

4-29-2018

## 46 Armenocide - Notes II

Krikor Guerguerian

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### Recommended Citation

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W 505

Allah

Government of Sivas  
Recording Office  
No. 33

Copy

Decipher: Honorable President, Special Court Martial, War Office

Your Excellency:

Acting upon orders contained in two telegrams dispatched by Mazhar Bey, President of the Inquiry Commission, dated December 22 and 24, 1918, to initiate an investigation to ascertain the circumstances under which Msgr. Sahak Odabashian, Primate of Erzinjan was assassinated on ~~his~~ <sup>The</sup> way to his post; the Police Department of Sivas conducted an inquiry. I herewith include ~~the~~ minutes of this inquiry concerning the murder and certified copies of 16 telegrams exchanged between the Vali of Sivas, the Mutesarif of Karahisar, the Kaymakam of Su-Shehir and the Mutesarif of Erzinjan.

It <sup>belongs to</sup> (rests with) your Excellency to send ~~the~~ <sup>FURTHER INSTRUCTIONS.</sup>

January 12, 1919.

(Seal:) Vali of Sivas

After registration, with the approval of the President, deliver to the Judge of Instruction of the Court.

<sup>1</sup>  
January 13, 1919.

<sup>1</sup>  
St. James Archives, Jerusalem, No. W 505.

Notarized

see hereafter No. W 502.

modern Turkish  
here before

*Notarized*  
Certified Copy *dispatched*  
of decoded telegram (sent) *by*  
the Minister of Interior  
No. 47. dated December 8, 1914

Şifre 47

No. 47.

Sivas Vilâyetine

Decipher: Vali of Sivas:

Ermenilerin üzerinde tahrikât-ı siyasîyede bulunması kaviyen memul olan ve ötedenberi hal-u-harekâtı dai-i iştihak görülen Bursa Ermeni Murahhasası Sahak Odabaşyan Patrikhanesinin emriyle vilâyat-ı şarkiyeye gitmek üzere 20 Teşrinisanide Erzincana müteveccihan Bursadan infikâk ettiği anlaşıldığından, merkumun oraya vürudunda hareketinin taht-ı tarassutta bulundurularak münasip bir vesileyle Bursaya iadesi.

We have learned that Sahak Odabashian, native of Sivas, Armenian Primate of Br<sup>u</sup>sa, who has been held under suspicion for a long time and who may incite political agitation among the Armenians, left Br<sup>u</sup>sa, by order of the Patriarch, on November 20 (1914), in the direction of the eastern provinces, en route to Erzincan. Upon his arrival, keep his activities and movements under constant surveillance. Have him returned to Br<sup>u</sup>sa in a fitting manner.<sup>1</sup>

8 Kânunuevvel 330.

December 8, 1914.

Dahiliye Nazırı:

The Minister of Interior:

Talât.

Talaat.<sup>2</sup>

8

1. The statement "have him returned to Br<sup>u</sup>sa" in a fitting manner" is merely an innocuous statement to hide the true meaning, which was tantamount to stating "kill him". This and the subsequent telegrams were claimed by the Court Martial as evidence for the prosecution. Certified copies of sixteen telegrams ~~and other~~ *and other* documents concerning the assassination of Primate Sahak Odabashian were delivered to the Court Martial.

2. St. James Archives, Jerusalem, No. W<sup>p</sup> 505. *Inquiry Commission.*

*(have him killed)*

Copy of ~~the~~ decoded telegram sent by  
the Minister of Inter<sup>IOR</sup>~~nal~~ Affairs  
No. 47, dated December 8, 1918.

Decipher: Vali of Sivas  
have

We/learned<sup>(1)</sup> that Sahak Odabashian, a native of Sivas, Armenian  
Primate of Brousa, who has been held under suspicion for a long time  
and who may incite political agitation among the Armenians, left Brousa,  
by order of the Patriarch,<sup>(1)</sup> on November 20 (1914), in the direction  
of the eastern provinces, enroute to Erzinjan. Upon his arrival,  
keep his activities and movements under constant surveillance. ~~and~~

*Have Him*  
Return ~~him~~ to Brousa in a fitting manner.

December 8, 1914.

Talaat, Minister

1  
The statement "*Have him returned* Brousa to Brouse in a fitting manner" is  
merely an innocuous statement to hide the true meaning which was  
tantamount to stating "kill him". <sup>have killed</sup> This and the <sup>subsequent</sup> ~~teleg~~ telegrams  
were claimed by the Court Martial as evidence for the prosecution.  
Certified copies of sixteen telegrams and other documents concerning  
the assassination of Primate Sahak Odabashian were delivered to the  
Court Martial.

2  
St. James Archives, Jerusalem, No. W. 505

(1) The Minister is <sup>simply</sup> lying. He did not learn. Vicar Sahak oda-  
bashian, before leaving to his new post at Erzinjan, received  
a berat, official patent-letter confirming his new office.  
The patent letter was signed officially. All this cannot  
take place without the knowledge and agreement of  
the Minister of Internal Affairs, it is not only by order  
of The Patriarch but also by special order of the Turkish  
Government.

Copy of ~~the~~ decoded telegram sent by

the Minister of Inter<sup>IOR</sup>~~nal Affairs~~

No. 47, dated December 8, 1918.

Decipher: Vali of Sivas

have

We/learned <sup>(1)</sup> that Sahak Odabashian, a native of Sivas, Armenian Primate of Brousa, who has been held under suspicion for a long time and who may incite political agitation among the Armenians, left Brousa, by order of the Patriarch, <sup>(1)</sup> on November 20 (1914), in the direction of the eastern provinces, enroute to Erzinjan. Upon his arrival, keep his activities and movements under constant surveillance. ~~and~~

<sup>HAVE Him</sup> Return ~~him~~ to Brousa in a fitting manner. <sup>1</sup>

December 8, 1914:

Talaat, Minister <sup>2</sup>

1

<sup>"Have him returned Brousa"</sup>  
The statement "~~Return him~~ to Brouse in a fitting manner" is merely an innocuous statement to hide the true meaning which was tantamount to stating "kill him" <sup>have killed</sup>. This and the <sup>subsequent</sup> ~~following~~ telegrams were claimed by the Court Martial as evidence for the prosecution. Certified copies of sixteen telegrams and other documents concerning the assassination of Primate Sahak Odabashian were delivered to the Court Martial.

2

St. James Archives, Jerusalem, No. W. 505

<sup>simply</sup>  
(1) The Minister is <sup>simply</sup> lying. He did not learn. Vicar Sahak Odabashian, before leaving to his new post at Erzinjan, received a berat, official patent-letter confirming his new office. The patent letter was signed officially. All this cannot take place without the knowledge and agreement of the Minister of Internal Affairs, it is not only by order of the Patriarch but also by special order of the Turkish Government.

To the Prefect of Sivas, Mouammer (1)

I am informed that the Armenian Bishop of Broussa, Sahag Odabashian, a native of Sivas, who is strongly suspected of carrying out political agitation among the Armenians and whose attitude and behaviours have for long seemed suspicious, has, upon the orders of the Patriarchate left Broussa for Erzindjan on November 20. I ask you to keep him under surveillance upon his arrival and to send him back to Broussa as soon as you have an occasion to do so.

Talaat,

Dec. 8, 1914.

Minister of Interior.

---

(1) All these telegrams, numbering 16, have but the same aim of dissimulating an assassination ordered by Talaat, Minister of Interior and executed by a gang organized by Mouammer Bey, Prefect of Sivas.

Mgr. Knel Kalemkerian, the new bishop, and arch-priest Sahag Odabashian had just arrived at Sivas, in the month of November, 1914. Mgr. Knel paid a visit to Mouammer Bey, Prefect of Sivas. Father Sahag went directly to his parents' house and neglected the official visit. Nonetheless, Mouammer wished to have Father Sahag accompanied by a gendarme during his trip.

The young priest refused to comply and left for Zara, on horseback. He sent a telegram to Mgr. Vaghinag Teriguian, Vicar of Karahissar who came to meet him at Enderes, on the road to Erzindjan. Father Sahag remitted to him the sums which Armenians of the capital had entrusted to him to assist their parents who has remained in the provinces. Father Sahag was doubtless audacious and not sufficiently prudent. The Prefect

of Broussa had described him, in his report to Talaat, as 'a great revolutionary'.



THE DOCUMENTARY  
ARMENOCIDE  
IMPERIAL EDICT

No. 1.

by KRIEGER

## F o r e w a r d

More than sixty years elapsed. Since not a case study about the Armenocide has been published in western languages. The unique case study is a little volume published in Vienna, Austria in 1921 after the death of the prominent scholar Rev. Hagopos Dashian: Hye Azki Darakrootiunu Kermanagan Vaverakreru hamemad, The Deportation of the Armenian People according to German documents, part I.

Historians, scholars and critics have not yet reached a final unanimous conclusion concerning the massacre of the Armenians in the Ottoman Empire.

What is the real reason for this deficiency?

Unfortunately, and it is bizarre and almost unbelievable, but historians, scholars and critics had no access to primary source evidence for two specific reasons: First, because Turkish authorities did not and do not make archival materials available to them, and secondly, because there are very few scholars in the entire world who can read Turkish Osmanli and among them very few who would dedicate themselves, their time, and money to such a difficult and complicated matter.

All primary source materials regarding the Armenocide are written in Turkish Osmanli, in Arabic characters.

Over half a century ago, the system for writing

the Turkish Osmanli language was changed. The Arabic characters were replaced by Latin characters. Even terminology of both languages Turkish Osmanli and Modern Turkish are no more the same. The significance of most terms used in Turkish Osmanli does no more correspond with the terms used in modern Turkish language : many terms in Turkish Osmanli are changed and replaced by new ones.

The present book includes primary source quotations from the Turkish Court Martial transcripts and files published in the Turkish official organ Takvim-i Vakay-i Divan-ı Harb-i Örfi Muhakemat-ı zabıt Ceridesi, along with Turkish official documents, testimonies and reports collected and used by both the Inquiry Commission and the Turkish Court Martial that tried the cases relating to the Armenian massacres and then delivered verdicts.

A selection of genuine and authentic <sup>primary</sup> source documents which are available but are not in the files and transcripts of the Turkish Court Martial, nor published in the official organ of the government, will be used for the documentation of the present volume.

The comparative objectivity of those scholars who do study the primary sources as they are made available will, of course, produce various interpretations which may be objective or subjective.

There have been, and will continue to be, those who are completely pro-Turk, or pro-Armenian, and will read

documents in the light of their preconceived ideologies. The relative attitude of the individual toward violence will also result in variant conclusions.

However, the primary sources themselves, and the fact that the official Turkish Court Martial indicted and convicted individuals involved in the perpetration of the massacres of the Armenians, provide the most irrefutable and objective evidence.

Krieger



## Foreward

More than sixty years elapsed; historians, scholars and critics have not <sup>yet</sup> reached a final conclusion concerning the massacre of the Armenians in the Ottoman Empire.

What is the real reason for this deficiency?

Unfortunately, and it is bizarre and almost unbelievable, but historians, scholars and critics had no access to primary source evidence for two specific reasons. First, because Turkish authorities did not make archival materials available to them, and secondly, because there are very few scholars in the entire world who can read Turkish Osmanli and among them very few who would dedicate themselves, their time, and money to such a difficult and complicated study.

All primary source materials regarding the massacre of the Armenians are written in Turkish Osmanli, in Arabic characters.

Over half a century ago, the system for writing the Turkish language was changed. The Arabic characters were replaced by Latin characters.

The present book includes primary source quotations from the Turkish Extraordinary Court Martial transcripts and files, published in the Turkish official organ, Takvim-i Vakayi, along with Turkish official documents, testimonies and reports collected and used by both the Inquiry Commission and the Turkish Extraordinary Court Martial that tried the cases relating to the Armenian massacre and then delivered verdicts.

The comparative objectivity of those scholars who do study the primary sources as they are made available will, of course, produce various (~~subjective~~) interpretations.\* There have been, and will continue to be, those who are completely pro-Turk, or pro-Armenian, and will read documents in the light of their preconceived ideologies. The relative attitude of the individual toward violence will also result in variant conclusions. However the primary sources themselves, and the fact that the official Turkish Court Martial indicted and convicted individuals involved in the perpetration of the massacres of the Armenians, provide the most irrefutable, and objective evidence.

Krieger.

which may be  
objective  
or ~~and~~ subjective.

# CONTENTS

Between the date of the Telegram <sup>April 21, 1915</sup> dispatched by Dr. Behaeddin Shakir Bey, President of the Teşkilât-ı Mahsusa, (April 21, 191<sup>5</sup>) <sup>from his headquarters of Erze</sup> and the date of the Law of Deportation (May 14, 1915) there are 24 days, while same Shakir Bey dispatched orders of to exterminate the Armenian people on February 18, 1915, and March 25, 1915.





Transliteration

From Turkish Osmanli in Arabic  
Characters into Modern Turkish  
in Latin Characters

English Translation

Dahiliye Nezareti

Umuru Mülkiye Müfettişliği

Aded 33

Müdürü, ihraç tarihi 4/21,  
Saat 3, dakika 43, Muhabere  
Müdürü: Mehmet Fahri, İhracı:  
Erzurum, numarası 2597, kalimesi  
aded 20, gasip:36.

El-Aziz Valisi Sabit Bey

Efendiye:

Numarası beş, Nazım Beye aiddir: <sup>t+</sup>

Oradan sevkedilen Ermeniler  
tasfiye olunuyormu? Nefi ve teğrip  
olduğunu bildiriniz. Eşhası müzire  
imha ediliyor mu? Yoksa yalnızca  
sevk ve izam mı olunuyor? Vazihen  
bildiriniz, kardeşim.

21 -4-331

Haziran.

21/4/331

Erzurumda

Teşkilât-ı Mahsusa

Reisi:

Behaettin Şakir.

Ministry of Internal Affairs

Superintendence of the Imperial

No 33. Possessions.

Director of Office, date of despatch:  
April 21 (1915), hour:3, minute 43,  
Director of information: Mehmed Fakhri,  
Place of despatch: Erzerum, No 2597,  
number of words: 20, charge: 36.

To His Excellency Sabit Bey Gover-  
nor-General of El-Aziz.

No 5, to be delivered to Nazım Bey.

Are the Armenians deported from  
there cleansed? Make me know their  
massacre and extermination. Are the  
dangerous persons massacred? or, only  
they are expelled out of town and  
deported. Let me know it clearly, my  
brother.

April 21, 1915.

April 21, 1915

At Erzerum

The President of the Special

Organization:

Behaeddin Shakir.

Transliteration

English Translation

from Turkish Osmanli in Arabic  
characters in Modern Turkish  
in Latin characters.

Mumailcyh Bahaettin Şakir Beyin  
İttihat ve Terakki Cemiyetinin  
Mamuret-ül-Aziz Kâtibi Mesulu  
maznunu aleyhimden firari Resneli  
Nazım Beye Mamuret-ül-Aziz Valisi  
Sabit Bey vasıtasıyla Erzurumdan  
keşide edilmiş olduğu 21-4-331  
tarihli şifreli telgrafname:  
"Oradan sevkolunan Ermeniler  
tasfiye olunuyormı? Nefi ve tahrip  
olduğunu bildiriniz. Eşhası muzıre  
imha ediliyormı? Yoksa yalnızca  
sevk ve izam mı olunuyor? Vazihen  
bildiriniz." diye işar eylemiş  
ve İttihat ve Terakki Merkezi  
Umumîsi âzaları hakkındaki dosya  
meyanında mevcud ve....

The aforementioned Behaeddin  
Shakir Bey, in his coded telegram  
despatched from Erzerum, April 21,  
1915, through the office of Sabit  
Bey, Governor-General of Mamuret-  
ul-Aziz, to Nazım Bey of Resné,  
Responsible Secretary of Union and  
Progress Party at Mamuret-ul-Aziz,  
who has escaped, states as follows:  
"Are the Armenians expatriated from  
there destroyed? Make me know their  
massacre and annihilation. Are those  
dangerous persons massacred? or  
only expatriated and deported? Make  
me know clearly".....

Turkish Official Journal Takvim-i Vakayi Divan-ı Harb-ı  
Örfi Muhakematı Zabıt Ceridesi, No 3771, verdict delivered by  
the Turkish Court Martial at Constantinople, January 13, 1920,  
and published February 9, 1920.

Transliteration

English Translation

from Turkish Osmanli in  
Arabic Characters into  
Modern Turkish in Latin  
Characters

Erzurum Teşkilât-ı Mahsusa  
Reisi Bahaettin Şakir Beyin imza-  
sıyla Mamuret-ül-Aziz Sabit Beye  
Nazım Beye Aid olmak üzere  
keşide kılınan ve fotoğrafı  
dokuzuncu tertibde bulunan şifreli  
telgrafnamenin mündercati: "Oradan  
sevkolunan Ermeniler tasfiye olunu-  
yormı? Nefi ve tahrip olunduğunu  
bildiriniz. Eshası müzire imha  
ediliyormı? Yoksa yalnızca sevk ve  
izam mı olunuyor, vazihen bildiriniz,  
kardeşim", suretindeki mumaileyh  
Resneli Nazım Beyin o sırada Mamuret-  
ül-Aziz İttihat ve Terakki müfettiş-  
liğinde ve elyevm halı firarda  
bulunması Teşkilât-ı Mahsusanin  
imha vazifesiyle meşgul olarak  
Cemiyetle irtibatı müekkit vesai-  
kidendir.

The coded telegram signed by Be-  
haeddin Shakir Bey, President of the  
Special Organization, and addressed  
from Erzerum, through the office of  
Sabit Bey, Governor-General of Mamuret-  
ul-Aziz, to Nazım Bey, and the photo-  
graph of which is inserted in the dos-  
sier, document No 9, contains as follows  
"Are the Armenians expatriated from  
there destroyed? Make me know their  
massacre and annihilation. Are those  
dangerous persons massacred or only  
expatriated? Report me clearly, brother"

The fact that today Nazım Bey of  
Resné has escaped corroborates the  
connection existing between the cri-  
minal purpose of the Special Orga-  
nization and the Committee of Union  
and Progress Party.

Official Journal Takvim-i Vakayi Divan-ı Harb-i Örfi Muhakematı Zabıt  
 Ceridesi, No 3540, April 12, 1919, page 6, col. 1 and 2.

Transliteration

English Translation

from Turkish Osmanli in Arabic  
characters in Modern Turkish  
in Latin characters.

Mumaileyh Bahaettin Şakir Beyin  
İttihat ve Terakki Cemiyetinin  
Mamuret-ul-Aziz Kâtibi Mesulu  
maznunu aleyhimden firari Resneli  
Nazım Beye Mamuret-ul-Aziz Valisi  
Sabit Bey vasıtasıyla Erzurumdan  
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olduğunu bildiriniz. Eşhası muzıre  
imha ediliyormı? Yoksa yalnızca  
sevk ve izam mı olunuyor? Vazihen  
bildiriniz." diye işar eylemiş  
ve İttihat ve Terakki Merkezi  
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The aforementioned Behaeddin  
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Erzurum Teşkilât-ı Mahsusa  
Reisi Bahaettin Şakir Beyin imza-  
sıyla Mamuret-ul-Aziz Sabit Beyo  
Nazım Beye aid olmak üzere  
keşide kılınan ve fotoğrafı  
dokuzuncu tertibde bulunan şifreli  
telgrafnamenin münderecatı: "Oradan  
sevki kolunan Ermeniler tasfiye olunu-  
yormu? Nefi ve tahrip olunduğunu  
bildiriniz. Eshası müzire imha  
ediliyormu? Yoksa yalnızca sevk ve  
izam mı olunuyor vazihen bildiriniz,  
kardeşim", suretindeki mumailleh  
Resneli Nazım Beyin o sırada Mamuret-  
ul-Aziz İttihat ve Terakki müfettiş-  
liğinde ve elyevm halı firarda  
bulunması Teşkilât-ı Mahsusanın  
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nization and the Committee of Union  
and Progress Party.

Official Journal Takvim-ı Vakayi Divan-ı Harb-ı Örfi Muhakematı Zabıt  
Ceridesi, No 3540, April 12, 1919, page 6, col, 1 and 2.







## Imperial Edict

Ali Jenani Bey, Deputy for Haintab, deeply involved in the massacres, confirmed in his letter dated June 9, 1920, that the Turkish Cabinet made decisions.

cc When Talaat Pasha's cabinet decided the deportation of the Armenians, the Parliament was not in session. Therefore a royal decree was issued. The trade (Edict) was taken and orders sent to all vilayets for the deportations. Strict measures were taken to carry out the order, and the Governor of Aleppo Djelal Bey refusing to accept the order, was transferred to Konia. The Vali who came after him ordered the Governor of Haintab to deport the Armenians.

cc How could I prevent the action

2

of a law issued by the Cabinet and approved by the Sultan? >> 1

The Union and Progress was since its beginning a secret society and remained secret society when it was the ruling ~~power~~ majority power of the Ottoman Empire.

Deputy for Hıntab Ali Tenani Bey in his letter to British High Commissioner wrote on July 7, 1920:

<< 2/1913 my relations with Talaat were broken because I addressed the Unionists to make The Union and Progress Party a political party instead of keeping

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1- Public Record office, London,

371/5089. 514.

it a revolutionary ~~party~~ Committee.  
 My point of view was that a revolutionary Committee was harmful to the country. Consequently in the elections of 1914 the Committee strongly opposed my election as a deputy. 77 2

First of all the Union and Progress was not a party in accordance with the provisions of the Ottoman Constitution, and its leaders refused to be a legal party -

A question: who was really the ruler of <sup>the</sup> Empire, Sultan Reshad V, Enver, Talaat, or Jemal, or the triumvirate.

Dr. Nazim Bey, as an ideologist

2. P.R.O, London, No W. 2910, 371/5087

4

leader of the Union and Progress of Young Turks made a very interesting distinction using a short expression

“ The man and his Seal,”<sup>3</sup> the man being the (General Headquarters) of the <sup>Central Committee</sup> Union and Progress and his Seal being Sultan Mehmed V Reshad.

Dr. Nazim made a declaration to reporters in Smyrna on August 15, 1909 concerning the Ottoman Constitution, Election and Parliament.

He explicitly stated that these terms were “ absolutely empty words.”<sup>4</sup>

In addition Dr. Nazim emphasized: “ This is a disguised autocracy, it

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3 - La mort de Stamboul, by Victor Bérard, Paris, 1913, p. 296.

4 - Op. cit. p. 338-339, emphasis added.

5

Will be a simulation of constitutional regime. → 5

Dr. Nazim provided more evidence as he declared, "We (Young Turks) put the Sultan in the impossibility of doing harm. We need his presence on the throne ... because we wish absolutely to eliminate the possibility of European intervention. The Khalife still possesses an immense moral authority. We need therefore that he put his signature on our decisions." → 6

The relationship and ~~connection~~ between the Sultan Khalife and the <sup>Central Committee</sup> (General Headquarters) of the Union and Progress in power was the connection

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5. Op. cit. p. 338-339

6. Op. cit. p. 297, emphasis added.

of a man and his seal. The seal was the Sultan Khalife and the owner of the seal was the Union and Progress Party's Central Committee making decisions.

According to Young Turks the Sultan Khalife was a fantome. 7

In the Congress held at Salosika October 31, 1910 to November 13, 1910, decision was made to approve the usage of political assassination, instead of the Courts for the ruling government to eliminate individuals, and ~~the~~ carrying out massacres to eliminate ethnic groups considered treacherous enemies.

European press emphasized the relationship of the government with the Union and Progress Committee; the people

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7- Op. Cit. p. 297, emphasis added.

7

began to believe that relationship really existed. 8.

"Rayas" or non-moslems may say their prayers, but the official language shall be Turkish, and the language of prayer, shall be Arabic." 9

Robbery, pillaging, massacre shall be considered a part of the education in families and schools, with the approbation of the government. 10

To ~~say~~<sup>tell</sup> the truth, there is only one party of the Union and Progress which has its program, accepted by the cabinet. The cabinet shall work as long as the government

---

8- op. cit. p. 310.

9- op. cit., p 371

10- op. cit., 323-324

applies the program. That is all" 11

Dr. Nazim said also: "The Committee is the vital force of the Empire; only the Committee saved the country from anarchy and could maintain the national sovereignty." 12

Despite the existence of provisional laws and Constitution, providing at least theoretical equality among citizens without any discrimination of race and religion, however practically ~~it~~ Moslem Turks considered them -

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11- op. cit. 323-324.

12- op. cit. p. 324.



9

Selves conquerors, and ethnic groups were not really of equal human rights, but only subjects of the conquerors, who had to be disappear by assimilation or extermination." 13

To this effect, the Sultan - Khalife had at his disposal Janissaries or Hamidihs, and the Party of Young Turks their Chetes and Fedais. 14.

To illustrate the real ideology of ~~the~~ Young Turks relative to the main structure of their Government, we would ~~like~~ make a quotation from the minutes of the Turkish Court

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13. Op. Cit. p. 327.

14. Op. Cit. p. 331.

trying both cabinet members and Young Turkish leaders of the period 1913-1918: "When a party is in power, the leaders of the party and the cabinet members are only a epitome of the caucus. The federal government has been completely stripped shorn of independence and responsibility. The discussions in the Chamber is only a formality. All decisions are made in advance, the bill that is passed may be considered adopted by the Chamber." 15

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15. Takvim-i Vakayi, No. 3595, published July 12, 1919, page 198, col. 2, 9th Session of June 26, 1919. The original text is in French.

11

Apparently, the Union and Progress was a normal political party having its program and policy; however, it remained a revolutionary secret society. The apparent activity had to cover the secret decisions made by the revolutionary party. Many Deputies and members

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The French text reads: « Les Chefs du Parti et le Cabinet, quand le parti est au pouvoir, ne sont que, un éphémère du caucus, le ministère fédéral a été complètement dépourvu de son indépendance et de sa responsabilité. La discussion au Parlement n'est qu'une formalité; tout est décidé d'avance dans le caucus; le bill, qu'il a approuvé peut-être considéré comme déjà adopté par le Parlement. » ...

of the Party, very often, claimed to have a normal political party, but they were not heard. The party of Young Turks remained always a revolutionary secret society. Even the Turkish Extraordinary Court Martial trying the responsible of the Armenocide, made a such distinction:

مذکور ادعا نموده و اتحاد و ترقی جمعی بری پروگرامه و نظامنامه داخلی مستند ظاهری و علنی. دیگری تعلیمات شفاغیه و عمرمانه به مبنی دستور و خفی ایکی ماهیت متضاده بی جامع اولوب دلائل و پراهمین موجوده مؤاسندن شخصیت منوره سنک بر سلسله قاتل و غارات و سوء استعمالات ایله مطنون علیه بولندینی و اجراءات واقعه سندن متولد مسئولیت قانونی بی متحمل اولسی جیمیلر قانونی احکام صریحیه سیه مؤید اولان جمیعت مذکورده نیک بالاده مذکور الاساسی رؤسای مهمه و ارکان متفکره سنک مابالمستونی ایضاح و کندیلمینه اسناد اولان جرائم بسط و تمهید ایلمکنده و زان جمله کین اوج یوز او توز سنسی نموننده رؤسای جمیعتیه بالاستشاره اعلان اولان سفر برنک اوزرینه جیمیلر ذی نفوذ ارکان سندن اولوب فرار لرندن طولای سلك عسکریدن مطرود انور و جمال و کندا فراری طلعت بکیرله رفقاسی اوروبانک مشغول اولدینی حرب صومیدن بالاستفاده اذعان و اقتدار و عدل و داد و حکمت و رأفته حل اولنسی ایجاب این مسائل مطلقه و غوائل مضله بی هر که ابراز شدت وه طرفه الفای ذهنته حل و فصل سوداسنه دوشه نیک مقدرات ملت اوزرنده تحولات عظیمه و تشوشات بی نهایی منتج انفصال و اجراءات و خیمه جران و صورتاً آمال ملی بی تطمین مقصدیه و حقیقته ایسه بر غایفه عظمی احداث ایله سنای ماق صوصد بر مق و جو فرصندن بالاستفاده اجراء تحکم و تقلب ایله ادخار ثروت و سامان ایتمک امیه سیه حرکت ایلمکنی و حرب عمومی اشتراکی بر جلاقم حیل و دسائس استعمالیله امرواقع حاله کنپردکن صوکره تطیق منویاه بالاستدار.

TAKVİM-İ VAKAYİ, No 3540, page 4,  
col. 2, published May 5, 1919, indictment  
dated April 12, 1919, reading in presence  
of Cabinet members and Party leaders,  
April 27, 1919.

Transliterations

Mezkûr iddiâ<sup>N</sup>amede  
 İttihat ve Terakki  
 Cemiyeti bir program  
 ve nizamname-i  
 dahiliye müstahik  
 zahiri ve âlenî,  
 diğeri talimat-ı  
 şifahiye ve mahre-  
 maniye mütebeni mes-  
 tur ve hâfi iki  
 mahiyet-i mütezatiyi  
 câmi olup delail  
 ve beahini mev-  
 cude müeddâsından  
 şahsiyet-i ~~man~~  
 masneviyesinin  
 bir silsile-i kitâle  
 ve şarhat ve sui-  
 istimalat ile

English translation

The afore-mentioned  
 indictment provides  
 evidence that The  
 Committee of the Union  
 and Progress had two  
 contradictory faces  
 and characters: one  
 of them was of the  
 external UNION and  
 Progress acting in  
 conformity with the  
 internal by-laws and  
 regulations. The other  
 face was the secret  
 and conspirational  
 UNION and Progress  
 acting in accordance  
 with oral and criminal  
 instructions.

L  
MAZMUN-U ALEYH  
BULUNDUĞU VE İCRAT-  
VAKI ASINDAN MÜTE  
VELLİT MESULİYET-İ  
KANUNİYEYE MÜTE  
HAMMİL OLMASI  
CEMİYETLER KANUN-U  
AHKÂMI SERİYESİYLE  
MÜEYYED OLAN  
CEMİYET-İ MEZKÜ-  
RENİN BALADA  
MEZKÜR EL ESAMI  
RÜESSA-İ MÜHİMME  
VE ERKÂN-İ MÜTE-  
NETTİZESİNİN MA-  
BİHÜL MAZMUNİ-  
YET-İ İZAH ... 16

14  
Documents and  
evidence in possession  
(of the Court martial)  
affirm and confirm  
that the moral image  
of the Party is marked  
by an unending chain  
of massacres, plunde-  
ring and abuses. The  
responsibility for the  
crimes committed weighs  
heavily upon the Party.  
The above-mentioned  
members who were the  
\* influential and  
principal leaders of the  
Party established under the  
well-known laws of associa-  
tions, were evidently and  
precisely guilty ...

16-TARVİM-İ Vakayı, No 3540, page 4,  
col. 2.

## Complementary Explanation

Mahmud Kiamil Pasha, Commander-in-Chief of the Third Ottoman Army Corps at the Caucasian front, dispatched from his headquarters at Tortum (province of Erzerum) many coded telegrams giving secret orders concerning the deportation and massacre of the Armenian people.

July 10, 1915, the above coded circular was dispatched by Mahmud Kiamil Pasha to the Governors-General of the Eastern provinces under his military jurisdiction: Erzerum, Bitlis, Van, Diar-bekir, Mamuret-ul-Aziz and Sivas, forbidding the Moslem population to protect Armenians. Any Moslem daring to protect an Armenian would be hanged in front of his house and his house would be burned.

After Armistice, by special order of the Ministry of Internal Affairs, the authorities in the provinces certified a copy of the original coded circular of Mahmud Kiamil Pasha, February 23, 1919, and sent it to Constantinople, where the Turkish Court Martial had already begun to try since February 5, 1919, authors and accomplices of the deportation and massacre of the Armenian people.

The Turkish Court Martial at Constantinople quoted the coded circular of Mahmud Kiamil Pasha :

"it is a matter of safety", he replied; "the Turks have got to protect themselves, and, from this point of view, they are entirely justified in what they are doing. Why, we found 7,000 guns at Kadikeuy which belonged to the Armenians. At first Enver wanted to treat the Armenians with the utmost moderation, and four months ago he insisted that they be given another opportunity to demonstrate their loyalty. But after they did at Van, he had to yield to the Army, which had been insisting all along that it should protect its rear. The Committee (of Union and Progress Party K) decided upon the deportations and Enver reluctantly agreed. All Armenians are working for the destruction of Turkey's power - and the only thing to do is to deport them. Enver is really a very kind-hearted man; he is incapable personally of hurting a fly. But when it comes to defending an idea in which he believes, he will do it fearlessly and recklessly. Moreover, the Young Turks have to get rid of the Armenians merely <sup>as/</sup> a matter of self-protection. The Committee is strong only in Constantinople and a few other large cities. Everywhere else the people are strongly 'Old Turk'. And these old Turks are all fanatics. These Old Turks are not in favour of the present government, and so the Committee has to do everything in their power to protect themselves. But don't think that any harm will come to other Christians. Any Turk can easily pick out three Armenians among a thousand Turks".



journey, but we have to abstain from giving to the public the new details that are reaching us in abundance. It costs much to do so, as our friends will understand; but the political situation <sup>of</sup> our country demands it".

In the case of the "Allgemeine Missions-Zeitschrift," the Censor was not content with putting pressure on the editor. On the 10th November, he forbade the reproduction of the present article in the German press, and did his best to confiscate the whole current issue of the magazine. Copies of both publications, however, found their way across the frontier.

Both the incriminating articles are drawn from common sources, but the extracts they make from them do not entirely coincide, so that, by putting them together, a fuller version of these sources can be compiled.

In the text printed below, the unbracketed paragraphs are those which appear both in the "Sonnenaufgang" and in the "Allgemeine Missions- Zeitschrift"; while paragraphs included in angular brackets [ $\langle \rangle$ ] appear only in the "Sonnenaufgang", and those in square brackets ([ ]) only in the "Allgemeine Missions-Zeitschrift".

President- What date?

Jevad Bey- January 21, 1915.

President- Who did sign it?

Jevad Bey- Behij, on behalf of the Supervisor of the  
Army Department.

President-

The Governor General of Aleppo sent the same telegram to Abdul Ahad Nuri on November 21, 1915, while the latter gave order to Naim, in a marginal note with his own handwriting on November 22, 1915:

"Write, Naim Efendi."

Naim in turn: "I wrote, dossier No. 741-16." 15.

Naim sent orders to deportation officials not to leave the corpses of the massacred Armenians, not to permit foreign officers to take photographs of the corpses.

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German Emperor Wilhelm II paid official visit, October 18, 1898, at Constantinople, visited Damascus and Jerusalem.

Many high ranking official and officers accompanied him, as well as by Protestant Ministers, namely Pastor Frederick Naumann.

Pangermanist Frederick Naumann wrote a book "Mitteleuropa", Central Europe. He established Christian and political principles concerning the massacre of the Armenians perpetrated by order of Sultan Abdul Hamid.

### First Principle

Turks did a rightful thing by massacring the Armenians:

#### German text

In Wahrheit störte uns das  
ungeklarte Gefühl, nich genau zu  
wissen ob man als Deutscher, undals  
Christ, ein Feind dieses Mannes  
zu sein habe oder nicht.

#### English Translation

FINANCIAL CRISIS  
IN OTTOMAN EMPIRE

# The Documentary Armenocide

## Key Documents

### Imperial Edict No 1. (IRADEI SENCE)

#### THE LAW OF DEPORTATION:

Signatures:

SULTAN MEHMED V Reshad;  
PRINCE SAID HALIM PASHA, GRAND VIZIER,  
ENVER PASHA, MINISTER OF WAR and  
COMMANDER-IN-CHIEF OF THE OTTOMAN  
ARMED FORCES.

### Imperial Edict No 2.

#### THE LAW OF CONFISCATION OF ARMENIAN PROPERTY IN TURKEY.

Signatures:

- SULTAN MEHMED V RESHAD.
- PRINCE SAID HALIM PASHA, GRAND VIZIER;  
AND FOREIGN SECRETARY OF STATE;
- KHAIIRI EFFENDI, SHEYKH-UL-ISLAM and  
MINISTER OF PIOUS INSTITUTIONS.
- TALAT BEY, MINISTER OF INTERNAL  
AFFAIRS and ACTING MINISTER OF  
FINANCES.

- ENVER PASHA, MINISTER OF WAR AND ACTING MINISTER <sup>OF</sup> MARINE;
- ABBAS HALIM PASHA, (NAFIE) MINISTER.
- IBRAHIM BEY, MINISTER OF JUSTICE AND ACTING PRESIDENT OF THE COUNCIL OF MINISTERS;
- AHMED NESSIMI BEY, MINISTER OF COMMERCE AND AGRICULTURE.
- AHMED SHUKRI BEY, MINISTER OF EDUCATION AND POST AND TELEGRAPH,

Imperial EDICT No 3.

THE LAW OF LIQUIDATION OF ARME-  
NIAN PROPERTY IN TURKEY;

SIGNATURES:

- SULTAN MEHMED V RESHAD;
- PRINCE SAID HALIM PASHA, GRAND VIZIER;
- ENVER PASHA, MINISTER OF WAR, and ACTING MINISTER OF FOREIGN AFFAIRS.



- KHAIRI EFENDI, SHEIKH-UL-ISLÂM AND MINISTER OF PIOUS INSTITUTIONS;
- KHALIL BEY, SECRETARY OF STATE FOR FOREIGN AFFAIRS;
- TALAAT BEY, SECRETARY OF STATE FOR INTERNAL AFFAIRS AND ACTING MINISTER OF FINANCES;
- ABBAS HALIM PASHA, MINISTER OF PUBLIC WORKS;
- İBRAHİM BEY, MINISTER OF JUSTICE AND ACTING PRESIDENT OF THE COUNCIL OF MINISTERS;
- AHMED NESSİMİ BEY, MINISTER OF COMMERCE AND AGRICULTURE;
- AHMED SHUKRİ BEY, MINISTER OF EDUCATION, AND POST AND TELEGRAPH.

THE IMPERIAL EDICT NO 4  
THE LAW OF MODIFICATION OF  
THE CONSTITUTION OF ARMENIAN NATION  
AND CHURCH IN THE OTTOMAN EMPIRE;

## SIGNATURES:

- SULTAN MEHMED V RESHAD,
- MUSA KIAZIM EFENDI, SHEIKH-UL-ISLĀM;
- ENVER PASHA, MINISTER OF WAR AND ACTING MINISTER OF MARINE;
- TALAT BEY, MINISTER OF THE INTERIOR AND ACTING MINISTER OF FINANCES;
- KHALIL BEY, MINISTER OF FOREIGN AFFAIRS AND ACTING MINISTER OF JUSTICE AND WORSHIP.
- IBRAHIM BEY, PRESIDENT OF THE STATE COUNCIL AND ACTING MINISTER OF EDUCATION;
- AHMED SHUKRI BEY, MINISTER OF EDUCATION AND ACTING MINISTER OF POST, TELEGRAPH AND TELEPHONE AND AGRICULTURE;

THE LAW OF RESTITUTION OF ARME-  
NIAN PROPERTY PREPARED BY THE  
MIXED COMMISSION, JANUARY -  
FEBRUARY 1919.

THE IMPERIAL EDICT N° 5THE LAW OF RESTITUTION OF  
PROPERTY TO THE ORIGINAL OWNERS  
SIGNATURES:

- SULTAN MEHMED VI VAHIDEDDIN;
- ALI RIZA PASHA, GRAND VIZIER;
- IBRAHIM ELBAYI EFENDI, SHEKH-  
UL-ISLAM;
- MUSTAPHA RUSHDI BEY, MINISTER  
FOR FOREIGN AFFAIRS;
- TEVFIK PASHA, PRESIDENT OF THE  
CHAMBER;
- MEHMED SHERIF BEY, MINISTER  
OF INTERNAL AFFAIRS;
- JEMAL BEY, MINISTER OF WAR;
- SALAH KHULUSI BEY, MINISTER  
OF MARINE;
- ABDEL RAHMAN SHERIF BEY, PRESI-  
DENT OF THE COUNCIL OF MINISTERS;
- MUSTAPHA NURI BEY, MINISTER  
OF JUSTICE;

- TEVFIK BEY, MINISTER OF FINANCES;
- ABUK AHMED BEY, MINISTER OF WORKS;
- MEHNED HADI BEY, MINISTER OF COMMERCE AND AGRICULTURE;
- SAID BEY, MINISTER OF EDUCATION AND PIOUS INSTITUTIONS. 1

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1. In accordance with the provisions of the Ottoman Constitution all Imperial Edicts have to pass in the Chamber prior to be published in the Turkish official journal Takvim-ü Vakayi.

The above mentioned Imperial edicts are published in Takvim-ü Vakayi with the signatures of the Sultan and respective ministers. See photographic reproductions of the Imperial Edicts here after.

CONFISCATION  
PARTIAL SOLUTION  
OF THE CRISIS

November 16, 1914

Khalil Bey, (uncle of ENVER), member of the Executive Committee of Teşkilât-ı Mahsusa for the Armenocide, sent coded instructions to Mazhar Bey, Mutessarif of Izmit, to form çete-gangs, informing that the Minister of Internal Affairs will send soon orders to release the criminals from prisons. 1

1 - Takvim-Vakayi, no 3554, published May 21, 1919, p. 69.

December 8, 1914

Coded telegram signed jointly by Dr. Nazim, Atif, Aziz and ratified by Jevad, four member Executive Committee of Teskilât-ü Mahsusa sets-gangs for the extermination of Armenian people.

Dr. Nazim and Atif, <sup>Haymen,</sup> both members of the Central Committee of the Union and Progress Party, Aziz and Jevad, both military officers, Commissioner of Public Safety, and Commander of the Military Garrison, in the Capital. 1

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1. Takvim-ü Vakayi, official Journal  
No 3554, May 12, 1919, p. 67.

November 20, 1914

In reply to the order dated November 15, 1914, the report of Musa Bey, Executive Inspector General of the Union and Progress Party at Balikeser, dated November 20, 1914, addressed to Midhat Shukri Bey, Secretary General of the Central Committee U.P., to be delivered to Dr. Nazim Bey, leader of the Teşkilât-ı Mahsusâ Executive Committee for the Armenocide.

The text comprises instructions sent by Talaat Bey concerning the release of criminals from prisons for the massacre of Armenians.)

1. Takvim-i Vakayi, No 3557, published May 25, 1919, p. 97



November 23, 1914

Coded telegram from the Center of  
the Union and Progress Party at Smyrna,  
dated November 23, 1914, to be delivered by  
civil  
the Central Committee to Dr. Nazim Bey, leader  
of the Teskilat-ı Mahsusa, <sup>Four member</sup> Executive Commit-  
tee of the Armenocide.

1. Takvim-i Vakayi, No 3554, May 1919.

p. 85.

November 29, 1914

Tzar Nicola II received in Tiflis Kevoek V Sourenian, Catholicos of Etchmiadzin, who said:  
« All my predecessors, Armenian Catholicoses, Armenian Patriarchs of Constantinople, of Jerusalem, and Catholicoses of Sis (Cilicia), as well as the Armenian National Assembly at Constantinople, have deep conviction that the liberation of Turkish Armenia is possible only by Russian Tzars».

Tzar's reply was confused: \*

Russian documentary evidence, April 5, 1915, proved that Russian authorities had decided to occupy Turkish Armenia and settle there Kosacks replacing ethnic Armenians. 1

1- Leo, Letter of General Udenich, p. 197-201

December 30, 1914

Coded telegram of Talaat Bey, Minister of Internal Affairs, dated December 30, 1914, addressed to Muammer, Governor General of Sivas, communicating his orders to release criminals from prison in connection with the deportations and massacre of the Armenians. 1

1-JAJ, No

December 30, 1914.

Massacres were carried out in the villages of Arsham, Hasan-Tamran, Tashoglu, Kara-Zorik.

Deportation of Armenians from the villages of Iki, Tarkhan, by order of the Kaymakam.

Women and children died in winter from starvation. 1

1- Henri Barley, p. 235, 237.

December 9, 1914

A. Khadissian and Samsoun Haroutunian, delegates of the National Bureau, Tiflis, had a two hour meeting with Russian General Chief of Staff Mishlayevsky, General Boroshin and General Udenich. Armenian volunteers will receive arms and munitions, not cannons, machine guns and horses. Anteanik will command 1,500, other chiefs 500, 300 volunteers.

Russian Generals refused to disarm Kurds and to send battalions in Turkish Armenia.

1- Vratzian, OPD papers, pp. 93-95

November 13, 1914

Four prominent leaders, two military and two civil, of the Teşkilât-ı Mahsusa Executive Committee for the Armenocide, namely Aziz Bey, Khalil Bey, Sr. Nazim Bey and Atif Bey jointly sent a coded telegram dated November 13, 1914, to Midhat Shukri Bey, Secretary General of the General Headquarters of The Union and Progress Party urging him to communicate order to the Executive Secretaries and Delegates of the Party in the provinces to enrol within a week Teşkilât-ı Mahsusa çete-gangs.

1- Takvim-i Vakiye, No 3554, p.69

November 15, 1914

On behalf of the War Minister, the  
Councillor Ismet Bey (İnönü) communicated  
order on November 15, 1914 to the Central  
Command in the Capital concerning the orga-  
nization of the office and files of the Execu-  
tive<sup>ve</sup> Committee of Teşkilât-ı Mahsusa!

1. Takvim-i Vakiyi, No 3554, p. 69.

November 16, 1914

Coded telegram sent by Rushdi Bey, Executive Secretary of the Union and Progress Party at Samsoan, dated November 16, 1914, addressed to the General Headquarters in the capital, to be delivered by the Secretary General Shukei Bey, to Dr. Nazim Bey, prominent leader of the Teskilat-ı Mahsusa Executive Committee for the Armenocide.

Rushdi Bey reported that çete-gang leader Tufan Ağca was on his way to Artwin with fifty-one çete-gangs - 1

1 - Takvim-i Vekayi, No 3554, p. 73.



See: "JAMANAG" Armenian Paper Daily, Published in  
Constantinople, 21 January 1920

#### T R A N S L A T I O N

Approved draft of law regarding compensations and formalities to be adopted in connection with deported persons and their properties which are to be liquidated according to the draft of law dated the 12<sup>th</sup> September 1331 (1915).

#### Article 1.

In conformity with the provisional law dated the 17<sup>th</sup> Zilkaddey 1333 (September 12, 1915) regarding the abandoned property, debts and credits of deported persons, and in compliance with the regulation of both 30<sup>th</sup> Zilhejja 1333 (October 26, 1915) respecting the mode of execution of the said law, the immovable properties registered in the name of the Treasuries of the Finance and the Evkaf Departments and being actually in the possession of both Treasuries should at once be administratively made over by these Treasuries to their original owners if these are alive and should then be rectified accordingly in the register-book.

Such properties which have hitherto not been registered in the name of the above Treasuries, should be maintained in possession of their original owners if these are alive and should then be handed to the latter.

The immovable properties of which the original owners are dead, should immediately be delivered by the ~~of~~versaid Treasuries to their heirs or parties entitled whether these properties are or are not registered in the name of both Treasuries and should then be transferred in the name of these heirs or parties entitled.

The immovable properties which have no heirs or parties entitled should be registered in the name of the school, church or monastery that will be indicated by the local ecclesiastical Chief of the Community to which the original owners belong.

See: Turkish OSMANLI MANUSCRIPT in Biblio-  
thèque Nubar, Square Albani, Paris, File "OURFA"

### Article 2.

The present law applies to all formalities which have been fulfilled from the 21st July 1914 - date of the promulgation of mobilization till the 31st October 1918 (1918) - date on which the Armistice was concluded - either by deported persons or by other parties in respect of the movable, as well as of the immovable properties of the ~~owners~~ former.

### Article 3.

If some of the immovable properties of deported persons referred to in Art. 1, had been expropriated and demolished for public utility but have, up to date of publication of this law not been converted into public streets, squares, etc.. they should, as per same article be restored and the expropriation formalities carried out in this respect considered as null and void in cases the owners should make their claims within six months from the date of publication of this law. If the price of such properties has already been paid, it should be given back. If any buildings have been added to such property, this cannot prevent the restitution of the property, and in this case, the latter will be dealt with in accordance with Art. 10. The fact that no claims has been made within six months, would imply the consent of the owner to the expropriation of this property

### Article 4.

If any of the immovable properties mentioned in Art. 1. has<sup>va</sup> been requisitioned in conformity with the law of 15 Jumazel Evvel 1916 (March 7, 1916) on the requisition of dwelling-houses and other buildings in time of War, such property falls within the terms of the said law. But in case the inspection of other formalities respecting the same which, according to the said law, should be carried out in the presence of both parties, have been effectively executed ex-parte on account of the deportation of the owners, and in case the latter should not express his consent to what has been done, the procedure already

taken will be repeated in presence of the persons concerned or their representatives. As the present law is going to be enforced, the right of the owners for objection, right which is now lost in account of the expiration of the time, will again be valid.

#### Article 5.

If some of the immovable properties referred to in Art. 1. and passed in the hands of the Treasuries of <sup>the/</sup> Finance and the Evkaf Departments have already been disposed of by these Treasuries, either by sale transfer or by other means, and if the original owners of this property or their representatives should raise on objections to such sale, transfer etc.. the latter may have their properties back. If such owners had received the price of their property prior to the promulgation of this law, they must give it back. In case they object, they have to establish their identity within three years from the date of promulgation of this law and formulate their objections in written protests to be communicated to the Land Department and to the last owner or occupier of their property. If no protest is communicated within the said time to the Land Department this will imply an acceptance, on the part of the owners as regards the sale effected. In this case, the amount realised by the first sale or transfer will be paid out to them. In the contrary case, the property in question will at once be restored to them administratively and re-registered in their names.

#### Article 6.

If immovable properties of deported persons have been mortgaged, transferred or sold with power of redemption or left as guarantee for debts due by such deported persons, to either Agricultural Bank and other establishments or private and judicial persons, such sale or transfer which have taken place

in consequence of non-payment of this<sup>se</sup> debts before the promulgation of this law, will be considered null and void. The said property will, according to Art.1. be surrendered to <sup>h</sup>their original owners or their representatives and rectified accordingly in the register-books. ~~Nevertheless~~ Nevertheless the resiliation of such sales and transfers will not frustrate the rights of the creditors to get back their <sup>ce</sup>redits which may begin to be recovered according to special laws and regulations, three months <sup>af</sup>ter the promulgation of the present law. The debts of those who will not have returned to their homes at the promulgation of this law, will begin ~~to~~ be recovered three months after the date of their return.

#### Article 7.

The net revenue<sup>es</sup> realised by levy or ~~tax~~ rent and by the ~~crop~~ crops of such handed properties during all the time that these properties <sup>have</sup> ~~also~~ remained in possession of the above mentioned two Treasuries, will be paid by the latter to either the original owners or their representatives after having deducted therefrom  $\frac{1}{2}$  the expenses that have been incurred for the <sup>re</sup>paration and upkeep of the said properties, as well as the amount of Vergu (taxe) and other official charges. If the amount of rent is less than that the real value of the rent, the former will be brought up to the same level by the Commission referred to in Art.8.

#### Article 8.

For any landed property passed into the occupation of the two Treasuries and left by the latter out of use or given to individuals free of any charge, the Treasury of the Finance Department will have to pay the rent of these properties from the date of which the deported persons were deprived of their possession till the day on which the ~~present~~ present law will come into force

or up to date on which they become again in possession of their property, if this is earlier.

The amount of such rent will be fixed by the Commission referred to in Art.18. Nevertheless ~~of this law~~, the general prescriptions of this law will apply to the fixation of the above rent belonging to those who have resumed possession of their property after the promulgation of the present law.

#### Article 9.

Any damage done to such abandoned <sup>in</sup> movable property either by Government Officials or private individuals during the deportations, will be indemnified by the Government, on the understanding that the Government reserve to themselves the right to pursue the parties who had undertaken to take care of or those who had neglected this property. This kind of compensation will be fixed by the Commission mentioned in Art. 18.

#### Article 10.

If the Government have built annexes or planted trees etc.. within the immovable property which has fallen into the hands of the two Treasuries but which have not been sold or transferred to a third party; if the buyer or the transferee of such property already sold and transferred, has done so and if the actual total price of these annexes is inferior or equal to the actual price of the immovable property to which the above buildings etc.. have been added, it is in this case, optional for the original owner or possessor of the property or for his representative to adopt one of the two following proposals:

1.- The property in question, together with its additional buildings etc.. may be delivered administratively to the original owner or possessor, on the understanding <sup>that</sup> ~~that~~ he engages to pay, in annual equal instalments and within three years, the total price of the said additional buildings.

2.- The property in question may be sold and transferred at the actual price to the owner of these additional buildings, thus maintaining in the hands of the latter the whole of the buildings.

If the price of the additional constructions ~~exceeds~~ exceeds that of the original property, the owner of the former will then have the right of option. He may purchase the property at its actual price or sell to the original owner or occupier, on the understanding that the owner or occupier engages to pay up the money resulting from such a sale in equal and annual instalments within a lapse of three years.

In case ~~of~~<sup>the</sup>/owner of the additional property chooses to buy the original property, the price which he had previously paid to the Treasury for the sale and transfer of the latter property, will at once be paid to the original owner or occupier. But, if the price previously paid for the immovable ~~property~~ property is inferior to the actual price, the difference will then be paid by the owner of the additional property to the owner or possessor of the original property, in annual equal payments and within three years,.

In case it is proved that the original owner or the owner of the additional property have debts, the immovable property will then be considered as a guarantee for the payment of these debts, it being understood that the origin of these debts is connected with this same property belonging to Vakouf, schools and other similar establishments of charity, as well as to minors, lunatic or insane persons, will be considered as a donation or charity in favour of these establishments.

#### Article 11.

In case the original owner or occupier refuses to buy the additional buildings on the lines laid in the foregoing article and in the event of the

purchaser, transferee or the Government declining to take the immovable property in question, this property, together with its annexes will, at the request of one of the parties, be sold and transferred by auction to a third party by the Commission referred to in Art. 18. of this law, in conformity with art. 10, of the law dated the 25 th February 1328 (31 Rebie-ul-Aher 1331) prescribing that these landed properties should stand as guarantee for outstanding by such auction sale, will be divided among the parties concerned, in proportion of the actual prices of both original and additional properties.

#### Article 12.

All movable properties and animals belonging to deported persons will, at the request of their owners, be recovered from any person in whose hands they may be found and made over the latter in the following conditions and against procès-verbaux to be drawn up for the purpose:

a/ The fact that the above property has been sold by the "Liquidation Commission", by other official Departments or by persons other than the owner; and the fact that this same property has been concealed or confiscated by this and that man can, by no means impeded their delivery to their rightful owners.

b/ If the property in question had been sold by the owner, it can no longer be restored unless and untill the seller returns, in full, the price which he had previously received.

c/ If the actual occupier had purchased such goods from the Liquidation Commissions or from other official Departments, he may apply direct to the Government. If he had bought them from private persons he may refer to these and each of them may have recourse to his own seller. The last of the sellers may likewise have recourse to the Government, these recourses will be secured through the Commission.

## Article 13.

The formalities connected with the recovery and delivery of the above property to its original owner as stated in the preceeding article, will be carried out by the Commission mentioned in article 18. If the real price of some goods at the moment of their sale have to be estimated and fixed for the reason thatn these goods no longer exist or that their value has <sup>in/</sup>creased, this formality has to be carried out on the strenght of a decision of the Commission. This real price thus established, will be paid and indemnified by the Government to the owner of the goods or to his representatives.

The fact that the price has been paid partially or totally prior to the promulgation of this law, cannot frustrate the rights garnted by virtue of this article.

## Article 14.

Any sum or sums recovered by the Liquidation Commissions on behalf of deported persons, will be restituted <sup>to</sup> to the latter and the money, out of these sums, that brings interest as per agreement concluded together with the amount of interest stipulated in the contract. The interest will be calculated from the date of recovery of the money up to <sup>date?</sup> that on which it was paid to the rightful owner, provided that the amount of such interest shall not exceed that provided for by the law.

## Article 15.

Any sentence, decree or execution thereof, that have taken place during the deportations for or against deported persons and any formality of sale, rent of houses and the like which has been carried out during the time mentioned in article 2, in connection with such persons are null and void. But law suits which had begun previous to the deportations, will now be resumed from



the stage in which they had been left without taking into consideration the time elapsed up to the promulgation of this law and brought to an end on the lines of of general provisions of the law.

Article 16.

In calculating the legal delays for all lawsuits or disputes brought by or against deported persons the time elapsed from the beginning of the mobilization up to the date of promulgation of this law will not be taken into consideration.

Article 17.

The heirs of those who, from the date of mobilization up to that on which this law is promulgated, have embraced Islam and have died as Moslems, will not be forfeited from their right of inheritance in accordance with the general provisions of the law.

Article 18.

In order to settle any dispute arising from the application of prescriptions of this law and to take decision and enforce them in connection with the points and formalities laid down in special articles, a Commission will be instituted in the chief-town of each Vilayet, Sanjak and Caza. Such Commissions will be headed by the <sup>h</sup>ighest Civil official of the place or by the persons whom the latter will appoint. They will have, as members, one Moslem and one non Moslem proposed by the ~~ex~~ Ecclesiastical Chief of the local Community.

In any case in which the non-Moslem member may remain in the minority, the decision which will thus be taken, will be examined direct by a Central Commission presided by the Under-Secretary of the Ministry of the Interior or by his representative and composed of two Moslem members and of two non-Moslem

designated by the Patriarchate . The decision of this Central Commission will be definite and will be communicated to the parties concerned.

#### Article 19.

No fees, no charges and no Hedjaz stamp will be claimed by either the Department, Notariats, Special Commissions or other Government departments for all formalities etc. mentioned in the present law.

#### Article 20.

#### P E N A L I T I E S

Any official or private individuals who would, without any pal<sup>l</sup>ausible reasons, raise difficulties in or neglect the execution of formalities connected with the applications of the provisions of the present law, will, in accordance with article 102 of the Penal Code be sentenced to a fine of from Ltq 3 to 100 or to an imprisonment of from one week to three years. They will further be condemned to indemnity to interested parties for the loss that they may have sustained in consequence of the neglect and difficulties.

#### Article 21.

The Commission mentioned in article 18 has the faculty to hear on oath with witnesses or experts. If any witness, whether Moslem or non-Moslem or even an ecclesiastical chief whose evidence is considered necessary in order to bring the truth of the case to light, has on proof given false evidence, concealed or denied the truth of the facts or has not deposed totally or partially, the information he possesses will, in accordance with article 307 of the Penal Code be sentenced to a fine or from 5 to 100 Ltq or to an imprisonment up to three years.

The penalties indicated in this as well as in the foregoing articles, will be sanctioned by the Competent Courts, at the request of the Special Commission.

## Article 22.

The Provisions mentioned in the present law and pertaining to original owners or possessors will, according to general rules, be applied to the representatives, executors or trustees of the owners or possessors. If the latter are dead, the above provisions will be applied to their heirs or their representatives.

## Article 23.

The provisional law of 13 September 1331 ( 17 Zilkaade 1333) regarding the abandoned property, debts and credits of deported persons, as well as the regulation, dated the 30th Zilhejje 1333)(26 October 1915) respecting the mode of execution carrying out that ~~law~~ law, are abrogated.

## Article 24.

This law come into force in every chief town of a Gaza, with effect from the day following that on which the law has been published in due ~~form~~ form.

## Article 25.

The Ministers of Interior, Justice, Finance, Evkaf and Agriculture are charged with the execution of the present law.

\*\*\*\*\*

The chief lacunae which I see in this law are:

## 1.-DATE.

Restitution and compensation can only be claimed for those deported under the law of the 12<sup>3</sup> September 1914, whereas the law should be dated as from the first January 1914 since the 200.000 Greeks expelled from the Asia-Aegean littoral were sent away in the spring of 1914.

2. If the date is not made clear, then the effects of the law applying to Greeks as well as to Armenians should be brought out.
3. Article 9 should be made to read: "Damages to Real Property will be compensated". The Turkish text only speaks of compensation for damage to movable property.

4. Loss of Rent.

An article should be inserted besides for the loss of rent during the years of deportation: it might be worded:

"The value of rent of real property which is restored to its owners and which had been registered in the name of the State Department, or handed over to an individual, should be paid back to the original owners by the occupiers".

5. Restoration of property sold or rented as a result of violence or threats:

There shall be given back to the original owners all real or movable property, the sale or transfer of which was forced either owing to the general prevailing condition of terrorism, or through some individual threat or act of violence on the part of either the Government or any individual which took place on any date between the first

January 1914 and the signing of the Armistice.

6. On the other respect I think the law will serve well as a preliminary while modifications can be inserted later.

Signed C. HEATHCOTE SMITH

See F.O. Public Record office  
Col.



SECRET INSTRUCTIONS  
FOR  
SEIZURE OF ARMENIAN  
POSSESSIONS

Major Colonel Shahabeddin Bey, Acting Commander  
Fifteenth Division, Kayseri,  
<sup>is</sup>  
despatched to Major Colonel Khalil Rejai Bey,  
Acting Commander of the Fifth Army Corps, Ankara,  
the instructions comprising thirty-four Articles,  
sent by the Minister of Internal Affairs to the  
Governor of Kayseri, May 28, 1915.

Transliteration

English Translation

Adet 835

No. 835

Ankara Beşinci  
Kolordu Kumandanlığı Vekâletine:

Decpiher: Acting Commander  
Fifth Army Corps, Ankara:

Cevap 21 Temmuz 331, 3004  
şifreli telgrafnamenin üçüncü  
maddesine Dahiliye Nezaretinin  
Kayseri mutasarrıflığından  
müballağ 28 Mayıs 331 tarih  
ve otuzdört maddeli mühtefi  
talimat münderecati muntaza-  
sından bulunduğunu ve mezkür  
talimat sureti musaddakasının  
derdesti takdim ettiği.

Reply to the coded telegram  
dated July 21, 1915; No. 3004:  
According to the third Article  
the Minister of Internal Affairs  
sent to the Mutesarif of Kayseri  
May 28, 1915, secret instructions  
comprising thirty-four Articles  
of which we despatched to you  
a certified copy in due form.

21 Temmuz 331.

July 21, 1915.

Fırka Onbeş Kumandan Vekili:

Acting Commander of the Fif-

Şahabettin.

teenth Division: Shahabeddin. 1

1. JAJ. No. h 615. Documents, 1st vol. p. 74-75, (osm. pho), p. 76-86, English translation, comp. Gemo. cidiş Turk. H.K. Kazanian p. 227-235

Major Colonel Khalil Rejai Bey, Acting Commander  
of the Fifth Army Corps, Ankara,  
despatched to Major Colonel Shahabeddin Bey,  
Acting Commander of the Fifteenth Division, Kayseri,  
guidance and instructions and informed him that  
he has no knowledge about the secret instructions  
concerning the possessions and goods abandoned  
by Armenian deportees.

Transliteration

English Translation

Numara 3004.

No. 3004.

Kayseri Fırka Vekâletine  
şifre.

Decipher: Acting Commander  
Division, Kayseri.

Cevap 20-5-331 ve 180  
şifreye:

Reply to the coded telegram  
dated July 20, 1915:

1. Evvelce tebliğ olunduğu  
veçhile, nefi muamelesi kanunen  
cihet-i askeriyeye ait olduğu  
cihetle, nefi esbabında ku-  
mandanlarca malûm olması ve  
isabet görürse, nefi bu husus-  
daki teb'îî edilecekler hak-  
kında memurini mülkiyenin bu  
hususdaki malûmat, sizce ka-  
naatı vicdaniye husulu şarttır.

As <sup>I</sup> had previously communi-  
cated to you, the operations of  
exile have to be <sup>effe</sup>ected by mili-  
tary authorities; <sup>T</sup> therefore, the  
motivations of exile must be com-  
municated also to military comman-  
ders, who have the right to apply  
the measures of exile, when they  
feel it fit. Consequently, taking  
advantage of the informations and  
assistance that the civil authori-  
ties under the limits of your ju-  
risdiction may supply concerning

Bu şart dahilinde nefi-î icab edenler ailelerini birlikte götürmelerinde muhtar olabilir.

2. Reisi ruhanilerin nazarı Hükûmette haizi istisnaiyet bir imtiyazı yoktur, mahalinde bakasında mazarat memul ise, mümaileyh hakkında eşhas-ı saire müsüllü nefi muamelesi tatbik olunabilir.

3. Menfi edilmekleri ait mal ve emlakın esmanı balığesinin sahiplerine dair olan emir ve tebliğattan buraca malûmat yoktur. Bu bapteki emrin hangi makamdan telakki edildiğinin inbası.

21 Temmuz 331.

Beşinci Kolordu Ahz-ı Asker

Heyet-i Reisi:

Miralay H<sup>a</sup>lil Recai.

the individuals to be exiled, however it is required that you firmly be convinced on the matter.

2. Leaders of religious communities do not enjoy (in front of) <sup>before</sup> the Government any privilege that may suppose for them any specific right. Consequently, if their presence where they actually are, represents any inconvenience, they may be exiled as all the others.

3. I have no knowledge about the special instructions according to which movable and inmmovable possessions and property<sup>ies</sup> must be sold and the amount delivered to the owners.

July 21, 1915.

President of Military Draft,

Fifth Army Corps:

Major Khalil Rejai. 1



I N S T R U C T I O N S

CONCERNING ~~THE~~ ADMINISTRATION OF ALL PROPERTY, BOTH REAL AND PERSONAL, FORMERLY OWNED BY ~~THE~~ ARMENIANS AND LEFT BEHIND BY THEM <sup>as</sup> ~~WHEN~~ THEY WERE DEPORTED AS A CONSEQUENCE OF ~~THE~~ WAR AND OF EXTRAORDINARY POLITICAL NECESSITIES. <sup>their</sup> <sup>Abandoned Goods</sup> <sup>Because</sup> <sup>ties</sup>

Article 1

? The Commissions <sup>exs</sup> for real and personal property, set up according to the provisions of the following articles, will be guided by the provisions of those instructions relative to private property, buildings and lands and such other questions pertaining to the possessions left behind by the deported Armenians. <sup>Established</sup>

These Commissions <sup>exs</sup> are responsible for handling these matters within the framework of their jurisdictions which have been determined. <sup>pre-</sup>

Article 2

After deporting [the Armenians] <sup>K</sup> from a village or town, the houses and buildings owned by them, with all the belongings therein, will be retained by the administrative Commissions after officials will have been appointed for this specific purpose or after a Committee will have locked <sup>secured</sup> and sealed <sup>secured</sup> the doors.

Article 3

Following <sup>an</sup> appraisal of the property, the <sup>value</sup> quality, quantity and price of each item will be recorded. For the personal property to be retained, the owners' names will be listed with all the necessary details in a register and later these movable property will

be taken to churches, schools, caravanseries (hans), warehouses or stores ~~in order to~~ <sup>be arranged</sup> ~~arrange~~ them separately, allowing each owner to be identified clearly. These movable goods will thus be <sup>Safeguarded</sup> kept. A detailed report <sup>Inventory</sup> ~~on the~~ <sup>names</sup> owners, ~~the~~ <sup>Inventory</sup> quantity, ~~the~~ <sup>Value</sup> origin and ~~the~~ <sup>Items</sup> destination of these movables will be ~~drawn up~~ <sup>made</sup>.

#### Article 4

If the owner of these movable property is unknown, it will be registered and kept in the name of the village <sup>offered</sup> where it came from.

#### Article 5

<sup>In the classification of</sup> Among the movable property, some <sup>Items</sup> will deteriorate with time. Others, like farm animals, will be sold at public auctions <sup>by</sup> ~~at~~ a sub-committee <sup>Appointed</sup> ~~approved~~ by the Commission. The proceeds from these auctions will be <sup>recorded</sup> ~~put~~ in the names of the owners, if they ~~are~~ known; or in the name of the village or town, if the owners are <sup>not</sup> known, <sup>the Proceeds</sup> ~~and~~ <sup>They</sup> are to be deposited in <sup>in their behalf with</sup> the trust ~~of~~ the Treasury Department.

The nature, number, price of the properties sold, the owners' and Buyers' names <sup>as well as</sup> and the sale's price will be recorded in details in the register-book.

This <sup>entire</sup> procedure must be approved by the Commission which performed the public auction.

A report will be <sup>written</sup> ~~drawn up~~, the original of which will be given to the local government with <sup>and</sup> a copy to be kept by the administrative Commission for real and personal properties left behind [by the deported Armenians].

## Article 6

An inventory of the objects, pictures, holy books ~~which~~ <sup>that</sup> are in the churches will be drawn up; a report will be added to it and both will be preserved. Later, after the deported people <sup>made</sup> ~~will~~ have been settled <sup>1</sup> in a chosen locality, the sacred objects from the village churches will be sent there.

## Article 7

The quality, number and value of properties and lands, with the names of the respective owners will be recorded in details. A list of immovable <sup>fixed</sup> property left behind [by the deported Armenians] in each town and village will be prepared and delivered to the Administrative Commissions.

## Article 8

If crops and grain on the verge of spoiling are to be found either in the houses or fields, they will be auctioned by the persons appointed by the Commission. The proceeds from the sales will be deposited in the name of the owners in <sup>with</sup> the trust of the Treasury Department. A report will be prepared, the original of which will

---

1. The Armenian deportees have <sup>were</sup> never been settled and the sacred goods taken away from churches have <sup>were</sup> never been sent to the Armenian deportees.

The caravans of Armenian deportees have <sup>were</sup> been massacred by order of the Turkish Government by the criminals released from the prisons or they have <sup>died</sup> been exhausted by starvation <sup>about</sup> on the way.

be sent to the local government, while a certified copy will be kept by the Administrative Commission.

#### Article 9

If no buyer is to be found for the crops, and ~~the~~ products from the vineyards, a guaranteed sale will be arranged and ~~the~~ goods will be sold at a reduced price to those who want them.

~~There~~ <sup>the sale</sup> after, ~~the~~ proceeds from auctions and sales will temporarily be deposited in the names of ~~the~~ respective owners in ~~the~~ trust <sup>with</sup> of the Treasury Department.

#### Article 10

If the deported Armenians, ~~using~~ <sup>exercising</sup> their rights as landlords, have conferred any kind of powers of attorney <sup>to</sup> on a third party, after the deportation date, in order to have their real estate properties sold, ~~the~~ public prosecutors cannot start any proceedings with such procuration. <sup>OK</sup>

#### Article 11

Refugees [Turkish Moohajirs] <sup>K</sup> will be settled in the houses and on the lands in ~~the~~ villages from which ~~the~~ Armenians have been deported.

They will receive certificates stating their qualifications for agricultural work.

#### Article 12

~~The~~ names, age, and date of arrival of ~~the~~ Turkish refugees settled in the houses [of ~~the~~ deported Armenians] <sup>K</sup> will be listed regularly and in details in a register.

*-> describing*

They will receive deeds stating the number and the size of ~~the~~ buildings and lands.

## Article 13

The <sup>K</sup>[Moslem] refugees settled in ~~the~~ villages are responsible ~~collectively~~ for the buildings and the trees which are to be found there; if they <sup>cause</sup> ~~perpetrate~~ any damage and if the culprits are known, the <sup>current</sup> ~~counter~~-value of the damaged <sup>property</sup> will be paid by the village population, and those guilty of such acts, will be evicted from the village and deprived of their rights as refugees.

## Article 14

After <sup>DISTRIBUTING</sup> ~~dividing~~ the houses <sup>K</sup>[of the Armenian deportees] among <sup>to</sup> the <sup>K</sup>[Moslem] refugees, if <sup>PROPERTY</sup> any are left, nomadic tribes will be settled <sup>there</sup> in them. These tribes will be subjected to the same regulations as the <sup>K</sup>[Moslem] refugees.

buildings  
and  
lands

## Article 15

In the course of settling the <sup>K</sup>[Moslem] refugees in the towns and villages from which the Armenians were deported, priority will be given to the <sup>K</sup>[Moslem] refugees from towns and villages. After taking in <sup>P</sup>consideration their financial needs and their qualifications as builders, they will be given land in sufficient quantity.

## Article 16

Stores, businesses, caravanseries, baths, warehouses, and other such buildings not suitable for the settlement of <sup>K</sup>[Moslem] refugees, as well as the ~~buildings~~ left unoccupied ~~[after the settlement of Turkish refugees]~~ and those not in use will be sold at

auctions, according to the provisions of Article 18, by the administrative Commission or by an other committee under its control made up of government administrative officials and representatives from the Treasury Department.

#### Article 17

The [Moslem] refugees settled in the towns and villages will be registered for regular census.

The registers will list the names [of the Moslem refugees,] the quality, size, and price of the lands given to them.

#### Article 18

If among the [Moslem] refugees trained people are found to take care and <sup>cultivate</sup> develop the vineyards, gardens, olive groves and other cultivated lands which are located around the towns and villages, these people will be given such lands according to their needs and qualifications. Their names and the size of the lands received will be recorded, and they will be given deeds of ownership.

The balance of the cultivated lands not given to the [Moslem] refugees will be sold at auctions according to the provisions of Article 16.

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2. By the fact that Moslem refugees settled in the houses and lands evacuated by the Armenian deportees, <sup>were</sup> given deeds of ownership, sufficiently establish <sup>in the fact</sup> that the Armenian deportees <sup>would</sup> will not return home, and that the Turkish Government is simply confiscating the Armenian property and possessions.

## Article 19

Considered as special cases will be the ~~the~~ <sup>K</sup> [Moslem] refugees who ~~are~~ in the <sup>provinces</sup> ~~provisions~~; those who came with the permission and approval of the local government or who came from other <sup>provinces</sup> ~~provisions~~? on order from the Minister of the Interior and with a written document. Among those <sup>K</sup> [Moslem] refugees, the ones who express the desire to live in Armenian towns and villages, those who would rather live in other localities or who are sent there to settle down as ? refugees will have to show their official documents.

## Article 20

Those <sup>K</sup> [Moslems] who want to buy houses or lands [left behind by the Armenian deportees] <sup>K</sup> are bound to ~~take care of the maintenance~~ <sup>care</sup> of these houses. If they fail to do so, if they <sup>cause</sup> ~~make~~ any <sup>problems</sup> ~~difficulties~~ or damage the <sup>3</sup> houses, they must pledge to repair the <sup>any</sup> ~~the~~ damages they <sup>may</sup> ~~might~~ cause, and the houses will not be rented to any applicants until two years have elapsed. ?

## Article 21

A list will be drawn up ~~of~~ of all buildings and lands, bought, rented, or sold at reduced prices, indicating the quality, size, location, sale and <sup>rentals</sup> ~~rent~~ prices and other such details concerning the tenants and the rents.

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3. Most of the Moslem refugees settled in the houses, buildings, lands, gardens, vineyards, ~~etc.~~, destroyed the Armenian buildings in order to <sup>search for</sup> ~~research~~ treasures hidden ~~in~~ by the Armenians, and they cut trees and used ~~it~~ <sup>the lumber for fuel</sup> ~~to get~~ heating.

Article 22

The proceeds from the sale or the rent of the property will be deposited in ~~the~~ trust <sup>with</sup> of the Treasury Department in the name of the owners. These sums will be released to the owners according to instructions to be given subsequently. by the government <sup>or other</sup>

Article 23

<sup>left</sup> The registration and administration of movables and immovables <sup>left</sup> ~~left~~ behind by the deported Armenians in the towns and villages will be handled in accordance with these instructions.

Article 24

The Administrative Commission <sup>will</sup> communicate directly only with the Minister of the Interior <sup>on</sup> for questions relative to the administration of property left behind [by the Armenian deportees]. They <sup>will</sup> perform their duties according to the orders received from the Minister, they <sup>will</sup> take decisions and carry out <sup>them</sup> [such decisions] keeping the provincial governments informed <sup>of their action</sup> ~~too~~ <sup>also at the same time</sup>

Article 25

A sufficient number of commissions will be formed to handle the execution of these instructions and to have them <sup>strictly</sup> ~~securely~~ followed. After obtaining authorization from the Interior Minister,

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4. <sup>These</sup> ~~The~~ sums <sup>money which</sup> have never been released to the Armenians, who <sup>claimants</sup> until to day are claiming. The Turkish Government, Ottoman or republican, has to liquidate definitively in accordance with the provisions of international laws. <sup>there can be no settlement</sup> ~~No~~ <sup>prescriptions</sup> prescription in this matter.

*will ever given.*

*has to conclude these negotiations*



salariéd officials will start <sup>begin</sup> ~~their~~ work and they will act in accordance with the instructions given by the Minister of the Interior.

In accordance with these instructions, the Commissions for property left behind <sup>establish</sup> (by the Armenian deportees) will ~~set up~~ regulations and directives, copies of which will be sent to the Minister of the Interior, with a certified copy ~~to be~~ given to the local government.

#### Article 26

The officials from the Commissions are responsible for the settlement of [Moslem] refugees in the houses belonging to the deported Armenians and for the executions of all necessary formalities.

In order to <sup>expedite</sup> ~~speed up~~ the procedure, inspectors will be appointed as supervisors and in some instances decisions concerning execution of orders will be taken jointly with the local government.

The former are members of the Commissions responsible for the administration of real and personal properties left behind by the Armenians.

#### Article 27

Once every two weeks ~~at least~~, the Commissions <sup>MUST</sup> ~~will~~ forward to the Minister of the Interior and to the provincial governor, their comments, inquiries, conclusions, and decisions with a report summing up their activities.

## Article 28

*? changed* The ~~A~~ administrative Commissions for property left behind are bound to follow these instructions and directives in the course of their functions.

## Article 28 29

Once they have been appointed, the members of the administrative Commissions are collectively responsible for the administration, the safekeeping, and the accounting for all buildings and lands [left by the Armenians] in the area under their jurisdiction.

## Article 30

The ~~A~~ administrative Commission <sup>for</sup> ~~for~~ real and personal property left behind by the Armenians <sup>will be</sup> ~~consists~~ <sup>?</sup> (in particular) of an appointed chairman and ~~of~~ two members, one <sup>a</sup> ~~of them~~ to be chosen among the officials from the Treasury Department.

## Article 31

The chairman of the ~~A~~ administrative Commission for real and personal property <sup>will</sup> handles all correspondence or someone appointed <sup>will do</sup> by him ~~does~~ it in the chairman's name <sup>of the chairman.</sup>

## Article 32

The Chairman of the Commission may, if he deems it advisable, send a representative to conduct investigations in accordance with these instructions, or to act as supervisor or ~~as~~ executive agent.

## Article 33

The Chairman of the Commission is entitled to receive ~~as~~ sa-

lary <sup>of one</sup> pound and half <sup>diem the</sup> per day, <sup>are to</sup> the members <sup>each.</sup> receive a pound. This money is to be levied <sup>from</sup> on the appropriations for the [Moslem] refugees. The Chairman and the members of the Commission <sup>also</sup> receive travelling expenses if their functions make these travels necessary.

#### Article 34

In the provinces where a Commission has not been formed, the provincial central government is bound to appoint a person in accordance with these instructions.

May 29, 1915.

~~To come into force: May 26, 1915, or June 8, 1915. /~~

*Effective Date -*

- 1 - TZECHAS AAN TURKE, THE GENOCIDIST TURK, by Haigaz K. KAZARIAN, HAMAZKAVIN PRESS BEIRUT 1968, pp. 227-235. The author was censor and translator in British Intelligence 1919-1922 in Constantinople. He had access to Turkish NAVY Archives, where he copied the above 34 Article instructions.

Col. Shehabeddin, Acting Commander of the Fifteenth Division at Kayseri, in a telegram No 835, July 21, 1915, made it know that the Min. of Int. Affairs had dispatched 34 Article instructions to Zekâi Bey, Mukasarif of Kayseri. Col. Shehabeddin sent a certified copy to Halil Rejai Acting Commander of the Fifth Army Corps at Ankara. (over)

Already, the Acting Fifth Army Commander at Ankara in a Telegram No 3004, dated July 21, 1915, said the following

"3- I have no knowledge about the special instructions concerning according to which movable and immovable possessions and property must be sold and the amount delivered to the owners: >>

Col. Shehbedden in reply to telegram No 3004 & ~~is~~ sent to Halil Rejai the certified copy of the Secret instructions.

THE IMPERIAL  
EDICT

LAW OF ABANDONED GOODS

Imperial Edict N° 2

Provisional Law of Abandoned Goods

dated Sept. 13/26, 1915

published in Takvim-ü Vakayi N° 2303

Sept. 14/27, 1915,

page 2, col. 2

page 3, col. 1

IN THE SENATE OF THE UNITED STATES

March 3 (calendar day, March 6), 1920.

Mr. King submitted the following resolution; which was referred to the Committee of Foreign Relations.

R E S O L U T I O N

Whereas the recent outrages perpetrated by the Turks in the Marash region of Cilicia, by which sixteen thousand Armenians were massacred or perished from exposure after being forced from their homes, afford one more example of the inveterate malice of the Turks against the native Christian inhabitants of Armenia; and

Whereas by the terms of the armistice with the Turks, concluded on October 31, 1918, it was expressly stipulated that "in case of disorder in the six Armenian vilayets the Allies reserve to themselves the right to occupy any part of them; and

Whereas it has been fully demonstrated that there can be no relief from these intolerable and ever-recurring outrages, except by the utter exclusion of Turkish military forces and irregular armed bands of Turks and Kurds from the proper territories of Armenia, extending from Ararat and Trebizond to Alexandretta, and comprising the six vilayets designated in the armistice with the Turks; and

Whereas it is within the power of the allied governments to summarily terminate these outrages and to redeem the pledges given for the complete territorial rehabilitation of Armenian people; and

Whereas the victory of the allied and associated powers over the Germans and their Turkish allies will have been in vain for the rectification of conditions in the Near

East unless the territorial and political rights of the Armenians be vindicated and restored; and

Whereas any further temporizing with, or toleration of these outrageous conditions or arrangements, which recognize Turkish sovereignty in Armenia, will be pregnant with future disorders, wars, massacres, and would constitute a cowardly default of duty on the part of the Christian powers; Now, therefore, be it

1 Resolved, That the Senate of the United States does  
 2 hereby express its profound sympathy for the Armenian  
 3 people in their present distress, separation, and suffering.  
 4 Resolved further, That it is the sense of the Senate tha  
 5 the allied powers which accepted the capitulation of the  
 6 Turks in the late war should now impose terms upon the  
 7 Turks for the complete liberation of the Armenian people  
 8 and the vindication and restoration of their territorial rig  
 9 and political independence, and that adequate military <sup>(its)</sup>  
 10 measures be forthwith taken in conformity to the terms of  
 11 the armistice with the Turks to occupy Armenia, to expel  
 12 all armed Turks and Kurds from the said six vilayets, to  
 13 protect the inhabitants against a recurrence of these disord  
 14 and outrages, and make them secure in their persons and <sup>er</sup>  
 15 property.

F.O. 371/5190 , E1974/550/44.



## Peace Conditions (Turkey)

### DRAFT ARTICLES WITH REGARD TO PENALTIES

#### Article 1

The Turkish Government recognizes the right of the Allied Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision shall apply notwithstanding any proceedings or prosecution before a tribunal in Turkey or in the territory of her allies.

The Turkish Government shall hand over to the Allied Powers all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office, or employment which they held under the Turkish authorities.

#### Article 2

Persons guilty of criminal acts against the nationals of the Allied Powers shall be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied Powers shall be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused shall be entitled to name his own counsel.

#### Article 3

The Turkish Government undertakes to furnish all documents and information of every kind, the production of

may be considered necessary to ensure the full knowledge of the incriminating acts, the prosecution of offenders, and the just appreciation of responsibility.

#### Article 4

The provisions of Articles 1 to 4 hereof shall also apply to the Government of States which have had allocated to them territory belonging to the former Turkish Empire, in so far as persons are concerned who stand accused of committing acts within the territory or the power of such States.

Should the persons referred to have acquired the nationality of one or other of such States, the Government of that State undertakes to take all necessary measure in order to ensure their prosecution and punishment, at the request of and in agreement with the Allied Powers.

#### Draft Clause relating to Penalties

##### Article 2a.

The Turkish Government undertakes to hand over to the Allied Powers the persons considered to be responsible for the massacres committed on former Turkish territory during the continuance of the state of war.

The Allied Powers reserve to themselves the right to appoint the tribunal which shall try the persons accused.

In the event of the League of Nations having created without undue delay a tribunal competent to deal with the said massacres, the Allied Powers reserve to themselves the right to bring the accused persons mentioned above before such tribunal.

All the ground put forward in the Admiral de Robeck's telegram has been more than covered in the draft Minority Clause (E1477) No 5 Flag D. except that the date of 1 January 14 from which the period of expulsion and persecution is to run was not accepted, as proposed by the Commission.

The date of 1 January 14. would cover the expulsion of the 200.000 to 250.000 Greek Ottomans driven out in March 14. It has been argued that their expulsion is historically connected with the Balkan war. x

It would be just as easy to argue that it was a deliberate step taken with a view to having a strategically sound coast line in case of future wars.

If Admiral de Robeck's telegram could be the cause of having the date for indemnity and restoration claims put back to 1st January 14 (or what would equally meet the case 1 May 1914) I feel that it would be instrumental in achieving a solution both just and logical.

Cl. Heathcote Smith

25 iii

M.? Vansittart

25/3

We have done our best all through for the adoption of the date of January 1, but the representatives of the other Powers were always opposed to it. The fact is that one of them does not in the least care for minorities and the other is if anything hostile. Ultimately we gave way on this point, rather with the view of getting the rest of our proposals through as even these were a matter of considerable difficulty.

Robert Vansittart

Harch 25.

The Supreme Council may perhaps consider the Committee's

recommendations in the light of this identic telegram.

JAC TILLEY

26/3

The Secretary of State:

Unless your Lordship feels strongly on this point, I am rather afraid of bringing it up again. We had to contend with a lot of hostility in the Commission, and the Italian and French principals are if anything more hostile at least than their subordinates. We fought this point out at length, and I rather fear that if we reopen any part of ~~that~~ the minorities chapter the adversaires may try to reopen the whole. The best moment would be when the League of Nations have had their meeting on the Minorities chapter. The Italians will anyhow make a row /querelle/ then, and in the hurly hurly we might possibly get in this point again.

Robert Vansittart

March 30.

TURKEY

POLITICAL

Decipher: Admiral de Robeck (Constantinople) March 17th.

D. 1.45 p.m. March.17th. 1920.

R. 6.30 p.m. " 24th.

No 241 (R.)

Following is an identic telegram sent after agreement with my French and Italian colleagues:

"On December 2nd 1919 the High Commissioners addressed a joint Note to Porte asking for repeal of law wor abandonment of properties under which the estates of Armenians who were massacred or disappeared during deportation leaving no heirs are escheated to the State. The Turkish Government pnomulgated a (? new) law on this subject on January 8th, 1920, which

entirely fails to give satisfaction on this and other essential points.

My colleagues and I are of opinion that no satisfactory results can be expected from Turkish Legislation or legal procedure, and that consequently it is desirable to insert in Treaty of Peace with Turkey an article providing that question of restitution of non-Mussulman property usurped by Moslems or confiscated by Turkish Government since January 1st 1914 should be dealt with, administratively by mixed Arbitration Commissions consisting of one delegate of Ottoman Government and one inter-Allied member, who would act as President with casting Vote. The date January 1914 is fixed in order to include the Greek population deported after second Balkan War. The decisions of these Commissions should be based on equity without regard to text of any Turkish law and should be final and without appeal, and executed under Allied authority. Property of persons who have died or disappeared without leaving heirs must revert to their own communities and not to the State. It would be necessary that Commissions should have power to annul all sales of (common) and personal estate of non-Mussulmans during period of deportation and massacres and all expropriations of non-Mussulman property on alleged grounds of public utility, as well as all judgments of Turkish courts confirming such sales and transfers".

See my telegram No 160 February 23rd.

My French and Italian colleagues are referring a Note (?sent by them) last January to their Governments for communication to Paris Conference.

STATEMENT OF HALIDE EDİP HANUM

"When we were strong enough, we diligently attempted to exterminate Christians and especially Armenians as to serve Turks.

"To-day we are passing the most sorrowful and the darkest ~~life~~ days of our national life.

"America and England are looking to us as a State that massacred its own innocent subjects and their children.

"The actual Government states that it will reestablish Armenians in their own homes.  
*Nationals*

"We believe the good will of the Government, but we do not believe that the executive authorities of the provinces would end this job in the limits of justice.

"The foreigners are of the same opinion.

"In order to believe that the Government has really decided to reestablish the Armenians in their own homes, it has to form a commission composed of the Turks who are in favor of the solution of the Armenian question, as well as of Armenians and Americans, and invest it with full power".

See: Jamanag, Armenian Daily, <sup>*plenary*</sup> ~~of~~ October 22, 1918.

F.O. 371/4958, B9959/134/58,

Telegram, Major Collas (?), Tiflis, Aug. 15th, 1920.

Armenian Peace with Soviet

States Armenian Government have informed him that an agreement was concluded by them on 10th, August, whereby they have agreed to temporary occupation by Bolsheviks of Karabagh, Zanguezur, and all Nakhitchewan south of Shakhtakhti. Bolshevik troops have already advanced by rail towards Tabriz. Adds he expressed to Armenian Representatives his amazement at this reversal of their decision, reports in Tiflis telegram No. 315 of 6th July (E7943) to which almost amounted to an act of revolt against Great Britain.

Minutes:

This of course opens up direct communication along the rly (railway) between Soviet Russia ~~and~~, Turkey and Persia, but on the other hand the Armenians probably consider this to be the only way of preventing a Bolshevik invasion into Armenia proper.

It must be remembered that in 1919 the ruling of the British Command was that the greater part of those districts should be placed at least temporarily under Azerbaijan jurisdiction.

R.M. Donnell, 16. Aug. 1920

Map within.

I do not see why such a serious view is taken, - The occupation does not make Azerbaijan and Turkey coterraneous and Azerbaijan and Persia were already coterraneous.

Cd. (Commander) Stokes' view is that Nakhitchevan district go  
to Persia.

The Armenians probably could not help themselves.

P.T.O. Jack Tilley, 16 Aug.

-----

All that can be said is that the Armenians probably  
could not help themselves- But there is no disguising the  
fact that the situation is very serious as far as Persia is  
concerned and I think the Official at Tiflis was quite right  
in making out to the Armenian Government that we have been  
badly let down by them-

When we get the rest of his tel. I think we should ap-  
peove his language.

H.

Amended copy of the Tel. and draft reply are now annexed.

Jack,

18 Aug.



## TURKEY

Decypher. Unsigned (? Tiflis via Constantinople) 15th Aug.

D. 11.10 p.m. 15th August 1920

R. 10.25 a.m. 16th August 1920

No. (R)

\*\*\*\*\*

VERY URGENT.

Armenian Government have informed me that agreement concluded by them at Tiflis yesterday August 10th with Soviet representative Legrand whereby -- as a preliminary to final peace negotiations to be continued in Erivan -- Armenia has agreed to temporary occupation by Bolsheviki troops of Karabagh, Zangueour and all Nakhitchewan south of Shakhtakhti. Legrand has communicated to Armenian Government that Bolsheviki troops have already advanced by rail towards Tabris and that on July 31st one Eliava Bolsheviki emissary to Mustafa Kemal proceeded to latter's headquarters via Maku and Bayazid.

I expressed to Armenian representative my amazement at this reversal of their previous decision reported in my telegram No 315 of July 6th (Constantinople No 229) and said their consent to Bolsheviki occupation of Nakhitchewan which opened their ~~xx~~ road ~~xx~~ into Turkey and North West Persia almost amounted to an act of revolt against Great Britain and was particularly deplorable at the moment when Armenia had just received British munitions of war. Armenia (apparently end of telegram missing, correction to follow).

AMENDED COPY

POLITICAL

TURKEY.

Decypher. Commander Luke (Tiflis) Via Constantinople.  
August 11th.1920.

D. 11.10 p.m. August 15th.1920.  
R. 10.25.a.m. August 16th. 1920.

No 355. (R).

VERY URGENT.

Armenian Government have informed me that Agreement concluded by them at Tiflis yesterday, August 10th, with Soviet Representative, Legrand, whereby -- as a preliminary to final peace negotiations to be continued in Erivan -- Armenia has agreed to temporary occupation by Bolshevik troops of Karabagh, Zanguezur and all Nakhitchevan south of Shakhtakhti. Legrand has communicated to Armenian Government that Bolshevik troops have already advanced  $\frac{1}{2}$  by rail towards Tabriz and that on ~~July~~ July 31st. one Eliava Bolshevik emissary to Mustafa Kemal proceeded to latter's headquarters via Maku and Bayazid.

I expressed to Armenian representative my amazement at this reversal of their previous decision reported in my telegram No 315 of July 6th. (Constantinople 229) and said that their consent to Bolshevik occupation of Nakhitchevan which opened their road into Turkey and north West Persia almost amounted to an act of revolt against

Great Britain and was particularly deplorable at the moment when Armenia had just received British munitions of war. Armenians defended their action on the ground that they could resist no longer and asserted their continued loyalty to Entente. They also claimed that time which they will gain by negotiations to be conducted at Erivan will enable them to organize further resistance if Bolsheviki do not ultimately evacuate (word spelt undecypherable). I am not satisfied that their military position was as desperate as they claim though they were undoubtedly hard passed. Text of agreement follows by first opportunity. I will endeavour to go to Erivan shortly.

Addressed to Foreign Office No 355. Repeated to Constantinople No. 272, Teheran 124.

(9959/134/58)

CAUCASUS

POLITICAL

Cypher telegram to Commander Luke (Tiflis)

Foreign Office, August 19th 1920, 6.0 p.m.

No. 280 . (R).

-----  
Your telegram No 355.

Your language approved.

F.O. 371/4957. E-7943/134/58

Commander Luke, Tiflis, 6th July, 1920.

Armenian Peace with Soviet

States Armenian Government inform him their Delegation at Moscow have received proposal, as essence of preliminaries of peace, that districts of Karabagh, Zanguezur, Shakhus, and Nakhitchewan be provisionally occupied by Soviet troops until Soviet Government in capacity of arbitrator, has decided boundaries between Armenia and Azerbaijan.

Armenian Government has ~~instructed~~ instructed their responsive to reject this condition, and have informed Soviet that they will not receive Soviet representative to Armenia until peace is signed.

Repeated Constantinople No 229, Teheran No.110.

Minutes

This telegram read in conjunction with telegram No <sup>311</sup>~~110~~ from Tiflis shows the possibilities of the Soviet preparations for subjugating Georgia and Armenia, If Sharur Daralagaz and Nakhitchewan were to remain in the hands of the Armenians large bodies of troops would be <sup>ired</sup>request to dislodge comparatively small forces of Armenians holding the mountains/ ranges and a junction between Soviet troops in Azerbaijan and hatimalists =(Kemalists) in Turkey would be impossible.

Whereas if the above two provinces are held by the Soviet, Armenia can be attacked from the East and south through

easy country.

Turkestan in the last line but one of the telegram is probably meant to refer to that part of the former Turkish Empire bordering on Armenia and Nakhitchevan called by Turks Turkestan; not that part of Russian Central Asia usually known as Turkestan.

R.M. Donell

9.7.20

P.T.O.

The Armenians are themselves engaged in occupying these disputed territories. If the Soviet want to turn them out we cannot keep the Armenians and the Russians have a semblance of legality for their proposal in the part that the Armenians are Soviet Russian territory in disputed between two states.

Akiss? W.O.

D.Q. Osborne

9/7

We must hope the Armenians will hold out, but we cannot well express approved unless be clear to support them - which we do not.

Jack Tilley

9.7

## POLITICAL

## CAUCASUS

Decypher. Commander Luke, (Tiflis), July 6th, 1920.

D. 9.53 a.m. July 6th. 1920.

R. 3.15.p.m. July 8th. 1920.

No. 315. Very Urgent.

Clear the line.

(?Am) officially informed by Armenian Government that Soviet Government has (group omitted ?received) following proposal to Armenian Peace Delegation Moscow as essence of preliminaries of (?honourable) peace namely that districts of Karabagh, Zanguezour, Sharur, Nakhitchevan be provisionally occupied by Russian Soviet troops until Soviet Government in the capacity of arbitrator has decided boundaries between Armenia and Azerbaijan. Armenian Government have instructed their representatives to reject this condition (?and) (?especially) (?vigo(rously) resist any Bolshevik (?attempt to) (?affix) it by force.

They have also informed Soviet that they will not receive Soviet representative to Armenia who has already been nominated in person, one Legrand, until peace signed. Soviet proposal is evidentlt excuse for effecting junction with Turkey (Turkestan) and for invading Persian Azerbaijan.

Addressed to Foreign Office, No 315, Constantinople No 229 and (?Teheran) No 110.

AGREEMENT  
BETWEEN  
THE GOVERNMENT  
THE UNION AND PROGRESS PARTY  
and  
THE TEŞKILÂT-I MAHSUSA  
GANGS

FOR THE SUPPRESSION OF THE ARMENIANS

=====

( The Union & Progress Party had drawn up a project, a copy whereof follows) :-

Article I X

Taking advantage of articles 3 & 4 of the statute of associations, to disallow all Armenian associations, to arrest all those who are in their management and all those in said associations who for a long time have been acting against the government of the ITTIHAD and to send them to such provinces as Mossul or Baghdad, and to exterminate them either along the road or in said localities.

Art. X II X

To take away all kinds of arms that are in the possession of the Armenians.

Art. X III X

To use every means in preparing the public opinion of Moslems. In such localities as Van, Erzerum and Adana, where the behaviour of Armenians has already caused disgust to the Moslems, to organize and provoke incidents, similar to those Russia did in Baku.

Art. X IV X

In provinces such as Erzerum, Van, Mamouret-el-Aziz and Bitlis, entrusting the task of suppression entirely to the people, to pretend that the soldiers and agents for public order are being used to prevent the massacres, whereas in provinces such as Adana, Sivas, Broussa, Nicodemia and Izmir (to use them to massacre the Armenians).



Art. V X

To effect the suppression particularly in the case of men below 50 and to school teachers. To retain the girls and children to be converted to Islam.

Art. VI X

To eliminate the families of all those who have succeeded in escaping and to take such measures as will cut off any contact they may have with our country.

Art. VII X

To expel from the Administration departments all Armenian Employees who work with the government, under the pretext that they have been spying.

Art. VIII X

The military authorities will suppress in an adequate manner all those (Armenians) who are in the army.

Art. IX X

To begin the operations (for suppression) everywhere simultaneously and thus, not to leave time (to the Armenians) to prepare their defence.

( X )

To be exceedingly careful, in order that the secret of these instructions be well kept and be known by only one or two persons. "

The arguments of the Turkish press against the authenticity of this document are invalid.

The Armenian newspapers were unable to publish in time the photocopy of the original text, because they did not wish to denounce the person who had secured for them a copy taken from the original.

OFFICIAL DECLARATION COMMUNICATED BY THE TURKISH GOVERNMENT.

=====

( I )

All the Armenians of Cesarea will be transferred to the Sandjak of Aleppo.

( II )

Only Armenian Catholics will make exception.

( III )

All their stores will be closed and sealed by the gendarmerie.

( IV )

It is forbidden to sell the furniture and the effects in the homes abandoned by the Armenians, the seller and the buyer of such will be brought before Court Martial.

( V )

The Armenians who will be leaving, will deposit such sums as they do not need in a bank in their own name or else they shall have them transferred to the name of a parent who is away (abroad).

( VI )

Every person must, within a delay of ten days, remit to the government a list upon which will be indicated the quantity of money that he is to take with him, the quantity of objects and effects that he will abandon in his store or home, the status and limits of his properties. (immovable).

( VII )

The convoys that will effect their preparations within the ten days, will leave by way of Nigdeh and we will help in the transport of the most cumbersome of their effects.

( VIII )

The coachmen and donkey drivers must, as a rule, hire their means of transport at the prices fixed by the government; consequently, there is no need whatever that coaches be hired right now and elevated prices and in advance.

( IX )

The functionaries of the gendarmerie must see to it that the convoys are always accompanied by sentinels and they must watch over the transactions that may be effected along the way.

( X )

It is possible that the Armenians who are to leave should have debts to pay to those who are staying, in such cases the debtors must draw up a tally of their debts, which will need no stamps and which will be remitted to the government, on the other hand, the creditor must establish his credit.

( XI )

. . . . . the text has been marred.

( XII )

In order to leave their land (property) a maximum delay of one month shall be given, whoever is ready within this delay, will so advise the competent authorities and the articles of his store will be set down and registered by a commission.

( XIII )

The government will dislodge all those who are not ready within the said delay and will set them on foot if other means of transport is unavailable. The government will necessarily take care of the children.

August 4th. 1915.

No 364

British Embassy

Washington,

March 8, 1920.

My Lords:

With reference to my despatch No 288 of February 24th, I have the honour to transmit herewith, copies of a resolution introduced in the Senate on March 3rd by Senator King of Utah, expressing sympathy with the Armenians and laying down, in somewhat peremptory language, the military and political steps to be taken by the Allied Powers with a view to securing their permanent liberation from Turkish rule. In the debate which ensued the failure of the President to lay before the Senate the report presented by General Harbord after his tour in Trans Caucasia and Asia Minor was severely criticised, the reason alleged for the President's action being that the report opposed the acceptance by America of any mandate in Turkey. Mr. Medill McCormick, after striking a note of sympathy with the obligation incumbent of their Moslem populations, displayed the cloven hoof of anti-treaty partisanship in a passionate peroration in which, after emphasising the impossibility of any line of foreign policy being adopted by Great Britain in the Levant or in Central Asia without full regard being paid to Moslem susceptibilities, he went on the claim that: "The prejudices of a polygamous potentate may be more important in determining the final decisions of British foreign secretaries than the views of a majority of a Christian House of Commons. The Mahammedan populations are to be represented in the assembly of the League of Nations by the member for India. We pledge ourselves, if we assent to the treaty on

The

Earl Curzon of Kedleston, K.G.,

etc., etc., etc.,

the terms submitted to us, to guarantees which are likely to lead us to the support of that very policy which Lord Bryce and the Senator from Utah join in condemning."

The Resolution was ultimately referred to the Committee of Foreign Relations.

Since the date of my despatch No 288, press opinion has hardened against any settlement which will leave the Turks in Europe. The "New York Times", which is ordinarily friendly to Great Britain, begins a leading article on "Horror and the Turk" ~~with~~ with these words: "Having taken all the Turkish territory that would be useful to Britain, Mr. Lloyd George is willing to let the Turk keep the rest." Mr. Hearst's elaboration on the same theme may be left to the imagination. Alone the Boston "Christian Science Monitor" strikes a friendly note in a cable from the London correspondent which represents the reported settlement as avowedly a "second best" solution necessitated by the refusal of America to cooperate.

Criticism of the reported "partition" of Armenia, while widespread and bitter, remains vague and illinformed, Mr. Gerard's Committee alone appearing to possess any definite ideas as to the populations and territories which either are, or ought to be, included in the term. Some comment has been aroused by the fact that Mr. Lodge, the arch-obstructor of the Treaty recently sent a strong message of sympathy to a big pro-Armenian meeting in New York.

I have the honour to be

with the highest respect,

My Lord<sup>d</sup>,

Your Lordship's most obedient,

humble servant,

R.C. Lindsay.

66th Congress,  
2d Session.

S. R E S. 325.

IN THE SENATE OF THE UNITED STATES.

March 3 (calendar day, March 6), 1920.

Mr. King submitted the following resolution; which was referred  
to the Committee on Foreign Relations.

R E S O L U T I O N.

Whereas the recent outrages perpetrated by the Turks in the  
Marash region of Cilicia, by which sixteen thousand Ar-  
menians were massacred or perished from exposure after  
being forced from their homes, afford one more example of  
the inveterate malice of the Turks against the native Chris-  
tians inhabitants of Armenia; and

Whereas by the terms of the armistice with the Turks, concluded  
on October 31, 1918, it was expressly stipulated that "in  
case of disorder in the six Armenian vilayets the Allies  
reserve to themselves the right to occupy any part of  
them"; and

Whereas it has been fully demonstrated that there can be no relief  
from these intolerable and ever-recurring outrages, except  
by the utter exclusion of Turkish <sup>ish military forces and irregular</sup> ~~and Kurds from the proper territories~~  
armed bands of Turks and Kurds from the proper territories  
of Armenia, extending from Ararat and Trebizond to Alex-  
andretta, and comprising the six vilayets designated in the  
armistice with the Turks; and

Whereas it is within the power of the allied governments to summarily terminate these outrages and to redeem the pledges given for the complete territorial rehabilitation of Armenia and the restoration of the national life of the Armenian people; and

Whereas the victory of the allied and associated powers over the German and their Turkish allies will have been in vain for the ratification of the conditions in the Near East unless the territorial and political rights of the Armenians be vindicated and restored; and

Whereas any further temporizing with or toleration of these outrageous conditions or arrangements, which recognize Turkish sovereignty in Armenia, will be pregnant with future disorders, wars, massacres, and would constitute a cowardly default of duty on the part of the Christian powers: Now, therefore, be it

1        Resolved, That the Senate of the United States does  
2 hereby express its profound sympathy for the Armenian  
3 people in their present distress, separation, and suffering.

4        Resolved further, That it is the sense of the Senate that  
5 the allied powers which accepted the capitulation of the  
6 Turks in the late war should now impose terms upon the  
7 Turks for the complete liberation of the Armenian people  
8 and the vindication and restoration of their territorial rights  
9 and political independence, and that adequate military  
10 measures be forthwith taken in conformity to the terms of



11 the armistice with the Turks to occupy Armenia, to expel  
12 all armed Turks and Kurds from the said six vilayets, to  
13 protect the inhabitants against a recurrence of these disorders  
14 and outrages, and make them secure in their persons and  
15 property.

E 1973/550/44

CHARTER  
OF THE INTERNATIONAL MILITARY TRIBUNAL  
OF NUREMBERG (October 6, 1945).

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

A. Crimes against peace:

namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

B. War Crimes:

namely, violations of the laws or customs of war. Such violations shall include, but not limited to, murder, ill-treatment or deportation to slave labor or for any other purpose, of civilian population from occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

C. Crime against Humanity:

namely, murder, extermination, enslavement, deportation, and other inhuman acts committed against any civi-

lian population, before or during the war; or persecution on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

GENOCIDE CONVENTION

(December 9, 1948)

Having considered the declaration made by the General Assembly of the United Nations in its Resolution 96, dated December 11, 1946, that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world;

Recognizing that at all periods of history genocide has inflicted great losses on humanity,  
and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required;

Hereby agree as hereinafter provided:

Article 1

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2

In the present Convention ~~2~~ genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious

group, as such;

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting ~~x~~ on the group conditions of life calculated to bring about its physical destruction on whole or in part;
- d. Imposing measures intended to prevent births within the group;
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The following acts shall be punishable:

- a. Genocide,
- b. Conspiracy to commit genocide,
- c. Direct and public incitement to commit genocide,
- d. Attempt to commit <sup>N</sup>genocide,
- e. Complicity in genocide.

### Article 4

Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

THE RESPONSIBLE OF GENOCIDE  
TO BE TRIED BY COURT MARTIAL

Treaty of Sévres (articles ~~222~~ 226-230)

Article 226

of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the Turkish authorities.

Article 227

Persons guilty of criminal acts against the nationals of one of the Allied Powers shall be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied Powers shall be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused shall be entitled to name his own counsel.

Article 228

The Turkish Government undertakes to furnish all docu-

ments and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the prosecution of offenders and the just appreciation of responsibility.

Article 229

The provisions of Articles 226 <sup>to</sup> and 228 apply similarly to the Government of the States of which territory belonging to the former Turkish Empire has been or may be assigned, in so far as concerns persons accused of having committed acts contrary to the laws and customs of war who are in the territory or at the disposal of such States.

■ ■ If the persons in question have acquired the nationality of one ~~z~~ of the said States, the Government of such State undertakes to take, at the request of the Power concerned and in agreement with it, or upon the joint request of all the Allied Powers, all the measures to ensure the prosecution and punishment of such persons.

Article 230

The Turkish Government undertakes to hand over to the Allied Powers the persons whose surrender may be required by the latter as being responsible for the massacres committed during the continuance of the state of war on territory which formed part of the Turkish Empire on August 1, 1914.

The Allied Powers reserve to themselves the right to designate the tribunal which shall ~~try~~ try the persons so accused, and the Turkish Government undertakes to recognise such tribunal.

In the event of the League of Nations having created ~~a~~ in sufficient time a tribunal competent to deal with the said massacres, the Allied Powers reserve to themselves the right to bring the accused persons mentioned above before such tribunal, and the Turkish Government undertakes equally to recognise such tribunal.

The provisions of Article 228 apply to the cases dealt with in this article.



Expropriation of property excluded

✓  
✓

A provisional law concerning the mode of expropriation of immovable property <sup>since</sup> (had gone <sup>was effective</sup> into force) the day of its promulgation, February 3, 1914. 1

To this provisional law, "Regulations of Expropriation for Public Purposes" was added to the Ottoman Constitution promulgated April 30, 1914 as the last amendment of the provisions of the law. 2

The Provisional Law provided the right for the Municipalities to expropriate immovable property, (the purpose for (which was) the public welfare. The owner of the property "shall have the right to enter an opposition [right to appeal K] within nine days from ~~the~~ date of service or <sup>o</sup>posting of notice" . 3

Expropriation of property <sup>deemed</sup> regarded necessary for public purposes, can only be taken after payment is <sup>M</sup>made to the owner at a price fixed by the Court". 4

The regulations explicitly stated that " the owner cannot be deprived of his right before final payment of the whole sum is made ". 5

- 
1. Translation of the Ottoman Constitutional Laws, the Vilâyet Administration Law, the Municipal Law and Various other Laws, Baghdad, March 12, 1921, published by the Ministry of Justice. Z. 1. p.61.
  2. Section 1. 2. p. 65.      3. p.63, Section 32.
  4. p. 63, Section 9,
  5. p.65, Section 3.

For expropriation the consent of the owner (must be respected): "After payment has been made of the total amount due for the expropriation of property to the owners who have consented to accept it, the transfer of the title-deeds of the property...will be effected with". 6

~~The~~ By reason of the Law of Deportation, Armenians were <sup>expelled & driven away</sup> forcibly deported from their homes. Armenian owners of immovable property at the time of their deportation, were massacred, died of starvation or survived. In these three instances they did not receive any notice of the expropriation of their property; <sup>T</sup> this constitutional right was no longer considered. The value of the property was never paid to the rightful owner; <sup>A</sup> also, in cases of survival, Armenian owners of immovable property never consented to the expropriation of their property, and, <sup>more importantly,</sup> especially were never paid the value of their property.

Therefore, all transactions of expropriation of immovable property belonging to Armenians must be considered null and void.

After <sup>the</sup> Lauzane Treaty, Armenians made protests, periodically, <sup>even yearly, and</sup> even ~~every~~ year claimed their property. They are claiming <sup>it</sup> now.

Only Violence only prevailed <sup>for</sup> expropriation.

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THE RESPONSIBLE OF GENOCIDE  
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Treaty of Sèvres (articles ~~232\*~~ 226-230)

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Aded 835

Ankara beşinci kolordu komandanlığı

vekâletine

Cevap 21 Temmuz 331 ve 3001 şifreli telegraf-  
namenin üçüncü maddesinde, dahiliye nezaretinin Kay-  
seri mutasarrıflığından müballağ 28 Mayıs 331 tarih  
ve 34 maddeyi mühtevi talimat, münderacatı muktaza-  
sından bulunduğunu, ve mezkûr talimat surati musadaka-  
sının derdesti takdim olunduğu.

21 Temmuz 331

Fırka onbeş komandan vekili

Şehabeddin.

Translation

No 835

To the Acting Commander of the Fifth Army Corps  
in Ankara.

Answer to the ciphered telegram No 3001 dated  
July 21st, 1915 containing the third article,

The instructions comprising 34 articles, dated  
28 May, 1915, communicated by the Ministry of the In-  
terior <sup>for</sup> to the Mutesarrif of Kayseri, are very important.  
<sup>legalized</sup> A copy of aforesaid instructions had been delivered by  
hand.

July 21, 1915.

Acting Commander of the  
Fifteenth Division  
Shahabeddin.

İRÂDEH

İ M P E R I A L A [ D E C R E E ]

OF SULTAN MEHMET VAHİDEDDİN

PROCLAIMING GENERAL AMNESTY

PROMULGATING

Article 1

Are granted amnesty:

Those who have been subject, until the day of Imperial accession ( Ramazan 24, 1336 or July 3, 1918) to accusation of political offence.

Those who have been subject of a political condemnation, ratified or not.

Those who have participated to an offence which brought them to arrestation or condemnation.

Do not benefit, however, by this general amnesty:

Those whose responsibility derive, in a legal point of view, of the deportation of certain elements of the population.

Those who have been sentenced for an offence committed in political intention, resulting of the excitement of some elements against the others, or who have participated to such acts.

Those who passed to enemy army or helped the enemy.

Article 2

This decree will enter writ of execution from the

day of its promulgation.

Article 3

The ministries of War, Marine, Justice and of the Interior are charged to carry out the present decree.

I order that this decree enter writ of execution, and be introduced as a project of law at the meeting of the Parliament.

Rebiul Evvel 18, 1337,

December 23, 1918.

The Turkish Foreign Minister communicated this decree by telegraph to be published at Berne (Switzerland), and the Minister of the Interior communicated the same decree to the governors of all provinces and districts.

- IN Lieu of Preface
- Introduction

Part I

Young Turks in Power

- Project comprising Philosophy and Principal<sup>le</sup> of Genocide 7 articles
- Decisions: Suppression of Languages, 1910- Moslems rule 14 articles
- 1912 Prevention of Christians to acquire property

Part II Cabinet of Said Halim

Disarm of " and arming of Moslems

- Russo-Turkish agreement 1914
- Instructions for Genocide 1914 10 articles
- order of deportation 1915 3 articles
- X By-Laws legitimating the confiscation of properties 1915 Sept. 26 11 articles
- Instructions to Administer so-called "Abandoned Goods" 34 article, May 26, 1915
- Instructions concerning American Soldiers, 6 articles, July 31, 1915
- " for conversion of Americans to Islamic Religion 6 articles, Oct. 26, 1915

Preparation Draft of Law

to restate to liquidate Armenian properties, 25 articles, © Heathcote Smith's comments  
Draft of law of Restitution, proclaimed Jan. 8, 1920

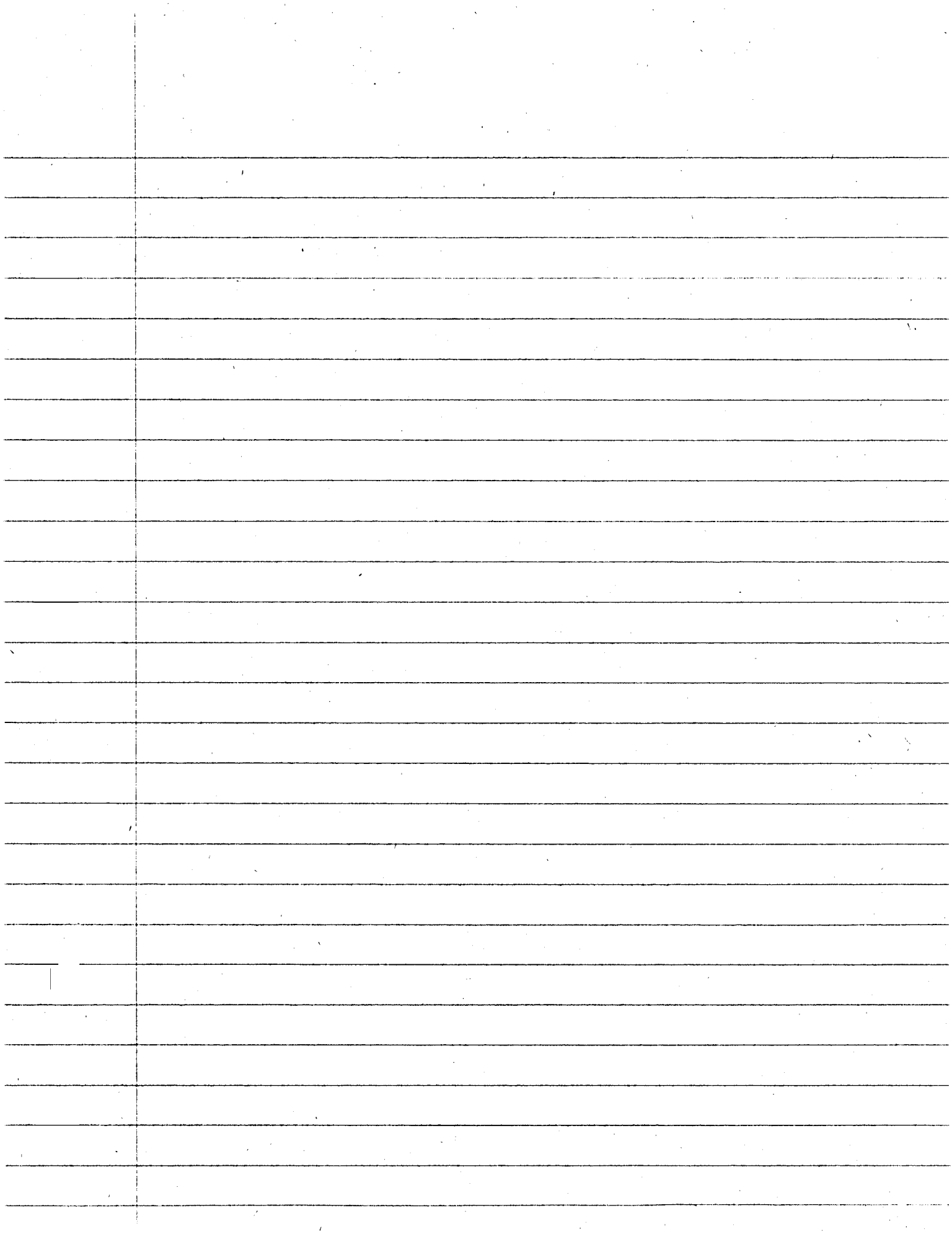
Part III Reign of Sultan Yalidaddin

imperial Amnesty excluding the authors of genocide

Part IV

M. Kemal's cabinet

- Draft of law confiscating American Properties, 9 Art, April 15, 1923
- and executioners of Genocide, Dec 23, 1918



## RIGHTS OF ARMENIANS

### First Question:

Do the principles of international commun right, the Treaty of Peace and other acts signed at Lauzanne, on January 30 and July 24, 1923, as well as the Statement of the First Plenipotentiary Turk İsmet Pasha at the Conference of July 17, 1923, recognize to the Turkish Government the righth to exclude the Turkish citizens of Armenian race from the Turkish nationality for the reason that they (Armenians) did not participate in the struggle called national, or have not been authorized by the Turkish Government to take possession of their homes in Turkish territory? (Consultation, p. 16)

### Answer:

The undersigned Councils have the honor to answer **NEGATIVELY** to the first question of the Central Committee of Armenian Refugees.

### Second Question:

Do the Treaty of Peace and other acts signed on January 30 and July 24, 1923, as well as the Statement of the Turkish First Plenipotentiary İsmet Pasha at the Conference of Lauzanne on July 17, 1923, authorize the Turkish Gdvernment to confiscate the properties of Turkish citizens of Armenian race absent from the country, and the properties of the Armenian Communities in Turkey?

In the case of a negative answer to the precedent question:

Do the commun international right, the Treaty of Peace, the acts and Statement aforesaid bind the Turkish Government to restitute to the Armenians

absent from Turkey, as well as to the Armenian Communities of this country, all properties confiscated before as well as after the signature of the Treaty of Lauzanne? (p.25)

Answer:

Having established that the measure which affects the Armenians in their properties could not be a measure of confiscation of penal order, because the agreement of the Powers and Turkey absolutely eliminate this hypothese, it results, without breaking one's promise and humanitarian duty, it can not be permitted to the Turkish Government to procede to the seizure of Armenian properties, which are not only that one may call disguised confiscation, but also openly direct confiscations. (p. 29)

The second part of the second Question: (p. 30)

The undersigned estimate that the Turkish Authority having not, regarding the Turkish citizens of Armenian race, the right to confiscate, has, on the other hand, the duty to restitute.

Third Question: (p. 31)

In case of difference of opinion about the question of nationality of the Turkish citizens of Armenian race between the Turkish Government and one of the signatory Powers of the Treaty of Lauzanne or another member of the League of Nations, do this difference has, following the terms of the indented line 3 of the Article 44 of aforesaid Treaty, to be considered as a conflict having international character following the terms of the Article of the Pacte of the League of Nations, and do this conflict may, at the request of the other party, be referred to the Permanent Court of International Justice?

Answer: (p. 44-45)



Thus, the individuals of Armenian race, Turkish citizens, and having not obtained other nationality, are entitled to pretend to the benefit of Articles 37 and 44 of the Treaty of Lauzanne, in their capacity of non-Moslem minorities of Turkey.

And in case of difference of opinion on every question of right or fact concerning the aforesaid Articles, between the Turkish Government and one of the signatory Powers of the Treaty of Lauzanne or every Power, a member of the League of Nations' Council, this divergence has, following the terms of the indented line 3 of the Article 44 of the aforesaid Treaty, to be considered as a conflict of an international character following the terms of the Article 14 of the Pacte of the Society of Nations and this conflict may, at the request of the party in difference of opininn with the Turkish Government, be referred to the Permanent Court of International Justice.