{remained} (unsuccessful)? Have they ^{The Turkish Govt?} proceeded in the same manner with other Moslem or non-Moslem subjects of Turkey? Does ~~the~~ Article 39 of the Lauzane Treaty not guarantee ^{the same} to Armenians ^{the right} to enjoy ~~as well~~ (as Moslems) the same (rights) civil and political? ^{they are} ?

Pretending that ~~these~~ ^{ey}, because ^{they are} Armenians, must stay at home and not travel, under the penalty of ^{losing} losing their nationality, ^{would} will be a non-sense; ^{similarly,} to like to dispossess them of their property because they ^{are} are absent from the country temporarily ⁱ would have been inconceivable and inadmissible grossness in ^{cases of} law and justice.

^{By} Article 37 of the Treaty of Lauzane ^{same} ~~it~~ did not Turkey sign ^{agreement} an engagement not to ~~permit~~ promulgate any law, any regulation or any official action in ~~ed~~ contradiction ^{To ed} with the stipulations concerning Minorities? How ^{reconcile} (one may) ~~conciliate~~ such an ^{agreement} engagement with the treatment scarcely covered in the statements of Mr. Shukri Bey Sarajoglu relative to the future fate of Armenians in Turkey? [?]

In the Note dated 20 October 1925, the Secretariat-General of the Government of Ankara has written that "the

actual situation of Armenians having left Turkish territory before the signature of ^{the Lausanne} Lausanne Treaty has been regular~~ized~~^{ted} by the Declaration of Ismet Pasha at the Conference of ^{Lausanne} Lausanne, Declaration ^{as contained} (consigned) in the ~~the~~ ^{page 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100} minutes No 13 of the session on Tuesday, July 17, 1923."

^{Considering} Now ~~the fact~~ that he has ^{empowered broadly} been engaged to apply the amnesty (in a large spirit), and has stated that only "trouble-makers" would be ^{barred} excluded from returning ^{to} in Turkey; he had never spoken about the seizures which would be ^{enforced pertaining to} practiced on the property of Armenians absent from the country.

Such a measure seems ^{intentional} so unjust and far from his (thinking) that even 150 Moslems ^{of Turkey} sentenced to death by the Courts-Martial and excluded from amnesty, ^{who were} have ^{been} recognized ^{as entitled to} to enjoy their rights of ^{of} disposing fully their property ^{considered}.

In the same order of thinking, non-exchangeable Greeks ^{not/d} who are ^d authorized to return to Turkey, have not ^{been} deprived, ^{of} ^{using} rightfully to exercise their rights on the property left by them in ~~the country~~ (Turkey).

⁶⁰ It ^{follows from} results ^{on} of these considerations that the treatment inflicted ^{CONFLICT} to Armenians proceed^s from a (confusion) that the Council of the League of Nations has ^{an obligation} the charge to ^{dispel} (dissipate). It is not a question of Turkey's ^{internal security} (interior order), but ^{rather one} of international order, ^{to be} (and) settled under the guarantee of the League of Nations.

~~It is under the compulsion of daily complaints that the Central Committee is making this recourse;~~ ^{undertaking this responsibility under pressure of daily complaints} (these complaints are coming from Armenians temporarily residing in Greece,

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Bulgaria, Rumania and ^{purposefully} ~~waiting with anxiety~~ ^a the solution ^a ~~to~~
of the question of their personal statute, the safeguarding
of ~~the interests of~~ ^{has remained of} what is remaining from their property, and
the application of rights contained in the stipulations
of the ^{Lausanne} ~~Lausanne~~ Treaty concerning Minorities.

They cannot recognize the validity of sales made by
Turkish authorities under the ^{erroneous label} (fiction) of "Abandoned Goods"
and the amount of which, ^{according to} following the Turkish newspapers,
^{has} already reached one million Turkish Pounds. They consider
that these sales ~~as~~ null and void, and, ^{believing} trusting in their
cause, ~~are~~ waiting for justice ~~as well as~~ from the League
of Nations ^{well as} ~~as~~ from the Turkish Government.

In any way, ^{event} an urgent measure must be taken to ask the
Government of Ankara to postpone the sale of ^p ~~property~~ ^{is arrived at} seized,
until the solution ~~(to be given to this affair)~~ by the Council
of the League of Nations.

Sincerely....

The Secretary-General:

Signed/ Leon Pashalian.

The Hon. Sir James Eric Drummond

K.C.M.G.C.B.

Secretary of the League of Nations

Geneva.

Paris, June 1, 1926

Mr. Secretary-General:

We have the honor to include herewith a memorandum
concerning the illegality and ^{purposefully} (nullity) of the measures of

seizure and denationalization taken in regard ^{to} of Armenians by the Turkish Government, composed by André Mandelstam, member of the Institute of International Right^{(s)?}, who has agreed, as we have ^{given notice NOT. Fried} noticed to you in our letter dated February 4, 1926, to ^{grant} (award) his juridical concurrence.

We believe we have to add that all ^(a) conclusions of Mr. Mandelstam ^(have been) (are fully) adopted by our Committee.

Please, Mr. Secretary-General, be sure to ^{accept on} agree the assurance of our high consideration.

The Secretary-General:

Signed/ Leon Pashalian.

Hon. Sir James Eric Drummond

K.C.M.G.C.B.

Secretary-General of the League of Nations

Geneva.

Memorandum

of Mr. André Mandelstam
on the illegality and nullity ^{invalidity} of measures of seizure and denationalization taken against the Armenians
By ^{the} Turkish Government.

I

The Rights of Armenian ^s (following) ^{according} The Treaty of Lauzanne-
Lausanne ^{Lausanne}

^{p 62}
The Article 39 of the Treaty of Lauzanne signed on July 24, 1923, ^{states} carries: "The Turkish subjects belonging to non-Moslem minorities shall enjoy the same rights civil and political as ~~the~~ Moslems. All inhabitants of Turkey, without

^{regardless}
~~distinction~~ of religion, shall be equal before the law..."

And in ~~the~~ Article 44 of the same Treaty: "Turkey ^{accepts} (undertakes) that, in the measure where the preceding Articles of the Section ^{concern} (affect) the non-Moslems of Turkey, the stipulations constitute obligations of international interest (and) placed under the guarantee of the League of Nations".

However, the Treaty of Lauzane ^{Lausanne must be} is distinguished ^{from} of the Treaties [?] called of Minorities ~~concluded~~ concluded by the Principal Allied Powers with other States such as Poland, Czechoslovakia, etc., by the absence of stipulations regulating the acquisition or loss of nationality in Turkey. ² The Section ² ~~II~~ of the Part I of the Treaty ~~is~~ entitled "Nationality" ³ (concerning ⁵ only) Turkish subjects established on the territories detached from Turkey.

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^{Thus} No a distressing problem is posed. ^{class} The protection of the League of Nations ^{is determined by} (not being assured) by the Treaty of Lauzane ^{Lausanne applies} only to non-Moslem minorities, ~~which are~~ subjects of Turkey? Must we conclude from this that (Turkey) has the right to exclude ^{volition} of its own will, ^{b c} (from sujétion)? the members of the minorities and deprive them by this indirect means, ^d from the protection of the League of Nations?

^{Lausanne}
 The analysis of the acts signed at Lauzane, as well as of the minutes of the Conference, lead to a negative answer to this questions, and this for the reasons exposed hereunder.

The Statement relative to the amnesty

The "Declaration Relative to the Amnesty and the Protocol" signed at Lauzane^{sanne} on July 24, 1923 by Great-Britain, France, Italy, Japan, Greece, Rumania and Turkey contains the Chapter^s I and III, (so worded^{ed}:) as follows:

I. "Any individual inhabitant^{ing} or having inhabited in Turkey, and, reciprocally, any person inhabiting or having inhabited Greece, must not be (worried^{annoyed (harassed)}) or molested in Turkey, and reciprocally, in Greece, under any pretext, because of his military or political conduct or because of the assistance he (could^{might}) have (given^{rendered}) to a foreign Power Signatory of the Peace Treaty to the date of this day or to its subjects between August 1, 1914 and November 20, 1920."

II. "Full and complete amnesty shall be granted respectively by the Turkish Government and by the Greek Government for all crimes and (delicts^{MISDEMEANORS}) committed during the period in evident connection with the political events^{having} taken place during this period".

These (texts^{statements might}) could be sufficient to assure to Armenians inhabiting or having inhabited Turkey the benefits⁺ of a complete amnesty. However, the painful situation of Armenians had drawn, during Lauzane Conference, the particular attention of the Plenipotentiaries of Allied Powers and was the object of long talks with Turkish Delegation, as it is recorded^{the} in the minutes of the First Committee of the Conference No. 9, 11, and 13, of May 19, June 4 and July 17, 1923, respectively. The exchange of views in this matter ended with the Decla-

ration of Ismet Pasha on July 17, 1923.

II

Declaration of Ismet Pasha on July 17, 1923

p63
 The Declaration of Ismet Pasha must certainly be considered as the genuine interpretation of the Turkish Delegation of the Declaration of ^Aamnesty. Very recently it already received, ^{from} (by the side of) Turkey, a ^{judicial} new consequence; in fact, the letter of the Turkish Government to the Secretary-General of the League of Nations, dated October 20, 1925, bearing the signature of Tewfik Kiamil Bey, contains in its last paragraph the following declaration: "As to the actual situation of the Armenians having left the Turkish territories before the signature of the Lausanne Treaty, ^{has} have been regulated by the Declaration of Ismet Pasha at the Conference of Lausanne, ^{sup} declaration that is consigned in the ~~minutes~~ minutes No 13 of the session of Thursday July 17, 1923".

CORROBORATION

The above-mentioned Declaration of Ismet Pasha

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^{rest} is as follows:

"ISMET PASHA declares that the Turkish Government desires to apply, as soon as possible, the provisions of the Declaration relative to the amnesty, sincerely and punctually. The Government shall apply in ~~a spirit~~ ^{a spirit} as extensive ^{as (the other powers signatory)} of the Declaration. It was natural indeed that ^{for} the Turkish ^{to} authorities pursue the guilty ^{parties} until the moment ^{when} ~~where~~ the peace would be signed; ^(for) ^(to)

*(The peace Treaty?)
 Peace to be declared.*

whatever it may be, the Turkish Government, ^{without question} incontestably, ^S have not stopped and will not stop, in the course of these ^{into to impose} pursuits, [?] but ~~only~~ the worry of their (Government) security ^{??} impose, to prove the greatest generosity possible. ^{without any danger to their Government security}

"The Turkish Delegation has exposed during the precedent meetings their ^{Point of view regarding the} (manner of seeing) the matter of Armenian emigrants. ^{In their estimation, etc} They (Delegation) ~~estimates~~ that it would be needless to ^{reiterate their position.} ~~repeat.~~ (what)

"The Government of the Great National Assembly of Turkey, sincerely desirous to see ^{that} the concord and good understanding ^{prevail} ~~be dominant~~ ^{among} between all the elements of the Nation, ^{intends} ~~means~~ that they enjoy, in perfect equality, all the rights and liberties ^{guaranteed} that the laws recognize to ^{per} Turkish citizens.

§ 65

"In order to contribute to the general pacification in ^{Peace (harmony)} the country, the Turkish Delegation had first accepted to grant complete amnesty to the inhabitants of Turkey. ^{However} Although, ^{term} by the expression "inhabitant" ^{referred to} ~~were designated~~ persons (inhabiting) ^{actually} ~~in~~ Turkish territories, they ^{(the} Delegation ⁾ ^{later} accepted at a ~~later~~ date, in order to ^{accommodate?} enter in the views of Allied ^{the} delegations, that ~~the~~ persons having ^{previously} ~~previously~~ inhabited ~~in~~ Turkey may equally enjoy this amnesty.

^{Agreeing} "Accepting to renounce all ^{up} ~~(pursue)~~ ^{pursuits/addresses} ~~even~~ against people ^{these} who had taken arms against their country, the Turkish Government consider ^{up} having [?] proved, to the detriment of the public order, a spirit of tolerance and conciliation ~~that is not~~ practiced in other ^{nations} States. If other ^{nations} States are ^{Correct} (right) for several ^{reasons} motives, and particularly ^{for} ~~for~~ reasons of general

in ^{ing the redress} security, not ~~to~~ renounce ^{it of} to pursue their subjects being in the same situation, it would not be equitable to urge Turkey, ^{??} ~~(a part penal irresponsibility (that they) (Government))~~ ^{for it} to agree ^{to} accept to open the doors of the country to troublemakers. It would be to ^{mean} ~~to~~ ^{ing} expose again the country to the bloodshedding events, that, since ^{has} the Treaty of Berlin, made the ^e reestablishment of a ^{permanent} ~~persisitant~~ tranquility in Turkey impossible.

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"Finally they decided to ^{enable} ~~make~~ the Turkish people ^{to} enjoy the ^{ts} beneficence of order and tranquility, that every independent country enjoys. The Turkish Government ^{has} ~~are in~~ the imperative obligation to prohibit the access of the territory ~~of~~ to all elements of disorder and revolution. The exercise ^s of this sovereign duty shall not hinder Turkey ^{from seeing via} ~~to look after~~, in possible measures, that inhabitants and good citizens do not suffer the measures in question.

"The Turkish Delegation ^{ie} believe, moreover, that they ^(it) must draw the attention of the Conference ^{to} upon a capital ^(basic) point that seems to be the principal reason of the actual controversy. In ^{its} his opinion, one must avoid ~~to~~ establishing any correlation between two orders of questions essentially different: the Amnesty and the Return of emigrants in Turkey.

"The consequences of ~~the~~ Amnesty in regard ^{to} persons actually inhabitant ^{ing} ~~in~~ Turkey are clearly defined. It is evident, moreover, that there shall not be ^{any} ~~be~~ ^{it} ~~of~~ pursued against persons having formerly inhabited ~~in~~ Turkey, because of ~~the~~ acts enumerated in the Declaration of Amnesty. The return to Turkey of persons ^{belonging to} ~~entering~~ ^{on} this last category

is ^{subject} submitted to the authorization of the Turkish Government; this authorization shall be granted only to persons who ^{haven't} had ~~not~~ bad antecedents. *without previous record of wrongdoing*

"As to the return home of hundreds of thousands of persons ^{having who at varying} emigrated in ^{of time,} several periods, this is a question ^{which is} completely independent of (the) amnesty and which do not enter into the limits of the problem that ^{should} be resolved by the Peace Conference.

"Considering the deep ^S changes that affected especial-ly the political and economical situation of the Orient, Turkey could not take any engagement in this regard and declares clearly that, in ^{its} his opinion, this question is completely strange ^{alien} to the Declaration of Amnesty."

""""""
""""
""

A juridical ^{analysis} allows to ^{to be established} establish the following points:

There is no correlation, In the opinion of the Turkish Delegation, between orders of question essentially different: the Amnesty and the return of emigrants into Turkey.

1. The Amnesty:

The Amnesty is extended not only to inhabitants of Turkey but also to persons having ^{previously} ~~previously~~ inhabited in Turkey. This Amnesty is otherwise designated as "penal irresponsibility", admitted by Turkey. The Declaration ^{itself states} ~~precises~~ that there will not be ^{of} pursuit ~~against~~ against persons having formerly inhabited in Turkey, because of the acts enumerated in the Declaration of Amnesty. The ~~amnesty~~ amnesty is extended even to

persons who had taken arms against their country.

2. The Return:

Turkey ^{Prohibits} interdicts ^{to its} the access on ^{to} its territory ^{to} "trouble-makers", ^{to} "all elements of disorder and revolution".

But Turkey should, "in ^{by all ? Measure} possible measure", ^{See to it} deal that peaceful people and good citizens do not suffer ^{from} the measures

in question. But even the return of individuals having not

a bad ^{from record} antecedents is ^{subject} submitted to the authorization of the Government. And the hope to obtain this authorization is already

attenuated by the elimination at least ^{it} temporary ^{large scale} of wholesale return home. Turkey declares ^{its intention not to take any action} (not to take any engagement) in

this regard.

This distinction between Amnesty and return home is, ^{from} in all points of view, artificial; a veritable amnesty ^{provides for} comports the return home of emigrants. At the end of this memorandum, it will be enough to study the effects of the Amnesty as it is defined in the Declaration of Ismet Pasha.

III
The illegality of all Measures

of Seizure ^{from} in the point of view of the

Declaration of Ismet Pasha

Several measures taken by the Turkish Government ⁱⁿ ^{all} regard ^{to} of Armenian property ^(ics) were enumerated and described in detail in the ^{ing} precedent memorandum of the Central Committee. They are:

- a) ~~The~~ Seizure of property of absent ^{belonging to persons} people to the profit of the State;
- b) ~~The~~ seizure of ^{bank} deposits ^{belonging to} of Armenians in Banks;

c) The Refusal to the absent individuals of the right to be represented by procurators, all procuration being declared in advance ⁱⁿ non-valid.

All these measures are absolutely contrary to the terms precise and clear of the Declaration of Ismet Pasha on the Amnesty,

Whatever ~~it~~ ^{may be} actually, in the eyes of the Turkish Government, the nationality of the Armenians absent from Turkey, ^{latter} the Government ^s have, by the Declaration of July 17, been obliged vis-à-vis ^{the} of Allied Powers to abstain ^{from} of all pursuit ^{of} against persons having formerly inhabited ~~in~~ Turkey because of ~~the~~ acts enumerated in the Declaration of Amnesty. These individuals are covered by "penal irresponsibility", admitted by Turkey. Therefore, all measures of seizure concerning their property ^{are} ~~is~~ unlawful.

IV

The ^{illegality} unlawfulness of the exclusion by the Turkish Government, (from Turkish nationality) of Armenians enjoying amnesty

As ~~it~~ has already been exposed in the preceding memorandum of the Central Committee, the Turkish Government refuse ^s to ^{grant} recognize ~~the~~ Turkish nationality to the ^{vast} ~~immense~~ majority of Armenians living in foreign country^{ies}, such as:

- a) Armenians who escaped ^{to} in Europe during the events of 1915;
- b) Armenians who left Smyrna on the categorical orders of the Commander of the Turkish Army;

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- c) Armenians who left Turkey with passports delivered, during occupation, by Allied authorities;
- d) Certain Armenians who left Turkey during or after ^{the} war, provided with passports delivered by the Turkish authorities, and even others ^{settled} established in foreign countries ^{many months} since ~~long~~ months, before the war.

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But ^{by} special Notices ^{who been} have invited the Turkish subjects to present themselves to the Turkish Consulates in order to ^{legalize} regularize their situation. But to Armenians (such who presented themselves), the Turkish Consuls have invariably declared that these notices ^{pertained} concerned only Greeks and Israelis.

The Turkish Consular authorities refused to recognize the personal ^{Turkish/} statute of those Armenians ^{wait} in foreign country ^{ies} and ~~to~~ deliver to them ^{such} legalized documents so that their affairs of heritage, will, guardianship, emancipation etc. are in suspension.

This denationalization of the Armenians of Turkish ^{origin} nationality ^{is} ~~are~~ in ^{no} any way founded on their voluntary or personal ^u renunciation of their nationality. ^{felt is} Needless to ^{argue} insist the case of those Armenians who had escaped from Turkey during the ~~tragic~~ events of which their race suffered during and after ^{the} World War I, or who have been evacuated by the Turkish authorities. The question is posed not either for those (among them) who left Turkey provided with passports delivered by the Turkish authorities. Finally, ^{one} one could not presume ^{be d} the intention of renouncing ~~their~~ ^{ones} country among those who had left Turkey provided with passports delivered by the Allied autho-

incomplete sentence

rities. The delivery of these passports was due to an evident necessity, and the document delivered had temporary character; and, Moreover, ^{was of a} they did not grant the bearers a foreign nationality. ^{the bearers of same were not granted a foreign nationality.}

General Pellé, French Plenipotentiary, established during the meeting held on March 19, 1923, of the First Committee of the Conference of Lausanne ^{the} that the persons who left Constantinople at the time of ~~change~~ of regime in 1922, with regular papers, have left in good faith, with the consent of the Turkish Police.

It is then evident that the ^{depriving} (skinning) of Armenians ^{of} their civic rights, that affected almost all Armenians living in foreign countries, has ^a penal character.

Therefore, ^{absolutely} this denationalization is absolutely contrary to the Declaration of Ismet Pasha, by which the Turkish Government recognized ^{the} "the penal irresponsibility", including in ^{the} (even) amnesty "the people who took ^{up} arms against their country".

^{inconceivable} It is useless that the Turkish Government would prevail ^{on its} of his sovereignty in order to assert the right to legislate ^{thly} in all independence in the matter of nationality.

This right belongs to ^{the} the Turkish Government, ⁱⁿconstantly, ^{1730 far as} but only ^{as far as} as they (Turkish Government) did not renounce it (the right of sovereignty) by an international act. This point had been ^{finally} lastly confirmed by the consultative judgment of the Permanent Court of International Justice, on February 7, 1923, in the controversy between France and Great-Britain in the matter of Decrees promulgated:

the bearers of same had not changed their nationality.

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gated in Tunisia and Morocco. 1)

"It can be, said the Court, very well, that, in a matter, which, ^{such} as the one of nationality, ^{which is} regulated by international right law, the ^{freedom} (liberty) of the State to dispose at ^{its} their own will, be however, restricted by ^{agreements} (en-
gagements that ^{might} be undertaken with ^{other} their States, in this case, the competence of the State, ^{without precedent ???} exclusive in prin-
ciple) is limited by rules of international law".

Now, in the case of Armenians, the exclusive competence of the Turkish Government State to legislate in the matter of nationality has been limited by the Declaration of Ismet Pasha on July 17, 1923, confirmed by the letter of Tewfik Kiamil Bey dated October 20, 1925.

Recognizing the penal irresponsibility of Armenians, ^{according to} on account of acts enumerated in the Declaration of Amnesty, ^{change word} Turkey ^{s prohibited themselves} have interdicted (to themselves) ^{from} (the faculty) to ex-
clude them (Armenians) from Turkish nationality as a pu-
nishment.

^{with regard to} All shortcomings of Turkey to the Declaration of Amnesty and to the Declaration of Ismet Pasha expose certainly Tur-
key to the complaints of the signatory States of the Treaty of Lausanne. And, ^{what} in case Turkey would not comply with the complaints, ^{OFFICIAL ACTION} could be assigned by the Allied Powers (to the

- 1) Publication de la Cour Permanente de Justice International
série B. Recueil des Avis Consultatifs, No.4, p.24.

A Committee
may be
empowered by.

7
 Court) on the basis of ~~the~~ ^{Proposed?} intended line 1, of ~~the~~ Article 15 before the Council of the League of Nations. the unique existence of two engagements sufficient to bring down the reticence of the exclusive competence contained in the intended line 8 of ~~the~~ Article 15.

Here ~~is how,~~ ⁷ In this matter, the Permanent Court of the Hague delivered the judgement:

7
 "But as early as the law invoked are of a character to allow the temporary conclusion that can have a juridical importance for the conflict submitted to the Council and that the question to know whether a State is competent to take such or such measure is subordinated to the appreciation of and interpretation of the rights, the provisions of the Paragraph 8 of ~~the~~ Article 15 ^{cease} ~~discontinue~~ from being applicable and one gets out from the exclusive domain of the State to enter into the domain regulated by international law. 2)

V

The Recourse to the Permanent Court

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 The Council of the League is not, however, in any way obliged to suspend its action ^{of} ~~into~~ ^{into?} ~~the~~ ^{into} issue of a controversy between the Allied Powers and Turkey in the matter of nationality of Armenian emigrants.

If any exception of incompetence is ^a ~~is~~ [^] ~~rised~~ before (the Council) by the Turkish Government, the situation which will result must be regulated ^{by} ~~in~~ ^{Proposed} virtue of ~~the~~ ^{intended} line 3

of ~~the~~ Article 44 of the Treaty of Lausanne worded as follows:

"Turkey agrees, moreover, that in case of difference^s of opinion on the questions of right or fact concerning these articles between the Turkish Government and any of the signatory other Powers or all other Power^s, Member^s of the Council of the League of Nations, such difference^s shall be considered as ~~a~~ difference^s of international character in accordance with the terms of ~~the~~ Article 14 of the Covenant of the League of Nations.

The Turkish Government agree^s that all controversy of this kind shall, if the other Party ^{raises} claims, be submitted to the Permanent Court of International Justice.

The decision of the Permanent Court shall be ~~non~~ⁱⁿ appealable and has the same force and value as a decision made ^{by according to} in virtue of ~~the~~ Article 13 of the Covenant".

change
In conformity with this text, every Member of the Council has then the ^{right} faculty to defer to the Permanent Court of International Justice the question of knowing whether the Councilⁿ is or is not competent to assure, in conformity with the Articles 37 to 44 of the Treaty of Lausanne, the protection of Armenian emigrants that the Turkish Government ^{professes} pretend^s to exclude from Turkish nationality.

√ it seems, (in fact) impossible to ^{believe} pretend that a ~~at~~ difference of opinion on this question between a Member of the Council and Turkey would not be one of the questions of "right or of fact", that (envisages) ~~the~~ Article 44 of the Treaty of Lausanne.

Referred to by Spain, Italy and Sweden, the Council

proceeded to the first inquiry in the session held on December 14, 1925, ³⁾ and accepted a report from Mr. de Mello Franco. This report ^{reads} contained the following:

"It comes out of the Note by which the representatives of Spain, Italy and Sweden, have pointed out the affair to the attention of the Council, that they made in the absence of all observations on behalf of the Turkish Government. [Later on, the question has been ^{scheduled} ~~registered~~ in the agenda of the day of the Council, ^{but} received the Turkish Note dated October 20, 1925.] ^{Under} in these conditions, the Council shall estimate perhaps preferable to ^{prefer} ~~postpone~~ this ^{matter} (affair) to the Committee formed by the above-mentioned representatives to allow them to submit it to another inquiry. It shall ^{on} depend of the result of the inquiry that this affair ^{whether} ~~(be)~~ ^{shall} again referred to the Council." ⁴⁾

rewrite →
on that date
or
the one written
on that date?

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The representative of Turkey, Munir Bey, accepted the transfer to the Committee and maintained the right "to ^{submit} ~~expose~~ the point of view of his Government before the Committee and, ^{if necessary} in case of need, before the Council, if the ^{matter is} ~~letter~~ is referred to" ^{the} ~~the~~ latter.

It is then the Committee of the Council, composed of the representatives of Spain, Italy and Sweden, that shall ^{decide} ~~deli-~~ ^{deliberate} ~~ver~~ first on the question of the Competence of the Council

3) L.C. p. 176.

4) and 5) L.C. p. 178.

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 [in this matter, whether its competence ^{should} ~~is~~ ^{be} contested by the Turkish Government.] ^{be the Committee's responsibility} it shall belong to the Committee to decide this question, taking ^{to} in account as well the Declaration relative to the amnesty of July 24, 1923, ^{and?} as the Declaration of İsmet Pasha of July 17, 1923, confirmed by the letter of the Turkish Under-Secretary of State dated October 20, 1925 addressed to the Secretary-General of the League of Nations.

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^a
 In the case the difference of views in the matter of this competence would ^{result} (be produced) ^{among} between the three Powers or ^{between} one of them, on one hand, and Turkey, on the other, every and each one of these Powers ^{he} might refer ~~on~~ this difference to the Permanent Court of the Hague. [And ^{me} the same right would belong to all other Powers, Members of the Council, ^{who c} that would refer to the Council in this matter.]

""""
""""
""

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Paris, September 2, 1926.

Mr. Secretary-General:

At ~~it~~ was brought to your knowledge, the Government of Ankara ^{has} ~~have~~ already decreed a new regulation concerning the so-called "Abandoned Goods" of Armenians of Turkey, the French translation of which (we are enclosing herewith) published in the newspapers of Constantinople,

^{follows from}
 It results ~~of~~ this document that, although the terms used are not sufficiently explicit, the Government of Ankara, ^{which is supposed find} ~~supposing to give~~ a solution to this question, ^{and} ~~and~~ ^{which is} ~~looked to~~ ^{impatiently} by many people who are (interested in), ^{has} ~~have not~~

~~leaves much to be decided:~~
 still has many questions to ^{answer:} ~~be decided:~~

nor has *unclear*
desired ~~or have not been able to complete~~ are limited
to decide:

1. "To make a distinction between the seizures ^{made} effectuated prior to August 6, 1924, ^{the} ~~date of coming into~~ ^{became effective} force of the Peace Treaty of Lausanne, and the ^{case} seizures effectuated ^{made} (later on) ^{after} since that date (~~August 6, 1924~~).

perpetrated

2. "To restore property to rightful owners only of the last category, and this, under major restrictions.

? 3. "not to effectuate ~~hereafter~~ any more seizures, except those that are being ^{currently} seized actually."

Does Is this distinction, established by the date of the Peace Treaty, conform with the terms and spirit of that ~~act~~ act?

May it be justified ^{rightly} ~~in right~~ and may one consciously ~~find~~ find it juridically basic?

It belongs ^{is the responsibility of} to the League of Nations and ^{ultimately} ~~eventually~~ to the Court of International Justice of the Hague to

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clarify and determine some questions therein, but let ~~it~~ be allowed ^{to} ~~to~~ Armenians of Turkey whose property are in question, make their voice ^{heard by} ~~listened by~~ the ^{present} ~~present~~ because ^{they are still not permitted access to their homes} ~~the access of their homes is not yet opened to them and~~ ^{has been} ~~even~~ permission is not granted to them to have procurators on the spot ~~in order to~~ ^{submit} ~~expose~~ their claims and defenses ^{and} their rights.

What kind of conclusions?

However, ~~if~~ ^{might} ~~there had~~ been a contradictory delib-
eration, how many ^{clarified} ~~conclusions~~ would have been avoided and
misunderstandings (disappeared?)

The analysis of the new regulation clearly demonstrates

- ~~the~~ Article 4 is ^{specific} formal in this matter - that the unique fact ^{for} ~~which is reproached to~~ ^{reproached} the Armenian ^{property} owners in question, ^{are} is the fact ^{that they} to have escaped or disappeared or even simply ^{were} being absent. ^{brought again to attention} Must it be ^{for a} reminded that ^{period of} longtime before and after the war (World War I) this absence was ~~not~~ motivated with plausible reasons: personal affairs, travel, study, financial reasons or health, ~~etc.~~

^{In other circumstances,} Otherwise, the Turkish authorities, had, because of the war operations, forced entire populations to move, as ^{for instance} in Smyrna. ^{either} In both case, ^{and} notice they had been given not to be absent or to return home as soon as possible.]

unclear

No one suspected that the absence would be ^{might} a ^{cause for} ~~motif~~ of dispossession. ^{isn't} Do the right of the people and the Covenant of the Hague, to which Turkey is one of the signatories, ^{well as} ~~not~~ respect the ~~property~~ during wartime as ⁱⁿ peace?

^{isn't} Do the Great National Assembly since the first days of new Turkey, ^{isn't} ~~not~~ admit and guarantee in a pact the right of minorities? ^{Didn't} ^{Wasn't} ^{then} ^{asked for}

Did they ~~not~~ ^{asked} ~~then~~ a peace based on the Wilsonian ideas that had facilitated ^{to} forget ^{the} ^{first} the past ^{of} ^{the} ^{horror} ^{to} ^{which} the Armenians had been the wholesale victims during War?

Does ^{isn't} the Turco-Russian Treaty concluded at Kars ~~not~~ recognize ^{for} to all Armenians who would leave Turkey, the right to liquidate their possessions ^{freely} in ^{all} ^{liberty} ~~liberty~~?

Does ^{isn't} the ^{Agreement} Accord of Ankara ~~not~~ contain such stipulations?

The Law of the "Abandoned Goods" was conceived ^{for} the

I think these shows are for political statements.

(to be rewritten)

beginning, in a spirit of ^{ing} safeguard of ^{ies} these property for ^{their} the benefit of rightful owners.

The new regulation seems to ^{disregard} ^{right} forget this point, and, by the distinction that is established, completely denatures this character. ^{The} negotiators of the Treaty of Lausanne did not suspect certainly ~~that~~ this distinction would be made in the future; they had stipulated a clause to safe-
the/
guard/property of 150 Moslems sentenced to death by tribunals, who were excluded ^{from} of the benefit of general amnesty.

The new regulation affirms that it is based on the stipulations of the Treaty of Lausanne concerning minorities.

The ^{underlying} ~~idea~~ ^{presiding} the elaboration of laws for minorities and the aims pursued are of an order of justice higher and universal and submitted to dates. The diplomatical act signed at Lausanne ~~was~~ concluded to establish peace and justice...

^{Therefore} The idea of penalty and punishment are excluded, and it is inadmissible ~~that the unique reason that Armenians are~~ ~~absent~~ ~~may prevail~~ ~~&~~ ~~punishment so heavy~~ ~~as to contain~~ the seizure of their property.

If ^{one} we would enter ^{now} in ^{to} a detailed analysis of the new regulation, we could say that ~~the~~ ^{the} property of Armenians absent from Turkey ^{has} been seized, ^{in its majority,} prior to the date of August 6, 1924, and what ^{has been} ~~is~~ seized ~~since~~ (that date) ^{do not} present ^a ^{great} value. On the other hand, the Turkish Government ^{are} making a strange reserve for the property of this second category; that, in order to be res-

tored to their owners, must not be officially reported to the knowledge of the Government prior to the above-mentioned date. This is to leave open the door to the arbitrary.

By what means the interested people could establish that their property ^{was} were not signaled to the Government prior to (the date of) August 6, 1924?

We have to ^{make up for} relieve ^{principal gap} finally a capital lacunae: the new regulation is silent on an important question concerning the property of Armenian communities: churches, monasteries, schools, public institutions provided with buildings or lands actually ^{being rented} renting, that are seized in the provinces. ~~where these communities~~ even in the localities where these communities ~~are~~ still exist~~ent~~.

Such are the considerations that an ^{comprehensive} attentive study of the new regulation suggests to us and, being grateful to the Turkish Government that ^{has} have regulated this question, we hope that, under better inspirations, it should not be late to arrive ^{at} to a general and complete regulation in conformity with ~~the~~ right and equity, and that the League of Nations would continue to give us, as they have to, their powerful support.

Please, Mr. Secretary-General, be sure to accept our highest consideration.

On behalf of the Central Committee of Armenian
Refugees:

Signed/ Leon Pashalian.

The Hon. Sir Eric Drummond
Secretary-General of the League of Nations,
Geneva.

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Geneva, September 14, 1926.

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 Mr. Secretary-General:

The new regulation concerning the so-called "abandoned Goods" of Armenians, that the Turkish Government ^{has} ~~have~~ already promulgated and which the Central Committee of the Armenian Refugees ^{have} ~~has~~ called your attention to in a letter dated 2 current, testify ^(is to) a new tendency in the provisions, due, undoubtedly, to the high intervention of the League of Nations. We wish first of all to express heartfelt thanks to the League.

The ⁿ principal importance of the new regulation for our question ^{resides} ^{lies} in the acknowledgment by Turkey of the illegality of seizure.

In the first Article, the Turkish Government recognizes in fact, that, in accordance with the stipulations of the Treaty of Lausanne concerning the minorities, there is ^{no} ~~no~~ [?] more to carry out seizures of the property of so-called "Abandoned Goods", ~~starting by the coming into force of the Treaty concluded~~ ^{as of} on August 6, 1924. *when the Treaty came into force.*

The Turkish Government admits so, expressis verbis, that all seizures of property ~~is~~ are contrary to the stipulations of the Treaty of Lausanne.

Unfortunately, the scope of this acknowledgment is singularly diminished by the restriction that accompanies and which is confirmed by ~~the~~ Article 2 of the Regulation:

"if the seizure has been officially reported to the knowledge of the Government prior to ~~the~~ August 6, 1924,

the formalities in question shall be completed."

In other terms, the seizure is maintained and relative formalities shall be completed in respect ^{to} ~~be~~ all "Abandoned Goods" officially ^{reported} signalized to the Government prior to the coming into force of the Treaty of Lausanne.

Now, the property of the Armenians absent from Turkey have been seized, in major part, prior to the date of August 6, 1924, and the property seized since that date (August 6, 1924) do not ^{so} ^{re} present ^{much} a great value.

On the other hand, the restitution of the property seized later ^{than} ~~en~~ (the date ~~of~~ of) August 6, 1924, supposes, following ~~the~~ Article 3 of the law, that the existence of the "Abandoned Goods" has been officially reported to the know-
ledge of the Government ^{than} later ~~en~~ August 6, 1924.

This terminology opens the door to abuses. The Turkish authorities may, in fact, pretend in all matters of property, that they would not have seized prior to (the date of) August 6, 1924, that the existence has been ^{reported} signalized to them prior to this date. And ~~by~~ what means, ^{do} the interested owners ~~can~~ ^{have} ^{at their} ^{al} could dispose to demonstrate that the Turkish Government had not, prior to this ~~fatal~~ fatal date, ~~an~~ official knowledge of the existence of the "Abandoned Goods" in question?

In this way, the regulation of August 1926, very important ^{on} ^{the/} as acknowledgement of principles of the Treaty of Lausanne, has a practical value very restricted.

It is, however, easy to demonstrate that the seizure (which is) maintained is contrary to the engagements assumed ^{change}

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by Turkey at Lausanne, as the seizure that the law carries back.

Indeed, the distinction introduced in the new regulation between the seizure effectuated ^{ed} prior and ^{to} later-on ^{following} of the coming into force of the Treaty of Lausanne cannot be maintained.

We have extensively exposed in our memorandum presented to the Secretariat General on June 1926, the extension [?] for our cause of the Declaration of Ismet Pasha on July 17, 1923, in which, ^{according to} following the letter of the ^{Turkish/} Government to the League of Nations dated October 20, 1925, ^{is} has regulated "the actual situation of Armenians having left Turkish territories prior to the signature of the Treaty of Lausanne". By this Declaration, Ismet Pasha has guaranteed to the ~~new~~ refugees an amnesty otherwise expressed ^{as} a "penal irresponsibility".

^{Follows}
It results that all seizures of so-called ~~XX~~ "Abandoned Goods" by the "Turkish Government, seizures always having the character of a "punishment", are contrary to the Declaration of Ismet Pasha, and, therefore, u n l a w f u l.

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The Turkish Government ^S have tried until today to elude the intervention of the League of Nations, concluding the denationalization of the Armenian refugees.

We believe that we have demonstrated in our aforesaid memorandum that the denationalization, carried out as a punishment, was also contrary to the Declaration of Ismet Pasha and, therefore, ~~is~~ unlawful.

(have abandoned)

Today, the Turkish Government seem^s to abandon^d this thesis, acknowledging/^{the application of/} the Treaty of Lausanne to the question of property seized, without insi^sting on the nationality of their owners.

We have to request that the League of Nations continue ^{its} their generous and effective intervention in this ^{matter} affair and receive from the Turkish Government the extension of the ^{? benefit} benefice of the new regulation for all "Abandoned Goods" ^{which} that, in accordance with the Declaration of Ismet Pasha, should be restored to their rightful owners, independent~~ly~~ of the date of their seizure.

In the case, however, ^{where contrary to} that, ^{should raise} against all logic, the Turkish Government ^{objection to the} would rise (the) exception of competence of the Council, we respectfully ask that the Committee of Three decide on this question and that all difference^s in this matter between a Power Member of the Council and the Turkish Government, be referred to the Permanent Court of International Justice, in conformity with the intended line 3 of ~~the~~ Article 44 of the Treaty of Lausanne.

Please, Mr. Secretary-General, be ^{most assured of having} sure of the assurance of) our highest consideration.

Signed/ Leon Pashalian

Signed/ A. Mandelstam.

To His Excellency Sir Eric Drummond

Secretary-General of the League of Nations,

Geneva.

Geneva, March 8, 1927.

§ 76
Mr. Secretary-General:

We have the honor to call ^{again} ~~here~~ your kind attention ^{to} ~~on~~ the question of so-called "Abandoned Goods" of the Armenians of Turkey, a question that ^{has} ~~remains~~ ^{ed} pending on ^{is} suspense at the desk of the Council of the League of Nations since December 1925, and the solution of which ^{has been awaited anxiously} is looked for in anxiety by the thousands (of thousands) of unfortunate interested people.

You are aware that the Government of Ankara published last August 1926 a decision to keep all the property seized prior to the coming into force of the Treaty of Lausanne, i.e. August 6, 1924, and restore ~~only~~ ^{its} to rightful owners only property seized ^{subsequent to} later on that date (August 6, 1924), with the understanding, however, that they (Government) had not knowledge ^d ~~of~~ the existence (of the property).

As the Central Committee had the honor to expose in the memorandum dated September 14, 1926, such a distinction is arbitrary. But, even since that date of August 6, 1924, the ^{few} restitution ^{have been} (made, either in ^{judiciary} or administrative way, ^{has been} are not so many, while thousands (of thousands) of property ^{ies} have to be restored to their owners.

The Central Committee protests once more against the ^{to} act of spoliation carried out in regard of a whole population, [?] almost afflicted by sufferings and victims of so many calamities, and to declare that all the arguments that the Government of Ankara advance ~~forth~~ ^{such} to legalize, are ~~f~~ palacious.

Indeed, there are no "Abandoned Goods" in ^Turkey by Armenians. With all their resources and means, the owners

of these property ^{is} claimed since the first day and continue to claim their rightful ownership. ^{have established claims}

The owners of the Goods are not "fugitives". Many of them ^{had} ^{left} have gone from Turkey prior to the war provided with Turkish passports for reasons of commerce, health, ^{and} study and, contrary to all expectations, they were surprised to see the doors of Turkey closed when they were trying to ^{back} ^(return) ^{on account} ^{of} get home; for this, many Armenian families ^(are living) ^{today} in a tragical ^{separation} ^{from their homes} ^{were} Many others evacuated by force by Turkish ^h authorities under the treatment of deportation, as during the events of Smyrna.

The Government of Ankara indeed ^{is} ~~are~~ making a mistake to seek, under the ^{guise} fiction of "Abandoned Goods" by "fugitives", to ^s justify their scope which is only to get rich with the spoils of these unfortunate people.

In order to ^{prevent} ~~avoid~~ the intervention of the League of Nations in this painful ^{matter} affair, the Government of Ankara ~~has~~ conceived the idea ^{of} to refuse ^{ing} the capacity of Turkish citizenship to the ^{vast} immense majority of Armenians in foreign countries; the latter, ^{according to} following the Turkish Government, would be a part of the Armenian minority in Turkey, and, consequently, could not enjoy the protection of the League of Nations.

In the memorandum of June 1, 1926, the Central Committee refuted the hypothesis of forced denationalization of Armenians. ^{It} ~~They~~ demonstrated that this thesis is contrary to the Declaration made at Lausanne by Ismet Pasha on amnesty, ^{which} ~~that~~ entails a penal irresponsibility of Armenians and does not

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 allow the Turkish Government to denationalize them as a punishment. ^{At} ~~in~~ the same time we ^{who?} reminded that the Declaration of Ismet Pasha had been explicitly confirmed by the letter of Tewfik Kiamil Bey addressed to the Secretary-General of the League of Nations on October 20, 1925.

Finally, in ~~the~~ case ~~that~~ Turkey would continue to contest the competence of the League of Nations in this affair, so vital ~~is~~ for our compatriots, our Committee respectfully ^{appealed to} called the Council ^{on the strength of the fact} that every and each Member has, ^{by} in virtue of the intended line 3 of ~~the~~ Article 44 of the League Treaty of Lausanne, a right to refer to the Permanent Court of International Justice of the Hague all difference^s "of opinion on the questions of right or fact" concerning the articles of the Treaty of Lausanne relative to minorities.

Since then, our ~~our~~ cause had made no progress. Referred to by a Committee composed of Spain, Italy and Sweden, the Council has postponed on December 14, 1925, the question scheduled by ^{said} the same Committee for a new inquiry. This Committee, transformed because of the changes introduced in the composition of the Council, has not made a final decision.

^{Under} In these conditions, our Central Committee instantly ^s requested the Council to ask the Turkish Government to ^{make re-} restore the injustice that they ^{it} (Government) committed ^{with} in regard ^(to restore) of Armenian owners of property seized in Turkey, restoring them the same property. And in case ~~that~~ the Turkish Government would persist ⁱⁿ to invoke ^{ing} the incompetence of the League of Nations, the Central Committee beg^s each Member of the

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Council to use the right given to ^{it} him by ~~the~~ Article 44 of the Treaty of Lausanne and refer the question to the competence of the Permanent Court of International Justice of the Hague.

Please, Mr. Secretary-General, be sure to accept the homage of our highest consideration and our profound feelings.

On behalf of the Central Committee of Armenian

Refugees:

Signed/ Leon Pashalian.

Sir Eric Drummond

Secretary-General of the League of Nations

Geneva.

Paris, December 5, 1927

Mr. Secretary-General:

We have the honor to submit to your attention some new facts concerning the unfortunate question of so-called "Abandoned Goods" of Armenians of ^a Turkey, question, which scheduled ⁱⁿ the agenda of the meeting held on December 1925 by the League of Nations, is remaining always ^{pending} in suspens, ^{to} for the great despair of thousands ^(of) unfortunate people deprived of their last resources.

1- The Decree in which the Government of Ankara stated that the property that ^{was} were not seized until August 6, 1924, ~~is~~ ^{the} date of coming into force of the Treaty of Lausanne, will no longer ^{be} seized, ^{has} remained simply a dead letter. The seizures ^a are continuing. We would allege as a typical example the

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following case:

The house situated at Bakir Keuy (formerly Makri Keuy), suburb of Constantinople, 69 Station Street, belonging to Mrs. Melikshah, ^{who is} living in Paris, and ^{wherein} ~~in which house is living~~ her sister Lucy Melikshah, a widow, ^{is living} with her children (her husband was massacred during the deportations of 1915), has been seized ~~on~~ last October 27, (1927).

2-Some Armenian owners have recourse to Tribunals and ^{have} (established) incontestably their ownership, but the Government of Ankara ^{has} promulgated a Decree stating that these property ^{has} ~~is~~ cannot be restored to the owners if the latter were not personally present and their procurations ^{moreover} (are not valid).

Now, every and each one knows that the Turkish Consular authorities categorically refuse to grant visa ^{attach} ~~in~~ ^{to} the passports of Armenians who would return to Turkey.

3- A more serious fact ^{has been} ~~is~~ made public ~~very~~ recently. ^{the text of} (A telegram from Ankara, despatched by the Official Tele-

graphic Agency, dated last November 22 and published in the newspapers at Constantinople, is worded ^{as follows:} ~~textually:~~

"The Government, having been informed that certain tribunals ~~are~~ are delivering sentences favorable to Armenians who are absent (from Turkey), ^{has} ~~have~~ insured the consent of the Ministry of Justice so that the tribunals ^{will} ~~do~~ not any more deliver such sentences."

In submitting these facts ^{for} ~~to~~ your appreciation, we ^{attention} would hope, Mr. Secretary-General, that you shall not ^{fail} ~~miss~~ to bring ^{them to} ~~draw~~ the attention of the Government of Ankara

and, at the same time, reconsider the question of the "Abandoned Goods" in general.

We are convinced that if the Government of Ankara ^{is} continuing inexorably the policy of seizure in regard ^{to} of Armenians and ^{is} ~~are~~ acting against ^{its} their own decrees, ^{then it is} because they are ^e seeing that the lawful reindications of Armenians are not ^{being} supported by those who have the right and the duty to support them.

Please, Mr. Secretary-General, accept the ^{assurance} ~~insurance~~ of my highest consideration.

On behalf of the Central Committee of Armenian
Refugees:

Signed/ Leon Pashalian.

.....

Paris, August 8, 1928.

Mr. Secretary-General:

^{have} We learned that the Turkish Government ^{has responded to} have (answered) ^{the} the complaints formulated in our petition dated December 5, 1927, concerning the property (of Armenians) so-called "Abandoned", situated in Turkey, and ^{it} ~~they~~ (Government) pretend that the fate of Armenian Refugees and their property ^{can} (could) not enter in the framework of the engagements of that ^{the} Turkish Government ^{had} concluded at Lausanne; these refugees cannot be assimilated, in their opinion, ~~next~~ with the minorities living ^{on} in Turkish territory.

To support this allegation, the Turkish Government invoke, in the first place, the Declaration of Ismet Pasha

in the session held on July 17, 1923 at the Conference of Lausanne, establishing a distinction between the amnesty granted to the Armenian Refugees and their return home ^{to} ~~in~~ Turkey, and ~~preserving~~ ^h to the Turkish Government the right to authorize the return home only of those Armenian refugees whose ^{existence} life ^h on Turkish territory could not provoke ^{disturbances} (inconveniences) ^{or cause inconveniences}.

^{It} They (Government) ^{states} support that the Declaration of the Delegate (Ismet Pasha) had understood that the individuals ^{no longer eligible for} ~~not~~ ^h authorized to enter ~~in~~ Turkey would be fallen down from ~~the~~ Turkish nationality.

^{It} ^{He} They invoke ^{it} in second place a "law" that they promulgated on May 23, 1927, ^e authorizing the Executive Power to ^{of what?} declare fallen down those nationals who, during the war of independence, had not participated ⁱⁿ to the national struggle, from their Turkish nationality, [?] would have stayed away from Turkey and ^{id} do not enter Turkish territory during the period between July 24, 1923 and the promulgation of the above-mentioned "law" (May 23, 1927).

Dr. Roushdy Bey, Commissary for Foreign Affairs, pretends that this "law" is a legal confirmation of the Declaration of the Turkish Delegation at the Conference of Lausanne, and deduces that the refugees incontestably ^{belong to} (enter ⁱⁿ) the category of Turkish nationals fallen down from their nationality. He adds that the Turkish Government could not fall [?] in any controversy on this interpretation which he estimates as the only just ~~one~~.

Finally, the Government of Ankara allege^s, as a third and last objection, that the stipulations of the Treaty of Lausanne, ⁱⁿ so far as they concern the Minorities of Turkey, ^{have been in effect} had come into execution only since the date of signature and ^{are} have not retroactive effect.

^{Based} Relying on these allegations, Dr. Ruoshdy Bey considers the question of the "Abandoned Goods" as definitively liquidated and asks the Committee of Three of the League of Nations to dismiss the aforesaid petition as ^{void} deprived of all ^{judicial} legal basis and as unsupported by the provisions of the Treaty of Lausanne.

^{an} Prior to ^{concerning} inquiring the objections ^a raised by the Turkish Government, our Committee insistently expresses the bitter disappointment that this answer has ^{engendered among} caused to the Armenian refugees. They were hoping rightfully that the Government of Ankara, recognizing the sufferings/undeserved that they are undergoing ^{for} since more than five years, should not refuse to grant them ~~just~~ just reparation, taking in account the fact that they had not been sentenced for delicts committed against the State, ^{is the case of the} as 150 Moslems, whom, however, ^{it} they (Government) allowed to liquidate ^{ate} their property in Turkey. They were especially ^{hoping} looking for that the actual Government, which ^{is} are showing a tendency to modernize in all domains, ^{would} should receive/formally their legal claims and ~~would~~ not follow the criminal conduct of the ^{im} precedent regimes soundly denounced by the civilized world because of the massacres and spoliations of Armenian nationals, Greeks and Israelis and other Moslems, Studying the series of laws and regulations promulgated

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^{during} in these last ^{few} years relative to persons and property of the refugees, one ^{might} would say that the actual Government ^{has} would have felt a duty to create juridical situations that should allow them to appropriate the property under the cover of legality. ?

To come to the objections in question, we would allow ^{ex} to ~~propose~~ the following considerations:

As we have analysed ^{sufficiently} enough ~~our~~ in our memorandum dated June 1, 1925, whether the Declaration of Ismet Pasha subordinate^s the return home of Armenian refugees to the ^{authoriza}tion of the Turkish Government, Ismet Pasha himself has characterized the amnesty as a ~~penal~~ penal irresponsibility, i.e. as a ~~renunciation~~ ^{to all pursued} by the Turkish Government "even against those who ^{might} ^{up} would have taken arms against their country".

Now, is it not needless to say that the deprivation of Armenians of their civil rights and the seizure of their property constitute the ^{most} ^{and severest} hardest penalty and, consequently, are contrary to the spirit as well as to the letter of the aforesaid Declaration. ?

The Turkish Government ^{can} could not validly support ^{Champion} today ~~that~~ the right of prohibiting the return home of Armenians ^(contains also their falling down from Turkish nationality) ^{change} falling down which could authorize the seizure of their property without possible recourse to the ⁱⁿ ~~measures~~ of guarantee adopted at Lausanne in favor of the Minorities, because the Declaration of Ismet Pasha, confirmed by the letter of Tewfik Kiamil Bey dated October 20, 1925, prohibiting them to take penal sanctions against these refugees.

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Structure incomplete

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upto p 5
guarantee
summary p 10
E.

such as the loss of nationality and the seizure of property without contestation.]

It ^{follows} ~~results~~ then of these preceding considerations that the law dated May 23, 1927, by which the "Turkish Government ^{is} ~~are~~ prevailing in second place, is ^{He} ~~never~~ ^{not at all} a "legal confirmation" of the Declaration of Ismet Pasha but, ~~which~~, On the contrary, conceals the effects of the aforesaid Declaration. It is ^{not} ~~never~~ a matter "of course" as (is pretending) Dr. Roushdy Bey, that Armenian Refugees fall under the provisions of the law. The Declaration of Ismet Pasha, having (them) guaranteed against all penal measures, no Turkish law has either the power to ^{deprive} ~~exclude~~ them ^{of} ~~the~~ Turkish nationality nor to ~~deprive them~~ of their property in Turkey.

Finally, as ~~it~~ concerns the last objection of the Turkish Government, one must first of all ^{bear} have in mind an important point.

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Dr. Roushdy Bey declares that the stipulations of the Treaty of Lausanne have come into force (since) only the signature of the Treaty. One must then ^{note} take notice that the Turkish Government ^{reverts} (renounce) to the position taken in the law dated August 1925, the first Article of which provides that, since August 6, 1924, ^{the} date of coming into force of the Treaty of Lausanne, ~~that~~ there is no ^{longer any} ~~more~~ need to practice seizures on the "Abandoned Goods". There is, moreover, no need to discuss ~~on~~ the retroactive effect of the stipulations of the Treaty of Lausanne relative to minorities. The Declaration concerning the amnesty could not evidently

put out the full and entire effect announced in ~~the~~ point III; if it does not implicate the ^{abolition} lift up of the seizures carried out ^{previously} ~~priorly~~ on the property of persons beneficiary ^(to benefit) ~~of~~ amnesty. An amnesty always includes the cancellation ⁱ of all penal sanctions adopted against persons to whom they are applied; ~~and~~ one cannot ever find in the aforesaid Declaration provisions excluding the Armenian Refugees nor their property out of measures of clemence to which Turkey ^{is} ~~are~~ engaged in ~~the~~ Paragraph III.

The Central Committee of Armenian Refugees ^s think that the three objections of Dr. Roushdy Bey ^{have been (are)} refuted, and they ^{has} ~~have~~ demonstrated that it is not the Armenian thesis but the Turkish thesis that has no foundation. ?

^{mentioned} The Central Committee received the ^{serious} facts signa- lized in the communication dated December 5, 1927, and they ^{of} hope ^s that the competent ^{bodies} organs of the ~~Treaty~~ League of Nations; should finally ^{consider} estimate that the time has come to protect the lawful revendications of thousands of unfortunate Armenians, who, after the unprecedented disaster of which they are victims, are ^e seeing themselves ~~depossessed~~ ^{deprived} ~~disseized~~ of the remainder of their property. ^{had} Some of them ~~because~~ ^{fled from} they escaped the Turkish territory blood-stained by the wholesale massacres; others ^{were} evacuated by the Turkish military authorities under treatment of deportation as at Smyrna and neighbouring area; others ^s have been contrained by the circumstances to leave the country as in Cilicia, ^{whereas still} others finally moved, provided with (Turkish) regular passports for reason ^s of commerce, health, studies, etc. ~~etc.~~

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Bringing preceding

~~Signalizing~~ the precedent points to the kind attention of the League of Nations for justice and equity, the Central Committee of Refugees, ^{which} that continually receive ^s from every ^{all} ~~part~~ ^{side} true complaints of Armenians deprived of their home^s, resources and protection, ^{will} would not lose hope for justice from the League of Nations charged by the Treaty of Lausanne to protect their interests.

Please, Mr. Secretary-General, ^{you have} agree the assurance of our highest consideration.

On behalf of the Central Committee:

Signed/ Leon Pashalian

The Hon. Sir James Eric Drummond
Secretary-General of the League of Nations
Geneva.

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:::::

Paris, March 2, 1929.

Mr. Secretary-General:

We believe that we have to call your attention ^{to the} on many requests, that, ^{for} ~~since~~ four years, we ^{have} did not stop ^{ped} to submitting ^{on} in the matter of ^{the} so-called "Abandoned Goods" of Armenians of Turkey and which ^{have not occasioned} remained ^{thus} without any response, leaving ^{party in} the interested people ^{cruelest} to the most ~~cruelest~~ incertitude.

The Government of Ankara, evidently encouraged by the fact that our lawful [?] revendications do not find in the League of Nations the protection we have a right to, ^{it} continues inexorably the seizures and the auction sales; they (Government) do not even take into account ^{it} the own Decree pro-

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mulgated ⁱⁿ August 1926, by which they decided to ^{it} seize ^{no longer} ~~the~~ ^{it} the property which they had not confiscated since the coming into force of the Treaty of Lausanne. Moreover, as you have ^{must} ~~to~~ know ^{from} through the extensive source^s of information and documentation at the disposal of the League of Nations and through the publications of the Turkish press, the Government of Ankara intensify^{ing} the measures of seizure of ~~the~~ property of public utility which constitute^s the national heritage of all Armenians - measures substantially contrary to the ^{Turkish Constitution and laws} Constitutional Turkish laws and the stipulations ad hoc of the Treaty of Lausanne.

In the name of our unfortunate compatriots thus deprived of their property and their ultimate resources, we are compelled ~~to~~ ^{denied} all means of recourse to Turkey being refused to us, to call once ^{again on} ~~more~~ the League of Nations to schedule the question of "Abandoned Goods" ^{on} in the agenda of inquiry. ^{We} have already brought ~~at~~ Several times all the elements to your disposal and especially in our petition dated March 8, 1927, a copy of which is herewith annexed ^{to}.

Please, Mr. Secretary -General, ^{you have} (be sure to agree) the assurance of our high consideration.

On behalf of the Central Committee of the Armenian

Refugees:

Signed/ Leon Pashalian.

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Sir Eric Drummond

Secretary-General of the League of Nations
Geneva.

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Observations of the Turkish Government
Letter of the Foreign Ministry to the
Secretary-General of the League of Nations.

No 32035/3

Ankara, February 25, 1928.

Mr. Secretary-General:

I have the honor to confirm my telegram dated January 8, 1928, No. 28968-2. In this telegram I ^{acknowledged?} accused reception of your letter dated December 16, 1927, No. 43-63524-37912, which was transmitted to me with an annex (request bearing the signature of L. Pashalian, relative to the condition of Armenian Refugees of Turkey and to the question of "Abandoned Goods") through the good offices of the Turkish Legation at Berne. I have been ^{intending?} attentive to bring to your knowledge that my Government was intending to present, in due time, observations ^{on} in this matter.

In his ^{note of reply} responsive Note dated October 20, 1925, the Minister of Foreign Affairs had exposed to you the manner of thinking and acting of my Government in the question of Minorities, Turkish nationals (ressortissants) pointing out that Turkey, respectful of ~~it~~ her engagements, ^{has faithfully} loyally applied the provisions of the Treaty in regard ^{to} of the above-mentioned Minorities.

Now, in the eyes of the Turkish Government, the condition of Armenian Refugees in question as well as the question of so-called "Abandoned Goods", cannot positively enter in the outline of the engagements concluded by Turkey, considering that the Armenian Refugees in question cannot

equitably and in any way be assimilated with ⁱⁿ the Minorities living actually in Turkey and fully enjoying, consequently, the provisions of the Treaty relative to them.

Indeed, the fugitives are in a special situation; i.e., guilty ^{(of)?} having not been exempted of the penalties that they could incur if they had been integrated into the country, because of their reprehensible actions, which, thanks to the Protocol relative to the general amnesty, is annexed to the Treaty of Lausanne.

re-write
Break up into
2 sentences

In all other question^s, to ^{ing them} their concern, Turkey has reserved the liberty of action, as it clearly ^{follows} results from the Declaration distinct and precise ^{is} that are consigned in the minutes No. 13 of the session dated July 17, 1923.

In these ⁿ statements known to the Conference, it ^{has been} is precisely ^{forth} set: "that it will be appropriate to avoid to establish ^{ing} any correlation between two substantially different questions: the amnesty and the returning home of the emigrants into Turkey".

The Government ^{has} reserved the right of ^h authorizing the return ~~to~~ home only of those Ottoman subjects who had ^{previously} ~~previously~~ left ^{(not)??} (the country), and whose return ~~to~~ Turkish territory was in any way inconvenient. The Delegate implied that those persons whom the Government ^{(would) s} refused this concession of returning, shall be deprived ^{of} from Turkish nationality.

Moreover, the law dated May 23, 1927, that authorized the Executive Power to state: "Ottoman subjects who, during the war of independence, had not participated in the national struggle and continued to stay out of Turkey and ^{didn't} ~~returned~~

not into Turkish territory ^{during} in the period of time extending ^{from} between July 24, 1923 ^{until} and the promulgation of the present law (May 23, 1927), are deprived of their ^{right to} capacity of Turkish citizen^{ship}, is a legal confirmation of the application of the Declaration made at the Conference by the Turkish Delegation, which deal^s with the forfeiture of ~~the~~ Turkish nationality ^{by} of a certain category of Ottoman subjects, and it is a matter of cause that the Armenian fugitives in question, who had left previously the country, enter indisputably into this category.

Also, on the question that the ^{Turkish} Government consider definitively liquidated and on the interpretation that they estimate to be only jux true, the Turkish Government cannot fall in with any controversy.

Considering ^{the aforementioned} what is preceding above, I would like to believe that the Committee would reserve an excetion to the request of Mr. Pashalian, which has no juridical basis and which does not stand on the provisions of the Treaty of Lau-
sanne, the stipulations of which ^{we} (so far as they concern Min-
orities in Turkey, had come into force since the date of the signature and have not retroactive ^{are} effect.

too long!!

I take this opportunity to express the hope that the League of Nations which, through its kind efforts, is di-
rected to synthe^size the most beautiffl conception of Peace and order based on Justice and equity, would admit and favor ^{um} bit in great reserve and circumspection the complaints for-
mulated at all hazards and by any one against the Turkish Government, complaints mostly with^{out} any foundation and

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break-up!

derived from a category of individuals who, having left the country in the most difficult times when the majority of the people were ~~in~~ ^{ing} struggle for own existence, have broken every relation with their former home, in respect of whom the Turkish Government ~~have~~ ^{has} reserved every liberty of action at the ~~Treaty of Lausanne~~ Peace Conference of Lausanne and who, today ~~are~~ ^{is} trying to take advantage wrongly of the provisions of a Treaty that offers loyally ^{faithfully} to the Minorities who remained Turkish citizens the same right as to the Turkish people.

Mr. Secretary-General, please be sure to accept my highest regards.

Signed/ Dr. Roubhdy.

???????

New Regulation relative to the
Abandoned Goods
promulgated by the Government
of Ankara on August 1926.

Article 1

In accordance with the stipulations of the Treaty of Lausanne concerning Minorities, it is needless to practice any more seizure on the abandoned goods starting August 6, 1924, date of the coming into force of the Treaty.

Article 2

If the seizure had been effectuated ^{ed}, i.e. if the existence of an abandoned property has been brought ^{officially} to the knowledge of the Government after August 6, 1924, the following the formalities in question shall be completed

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Article 3

If the seizure had been effectuated^{ed}, i.e. if the existence of the abandoned property has been brought officially to the knowledge of the Government after August 6, 1924, the following procedure shall be applied:

a) If the owner of these buildings is there where his property is located, this property shall be restored to him; if he is not there (where his property is located) and is represented by a procurator, the property in question shall be delivered to his procurator. (if even he doesn't have a procurator, the State shall administrate^{er} (the property) in the account of the owner in conformity with (the) common right.

b) If such abandoned buildings have been reserved or rented to (Moslem) immigrants, the price of these property^{ies}, estimated ^{on} at the date ^{of disposal} in which they have been disposed, by the Administrative Council taking into account the ^{market} practical price on the spot where the property is located for sale of buildings in cash, shall be given to the owner.

c) If these buildings have been sold, the owners can receive the price ^{for which they were and on} they have been sold ^{under} of only in the conditions ^{was} in which the sale ^{ed} has been effectuated.

If the owner does not agree, he has the ^{right} faculty to have recourse to the tribunals to get a sentence in conformity with (the) common right.

Article 4

It has been considered as inadmissible that the laws relative to the liquidation of the abandoned goods be

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applied to the property of individuals who are in possession of these buildings or lands ^{other} elsewhere than ^{there in} (the locality where they are located and from where the owners are not absent.

If, consequently, there had been such cases because of a wrong interpretation of the law, if, ^{for} ^a ^{example,} a seizure has been effectuated ^{ed} on the property located out of Constantinople and belonging to a person born, living and registered in the Civil State of Constantinople, and who is not absent ^{same} from, it is necessary and indispensable to proceed to ^{ward} ~~the~~ rectification of the error committed and to the restitution of the property in question.



Law of March 31, 1927

The Council of Commissaries is ^hauthorized to exclude from Turkish nationality those among the Ottoman subjects who, during the war of independence, had not taken part in the national struggle, and, staying in foreign country, ^{is} did not return ^{to} in Turkey ^{as at from} starting July 24, 1924 until the day of the promulgation of the present law.

~~Are excepted~~ Those, who, in conformity with the treaties coming into force, have made option for Turkish nationality, ~~are excepted.~~

Law of April 22, 1922
relative to the abandoned goods
of Armenians of Turkey

This law regarding the movable and immovable property
belonging to absent persons in the areas liberated
of enemy invasion.

Article 1

The movable property of absent persons ^{from} in the areas
liberated from enemy occupation, and which ~~are remaining~~ ^{is left}
without owners because of ~~the fact that~~ ^{letter have} the owners escaped
or disappeared, shall be sold in public auction by the Go-
vernment.

The immovable property and farming cultures [?] shall be
administrated by the Government.

The amounts resulting from the sale of movable property,
the rents of immovable property and farming products, shall
be entrusted, after expenses deducted, to the Treasuries as
deposits.

Only the above-mentioned persons who would return ~~into~~
these areas, shall ^{re}ceive their immovable property and the
amount deposited in their names in the Treasuries.

Article 2

All legal acts performed with prâcuracion prior to the
date of the coming into force of the present law, shall be
considered legal. All rights and obligations resulting from
such legal acts after the coming into force of the present

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law, must be transferred to the Government.

Article 3

The persons who intervene in the administration of the property, movable as well as farming products, ^{having} remained without owners, have to be handed over the Government ^{??} before a week of the promulgation of the present law. In the case of refusal, they shall be prohibited by force and prosecuted by a court. ^{from what?}

Article 4

Every and each person, who ^{shall} will reveal the place where the abandoned goods are hidden, shall receive as reward 100/o of their value.

Article 5

The provisions of this law apply also to movable and immovable property, as well as to the farming [?] cultures of the persons who escaped or are absent because of the war or for a political reason juridically established.

Article 6

The present law comes into force immediately after its promulgation.

Article 7

The Commissaries of the Interior, Justice and Finance ^{(Ministres)?} are charged to carry out the provisions of the present law.

April 22, 1922.

Note: The present law is a simple confiscation of Armenian property by the National Great ^{over} Assembly presided by Mustafa Kemal Pasha. ^{Grand}